

AGENDA
ZONING BOARD OF APPEALS

July 13, 2016

6:30 PM

CITY HALL, 101 GREEN STREET, GALENA, IL

1. Call to Order
2. Roll Call and Declaration of Quorum
3. Approval of June 8, 2016 ZBA Meeting Minutes

OLD BUSINESS

4. Cal. No. 16S-03, Applicant: Adam Johnson – 211 Fourth Street, Galena, IL 61036 and Owner: Charles Fach, 418 Spring Street, Galena, IL 61036. Location: Parcels: 22-100-687-10 & 22-100-687-00, Lots 3,4 & 5 in Block 12 of the Original City of Galena, Jo Daviess County, Illinois. Common Address is 412 & 414 Spring Street, Galena, IL 61036. Request for Special Use Permit to allow a 6-room Small Inn. The property at 414 Spring Street currently has a permit for a 4-room Bed & Breakfast. Ratification of Findings of Fact for approval.

NEW BUSINESS

5. Cal. No. 16A-02, Applicant: City of Galena – 101 Green Street Galena, IL 61036. Request for Text Amendment to §154.202 *Residential Principal and Major Accessory Structures Bulk Standards*, footnote (5), to allow front facing garages in front of the principal façade of the dwelling.
6. Cal. No. 16V-01, Applicant and Owner: Alicia Buss, 2564 N. Windy Lane, Galena, IL 61036. Location: Parcel: 22-101-185-10, Located on Tract 2, Lot 9 and parts of Lots 6, 7 & 8 in Block 5 of the North Galena Addition, City of Galena, Jo Daviess County, Illinois. Request for a variance to allow a front facing garage to be located in front of the furthest projecting portion of the front façade of the dwelling.

COUNTY ZONING

7. Request by Janet Einsweiler, 1170 Ferry Landing Road, Galena, IL 61036 for approval of Plat of Subdivision for Lot 1 of “Leon and Janet Einsweiler’s Second Addition to Rawlins Township”, part of the NE ¼ of Section 14, Township 28 North, Range 1 West of the Fourth Principal Meridian, Rawlins Township. Request for subdivision to create a separate parcel for an existing house.

WORKSESSION & OTHER

8. None

PUBLIC COMMENTS

9. Public Comments

10. Adjourn

Anyone who may require special assistance or special accommodation should contact City staff during office hours at 777-1050, prior to the meeting.

*Posted July 8, 2016
By Matt Oldenburg*

DECISION

ZONING BOARD OF APPEALS OF THE CITY OF GALENA

REGARDING

CALENDAR NUMBER: 16S-03

APPLICATION BY: Charles Fach, 414 S. Prospect St., Galena, IL 61036.

FOR: A Special Use Permit to allow a Small Inn Accommodations land use, with 6 rooms, in a Downtown Commercial District.

FINDINGS OF FACT

PROCEDURES

Pursuant to law, a public hearing was held by the Galena Zoning Board of Appeals regarding this matter on June 8, 2016. The hearing was advertised in an edition of the Galena Gazette that was available to the general public between 15 and 30 days prior to the hearing. Letters were sent out to notify property owners within 250 feet of subject property of the request and public hearing date. They were invited to testify if they so desired. A quorum of the Board was present at the hearing in which the subject application and materials were reviewed and all persons were heard who desired to testify.

NATURE OF APPLICATION

The applicant is requesting a Special Use Permit to operate as a 6-room Small Inn in a Downtown Commercial District. The property currently holds a Special Use Permit to operate as a 4-room Bed & Breakfast with two of the guest rooms currently in use. The upstairs of the current guest house is laid-out as two sections but the owner has plans to renovate the floor to reflect the attached floorplan. After completion, this structure will contain the four guest rooms, sleeping two guests per room for a total of eight guests. Owners reside in the building next door and operate the B&B from there as they have since 1981. The building to the Southeast of the Spring Street Guesthouse is an existing structure that was altered in 2001 to expand the Owner's pottery workshop and to create apartments / office space on the floor above. Currently, the upper floor contains one office space and two apartment spaces. The Owner's intent is to leave the apartment on the room closest to the highway and then convert the two rooms behind into guest rooms. These two rooms are approximately 550 square feet each and would both sleep two guests. Each suite is complete with bathroom and kitchenette and are ready for occupancy. If this request is approved, the City Staff would need to conduct a guesthouse inspection and ensure proper documentation is in place before a license and occupancy would be granted for this use. Therefore, if approved, the Owner could

begin use of the two rooms in the new building in the near future; the two rooms in the Spring Street Guesthouse building would need additional occupancy and guesthouse inspection after alterations are complete before the license is issued for their use.

A site plan review of the proposed request has been conducted per the criteria listed in §154.914. The property is under common ownership in contiguous mass, therefore the site can be considered as a whole. There is adequate off-street parking to accommodate the proposed guest accommodations, the Owners, the resident in the apartment and for visitors to the pottery shop. All exterior development is existing and no further development is needed. Due to the historic nature of the Spring Street Guesthouse, the alterations to the upstairs are below the threshold for cost and allow exception to ADA accessible routes that would otherwise be required for new development, therefore ADA accessible features are only required in the altered area.

The Building Department and Staff will ensure that the room improvements meet current building, electrical, plumbing and life safety codes after building permit is issued. The Fire Inspector has conducted preliminary review and ensured that life safety and fire codes are met. No other alterations will be done on the outside and no further site improvements are required as the site has adequate landscaping, parking and lighting already.

Staff recommends approval of this request.

Land uses in all directions include residences. Additionally, land uses to the South include construction yard, storage and other commercial guest houses.

PUBLIC SUPPORT AND/OR OBJECTIONS

In accordance with Article 9, Table 154.918.1 of the City of Galena Zoning Ordinance, a public hearing was held for the Special Use Request. The Zoning Board of Appeals heard testimony regarding the application from the applicant and the public.

Since the Zoning Board of Appeals is not bound by the strict rules of evidence, substantial latitude is procedurally given in all cases to the kind of evidence that may be made a part of the record. In this case, all testimony and exhibits entered into the record were evaluated and given weight by Board members on the basis of credibility and factuality.

The following persons presented testimony during the public hearings. Their testimony was recorded in the official minutes of the hearing, which are hereby made a part of the findings.

Testimony Presented on Behalf of the Applicant and in Support of the Proposal:

- **Adam Johnson, 211 Fourth Street** – spoke in favor of the request. Johnson is the Architect for the project and said the owners of the four room bed and breakfast would like to expand to six rooms and become a Small Inn. Currently, these two spaces are offered as apartments. The proposed intensity would be less as the rooms would not be occupied every day.

No one else spoke in favor or against the request.

APPLICABLE SECTIONS OF THE ZONING ORDINANCE

- Section 154.005 sets forth the Intent and Purpose of the Zoning Ordinance.
- Section 154.015 defines a Guest Accommodation, Small Inn.
- Section 154.201 (C) (6) provides a definition and description of the Downtown Commercial District.
- Table 154.403.1 lists the Permitted Land Uses permitted by right or by Special Use Permit for all Zoning Districts.
- Section 154.406 (D) (8) defines and outlines the regulations for Small Inns.
- Section 154.914 lists the criteria for Site Plan Review.
- Section 154.924 sets forth the Purpose, Applicability, Review Criteria, Decision-Maker, Application and Review Procedures, and Validity for Special Use Permits.

CONCLUSIONS

In applying the regulations and pertinent performance standards of the Zoning Ordinance to this particular case, the following conclusions are reached:

1. The subject property is located in the Downtown Commercial District.
2. The Zoning Ordinance provides for Small Inns as follows:
 - a. Guest Accommodations, Small Inn is permitted only by Special Use Permit as a principal commercial land use in a Downtown Commercial District.
3. The Downtown Commercial District is intended to permit both large and small scale downtown commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. A wide range of office, retail and lodging land uses are permitted within this district.
4. The applicant seeks a Special Use Permit to allow a Small Inn with 6 rooms as a principal commercial land use in a Downtown Commercial District.
5. Adequate off-street parking is provided for the guests.

DETERMINATION

Based upon the facts in this case, the Zoning Board of Appeals does find and conclude that the request by Charles Fach for a Special Use Permit to allow a Small Inn with 6 rooms as a principal commercial land use in a Downtown Commercial District should be approved for the following reasons:

1. The site plan review met the applicable criteria for this request.
2. The request meets the district standards for the Downtown Commercial District and is congruous to the defining characteristics of the district.
3. The request meets the detailed land use regulations established for a Small Inn use.
4. Complimentary uses are available.
5. The request is compatible with adjoining properties through:
 - a. The protection of privacy will be maintained;
 - b. The elements of the plan are designed and arranged to have a minimal negative impact on the use and enjoyment of adjoining property;

- c. The elements of the plan will coexist in a harmonious manner with nearby existing properties.

DECISION

NOW, THEREFORE, BE IT RESOLVED that this Zoning Board of Appeals has determined that this request by Charles Fach for a Special Use Permit to allow a Small Inn with 6 rooms as a principal commercial land use in a Downtown Commercial District should be approved.

PASSED AND APPROVED this 8th day of June, A.D. 2016, by the Galena Zoning Board of Appeals by a vote of 5 ayes, 0 nays, 1 absent, 0 abstain, 1 recused.

John Rosenthal, Chairperson

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: July 8, 2016

RE: Cal. No. 16A-02, Applicant: Applicant: City of Galena – 101 Green Street Galena, IL 61036. Request for Text Amendment to §154.202 *Residential Principal and Major Accessory Structures Bulk Standards*, footnote (5), to allow front facing garages in front of the principal façade of the dwelling.

Project Summary:

This amendment to the Zoning Ordinance is initiated by City Staff in order to reconsider a bulk standard regulation that has been an issue since the new Zoning Ordinance was adopted in 2005, but was never completely resolved. Footnote (5) in Table §154.202 *Residential Principal and Major Accessory Structures Bulk Standards* requires front-facing garages on one- and two-family dwellings to be located eight feet behind the front façade.

Previous Zoning Boards held neighborhood meetings and work sessions regarding this topic; minutes from those meetings are attached for your reference. These sessions were initiated by several complaints from residents and contractors after the Zoning Code was adopted. After the last session was held in 2008, nor further action was taken in a non-administrative setting with the exception that an interpretation was made that in the Historic District, accessory structures and principal structures can average the setbacks with the existing buildings on the block face, including front-facing garages.

Over the past few years, I have adhered to this standard when applicable. However, many times, the Staff has questioned why it would be appropriate to allow the Historic District to waive this standard of garage setbacks but require it in new development outside of the district where it would actually be more compatible with newer development (post 1950's). This question is especially more relevant when an infill development occurs in subdivisions that are mostly front-facing garages like Indian Ridge and other peripheral neighborhoods.

We (Staff) do understand the concepts of traditional neighborhood design (part of our Comprehensive Plan for new subdivisions) and the rationale to encourage new subdivisions to develop pedestrian-friendly design with complete streets and dominant house facades with garages set behind, but it makes for a difficult argument when holding someone to a standard on an infill lot that is surrounded by garage-dominant / garages on the same plane-homes in older existing subdivisions and neighborhoods.

Staff proposes that the text be amended to retain the existing requirements, but also allow administrative discretion to waive the requirements when appropriate and compatible for infill development in existing neighborhoods. Please see attached proposed text addition for specific language.

Approval Criteria & Recommendation:

In order to maintain internal consistency within this code and on the zoning map, proposed amendments to the text and zoning map must be consistent with the purposes stated herein.

