



Rebecca Huntley
Ogle County Clerk & Recorder

March 28, 2014

The Ogle County Board, at their regular meeting held on Tuesday, March 19, 2014, Colson presents the petition of Michael J. & Susan T. Burke, 3881 E. Honey Creek Rd., Chana, IL; and Matt & Lynn Kalnins, 3316 E. Honey Creek Rd., Chana, IL for a Special Use Permit to allow a single-family dwelling for the daughter of the farm owner in the AG-1 Agricultural District on property described as follows, owned by Michael J. & Susan T. Burke and being purchased by Matt & Lynn Kalnins: The North 300' of the West 220' of the E1/2 of the SE1/4 of Section 18 Pine Rock Township 23N, R11E of the 4th P.M., Ogle County, IL, 1.52 acres, more or less. P.I.N.: Part of 17-18-400-001 - Common Location: West of 3881 E. Honey Creek Rd. Colson moves to approve O-2014-0301, Petrizzo seconds and the motion carries on a voice vote.(Placed on file)



Rebecca Huntley

Rebecca Huntley
Ogle County Clerk

The contents of this letter are a portion of the tentative Ogle County Board minutes pertaining to your zoning request. These minutes are subject to approval at the next Ogle County Board meeting.

Clerk: 105 S. 5th St., Suite 104, Oregon, IL 61061 • Phone (815) 732-1110 • Fax (815) 732-3477
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STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2014-0301

AN ORDINANCE APPROVING A SPECIAL USE PERMIT ON PROPERTY
LOCATED AT 3881 E. HONEY CREEK ROAD IN PINE ROCK TOWNSHIP

WHEREAS, Michael J. & Susan T. Burke, 3381 E. Honey Creek Rd., Chana, IL and Matt & Lynn Kalnins, 3316 E. Honey Creek Rd., Chana, IL have filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 1-14SU) to allow a single-family dwelling for the daughter of the farm owner on property located at 3381 E. Honey Creek Road in Pine Rock Township and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on February 27, 2014, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and no member(s) of the public spoke in favor of or in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Special Use Permit be granted as set forth in the *Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals* dated February 27, 2014, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning & Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the findings of fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Special Use Permit be granted; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning & Zoning Committee, and has determined that granting the Special Use Permit in the AG-1 Agricultural District (Petition No. 1-14SU) to allow a single-family dwelling for the daughter of the farm owner would be consistent with the requirements established by Section 9.08(C) of the *Ogle County Amendatory Zoning Ordinance*;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:


SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact set forth above, the request of Michael J. & Susan T. Burke, 3381 E. Honey Creek Rd., Chana, IL and Matt & Lynn Kalnins, 3316 E. Honey Creek Rd., Chana, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 1-14SU) to allow a single-family dwelling for the daughter of the farm owner on property located at 3381 E. Honey Creek Road in Pine Rock Township and legally described as shown in Exhibit "A" attached hereto, is hereby approved.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

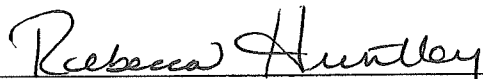
SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 9.10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 19TH DAY OF FEBRUARY 2014 A.D.



Kim P. Gouker, Chairman of the Ogle County Board

ATTEST:



Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

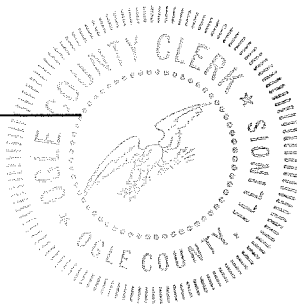


EXHIBIT "A"

LEGAL DESCRIPTION

The North 300 feet of the West 220 feet of the East One-half ($\frac{1}{2}$) of the Southeast One-quarter ($\frac{1}{4}$) of Section 18, Township 23 North, Range 11 East of the Fourth Principal Meridian containing 1.52 acres more or less; situated in the Township of Pine Rock, County of Ogle and State of Illinois.

