

**AGENDA OF THE LEE COUNTY BOARD**

October 18, 2005

9:00 a.m.

**3<sup>RD</sup> FLOOR BOARDROOM, OLD LEE COUNTY COURTHOUSE  
112 E. SECOND STREET, DIXON, ILLINOIS**

OPEN MEETING WITH INVOCATION OR PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS

APPROVAL OF BOARD MINUTES OF PREVIOUS MINUTES

PUBLIC/VISITOR COMMENT:

- A. ITEMS ON THE AGENDA – VISITORS ALLOWED 10 MINUTES
- B. ITEMS NOT ON THE AGENDA – VISITORS ALLOWED 5 MINUTES

TO ZONING BOARD: 05-P-1413 - Hauck Homes - Palmyra Twp.

TO PLANNING COMMISSION: -0-

FROM ZONING BOARD: 05-P-1412 - Wahl Revocable Trust - Hamilton Twp.

FROM PLANNING COMMISSION: -0-

REPORTS OF COMMITTEE:

FINANCE Preliminary Budget

CLAIMS

SOLID WASTE/HEALTH & WELFARE

ROAD & BRIDGE

COMMITTEE CLAIMS

COUNTY PROPERTIES

R.C.&D. – BLACKHAWK HILLS

COUNTY SERVICES

911 BOARD

ADMINISTRATIVE SERVICES

EXECUTIVE/JUDICIAL/LAW ENFORCEMENT

COUNTY OFFICERS REPORTS, REQUEST FOR DEPOSIT OF FUNDS, ORDERS PAID IN VACATION

OLD BUSINESS

NEW BUSINESS

APPOINTMENTS Donald Gleim - Harmon Drainage District #1

Ordinance - Amendment to Zoning Ordinance (hold until Nov)

Ordinance - Amendment to Zoning Ordinance (hold until Nov)

MILEAGE & PER DIEM

ALL BILLS & APPROPRIATIONS ALLOWED BY ROLL CALL

ADJOURN

LEE COUNTY  
**ZONING BOARD OF APPEALS**  
TELEPHONE 288-3643      LEE COUNTY COURT HOUSE  
DIXON, ILLINOIS 61021

ZONING REPORT FOR SEPTEMBER 2005

There were a total of 22 permits issued for the month of September with a total dollar volume of \$804,370. There were 3 permits issued for single-family homes in the amount of \$422,470.

There is 1 petition for the board to take final action on:

1. 05-P-1312, John Wahl Revocable Trust, c/o Ray Farm Management  
Petitioner is requesting a variance for a pole shed to be constructed in the floodplain on the property described as PPN #09-19-16-300-001, Hamilton Township. It is located on the east side of Indian Head Road approximately a ¼ mile North of Tampico Road. The use will be miscellaneous storage for the hog farm operation. The structure will be constructed as a wet proofed building.

The Zoning Board of Appeals voted unanimously to recommend approval of the above petition.

Respectfully submitted,

*Chris Henkel*

Chris Henkel  
Zoning Administrator

## LEE COUNTY ZONING BOARD OF APPEALS

Ron Conderman, Chairman  
Craig Buhrow, Member  
Gene Bothe, Member  
Tom Fassler, Member  
Mike Pratt, Member

Chris Henkel, Zoning Officer  
Erica Scheidecker, Clerk

The Lee County Zoning Board of Appeals met on Thursday, October 6, 2005 at 7:00 p.m. in the Lee County Courthouse, Dixon, Illinois. Chairman Ron Conderman called the meeting to order and the clerk Erica Scheidecker called roll. The following members were present: Ron Conderman, Mike Pratt, Tom Fassler, Craig Buhrow, and Gene Bothe.

Chairman Conderman asked if there were any changes or corrections to August's meeting minutes and there were not. Mike Pratt made a motion to approve and Craig Buhrow seconded it. All were in favor.

The first petition 05-P-1412 was by the John Wahl Revocable Trust, c/o Ray Farm Management. Chairman Conderman stated they are requesting a variance for a pole shed to be constructed in the flood plain on the property described as PPN #09-19-16-300-001 in Hamilton Township. It is located on the east side of Indian Head Road approximately a ¼ mile north of Tampico Road. The use will be miscellaneous storage for the hog farm operation. The structure will be constructed as a wet proofed building.