In determining whether the proposed amendment shall be approved, the following factors shall be considered (*including comments from the Zoning Administrator*):

(1) Whether the existing text or zoning designation was in error at the time of adoption; *This regulation is very restrictive and does not give flexibility for existing developments where certain garage designs would be compatible with surrounding properties.*

(2) Whether there has been a change of character in the area or throughout the city due to installation of public facilities, other zone changes, new growth trends, deterioration, development transitions, etc.; *The City is experiencing more infill development requests recently and this request would give flexibility in design to accommodate topography, lot size and compatibility with existing neighborhoods.*

(3) Whether the proposed rezoning is compatible with the surrounding area and defining characteristics of the proposed zoning district or whether there may be adverse impacts on the capacity or safety of the portion of street network influenced by the rezoning, parking problems, or environmental impacts that the new zone may generate such as excessive storm water runoff, water, air or noise pollution, excessive nighttime lighting, or other nuisances; *Negative impacts are not expected from this amendment; new residential subdivision requests will still need to adhere to the current requirement to meet the main intent of the standing ordinance.*

(4) Whether the proposal is in conformance with and in furtherance of the implementation of the goals and policies of the Comprehensive Plan, other adopted plans, and the policies, intents and requirements of this code, and other city regulations and guidelines; *This amendment is in conformance with the goals of the Comprehensive Plan as outlined in Chapter 10. Traditional Neighborhood Design will be protected while providing flexibility for infill.*

(5) Whether adequate public facilities and services are available or will be made available concurrent with the projected impacts of development in the proposed zone; *Not applicable*

(6) Whether there is an adequate supply of land available in the subject area and the surrounding community to accommodate the zoning and community needs; or *There is adequate land available to accommodate this proposed practice, including new development or redevelopment.*

(7) Whether there is a need in the community for the proposal and whether there will be benefits derived by the community or area by the proposed rezoning. *The community will benefit by flexibility in the code to accommodate the best fit for infill development.*

The Zoning Administrator and Zoning Board of Appeals shall make recommendations and the City Council shall take final action.

(1) When the Zoning Board of Appeals or City Council deems it necessary or expedient, additional property in the zoning district may be considered for a zoning change provided that this additional property is also addressed in the public hearing notice, in accordance with § [154.919](#)(F).

(2) In the event of a written protest against a proposed amendment signed and acknowledged by the owners of 20% of the frontage proposed to be altered or by the owners of 20% of the frontage immediately adjoining or across the alley or rear line therefrom or by the owners of 20% of the frontage directly opposite the frontage proposed to be altered as to such regulations or zoning district and filed with the City Clerk, such amendment shall not be passed except by the favorable vote of two-thirds of all of the selected members of the City Council.

CITY OF GALENA, ILLINOIS



Request for Amendment to Zoning Ordinance

Request Details:

Name of Applicant: CITY OF GALENA Phone #: 777-1050

Address of Applicant: 101 GREEN STREET

List land and/or property uses that this proposal would affect: THIS REQUEST WOULD AFFECT RESIDENTIAL LAND USES IN THE CITY TO ALLOW GARAGES TO BE IN FRONT OF THE FRONT FACADE OF THE HOUSE.

General describe the amendment being sought (attach additional pages if necessary): CURRENTLY, FRONT-FACING GARAGES MUST BE LOCATED 8 FEET BEHIND THE FRONT FACADE OF THE HOUSE. MOST HOMES IN GALENA THAT WERE BUILT WITH ATTACHED GARAGES AFTER THE 1950'S WERE/ARE NONCOMPLIANT WITH THIS REGULATION. THIS REQUEST IS TO ALLOW ATTACHED FRONT FACING GARAGES TO BE IN FRONT OF THE FACADE.
Specifically describe the proposed amendment word for word (attach additional pages if necessary):

SEE ATTACHED.

Explain why the amendment is being sought in terms of public need, health, safety, and/or general welfare

(attach additional pages if necessary): THE CURRENT REGULATION IS RESTRICTIVE FOR PROPERTIES THAT HAVE LAND SLOPING AWAY FROM THE STREET, WHERE AN ATTACHED GARAGE IN FRONT WOULD BE MORE PRACTICAL, ESPECIALLY ON NARROW LOTS THAT OTHERWISE MEET BULK STANDARDS. IT ALSO RESTRICTS A DESIGN THAT WOULD BE COMPATIBLE WITH SURROUNDING HOMES IN EXISTING NEIGHBORHOODS WHERE INFILL DEVELOPMENT IS DESIRED.

AN ORDINANCE AMENDING ARTICLE 2, §154.202 – RESIDENTIAL PRINCIPAL AND MAJOR ACCESSORY STRUCTURES BULK STANDARDS OF THE CODE OF ORDINANCES OF THE CITY OF GALENA

BE IT ORDAINED by the City Council of the City of Galena, JoDaviess County, Illinois as follows:

SECTION I: Section § 154.202 Residential Principal and Major Accessory Structures Bulk Standards is hereby amended as follows:

- *(Additions are shown as underlined and bold)*

Table §154.202.1 Residential Bulk Standards

Footnotes:

- (5) For one- and two-family structures with front facing garages, the garages shall be a minimum of 8 feet behind the furthest projecting portion of the front of the dwellings and in all cases shall be a minimum of 2 feet behind the primary front wall line of the dwellings. **This requirement may be waived administratively at the discretion of the Planning Department in cases of infill development in existing neighborhoods where appropriate and compatible with surrounding properties.**

SECTION II: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III: This ordinance shall be in full force and effect within ten (10) days of its passage and legal publication in pamphlet form.

SECTION IV: Passed on the __th day of _____, A.D., 201__, in open Council.

AYES:

NAYS:

ATTEST:

TERRY RENNER, MAYOR

MARY BETH HYDE, CITY CLERK

Discussion: Vojta said this would be in the Industrial Park and the requested material would be an appropriate wall material for this type of building. The buildings would be surrounded by other buildings that use these materials in the Industrial Park.

Renner said because of the existing buildings it makes it appealing to allow this type of wall material. They will blend in and not draw attention to a new structure.

As Roll Call was:

Nybo	Yes
Russ	Yes
Vojta	Yes
Renner	Yes
Baranski	Yes
Moser	Yes

Motion carried.

NEIGHBORHOOD MEETING

At the request of several homeowners, contractors and developers, this Neighborhood Meeting, is being conducted to discuss concerns and issues raised by the requirement for locating front-facing garages on single-family homes as outlined in Article 2, Section 154.202.1, Footnote 6: “For one- and two-family structures with front facing garages, the garages shall be a minimum of 8 feet behind the furthest projecting portion of the front of the dwellings and in all cases shall be a minimum of 2 feet behind the primary front wall line of the dwellings.”

Hollingworth said that since the Ordinance was adopted, several persons, be they homeowners, developers or contractors, have had issues with garage placement. Usually they have had enough land for a driveway and can be creative in locating the garage and set it back 8 feet from the homes primary wall or a minimum of 2 feet behind the primary wall. This prevents the garage from being the most prominent feature of the house. Some have decided to extend the street facing wall and located the garage doors on the end of the home. Some of those coming in to see Hollingworth would like this issue addressed and short of a text amendment this can not happen. The Board cannot act on a variance request for this unless there is great hardship. She recommended that those concerned write a letter asking for a neighborhood meeting so they could discuss the matter with the Zoning Board. It would also allow the Zoning Board to address the reasons for this provision and why it is in the Ordinance.

Vojta asked about the averaging provision that the Zoning Board had previously utilized.

Hollingworth said in Historic Districts you can determine the setbacks by using the average of the neighboring properties.

Baranski said problems arise when someone wants to develop a new subdivision with, for example, lots that are 50-60 feet wide. There is no access from an alley so the garage has to be front loaded from the street. A two car garage is 24 feet wide; a three car garage is 36 feet wide. A house could be 34 feet wide with only 10 feet to the side of the garage for the front door portion of the house. It looks like a garage with a house. This was an attempt to try and avoid these types of situations. If you have a wider lot the proportions between the house and garage are different. With narrow lots and the desire for a two car garage you end up with problems. Baranski said the intent of the Ordinance was to create more traditional neighborhoods. The issue is to avoid having a front yard that is consumed by the garage. The primary focus of the house should not be the garage. The language of the Ordinance is typical. In appropriate situations the Ordinance could be adjusted.

Renner said there have been cases where the Board has granted variances regarding garage placement.

Baranski said the topography of Galena makes it unique when trying to adhere to the ordinance.

Vojta said those would be cases where there is a hardship.

Baranski said by having the garage flush with the house and utilizing more aesthetically pleasing garage doors you could have a possible fix. The intent remains the same – to avoid the main focus of the house being the garage. He thinks it would be desirable to have some rules for this.

Tom Wienen, 144 Stone Quarry Ln., Galena, said he wrote the letter to Hollingworth asking the Board to look at the requirement as it is written. He does not have a current project that has these issues, but every time you need a variance you need to plan on three months for approval. Over the years he has built homes that have had similar issues. There is a house on Young Street, that has a narrow lot and the garage protrudes 3-4 feet from the front of the house. In order to make the house fit on the lot and have the space the owner would need, the garage had to extend. Cobblestone sub-division has garages which are set ahead of the home as does Shadow Bluff. Construction on these started before the Ordinance changes were made. In order to get the necessary living space on a narrow lot the garage needs to come forward. Wienen said approximately 90% of the home plans in his design books have garages built to the front of the home. Most of the lots left in Galena do have issues where this would come in to play.

Baranski said the lots for Golfview are quite large. Most 90-100 foot wide lots could accommodate side load garages. Baranski said he would be willing to work on the language that could possibly provide a formula when addressing this issue.

Cox asked if there was something short of eliminating requirement #5 that would help.

Renner said #5 may be a tough fit within the corporate city limits, but it may work very well in a new development.

Vojta said the Board should look at Traditional Neighborhood Development for suggestions.

Baranski said good design of materials – garage doors - goes a long way in how the house looks.

Hollingworth said the Traditional Neighborhood Development is an alternative zoning district. The goal of that was to make a more pedestrian friendly area with sidewalks and people visible rather than cars. With more driveways and cars visible it tends to cut down on being a neighborhood.

Vojta agreed. With a big house that has a big garage people pull into the driveway, click the remote and drive into the garage. They go into the house and are never seen.

Hollingworth said Traditional Neighborhood districts provide for alleys and parking in the back, so the front yard ambience is retained.

Baranski said the Board was not trying to force neighbors to meet each other, but they were trying to eliminate the obstacles from preventing an area from becoming neighborly. The absence of sidewalks and porches and the presence of a huge garage does not make the area pedestrian friendly.

Nybo read a passage that he found on the internet concerning why a neighborhood would have garage setbacks. "The main issue is its ability to be site responsive particularly as it relates to neighborhood character and the amenity of adjoining properties. In the context of the existing built environment and neighborhood character it is considered that the proposed development incorporate specific design techniques appropriate for good integration within the local area. The layout of the development, the location of private open space areas, the setbacks to the side and rear boundaries, and the overall design provides for a sympathetic response to established neighborhood character."

Cox said the Ordinance could give flexibility. A list could be developed as to what could be approved administratively based on certain conditions. The Zoning Administrator would need to evaluate an application and then determine if those conditions exist. The applicant would have the ability to appeal that decision to the Zoning Board.

Baranski thought language could be constructed to provide flexibility.

Renner thought this could be dealt with in the next few months.

Vojta said if an applicant comes to the Board with a Planned Unit Development, they can ask for almost anything. In the past the Board has bartered and traded which allowed for flexibility in these developments for things such as setbacks, garage locations, greenspace...

Nybo asked if there were an infill site within the Historic District, does the Board have a minimum required setback for a garage from the sidewalk. We can average the setback in these historic districts. Would there be a case where a house is so close to the sidewalk that a car parked in the driveway would be over the sidewalk.