Part of Property Identification Number 17-18-400-001

Common Location: 3881 E. Honey Creek Road

EXHIBIT "B"

**FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS**

FINDINGS OF FACT AND RECOMMENDATION OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of Michael J. & Susan T. Burke, 3381 E. Honey Creek Rd., Chana, IL and Matt & Lynn Kalmins, 3316 E. Honey Creek Rd., Chana, IL, in case #1-14SU. The applicants are requesting a Special Use Permit to permit a single-family dwelling for the daughter of the farm owner in the AG-1 Agricultural District on part of Parcel Identification No. 17-18-400-001, a 1.52 acre parcel which is part of Section 18, Township 23N, Range 11E of the 4th Principal Meridian and is located in Pine Rock Township at 3881 E. Honey Creek Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on February 27, 2014 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby report their findings of fact and their recommendation as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 9.08© (Standards for Special Use Permits) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large. **The proposed special use will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large due to the nature of the use (being a dwelling for the daughter of the farm owner), the location of the parcel in the corner of the farm and the proximity of the parcel to the existing farmstead. STANDARD MET.**
2. That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of building, structures, walls and fences on the site; and,
 - b. The nature and extent of proposed landscaping and screening on the proposed site.

The proposed special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the AG-1 zoning district regulations, as the site is in the corner of the farm in close proximity to the existing farmstead, and will not disrupt the agricultural use of the remainder of the farm or on adjacent land. STANDARD MET.

3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. **The site is large enough so that adequate off-street parking and loading areas can be provided. STANDARD MET.**
4. That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided. **Adequate utilities, ingress/egress to the site from E. Honey Creek Road, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.**
5. That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. **The proposed use of a single-family dwelling can be operated in a manner that is not detrimental to the permitted developments and uses in the AG-1 zoning district, will be visually compatible with the area, and is deemed essential and desirable. STANDARD MET.**
6. That the proposed special use complies with all provisions of the applicable district regulations. **The proposed special use appears to comply with all provisions of the AG-1 district regulations. STANDARD MET.**

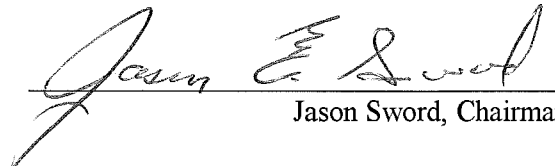
RECOMMENDATION: After considering all the evidence and testimony presented, this Board finds that the application meets all the standards as found in Section 9.08(C) of the *Ogle County Amendatory Zoning Ordinance*.

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit be granted to allow a single-family dwelling for the daughter of the farm owner in the AG-1 Agricultural District.


ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 27th day of February 2014 by the Ogle County Zoning Board of Appeals.

Jason Sword, Chairman
Randall Anderson
Randy Ocken
Paul Soderholm
Jason Klaske



Jason Sword, Chairman

ATTEST:


Michael Reibel, Secretary



Rebecca Huntley
Ogle County Clerk & Recorder

March 28, 2014

The Ogle County Board, at their regular meeting held on Tuesday, March 19, 2014, Colson presents the petition of David A. & Lisa A. Shaw, 6021 C.L. Meyers Dr., Byron, IL for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to R-1 Rural Residential District on property described as follows and owned by the petitioners: Part of the NE1/4 of the SE1/4 of Section 26 Byron Township 25N, R10E of the 4th P.M., Ogle County, IL, 5.18 acres, more or less. P.I.N.: Part of 04-26-400-010 - Common Location: 8300 Block of N. Mill Rd. Colson moves to approve O-2014-0302, Janes seconds.

Meyers states in the Zoning Board of Appeals minutes there was a question in regards to why the Byron Township Planning Commission denied the request. The reason is in the Byron Township Plan on page 7 Item D it states Farmland should remain farmland and that is why it was turned down.

Chairman Gouker asks if this is a simple majority vote. Colson states yes it is. County Clerk Huntley states Byron Township did not file an objection in the County Clerk's Office. Meyers asks for clarification. County Clerk Huntley states if a district has an objection there is a process to follow in regards to zoning changes; nothing has been filed in the County Clerk's Office.

A roll call vote is called:

YES: Nordman, O'Brien, Oltmanns, Petrizzo, Saunders, Simms, Sparrow, Typer, Bowers, Brooks, Colbert, Colson, Griffin, Gronewold, Heuer, Hopkins, Janes, Kenny, Kirkolis, McKinney and Gouker

NO: Finfrock and Meyers

ABSENT: Welty

The motion carries on a voice vote.(Placed on file)



Rebecca Huntley
Rebecca Huntley
Ogle County Clerk

The contents of this letter are a portion of the tentative Ogle County Board minutes pertaining to your zoning request. These minutes are subject to approval at the next Ogle County Board meeting.