Chris Henkel reported the proper paperwork was complete and had been turned in.

Douglas Ray was sworn in. Mr. Ray stated he is the agent farm manager for the Trust. The pole building will be 26' x 32' and will be used for miscellaneous storage. It will be constructed of white metal, treated lumber, and a concrete floor.

Mr. Henkel said there is a tremendous amount of flood plain in Hamilton Township and this is located within it. This area is a non-delineated flood plain, so we don't know what the flood elevation is. He contacted Paul Osmond from FEMA, who stated the structure would have to be flood proofed because of this. This means using treated lumber, concrete, and steel siding, which are all flood proof type materials. Electrical has to be at a four foot level above grade. The openings in the walls must be one foot or less above grade and must be one square inch per one square foot of floor space. If they follow these specifications, FEMA says Lee County can grant a variance.

Mr. Buhrow asked about the history of flooding in the area. Mr. Ray said the surveyor stated this property is one to two foot higher than the intersection of Tampico and Indian Head Road. The highway department said there hadn't been water over that intersection in the last 30 years. Mr. Henkel asked if the residence had ever had a water problem, and Mr. Ray replied that it hadn't in the last 30 years.

Mr. Henkel stated after the shed is constructed, the zoning officer must inspect the building to verify the openings, electrical, and the materials meet the specifications. Mr. Henkel said he would need to see the lumber before it is enclosed. The regulations don't specify to what degree the lumber must be treated. Also, sewer and service can come in underground.

Chairman Conderman stated the following determinations must be made prior to granting a variance in section 9 of the Model Ordinance, chapter 9.

The first determination is that the particular development activity cannot be located outside the floodplain. Mr. Henkel verified on the map the location where they want to build is totally within the non-delineated flood plain along Indian Head Road and north of Tampico Road approximately ¼ mile.

The second determination is that an exceptional hardship would result if the variance were not granted. Mr. Conderman stated yes, it would.

The third determination is that relief requested is a minimum necessity. Mr. Henkel said for what they are requesting to do, following the guidelines of FEMA, the relief is the minimum necessary to qualify for the variance.

The fourth determination is that there will be no additional threat to public health or safety, or creation of a nuisance. Mr. Conderman stated that no, there would not.

The fifth determination was that there will be no additional public expense for flood protection, rescue or relief operations, policing, or repair to roads, utilities, or other public facilities. Mr. Henkel stated that constructing the building with the previously discussed requirements will avoid additional public expense.

The sixth determination was that the applicants circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and all other requirements for state and federal permits have been obtained

Mr. Henkel stated the petitioner doesn't need state or federal permits for this project.

Mr. Conderman said that generally the most difficult determination is hardship. The fact that in elevating a building increases construction costs and the loss of the opportunity to make more money do not qualify as hardships. The applicant must prove that without a variance a substantial hardship will be suffered.

Mr. Henkel stated provided the owner follows the FEMA regulations he feels the board can make a determination on the variance.

Tom Fassler made a motion to approve and Gene Bothe seconded. All were in favor. The petition will go to board on October 18 at 9:00 a.m. with a recommendation for approval.

The second petition was 05-P-1411 by Gerald Farley. Chairman Conderman stated that Mr. Farley is requesting an after the fact variance on PPN #16-07-11-401-021 in Palmyra Township. He has constructed an addition in the floodplain without proper permits at his home commonly known as 1649 Brandywine Lane in Dixon,

Mr. Henkel stated the structure is on the west side of the lot, as an addition to the house. The paperwork has been turned in.

Petitioner Gerald Farley was sworn in. Mr. Farley stated he and his wife are in their 60's, the home is a bi-level which required frequent stair use. Mr. Farley said he got a permit for the garage, and while the carpenter was there, he built a 24' x 24' addition on the back. This altered their main living quarters to the first floor, next to the garage, thereby greatly reducing their stair usage.

Mr. Farley stated 10 years ago they had about 3 inches of water when there was an ice jam on the river, which lasted for only a day. They have sliding doors, so if water ever rose, the water could go out. Additionally, the floor is concrete with tile. The neighbors have all signed off on the addition.