Hollingworth said Article 6 states you must have a 19 foot throat for a driveway.

The Board agreed that a work session for this should be added to the June 11 agenda.

COUNTY BOARD

None

WORKSESSION

Review and Discussion of the Zoning Ordinance: (Continued from April 9, 2008)

Hollingworth said she felt very strongly that Article 5 should remain where it is as it is. It is the only provision the city code has for dealing with the community's natural resources. These have been identified in the Comprehensive Plan as being vital to the sustainability of Galena and what we are all about. The only time the Zoning Board deals with the Natural Resource Protection standards is when a site plan is required, such as a Special Use Permit, Planned Unit Development, and Traditional Neighborhood Development. The Natural Resource Protection requirements must be part of a Site Plan Review which is handled by the Planning Department. The Board looks at this and can ask questions, but everything will be in place by the time an application reaches the Board. This section of the Ordinance is vital to the community. To remove this or to have it greatly amended would be damaging. This needs to stay – it can be reviewed from time to time and amended if necessary. Keep it in the Zoning Ordinance because when there is turnover with City Staff things sometimes get lost during the transition.

Baranski thought the Natural Resources requirements were sometimes at odds with the Comprehensive Plan, such as for in-fill development. It should be adjusted.

Nybo thought the Board could deal with those on a case by case basis.

Baranski said the best way to deal with this was to map the City. It would then be clear what areas would require a Natural Resource Protection plan.

As Roll Call was:

Baranski	Yes
Moser	Yes
Nybo	Yes
Porter	Abstain
Russ	Absent
Vojta	Yes
Renner	Yes

Motion carried.

NEW BUSINESS

Cal. No. 08S-03, Tom & Connie Wiene, dba Chains & Links, Inc., 11540, 11510, and 11511 Technical Dr., Lots within the Industrial Park, Request for a Special Use Permit to use discouraged wall materials, i.e. metal siding, for commercial buildings within 1200 ft. of the Highway Corridor Overlay District.

Cox explained that because the Surrounding Property Owner notices had not been mailed for this agenda item, the Public Hearing can not be held. The applicant has been notified and the item will be on the July agenda.

COUNTY BOARD

None

WORKSESSION

Review and Discussion of the Zoning Ordinance: (Continued from May 14, 2008)

Renner said he spoke with Mayor Brusck regarding this. The Mayor felt it was best to leave Article 5 as is.

Review and Discussion of possible amendment for flexibility to Table 154.202.1, Footnote #6 regarding setbacks for front facing garages.

Baranski distributed his preliminary ideas for this. He wanted to find a simple way to restrict the size and location. A garage can not exceed 50% of the total building width. If a building is 50 feet wide, the garage can only be 25 feet wide with the idea that the garage and the house are flush. Baranski's drawings showed that if you wanted to move your garage closer to the street you would need to reduce the width of the garage the same footage: move the garage eight feet closer to the street and the width is reduced by eight feet. Additionally, for every foot a garage is set back from the front of the house, the width can be increased, up to 60% of the width of the house. There are four simple statements that could define this.

Renner said in the past, an existing structure could not have an accessory structure which was larger than the house.

Baranski said there could be restrictions as part of the language.

Vojta asked what size was needed for a single car garage.

Baranski said a single car garage is 12 feet; a two car garage would need 22 feet and a three car garage 32-33 feet. These are about as tight as you can go.

Renner suggested 12 feet, 24 feet and 36 feet.

Baranski said he tried to come up with language that was not overly restrictive. What we have now is very restrictive. We can leave things as they are now and take it case by case for variance requests. He was most concerned about the narrow lots in town. Baranski said there is a provision in the Ordinance which allows for averaging to meet the setback in Historic Districts.

Stewart said that he and Hollingworth had often gone out to determine the setback in a Historic District as the Ordinance directs.

Renner said Baranski's ideas were good and he wanted the Board to give it some more thought.

Cox asked if the only relevant issue was with Table 154.202.1 Residential Bulk Standards, Footnote #5 which states "*For one- and two-family structures with front facing garages, the garages shall be a minimum of 8 feet behind the furthest projecting portion of the front of the dwellings and in all cases shall be a minimum of 2 feet behind the primary front wall line of the dwellings.*" Cox said Section 154.015 says a garage is an accessory use. It says nothing regarding attached or detached.

Stewart said 154.207.1 Residential Density Standards, Footnote #1 states "*Major accessory building coverage shall not exceed 90% coverage of the principal building.*" For example, a 1,000 square foot home would be allowed a 900 square foot garage.

Cox said a garage is a major accessory use and has to be set back at least 8 feet from the most forward portion of the house with a minimum of at least 2 feet from the major portion of the structure. Baranski's proposed #1 says a garage may not exceed 50% of the total building width measured at the front plane of the main portion of the building or porch. Would this be a set rule and apply to all garages.

Vojta said the first drawing is actually 100%.

Baranski said this is area. He said again he was trying to restrict the width of a garage.

Cox said #1 had nothing to do with the 90% issue. Unless something was added you would not be able to have a garage larger than the 90% restriction. The Board would have to decide if it wanted to keep the 90% or not.

Cox said #2 says a garage may project forward from the front plane of the residence a maximum of 8 feet but must be reduced in width by the same amount that it projects forward. This is a huge change from Footnote #5, Article 154.202.1.

Vojta asked if Baranski meant from the front plane of the main residence and not from an accessory porch.

Baranski agreed.

Cox asked the Board how they wanted this drafted.

Baranski said it was a nice thing to show graphically, but it is difficult to find the language for. He wasn't sure if a drawing could be inserted into the Ordinance.

Cox said it could.

Vojta thought pictures and charts would be beneficial.

Baranski said the concept is very simple. How you put that into words is not so simple.

Cox asked if the Board was okay with a garage being 90% of the footprint of the house.

Renner said he didn't want to put more restrictions on existing areas/homes of Galena. This would work well for new construction.

Cox said you could always grant a variance to the new regulations.

Baranski said the language could be left as is.

Cox said new language should probably not be inserted as a footnote.

Vojta said a separate section would probably work best.

Cox said he would draft language suitable for the Ordinance for the July meeting.

Kieffer said, in a memo to the Board, that, "The city received the notification of this petition sometime during the week of August 3rd. Due to certain circumstances this information was not reviewed by the city within the required 14 days of receipt of the documents. After the 14 day requirement has passed, the County assumes that the city does not have any objections. On August 27 2008, the Jo Daviess County ZBA made a motion to recommend approval of the subdivision as-is. The County Board will vote on this petition at their September 9th meeting. This property is in the mile and one half jurisdictional area but this property does **not** fall within the City's approved **Contiguous Growth Area**. The property size and existing residential use is consistent with the other properties in the area."

No action was taken on this agenda item.

WORKSESSION

Review and Discussion of possible amendment for flexibility to Table 154.202.1, Footnote #5 regarding setbacks for front facing garages.

Kieffer distributed materials for this discussion.

Kieffer said he, Baranski and Duff Stewart met and discussed what Footnote #5 really means. Kieffer also talked with Scott Harrington to determine his interpretation of its meaning. Footnote #5 applies to both attached and detached garages. It states if you have a projection at the front of your home that is 6 feet or more your setback is 2 feet. Any projection less than that pushes the setback to zero projection, which is minus 8.

Vojta said an overhang from the roof does not count – it has to be measured from the primary front wall.

Kieffer and Renner agreed.

Kieffer said he also had found that there was no provision for side facing garages, either attached or detached except that they need to meet the bulk standards of the principle building. According to Harrington, an attached garage is not considered an accessory building; it is considered part of the principle building. The attached garage could be in front of the home as long as it does not encroach upon the principle building bulk standard setback.

Vojta said the setback requirements are basically the same for either a detached or attached garage.

Kieffer said yes – the ordinance doesn't distinguish between the two.

Russ asked about garages in historical districts that could potentially have the car parking on a sidewalk.

Renner asked how this would work in a historic district. Does this pertain to construction of principle buildings or would an accessory garage apply.

Kieffer said if you had a vacant infill lot in a historic district where you used Footnote #12 to place the principle structure, you may encounter the attached garage being closer to the road than ideally wanted.

Renner thought Footnote #12 would pertain to principle structures.

Kieffer said he believed it was for new construction. This doesn't mean that a detached garage in the historic district could be built using these same rules. It couldn't.

Vojta asked if it would apply for an attached garage which is part of the principle structure.

Kieffer said if the home was already there and you were adding a garage it wouldn't. It would be strictly for a vacant lot with new development. There is the possibility with Footnote #12 that you could end up with very little driveway off the back of the curb or the street.

Vojta said these cases would likely be in historic districts where we encourage building which will fit with the surrounding historic structures.

Renner asked for input on why there is an 8 foot setback.

Vojta said with new construction they were looking at areas outside the historic districts, such as subdivisions. They were trying to get away from the McMansion style homes with three car garages which dominate the front of the home.

Kieffer said in summarizing Footnote # 12; it would not apply to existing homes in the historic district. If you are adding any type of garage this does not apply.

Vojta thought that was not what the intent was.

Renner said this was in the previous ordinance. The Historic Board has no provision for this. Former Zoning Administrator Hollingworth felt it was important to have this included because of the number of historic homes.

Kieffer said it would be helpful if it said per/for the Historic District the principle structure or addition to a principle structure on an existing lot.

Vojta believes that #12 applies to existing structures.

Renner agreed with Vojta.

Cox asked where in the Ordinance it states that an attached garage is part of the principle structure.

Vojta said what the Board had been up against was that basically no one would be able to build a garage in a historic district if this footnote was omitted. This was reinserted because no one would have a chance.

Kieffer said it was somewhat misleading with the word placed. If it said a principle structure on an existing lot ...

Vojta said we could clean up the language.

Cox asked Kieffer if he believed an attached garage could be front facing in the historic district. Footnote #5 would still apply. He thought the question was would those situations create times when people would park on the sidewalk. The only way you can allow a garage to be constructed would be to have a side load garage so cars would not be on the sidewalk.

Kieffer asked if Footnote #12 was meant to circumvent Footnote #5.

The Board did not think so.

Kieffer asked if the Board's interpretation was that if it was an attached garage in the historic district and the building was already too far forward, the garage could be a side load and be even with the front of the existing building. If it is front facing it needs to reference Footnote #5.

Cox said he had not thought about this, but it seems inconsistent with what the purpose of Footnote #12.

Vojta said in many cases someone wishing to add a garage in a historic district may have limited land and may not have room for a side facing garage. If you were averaging in a historic district it would not matter to him if it were side or front load.

Cox said we should look at this and try to clarify the footnotes. He asked Vojta if the intent of the ordinance was that Footnote #12 would over ride Footnote #5.

Vojta said in the historic district – yes.

Renner said this came about after the new ordinance was adopted. The city began receiving calls related to this and it was discovered it had been omitted from the new version.

Cox said it would have been helpful if Footnote #12 said in effect, in the Historic District Footnote #5 shall not apply It is confusing.

Kieffer said another matter relating to Footnote #5 is the word front. For example, a home which fronts on B Street and has a B Street address would like to have a front facing detached garage on side street A. In the strictest sense the front of the principle building is on B Street. Does the detached garage need to comply with Footnote #5?

Renner said this was a good question.

Kieffer said we had already determined that Footnote #5 applies to both detached and attached garages.

Renner thought front facing would mean B Street.

Vojta said if on A Street there are existing homes which face A Street and they are 25 feet back and this garage is allowed to be built with a five foot sideyard setback - it would be out of place.