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STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2014-0302

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON PROPERTY
LOCATED IN THE 8300 BLOCK OF N. MILL ROAD IN BYRON TOWNSHIP

WHEREAS, David A. & Lisa A. Shaw, 6021 C.L. Meyers Dr., Byron, IL have filed a petition for a Map Amendment (Petition No. 01-14AM) to re-zone from AG-1 Agricultural District to R-1 Rural Residence District on property located in the 8300 Block of N. Mill Road in Byron Township, and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on February 27, 2014 at which the petitioners presented evidence, testimony, and exhibits in support of the requested Map Amendment, and no member(s) of the public spoke in support of or in opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Map Amendment be approved as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated February 27, 2014, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Map Amendment be approved; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning and Zoning Committee, and has determined that granting the Map Amendment would be consistent with the requirements established by Section 9.07(G) of the *Ogle County Amendatory Zoning Ordinance*;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

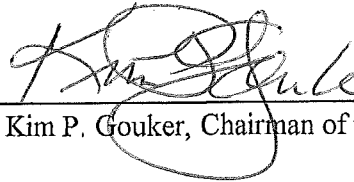
SECTION TWO: Based on the findings of fact as set forth above, the petition of David A.

& Lisa A. Shaw, 6021 C.L. Meyers Dr., Byron, IL for a Map Amendment (Petition No. 01-14AM) to re-zone from AG-1 Agricultural District to R-1 Rural Residence District on property located in the 8300 Block of N. Mill Road in Byron Township, and legally described as shown in Exhibit "A" attached hereto, is hereby approved, and the Ogle County Zoning Map shall be amended to reflect said zone change.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.


SECTION FOUR: Failure of the owners of other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 9.10 of the Ogle County Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 19TH DAY OF MARCH 2014 A.D.



Kim P. Gouker, Chairman of the Ogle County Board

ATTEST:


Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

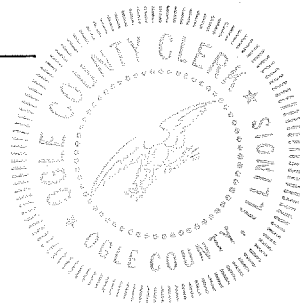


EXHIBIT "A"
LEGAL DESCRIPTION

Part of the Southeast Quarter of Section 26, Township 25 North, Range 10 East of the Fourth Principal Meridian, bounded and described as follows to-wit:

Commencing at the Southeast corner of the Southeast Quarter of said Section 26; thence North 00 degrees 03 minutes 34 seconds West along the East line of said Section 26 a distance of 2,350.27 feet more or less to a point on the Easterly extension of the South line of the premises conveyed to Dwight and Donna Hall, by Warranty Deed recorded March 14, 1997, as Document No. 9702188 and also as shown on the Plat of Survey recorded March 19, 1997 as Document No. 9702322, all being recorded in the Recorder's Office of Ogle County, Illinois and being the PLACE OF BEGINNING; thence South 81 degrees 54 minutes 23 seconds West along the South line of said premises a distance of 685.81 feet more or less to the Southwest corner of said premises; thence North 05 degrees 23 minutes 40 seconds West, along the West line of said premises a distances of 300.0 feet more or less to the Northwest corner of said premises; thence North 87 degrees 32 minutes 17 seconds East, along the North line of said premises a distance of 350.91 feet; thence North 00 degrees 01 minutes 32 seconds West a distance of 66.83 feet more or less to the North line of said Southeast Quarter of Section 26; thence South 88 degrees 50 minutes 47 seconds West along said North line a distance of 921.89 feet more or less to a point 25.0 feet East of the West line of the East half of said Southeast Quarter of Section 26; thence South 00 degrees 01 minutes 19 seconds East parallel with said West line a distance of 300.05 feet; thence North 88 degrees 50 minutes 47 seconds East parallel with the North line of said Quarter Section a distance of 558.28 feet; thence South 05 degrees 23 minutes 40 seconds East parallel with the West line of the aforesaid premises a distance of 112.37 feet; thence North 81 degrees 54 minutes 23 seconds East parallel with the South line of the aforesaid premises a distance of 716.66 feet more or less to the East line of said Section 26; thence North 00 degrees 03 minutes 34 seconds West along said East line a distance of 34.34 feet to the place of beginning, containing 5.18 acres more or less, situated in Ogle County and the State of Illinois; subject to the rights of the public over that portion falling within the right of way of N. Mill Road.