Mr. Henkel explained that the Flood Insurance Program of 1988 FEMA requires any new additions to be built above the base flood elevation. That determination is made by a certificate of elevation, which Mr. Farley has had done. It determined the parcel is below the flood plain by three feet.

Mr. Farley said the addition is at the same level as the garage. Mike Pratt asked how the garage qualified for a building permit. Mr. Henkel said garages have different criteria than dwellings. It depends on the value and square footage of the garage as to what is required.

Mike Pratt asked if there was a map of the flood plain, and Chris Henkel stated the parcel is completely located within the flood plain.

Mr. Pratt asked why the board has never addressed these issues before, and Mr. Henkel replied they aren't required to until there is a situation like this. He has issued several permits requiring that structures be built above the base flood elevation. If Mr. Farley had come in prior to building and had asked for this variance, Mr. Henkel would have advised him that he would be denied.

Mr. Henkel said he will contact FEMA to see what can be done to come into compliance to ensure we aren't suspended or thrown out of the Insurance Program. He stated they audit him on a regular basis.

Mr. Henkel said he had talked to FEMA regarding Mr. Farley's addition, and FEMA advised him that the variance must be a very unique situation. There are only two instances in the county.

The ramification if the board approves the variance is that FEMA could deem it a violation to the flood plain ordinance.

Mr. Conderman recommended that we continue this and have an on site inspection. The board agreed they need more information from FEMA.

Craig Buhrow made a motion that the Zoning Board of Appeals perform an on-site inspection and Gene Bothe seconded it. All were in favor.

It was agreed that they would do an on-site inspection in November and bring the variance back to the Zoning Board in December.

A motion to adjourn was made by Tom Fassler and was seconded by Gene Bothe. All were in favor. The meeting was adjourned at 7:50 p.m.

## LEE COUNTY REGIONAL PLANNING COMMISSION

William O'Keefe, Chairman  
James Book, Member  
John Hillison, Member  
Wendy Ryerson, Member

Chris Henkel, Zoning Officer  
Alice Henkel, Clerk

The Lee County Planning Commission met on Monday, October 3, 2005 at 6:30 p.m. in the Lee County Courthouse, Dixon, Illinois. Chairman William O'Keefe called the meeting to order and took roll with the following members present: Wendy Ryerson, John Hillison, Jim Book and Alice Henkel, Clerk.

The first order of business was the approval of last month's minutes. Chairman O'Keefe asked if there was a motion to approve minutes. Mr. Hillison moved to approve minutes and James Book seconded it. All were in favor and minutes were approved.

Mr. O'Keefe asked if anyone present who was not on the agenda had questions and/or comments on anything not covered in the agenda. No one did.

Mr. O'Keefe then asked Chris Henkel for the Report of Action from the Lee County Board from last month. Mr. Henkel reported no action.

Mr. O'Keefe went on to discuss the matter of the Bloody Gulch Subdivision. Last month, Gary Gehlbach, attorney, and Rick Bower, engineer, gave a presentation to the Lee County Planning Commission regarding the concept plan of a subdivision to be built off of Bloody Gulch Road in Lee County.

Rick Bower was present to review how the ordinances would need to be changed in order for the proposed subdivision, and other subdivisions of this type, to be allowed. He stated that the committee would have to add single-family, attached housing as a Special-Use to the R-2 and R-3 Districts in Appendix A. Also, the variance requirement of twenty percent (20%) would have to be removed from the PUD Overlay District.

Mr. O'Keefe stated that at last month's meeting it was agreed upon by members present that it was an oversight of the committee, when the ordinances were drafted, not to include single-family, attached housing as a Special-Use in R-2 and R-3 Districts, He said these are types of uses that are commonly used in development today. Further, as long as this type of housing is included in Special-Use and the county has control of them, and he felt this amendment should be approved.

In regards to the PUD ordinance, Mr. O'Keefe said the committee arbitrarily put in a twenty percent (20%) variance provision that basically said that in any PUD the use provisions could be varied up to twenty percent (20%). He said there was no real discussion on it at the time, and it is something he does not feel strongly about. At the last

meeting, it was decided to recommend that twenty percent (20%) PUD limitation be eliminated and that it be left up to the zoning board of appeals and the county board to determine to what extent to permit variations.