Kieffer said there is no question that the front yard setback needs to be 25 feet. You would not want someone encroaching into the sight lines with only a five foot setback. It would be hard to argue that there would not be a double front yard setback – in LDR it would be 25 to 25. Would the proposed detached garage facing A Street need to be setback 8 feet from the side of the house? In the definition and Table 154.202.1, where Footnote #5 is, does the word front mean the front of the home or frontage.

Renner said you could look at it both ways.

Kieffer said there are several definitions for frontage.

Vojta asked if Kieffer could ask Harrington about this issue.

Kieffer said he could. It would be difficult to argue that the Lot in question does not have frontage on A Street if looking at the definition of frontage.

Vojta said the house clearly fronts on B Street. The only structure that has frontage on A Street is the attached garage. He believes both sides would need to have 25 feet setbacks.

Kieffer agreed. He questioned if Footnote #5 should apply.

Cox said this was discussed shortly before Hollingworth resigned. The definition for Lot Line, Front reads, "A lot line that abuts a public or private street right-of-way. In the case of a lot that has two or more street frontages, the lot line along the street from which the house is addressed shall be the front lot line." Looking at that definition it would be hard to argue that there are two fronts to a lot. It does not make sense to Cox. He does not know how you get around the way this is defined.

Vojta said if the garage were 25 feet back from the street right of way he can't see why we would force someone to move it back an additional eight feet. The garage, on A Street, would meet the same setback requirements as the house front on B Street. That should be more than sufficient.

Renner said we need to determine what front facing is.

Vojta thought both were frontage lots. The 25 feet would apply to both streets. Does the garage need to be located back further. Vojta does not think so.

Renner agreed. The definition needs to be clarified relating to front lot line.

Kieffer said if you are on a corner lot you have to have two front yard setbacks. This makes the community a safe place. The corner lot definition does not say you have two street frontages. It says it is a lot located at the intersection of two streets.

It was agreed that Kieffer should contact Harrington regarding this and if possible he will work on the definitions.

Kieffer said another issue with Footnote #5 was in regard to the width of the garage as it relates to the setback. If the Board decided that a variance to Footnote #5 was appropriate, the further forward the setback was varied the narrower the garage would become. Baranski and Kieffer both said this would be complicated to mandate, but that the Board could simply look at the proposed width in accordance to the setback distance. The Board could look at these on a case by case basis.

Vojta said an applicant would still need to comply with the bulk standards – this would prevent something out of line from happening.

The Board agreed that the width changes should be kept simple.

Kieffer will continue to work on the changes.

Renner adjourned the meeting at 7:30 PM.

Respectfully submitted by

Deb Price
Zoning Board Secretary

MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: July 8, 2016

RE: Cal. No. 16V-01, Applicant: Alicia Buss, 2564 N. Windy Lane, Galena, IL 61036.
Location: Parcel: 22-101-185-10, Located on Tract 2, Lot 9 and parts of Lots 6, 7 & 8 in Block 5 of the North Galena Addition, City of Galena, Jo Daviess County, Illinois. Request for a variance to allow a front facing garage to be located in front of the furthest projecting portion of the front façade of the dwelling.

Summary:

The applicant is requesting a variance to allow construction of a single family dwelling on an infill lot near the intersection of Bridge and Hill Streets with an attached garage located in front of the façade of the dwelling.

The purpose for this request is to accommodate the dwelling's garage in a practical manner due to the down-sloping topography away from Bridge Street. The narrowness of the lot would make a difficult approach for a side facing garage and having the garage face the rear would be awkward and impractical. The conditions of the slope and narrowness are not self-inflicted and given the existing similar dwellings nearby, special privilege would not be given in this case and the dwelling would be in harmony with the neighborhood. Granting permission for this variance will provide reasonable use for the lot along with off-street parking for the residence.

The compatibility of this design with the surrounding properties is evident in the photos attached as most of the dwellings either have a garage in front or even with the front façade.

Staff believes the literal interpretation of the Code is intended for new development in proposed subdivisions to follow traditional neighborhood design; it is not intended for infill development in existing neighborhoods.

Land uses in all directions are residential.

Variance Approval Criteria & Recommendation:

A variance is not a right. It may be granted to an applicant only if the applicant establishes that strict adherence to this code will result in practical difficulties or undue hardships because of site characteristics that are not applicable to most properties in the same zoning district. Such variances shall be granted only when the applicant establishes that all of the following criteria, as applicable, are satisfied:

(1) *Hardship unique to property, not self-inflicted.* There are exceptional conditions creating an undue hardship, applicable only to the property involved or the intended use thereof, which do not apply generally to the other land areas or uses within the same zone district, and such exceptional conditions or undue hardship was not created by the action or inaction of the applicant or owner of the property;

(2) *Special privilege.* The variance will not confer on the applicant any special privilege that is denied to other lands or structures in the same zoning district;

(3) *Literal interpretation.* The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant;

(4) *Reasonable use.* The applicant and the owner of the property cannot derive a reasonable use of the property without the requested variance;

(5) *Minimum necessary.* The variance is the minimum necessary to make possible the reasonable use of land or structures;

(6) *Compatible with adjacent properties.* The variance will not be injurious to, or reduce the value of, the adjacent properties or improvements or be detrimental to the public health, safety or welfare. In granting a variance, the decision-maker may impose conditions deemed necessary to protect affected property owners and to protect the intent of this code;

(7) *Conformance with the purposes of this code.* The granting of a variance will not conflict with the purposes and intents expressed or implied in this Code; and

(8) *Conformance with the Comprehensive Plan.* The granting of a variance will not conflict with the goals and principles in the adopted Comprehensive Plan.

The Zoning Board of Appeals can approve, approve with conditions, or deny requests for variances. If the Board would like to approve the request, a motion to draft Finding of Facts should be entertained. The Findings of Facts will then be presented for final consideration at the next Board Meeting.

CITY OF GALENA, ILLINOIS



Request for Variation

Name: Alicia Buss

Address of Applicant: 2564 Windy Lane Galena IL. 61036
City State Zip

Phone #: 1-815-281-0362 Email: alicia_91@hotmail.com

Name of Property Owner (if different from applicant): _____

Address of Interest: 1010 Bridge Street

Present Use of Property: vacant Proposed Use: single family dwelling

Zoning District: LDR Within Historic District?: Yes No

Reason for Variance Request

Please Note: The following questions must be answered completely. If additional space is required, please attach extra pages to the application.

Also, read the 'Notice to Applicants' attached to this application before answering.

What characteristics of your property prevent it being used for any of the uses permitted in your zoning district?

Too narrow Elevation Soil Too small Slope Subsurface Too shallow Shape

If other, please specify: Front facing garage - in front of facade

Describe the items checked, giving dimensions where appropriate: Current code requires

front facing garage to be 8ft behind front facade.

How do the above site conditions prevent any reasonable use of your land under the terms of the Zoning

Ordinance?: The topography of the lot is ideal for a walk out house. It would be very impractical to attach the garage to the rear of the house because of lot width.

To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having property interests in the land after the Zoning Ordinance or applicable part thereof became law?

Yes No If 'No', explain why the hardship should not be regarded as self-imposed. (Self-imposed hardships are not entitled to variations.):

Are the conditions on your property the result of other manmade changes such as the relocation of a road or highway? If so, describe: No

Which of the following types of modifications will allow you a reasonable use of your land? A change in...

- Setback Requirement
- Side Yard Restrictions
- Area Requirement
- Lot-coverage Requirement
- Height Requirement
- Off-street Parking Requirement

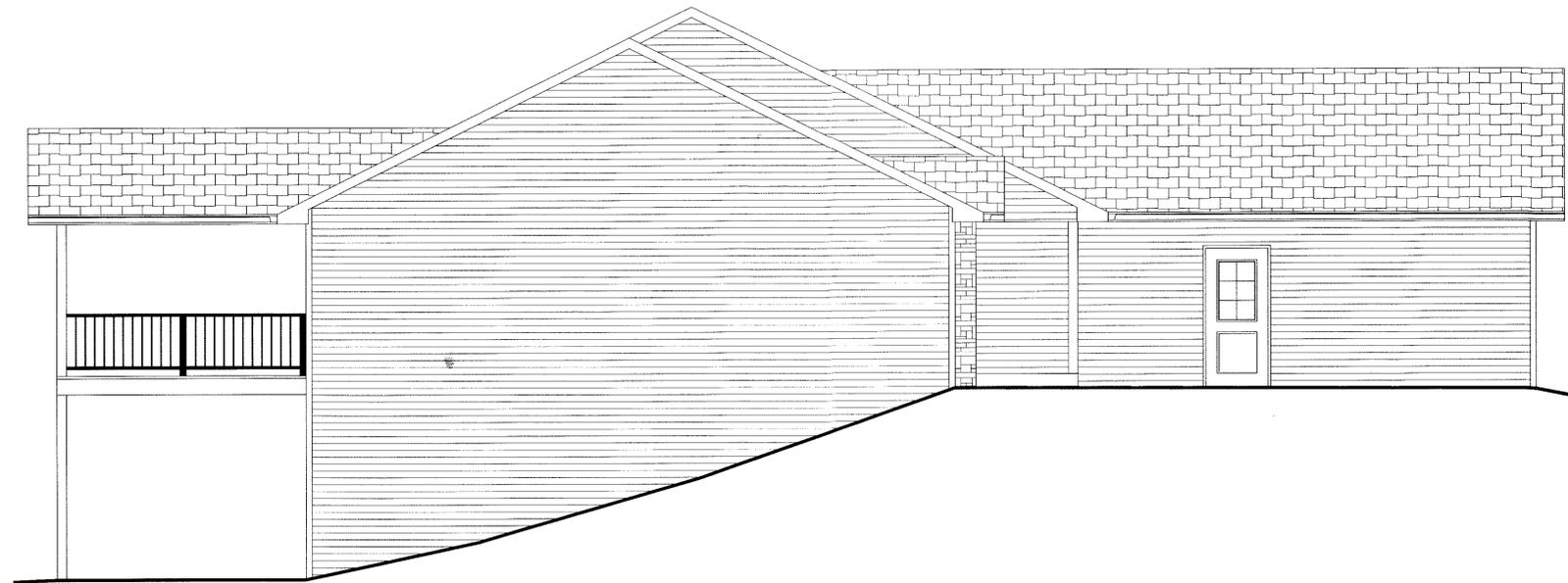
If other, please specify: Front facing garage in front of house.

Describe the variation requested, giving distances where appropriate: Narrow lot makes it difficult to configure the house. This request is compatible to other properties around the lot.

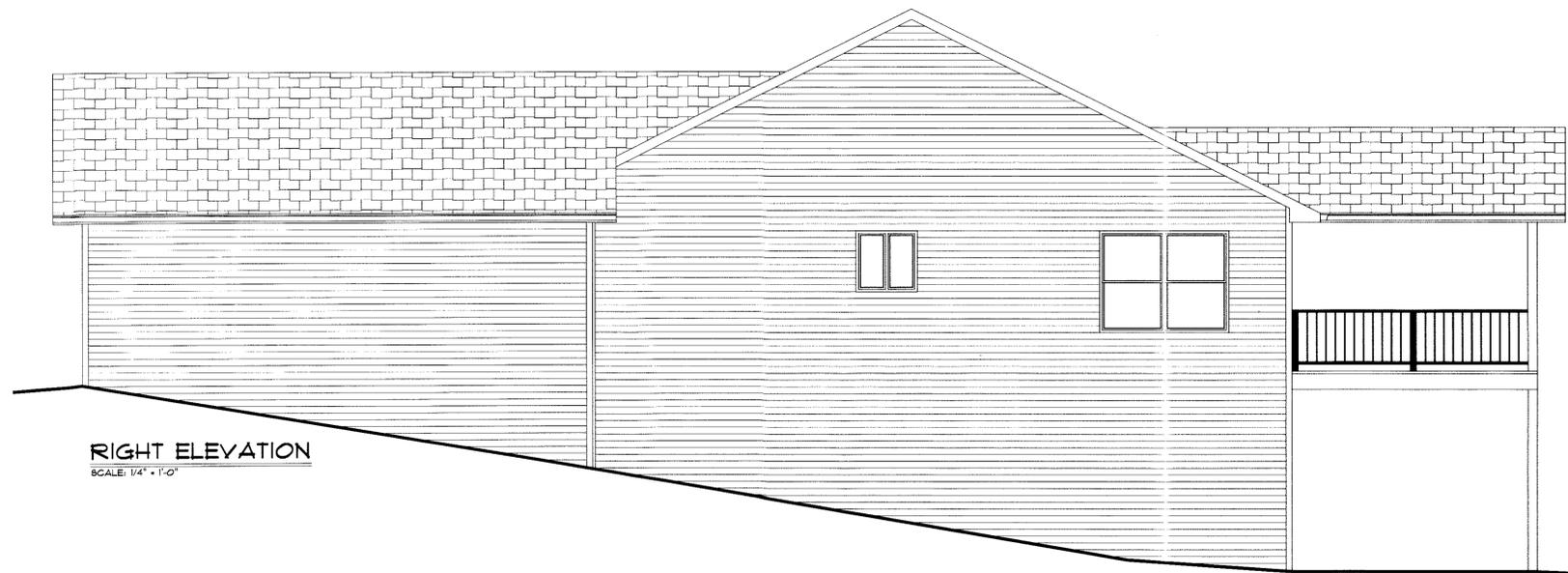
Are the conditions of hardship for what you request a variation true only of your property? Yes No

If not, how many other properties are similarly affected?: There are many houses in town with garages out front due to topography.

Will granting the variation in the form requested be in harmony with the neighborhood and not contrary to the intent and purpose of the Zoning Ordinance? Explain: Yes, there are other houses with garages - less than 8 feet behind the facade.



LEFT ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

2:00:01 10/10/2012 Drawing 3785-CG Alicia Buss\A.Elevations.rvt

THESE PLANS ARE BEING PROVIDED BY SPANH & ROSE LUMBER CO. BY INTENTION AND ARE NOT TO BE USED AS A BASIS FOR ANY OTHER CONSTRUCTION. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND CONDITIONS OF THE SITE AND LOCAL CODES AND ORDINANCES. SPANH & ROSE LUMBER CO. SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. SPANH & ROSE LUMBER CO. SHALL NOT BE RESPONSIBLE FOR ANY CHANGES TO THE PLANS MADE BY ANY OTHER PARTY.

SPANH & ROSE LUMBER CO.
COMPLETE BUILDING SERVICE
11th & Jackson
Dubuque, IA 52001
Phone (563) 563-6481
Fax (563) 568-0931



**Alicia Buss
Residence**

Drawn By
Gregg Papke

Scale
1/4" = 1'-0"

Date
Apr 15, 2015

Revisions

Drawing No.
CG-3755

Page
4
of 4

BRIDGE STREET

207

100



115.68'

90.00'

162.60'

187.23'

90.83'

173.51'

82.68'









MEMO

To: The Zoning Board of Appeals

From: Matt Oldenburg, Zoning Administrator

Date: July 8, 2016

RE: Request by Janet Einsweiler, 1170 Ferry Landing Road, Galena, IL 61036 for approval of Plat of Subdivision for Lot 1 of “Leon and Janet Einsweiler’s Second Addition to Rawlins Township”, part of the NE ¼ of Section 14, Township 28 North, Range 1 West of the Fourth Principal Meridian, Rawlins Township. Request for subdivision to create a separate parcel for an existing house.

Summary:

Please review enclosed packet for this County request.

The property lies within our 1.5 mile radius area of interest and the Plan Area Proposed Land Use Map indicates that the proposed land use is Greenspace and is situated adjacent to proposed Commercial and Residential land uses.

The property also lies within the City’s Contiguous Growth Area.

The property is currently zoned in the County as Agricultural and the subdivision will not involve a rezoning.

Currently, the proposed lot has an existing residential structure that is served by well and septic.

The ZBA may discuss and forward a recommendation to the City Council regarding the request.

The City Council will discuss and forward a recommendation to the County.

APPLICATION FOR SUBDIVISION

Owner (All beneficiaries if property is held in a land trust. All stockholders holding over 20% of the stock if owner is a corporation.)

Name: JAMET EINSWEILER

Address: 1170 Ferry Landing ^{ROAD} City: Colene State: IL Zip: 61036

Phone: 815-777-0079 Email: _____

Petitioner if other than Owner:

Name: MARK & WENDY EINSWEILER

Address: 1117 W. RED GATES ^{ROAD} City: Colene State: IL Zip: 61036

Phone: 815-777-2032 Email: _____

Contract Purchaser or developer if other than Owner:

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

Subject Property:

1. PIN: 43-13 - 000 - 112 - 00

2. Common address: 11034 W. RED GATES ROAD, Colene, IL 61036

3. Describe location: EXISTING HOUSE LOCATED AT 11034 W. RED GATES ROAD Colene, IL ON N SIDE ROAD 1/4 MILE WEST OF INTERSECTION OF U.S. ROUTE 20

4. Acreage or dimensions: 1.66 Acres

5. Brief legal description: PART OF THE NE 1/4 OF SECTION 14, T28N R1W, RAWLINS TOWNSHIP

6. Number of lots and lot sizes: 1 LOT of 1.66 Acres

7. Attach legal and site plan/aerial photo/preliminary or final plat if subdividing/other submissions.

8. Present zoning: Agriculture 1

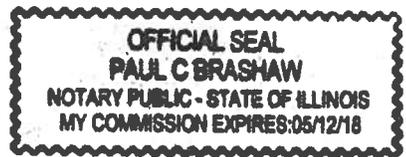
9. Describe surrounding parcels, their uses and the effect the subdivision could have on these properties. SURROUNDING PARCELS are a mixture of similar SIZED Parcels with land by this request being Farm. House WAS MOVED TO PRESENT SITE BACK IN 2002 or 2003 due to HIGHWAY CONSTRUCTION. IN ORDER to obtain OWNERSHIP AND MORTGAGE, THE NEED is to SEPERATE THIS 1.66 Acres from Family Farm.

I hereby swear that the information given herein is true and complete.

Mark Einswiler
Petitioner/Applicant

Petitioner/Applicant

Signed and sworn to before me this 16th day of June, 2016



Paul C. Brashaw
Notary Public

- *Submit evidence of Title (Deed or Title Insurance Policy).
- *Submit photos/ site plan if appropriate.

Jo Daviess County Building & Zoning

Linda Delvaux, Building & Zoning Administrator

1 Commercial Drive Suite 1
Telephone: (815) 591-3507 or (815) 591-3810
Email: buildingandzoning@jodaviess.org

Hanover, IL 61041
Fax: (815) 591-2728
Website: www.jodaviess.org

CONCEPT PLAN CHECKLIST

Project Name (if applicable): LOT 1 OF LEON & JAMET EINSWEILER'S SECOND ADDITION TO RAWLINS TOWNSHIP

Parcel Identification Number(s): 43-13-000-112-00

Location (1/4 Section, Township, Range): NE 1/4 Section 14 Rawlins Twp

Current Zoning: Agricultural

Proposed Zoning: _____

Owner(s): JAMET L EINSWEILER
FERRY CAMPING ROAD

Address/City/State/Zip: Gales, Illinois 61036 815-777-0079
MARK EINSWEILER

Applicant/Authorized Agent: _____
W. RED GATES ROAD
Gales, Illinois 61036

Address/City/State/Zip/Telephone #: _____
815-777-2032

Surveyor/Engineer: PAUL C. Bueghaw 4413 W. Stegensch t-

Address/City/State/Zip/Telephone #: Gales, Ill 61036 815-777-1172
cell 815-266-2428

Fourteen (14) copies of a "Concept Plan" must be submitted. The "Concept Plan" must be clearly labeled as such and may be any scale so long as the scale is an increment of ten feet (10') or one hundred feet (100'), shall be on a not larger than 30" x 36" sheet, folded to approximately nine inches by twelve inches (9" x 12") and shall contain the following information:

- The boundary and dimensions of the site.
- Existing interior and adjacent road/street rights-of-way, railroad rights-of-way, and/or easements of any kind.
- Existing structures on the site

- Existing and proposed zoning of subject property.
 - A note describing the proposed use of the site.
 - Existing land use(s). *Agricultural*
 - Areas shown on the Jo Daviess County, Illinois *Flood Insurance Rate Maps* as being in "Zone A" or "Zone AE". *N/A*
 - Low areas subject to occasional over-flow flooding, sheet flooding or ponding. *N/A*
 - Wetlands (refer to the *U.S.D.A. Preliminary Wetlands Inventory* available from the Jo Daviess County Field Office of the U.S. D. A., Natural Resources Conservation Service). *N/A*
 - General surface water drainage patterns, drainage divides, and high and low elevation sites.
 - Names of adjacent subdivisions and owners of adjacent property.
 - Zoning on adjacent property. *Agricultural*
 - A notation indicating whether or not the site is located within 1.5 miles of an incorporated city or village.
 - Any political boundaries on or adjacent to the subject site (i.e. corporate, township, school district, etc. boundaries) and a list of all known taxing districts the parcel falls under.
 - Parks, preserves and/or public open spaces within 200 feet of the site. *N/A*
 - Any proposed dedications/reservations for open space, natural area, historic building(s)/structure(s), and storm water management facilities.
 - Proposed sketch layout of roads/streets (with right-of-way widths).
 - Proposal for water source and sewage disposal. *Private septic & shared water well*
- The "Concept Plan" shall be accompanied by the following supporting documents/information:
- Evidence of ownership, or proof of legal interest in, the subject property.
 - Natural Resource Inventory Report from the Jo Daviess County Soil & Water Conservation District, if applicable. (14 copies)

- A completed "Concept Plan Checklist".
- A completed map amendment or special use permit application. (14 copies)
- Legal Description – complete legal description applying only to the parcel being zoned.
- Application Fee \$ 300
- Any other information requested by the Zoning Officer.

I, MARK EHSWEILER, certify that all information presented herewith is complete and accurate.

Signature of Applicant Mark Ehsweiler Date June 2016

Notice to Applicants:

The intent of the "Concept Plan" is to provide information to help both the applicant and the Jo Daviess County review agencies/decision makers evaluate the feasibility of a proposed land use change according to development plans, policies, existing and projected development activities, and zoning and/or subdivision regulations.

The "Concept Plan" should encourage the discussion of basic problems and questions related to the proposed land use change prior to approval and expenditure of funds for detailed development plans by the applicant.

The information required of a "Concept Plan" is such that applicants may prepare a "Concept Plan" at little or no cost. If technical assistance is needed by an applicant in preparing a "Concept Plan", an applicant may also choose to have a "Concept Plan" prepared by a surveyor, engineer, land planner or architect.

13-000-112-00

800'

800'

750'

W Red Gates Rd



NORTH

Map Scale - 1" = 100'
Contour Interval = 10'

Map produced by the Jo Daviess County GIS/IT Department on 3/5/13.
This is not a substitute for an actual field survey. Aerial imagery - 2011.