Mr. O'Keefe went on to request that a vote be made in regards to the two changes.

Wendy Ryerson made the motion to, (1) revise the ordinance and add Single-family Attached Housing as a Special-Use to the R-2 and R-3 Districts in Appendix A; and (2) revise the ordinance and remove the variance requirement of twenty percent (20%) from the PUD Overlay District and leave it up to the zoning board of appeals and the county board to determine to what extent they should permit variations.

John Hillison seconded the motion. All were in favor, resulting in a 4-0 vote.

Mr. O'Keefe then directed everyone's attention to Jason Anderson, Economic Development Director of the City of Rochelle, who was present to discuss the expansion of Rochelle into Lee County towards Steward.

Mr. Henkel gave a brief synopsis as to why Mr. Anderson was present. Mr. Henkel explained that there is a possibility for a lot of development to take place between the City of Rochelle and the Village of Steward. Mr. Henkel felt it would be a good idea to have Mr. Anderson come and speak to the committee because of the zoning in that particular area of Lee County.

Mr. Anderson went on to give some background on the matter, followed by details of the concepts of further expansion. Mr. Anderson explained that this summer, Rochelle received a grant that allowed for the expansion of the Rochelle Railroad into Lee County. This section of railway will be dual access to two major railroads with the movement of one switch. This will draw a lot of new businesses to this area because it is one of a few places that allows access to two major railroads and will cause the railroads to compete for the business of any company that comes into that area.

Because of the new businesses that are likely to move into that area, there is also a concept of creating a bypass from Steward Road to I-39. This would reroute heavy truck traffic that would be a safety issue within Steward.

There are several other concept ideas that would include providing waste water treatment to Steward, road upgrades to allow for heavier truck traffic, further expansion of the city railroad and building of a rail loop near Steward.

Mr. O'Keefe stated that Lee County would like to be cooperative with these possible changes and, at the same time, be able to meet revenue goals of the county. He said the committee is encouraging Steward to meet with Lee County planners and work with them in regards to addressing these possible future changes.

Mr. Henkel added that Steward does have a plan and intends on working with county planners.

The first item of new business addressed by the committee was the LESA Appeal by Dale Lippens.

Mr. Henkel explained that Mr. Lippens did a LESA on a parcel on which he would like to build a home. Mr. Lippens intends on building a house on his father's farm. He and his father farm together. Mr. Henkel stated that everything the committee has done in the past has allowed for the family farms to continue and allows for the building of a house on the family farm.

Mr. Lippens showed the committee, on a map, that he would like to build in center of his father's 80-acre farm. Mr. Lippens explained that there are several low spots that take on a lot of water during the year and the center is the best place to have a home because it is higher ground.

Mr. O'Keefe asked if the two pieces of land on either side of the intended building site would ever be developable. Mr. Lippens said he did not believe them to be due to them being lower, wetter areas.

Mr. O'Keefe stated that the committee did not have a problem with Mr. Lippens, as a farmer on family property, getting an exception on the LESA. He further explained that there is a policy that the committee would like to see houses put next to each other. Mr. O'Keefe was concerned because of the location that Mr. Lippens intended to build, creates two dead areas on each side of the future home site.

Mr. Henkel argued that the topography of the area is limiting to Mr. Lippens because of the lower areas that take on water. He stated that if the areas were dryer, Mr. Lippens would be able to move the site to either side of the farm, eliminating the dead areas.

Mr. O'Keefe stated his concerns lie with the location of the future home. He asked James Booke his opinion.

Mr. Booke stated he had no problem with the location Mr. Lippens has chosen. He said he is somewhat familiar with the area and agreed that the lower places do take on water.

Ms. Ryerson agreed with Mr. O'Keefe's concern that the home is not placed closer to other existing homes, however, because he is a farmer and this is family property, she feels that take precedence. Because there is not way to place this future home closer to existing homes, she has no problem with the location chosen.

Mr. Booke motioned to approve the building on the location Mr. Lippens had chosen. Ms. Ryerson seconded the motion. All were in favor.

The next item of new business was the Gearhart sketch plan.