"LEON AND JANET EINSWEILER'S SECOND ADDITION TO RAWLINS TOWNSHIP"

LOCATED IN A PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 28 NORTH, RANGE 1 WEST OF THE FOURTH PRINCIPAL MERIDIAN; THENCE NORTH 00 DEGREES 59 MINUTES 56 SECONDS WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 238.47 FEET; THENCE SOUTH 82 DEGREES 10 MINUTES 37 SECONDS WEST, 171.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 82 DEGREES 10 MINUTES 37 SECONDS WEST, 134.53 FEET; THENCE SOUTH 63 DEGREES 13 MINUTES 57 SECONDS WEST, 25.69 FEET; THENCE SOUTH 16 DEGREES 00 MINUTES 56 SECONDS WEST, 28.97 FEET TO A POINT IN THE CENTERLINE OF RED GATES ROAD; THENCE CONTINUING WESTERLY ALONG SAID CENTERLINE, ALONG A CIRCULAR CURVE CONCAVE TO THE SOUTH, AN ARC DISTANCE OF 117.18 FEET SAID CURVE HAVING A RADIUS OF 350.00 FEET, A CENTRAL ANGLE OF 19 DEGREES 10 MINUTES 58 SECONDS, AND WHOSE LONG CHORD BEARS NORTH 83 DEGREES 34 MINUTES 33 SECONDS WEST, 116.63 FEET FROM THE LAST DESCRIBED COURSE;

THENCE NORTH 01 DEGREES 09 MINUTES 56 SECONDS EAST, 187.86 FEET; THENCE NORTH 64 DEGREES 05 MINUTES 03 SECONDS EAST, 69.26 FEET; THENCE NORTH 80 DEGREES 04 MINUTES 18 SECONDS EAST, 70.82 FEET; THENCE NORTH 22 DEGREES 55 MINUTES 42 SECONDS EAST, 107.27 FEET; THENCE NORTH 58 DEGREES 37 MINUTES 24 SECONDS EAST, 106.00 FEET; THENCE NORTH 81 DEGREES 25 MINUTES 56 SECONDS EAST, 11.28 FEET; THENCE SOUTH 00 DEGREES 08 MINUTES 00 SECONDS EAST, 341.29 FEET TO THE POINT OF BEGINNING, SAID TRACT CONTAINING 1.66 ACRES, MORE OR LESS, TOGETHER WITH AN 20.00 FOOT WIDE EASEMENT FOR INGRESS AND EGRESS, LYING 10.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AS FOLLOWS: COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 14; THENCE NORTH 00 DEGREES 59 MINUTES 56 SECONDS WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 238.47 FEET; THENCE SOUTH 82 DEGREES 10 MINUTES 37 SECONDS WEST, 306.42 FEET TO THE POINT OF BEGINNING FOR THE CENTERLINE OF A 20.00 FOOT WIDE EASEMENT FOR INGRESS AND EGRESS; THENCE SOUTH 03 DEGREES 24 MINUTES 09 SECONDS WEST, ALONG SAID EASEMENT CENTERLINE, A DISTANCE OF 48.84 FEET TO A POINT IN THE CENTERLINE OF RED GATES ROAD, SAID POINT ALSO BEING THE EASEMENT POINT OF TERMINUS ALSO TOGETHER WITH A 20.00 FOOT WIDE EASEMENT FOR WATER WELL USAGE AND WATER LINE MAINTENANCE, LYING 10.00 FEET EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE AS FOLLOWS: COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 14; THENCE NORTH 00 DEGREES 59 MINUTES 56 SECONDS WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 238.47 FEET; THENCE SOUTH 82 DEGREES 10 MINUTES 37 SECONDS WEST, 171.89 FEET; THENCE SOUTH 81 DEGREES 25 MINUTES 56 SECONDS WEST, 11.28 FEET; THENCE SOUTH 58 DEGREES 37 MINUTES 24 SECONDS WEST, 106.00 FEET; THENCE SOUTH 22 DEGREES 55 MINUTES 42 SECONDS WEST, 55.69 FEET TO THE EASEMENT POINT OF BEGINNING FOR SAID CENTERLINE OF A 20.00 FOOT WIDE EASEMENT FOR WATER WELL USAGE AND WATER LINE MAINTENANCE; THENCE NORTH 70 DEGREES 44 MINUTES 52 SECONDS WEST, ALONG SAID EASEMENT CENTERLINE, A DISTANCE OF 151.00 FEET TO THE EASEMENT POINT OF TERMINUS. ALL OF THE ABOVE DESCRIBED PROPERTY BEING SUBJECT TO ANY AND ALL RECORDED EASEMENTS AND RIGHT-OF-WAYS, ALL BEING SITUATED IN RAWLINS TOWNSHIP, JO DAVIESS COUNTY, ILLINOIS

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 14, TOWNSHIP 28 NORTH, RANGE 1 WEST OF THE FOURTH PRINCIPAL MERIDIAN; THENCE NORTH 00 DEGREES 59 MINUTES 56 SECONDS WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 14, A DISTANCE OF 238.47 FEET; THENCE SOUTH 82 DEGREES 10 MINUTES 37 SECONDS WEST, 171.89 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 82 DEGREES 10 MINUTES 37 SECONDS WEST, 134.53 FEET; THENCE SOUTH 63 DEGREES 13 MINUTES 57 SECONDS WEST, 25.69 FEET; THENCE SOUTH 16 DEGREES 00 MINUTES 56 SECONDS WEST, 28.97 FEET TO A POINT IN THE CENTERLINE OF RED GATES ROAD; THENCE CONTINUING WESTERLY ALONG SAID CENTERLINE, ALONG A CIRCULAR CURVE CONCAVE TO THE SOUTH, AN ARC DISTANCE OF 117.18 FEET SAID CURVE HAVING A RADIUS OF 350.00 FEET, A CENTRAL ANGLE OF 19 DEGREES 10 MINUTES 58 SECONDS, AND WHOSE LONG CHORD BEARS NORTH 83 DEGREES 34 MINUTES 33 SECONDS WEST, 116.63 FEET FROM THE LAST DESCRIBED COURSE;

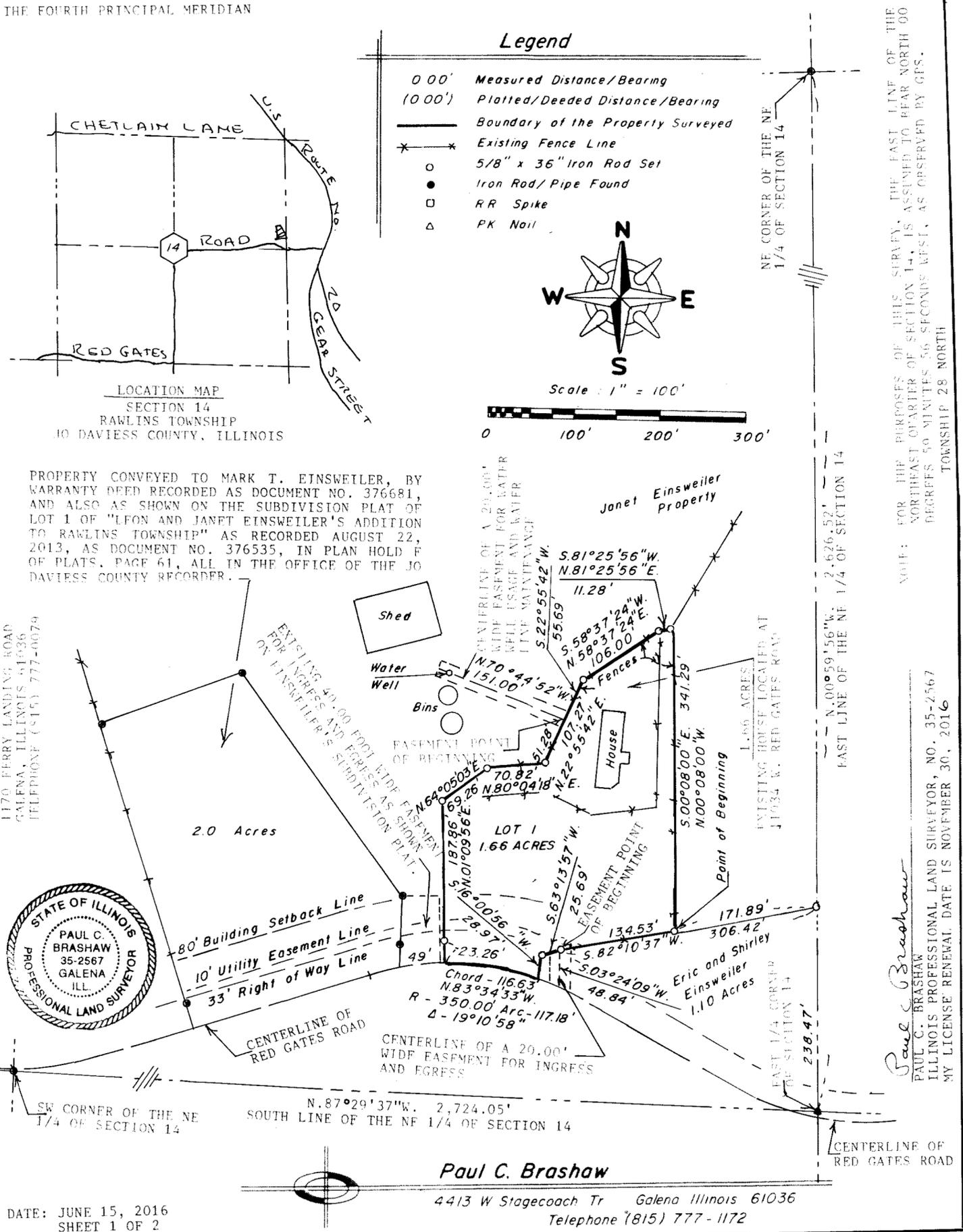
SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF JO DAVIESS) SS

I, PAUL C. BRASHAW, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, NO. 35-2567, DO HEREBY CERTIFY THAT I HAVE FOUND AND/OR SET THE SURVEY MONUMENTS, ALL AS SHOWN ON THE ACCOMPANYING PLAT OF SURVEY. I FURTHER CERTIFY THAT THIS PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY TO THE BEST OF MY KNOWLEDGE AND BELIEF. DISTANCES ARE SHOWN IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE SPECIFIED. THE COURSES AND DISTANCES OF THE SURVEY MAY VARY FROM THE THE RECORDED CALLS, BASED ON THE EXISTENCE OF FOUND MONUMENTATION, OCCUPATION, OR OTHER CONTROLLING CALLS OR CONDITIONS THAT HAVE OCCURRED IN THE PERFORMANCE OF THE PROPERTY SURVEYED.

I FURTHER CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF ILLINOIS.

SIGNED AND SEALED THIS 16th DAY OF June, 2016.



SURVEYED FOR JANET EINSWEILER
1170 FERRY LANDING ROAD
GALENA, ILLINOIS 61036
TELEPHONE (815) 777-0079



DATE: JUNE 15, 2016
SHEET 1 OF 2

Natural Resources Inventory Report

Prepared for the Jo Daviess County Planning Commission and Property Owners by the
Jo Daviess County Soil and Water Conservation District

Project Name or Petition: Mark Einsweiler Report Number: 1603
Date: June, 2016

Location: NE ¼, Sec 14, T28N, R1W, 4th Principal Meridian.

Request: Special Use permit on agricultural land. Acres: 1.69



Figure 1. View of existing home and proposed parcel, facing northeast.

Topography:

By using an average slope for each of the soil types the weighted average slope for the entire parcel is 8.8 %, which is lower than the county weighted average slope at 11.4%. The details for calculating the average slope of this parcel are attached, Average LE score and Slope Calculator, and a topographic map of the area is also attached. Average slope is calculated by soil type.

Soils and Interpretations: (Based on Soil Survey mapping and in descending order by acreage.)

Soil Type	Road Construction	Building Foundations	Septic Fields	Agricultural / Other
Fayette Silt Loam #280D2- 1.1 acres (Well drained, strong sloping, deep soils; 10-15% slopes, eroded.)	Moderate to severe limitations. Susceptible to frost heaving. Low bearing strength. Replace with properly compacted rock base.	Moderate limitations due to shrink-swell potential of the subsoil. Use proper footings and reinforcement.	Limitations due to steep slopes. Filter lines should be placed on the contour.	High productivity.
Wakeland Silt Loam, frequently flooded #3333- 0.6 acres. (Nearly level, somewhat poorly drained, deep soil on flood plains.	Severe limitations due to flooding and frost action.	Severe limitations due to flooding and wetness.	Severe limitations due to wetness and flooding.	Moderately suited to cultivated crops, well suited to hay, pasture, woodlands, and wildlife habitat.

Land Use:

This property has an existing home connected to the adjacent farm (see *figure 1*). The existing home was moved to the current location from Highway 20 due to highway construction. The lower portion of the proposed parcel is bottomland and sits wet. This area is currently idle with some farm machinery stored there. The remaining portion of this proposed parcel accommodates the house and surrounding lawn. Few trees, native vegetation, or cropland remain.

Agricultural Production Capability and Land Evaluation:

The weighted average Land Evaluation (LE) score for this parcel based on United States Department of Agriculture – Natural Resource Conservation Service (USDA – NRCS) Soil Survey of Jo Daviess County, Illinois, using an average level of agricultural management is 77.2, which is higher than the county average of 62.2. The calculation details for this parcel are attached, Average LE Score and Slope Calculator.

Septic Drain Fields:

The primary soil type on this site has limitations for septic system due to slopes. In these conditions, filter lines must be placed on the contour. Many septic systems are installed on this soil type in the county and function without issues if designed, installed, and maintained by qualified specialists. There is no evidence that the septic system which accommodates the existing residence has any issues. Septic systems must be designed, installed, and inspected by qualified specialists.

Drainage, Erosion Control, and Site Access:

Erosion is best controlled through the use of vegetative cover and by keeping disturbance to a minimum or aligned to the natural land contour. Establishing vegetative cover and mulching are best management practices which should be used extensively during disturbance until a thick cover has regrown to minimize soil erosion. Tillage is a limitation. In agricultural settings, returning crop residue to the soil and regularly adding other organic material help to maintain productivity, prevent crusting, and improve tillage. A cover of grasses and legumes improves tillage and helps to control erosion. Bromegrass; orchardgrass, tall fescue, and alfalfa are suitable. A no-till method of seeding or pasture renovation helps to establish forage species and control erosion. The plants should not be grazed or clipped until they are sufficiently established. Proper stocking rates, rotational grazing, timely deferment of grazing, and applications of fertilizer help to keep the pasture in good condition.

This proposed property is accessed via Red Gates Road. Access is gained through an existing lane which is attached to the adjacent farm lane. The proposal is seeking to gain enough frontage to connect the property to Red Gates Road. Line of sight and visibility appeared adequate during the site visit. A small waterway runs under Red Gates Road in this area and providing adequate drainage while accommodating this drive will likely be an issue.

Bedrock Geology:

The bedrock geology mapping for a majority of this parcel (1.69 acres) indicates that the upper level bedrock under this parcel is Galena-Platteville dolomite. The Galena-Platteville Unit, consisting of the Ordovician Platteville and Galena Groups, is predominantly pure limestone and dolomite, while the Maquoketa Unit consists of dolomitic shale, argillaceous dolomite, and limestone assigned to the Ordovician Maquoketa Group. Where present within about 25-125 ft. of the bedrock surface, weathering and dissolution of the carbonate rocks (limestone and dolomite) of the Galena-Platteville and Maquoketa Units has resulted in enough secondary porosity and permeability that part or all of the units may be included in the shallow bedrock aquifer. The combined thickness of the Galena-Platteville and Maquoketa Units ranges from 100-610 ft., increasing eastward. A map referencing the geology for the area is attached.

EcoCAT Natural Resources Review Results:

The Illinois Department of Natural Resources Ecological Compliance Assessment Tool (EcoCAT) finds that the Illinois Natural Heritage Database identifies the pallid shiner (*Hybopsis amnis*) as potentially being in the vicinity of the proposed parcel.

The pallid shiner prefers the quiet to sluggish flows of large lowland rivers and their sloughs and impoundments, over substrates of sand or mud. Spawning occurs from late May through July. The body slender and fragile, back pale olive yellow, sides silvery, belly silvery white, and fins unpigmented. Length of adult fish is 2 inches (51 mm).

The pallid shiner inhabits large rivers and streams, often at the end of sand and gravel bars. Primarily found over sand and mud in shallow, slow-moving, moderately clear, warm and well-oxygenated waters in impoundments with little or no current. Distribution in the state includes the Mississippi River and the lower portions of major tributaries.

Virtually nothing is known about the phenology of this species except that they most likely spawn in March. Access to the floodplains for spawning may be essential for the reproduction and survival of the pallid shiner.

It is unknown how this proposal may affect the pallid shiner. It does not likely exist in the waterway on site, but may use downstream waters as spawning habitat or nursery areas. Due to this, best management practices must be implemented to minimize any danger to the species. Re-routing access to the home from the road frontage could contribute negative impacts to downstream waters if not managed properly.

Floodplain Review:

This proposed parcel does not lie within the Flood Zone, per the Federal Emergency Management Agency (FEMA) mapping. FEMA floodplain designations are limited to larger watersheds, although bottomland areas of smaller creeks are still subject to flooding, so local knowledge and common sense apply. Local topology indicates little expectation of flood risk.

Wetland Review:

There are no wetlands identified by the U.S. Fish and Wildlife Service National Wetland Inventory maps for this parcel of land.

Watershed Information:

This parcel lies in the Galena River watershed (10 digit hydrologic unit code 0706000503) and at the 12 digit hydrologic unit code level 070600050307 (*see attached watershed map*). The Galena River is considered "impaired" as listed on the Illinois Environmental Protection Agency's (IEPA) 303(d) list of impaired waters. Causes for this impairment are listed as: alteration in stream-side or littoral vegetative covers, sedimentation/siltation, high total suspended solids, high levels of zinc, high levels of polychlorinated biphenyls, fecal coliform, and bottom deposits. Sources of this impairment are listed as channelization, livestock (grazing or feeding operations), urban runoff/storm sewers, impacts from abandoned mine lands, and unknown sources.

Aquifer Sensitivity:

The aquifer sensitivity for the entirety of this proposed parcel is classified as highly sensitive. This sensitivity describes the potential for aquifers to become contaminated from surface disposal of waste. An aquifer is defined as a geologic material that readily supplies useful

volumes of water rapidly to small diameter wells or to streams. Aquifer sensitivity is defined by the USEPA as the relative ease with which a contaminant of any kind applied on or near the land surface can migrate to an aquifer. It is a function of the characteristics of geologic materials, and is not dependent on land use or contaminant characteristics.

Fencing and Relationship with Adjacent Agricultural Lands:

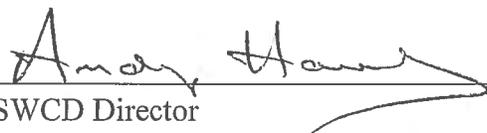
Fencing is often used along property lines to distinguish between different properties and for agricultural uses, especially to confine livestock that may utilize areas adjacent to a parcel of land. An agreement between adjacent landowners to share fencing responsibilities will help to ensure sound maintenance responsibilities are practiced.

Noise, dust, and odors related to normal farm management activities should be considered part of the rural character of the land. Respecting and understanding the rights a landowner has to continue farming operations on adjacent agricultural land is expected in a rural residential setting. A booklet called: "The Code of Country Living" is available at no charge from the County Zoning and Building Office. It lists many of the items to consider when building a new residence in a rural area. A digital version of this booklet and information on building and zoning requirements may be obtained from the building and Zoning website, found at: www.jodaviess.org.

Opinion:

It is the general policy of the Jo Daviess Soil and Water Conservation District (SWCD) Board of Directors to encourage the conservation of natural resources and protection of productive agricultural land.

Opinion outlined and approved by the SWCD Board of Directors June 15, 2016.


SWCD Director

6-15-16
Date

Attachments:

- Average LE Score and Slope Calculator.
- EcoCAT Natural Resources Review Report.
- Combination Aerial Map and USDA Soil Survey Location Map.
- Bedrock Geology Map.
- Topographic Map.
- Watershed Map.
- Aquifer Sensitivity Map.

Applicant: NRCS Elizabeth
Contact: Mike Malon
Address: 227 N. Main
PO Box 502
Elizabeth, IL 61028

IDNR Project Number: 1611750
Date: 06/13/2016

Project: Red Gates
Address: Red Gates Rd, Galena

Description: Conservation Planning

Natural Resource Review Results

This project was submitted for information only. It is not a consultation under Part 1075.

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Pallid Shiner (*Hybopsis amnis*)

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Jo Daviess

Township, Range, Section:
28N, 1W, 14



IL Department of Natural Resources
Contact
Impact Assessment Section
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
U.S. Department of Agriculture

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

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1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

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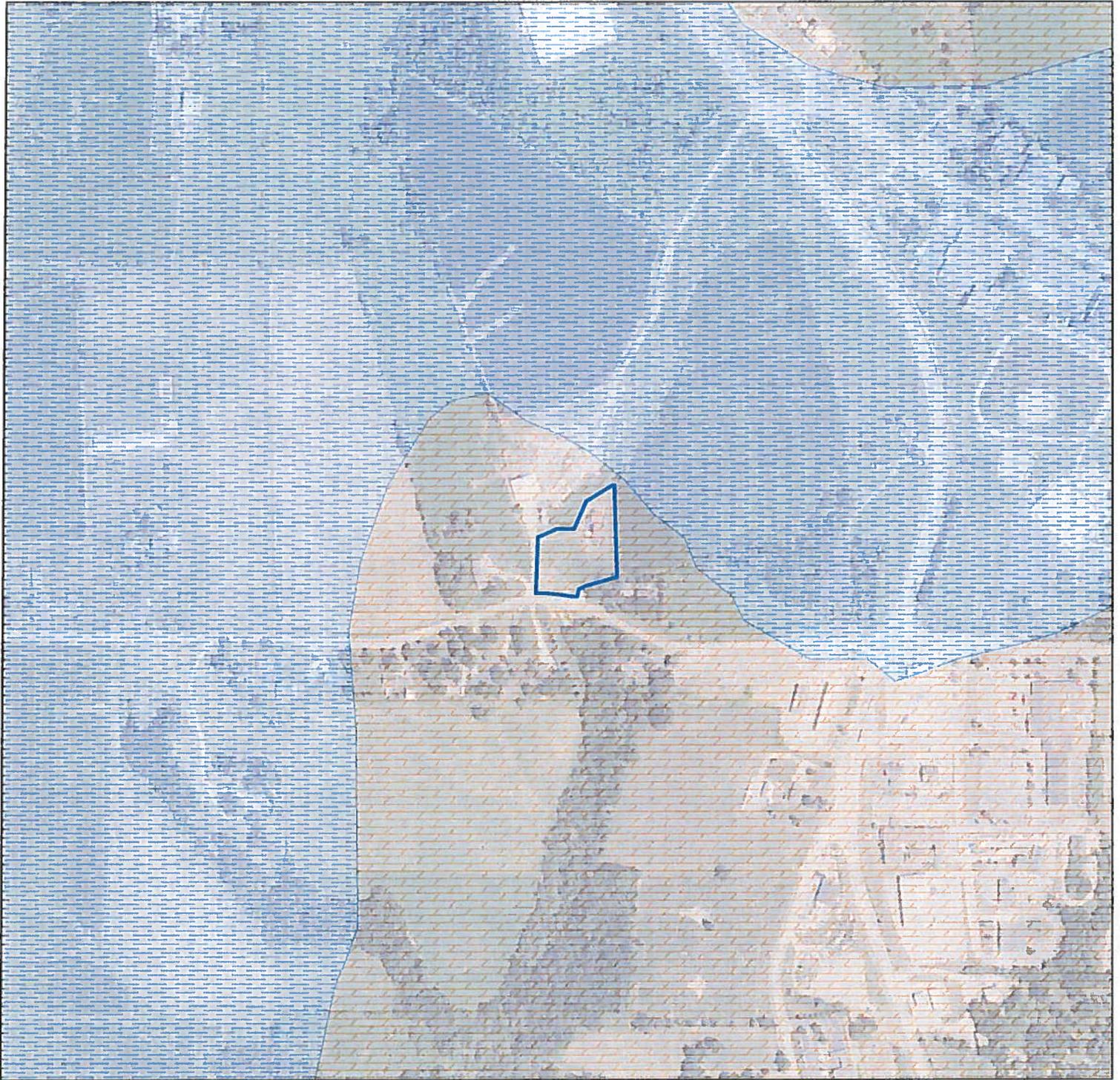
Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

Bedrock Geology Map

Customer: Mark Einsweiler
Jo Daviess County Soil and Water Conservation District

Date: June 2016



Legend

-  Proposed Boundary
-  Ordovician - Galena-Platteville Dolomite
-  Ordovician - Maquoketa Shale
-  Silurian - Undifferentiated

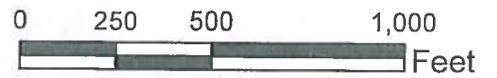


Data Source: 2015 Ortho Imagery
1:6,000 scale or 1" = 500'

Topographic Map

Customer: Mark Einsweiler
Jo Daviess County Soil and Water Conservation District

Date: June 2016



Legend

 Proposed Boundary

 2' Contours



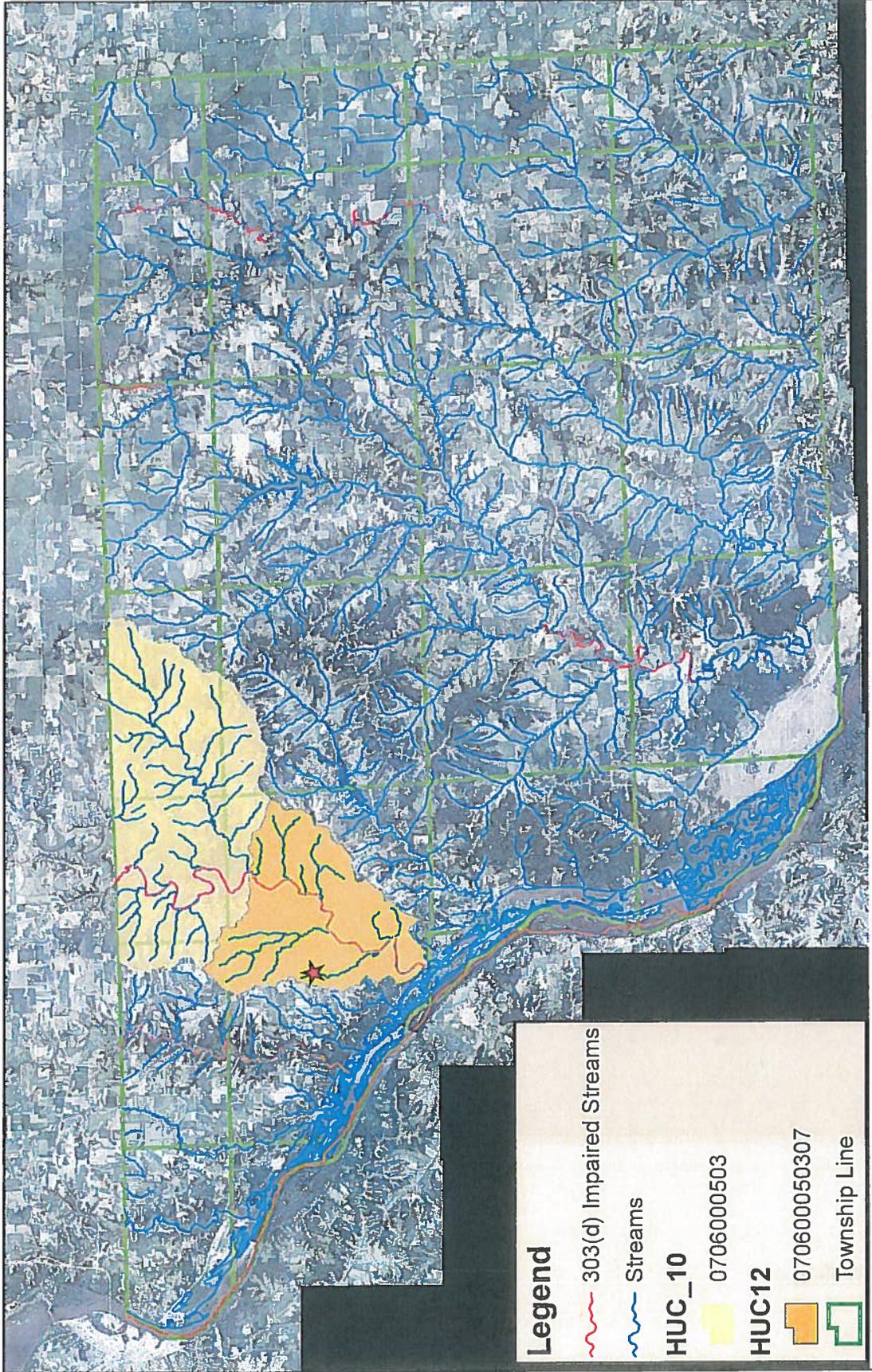
Data Source: 2015 Ortho Imagery
1:6,000 scale or 1" = 500'



Watershed Map

Customer: Mark Einsweiler
Jo Daviess County Soil and Water Conservation District

Date: June 2016



Legend

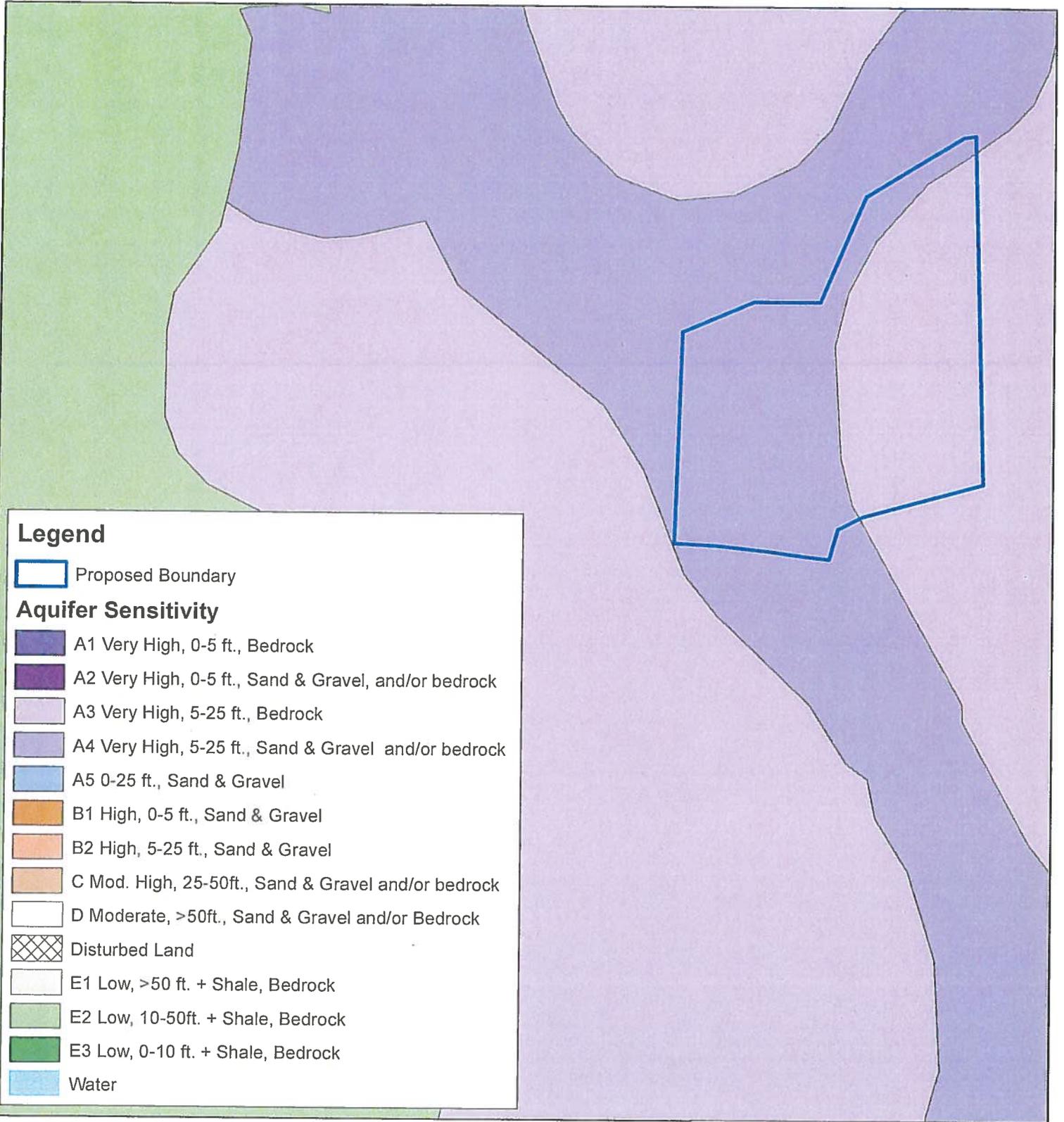
- 303(d) Impaired Streams
- Streams
- HUC_10
- 0706000503
- HUC12
- 070600050307
- Township Line



Aquifer Sensitivity Map

Customer: Mark Einsweiler
Jo Daviess County Soil and Water Conservation District

Date: June 2016

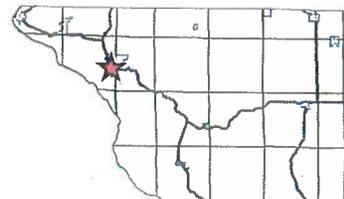


Legend

Proposed Boundary

Aquifer Sensitivity

- A1 Very High, 0-5 ft., Bedrock
- A2 Very High, 0-5 ft., Sand & Gravel, and/or bedrock
- A3 Very High, 5-25 ft., Bedrock
- A4 Very High, 5-25 ft., Sand & Gravel and/or bedrock
- A5 0-25 ft., Sand & Gravel
- B1 High, 0-5 ft., Sand & Gravel
- B2 High, 5-25 ft., Sand & Gravel
- C Mod. High, 25-50ft., Sand & Gravel and/or bedrock
- D Moderate, >50ft., Sand & Gravel and/or Bedrock
- Disturbed Land
- E1 Low, >50 ft. + Shale, Bedrock
- E2 Low, 10-50ft. + Shale, Bedrock
- E3 Low, 0-10 ft. + Shale, Bedrock
- Water



Data Source: 2015 Ortho Imagery
1:1,800 scale or 1" = 150'