Property Identification Numbers (PIN): Part of 04-26-400-010

Common Location: 8300 Block of N. Mill Road

EXHIBIT "B"

**FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS**

FINDINGS OF FACT AND RECOMMENDATION OF THE OGLE COUNTY ZONING BOARD OF APPEALS

This is the findings of fact and the recommendation of the Ogle County Zoning Board of Appeals concerning an application of David A. & Lisa A. Shaw, 6021 C.L. Meyers Dr., Byron, IL, in case #01-14AM. The applicants are requesting a map amendment to change the zoning classification of Parcel Identification No. 04-26-400-010, a 5.18 acre parcel, from AG-1 Agricultural District to R-1 Rural Residence District. Said parcel is part of Section 26, Township 25N, Range 10E of the 4th Principal Meridian and is located in Byron Township in the 8300 Block of N. Mill Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on February 27, 2014 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby report their findings of fact and their recommendation as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SIX STANDARDS: After considering all the evidence and testimony presented at the public hearing, this Board makes the following analysis of the six standards listed in Section 9.07(G) (Standards for Map Amendments) of the *Ogle County Amendatory Zoning Ordinance* that must all be found in the affirmative prior to recommending granting of the petition.

1. That the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property. **Use of the site for residential use is compatible with the existing uses and zoning of nearby property, as residential use of the site will not adversely affect surrounding agricultural operations, there are four non-farm dwellings within 1/4 mile of the site and ten non-farm dwellings within 1/2 mile of the site, and the site is within 1/2 mile of the corporate limits of the City of Byron. Standard met.**
2. That the County of Ogle and other service providers will be able to provide adequate public facilities and services to the property (including, but not necessarily limited to, schools, police and fire protection, roads and highways, water supply and sewage disposal), while maintaining adequate public facilities and levels of service to existing development. **The development of the site for large-lot residential use will not create a burden on the County of Ogle and other public service providers due to its location on a seal coat surface road, relative proximity to public service providers, and the low density of development that will be generated on the site. Standard met.**
3. That the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources. **Little or no adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources are anticipated from the development of the site. Standard met.**

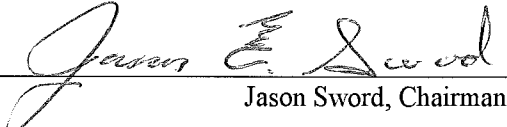
4. That the subject property is suitable for the proposed zoning classification. **The site is suitable for the R-1 zoning district, as it is located in a rural agricultural area that contains several scattered non-farm residential uses, is adjacent to an existing non-farm residential parcel, is located on a seal coat surfaced Township road, is within ½ mile of the City of Byron, and has a low LESA score. Standard met.**
5. That the proposed zoning classification is consistent with the trend of development, if any, in the general area of the subject property including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification. **There is a trend of development in the vicinity of large-lot residential uses. The proposed zoning classification of R-1 Rural Residence District is consistent with this trend. Standard met.**
6. That the proposed amendment is consistent with the public interest and not solely for the interest of the applicant, giving due consideration to the stated purpose and intent of the Amendatory Zoning Ordinance as set forth in Division 1 therein, the Land Evaluation and Site Assessment (LESA) findings (if applicable), and the recommendation(s) of the Ogle County Regional Planning Commission with respect to the *Ogle County Amendatory Comprehensive Plan*. **The proposed amendment is consistent with the public interest and not solely for the interest of the applicant as the LESA score indicates a low rating for protection, and the proposed amendment is consistent with the purpose and intent of the Amendatory Zoning Ordinance. The Zoning Board of Appeals has given due consideration that the Regional Planning Commission has recommended approval. Standard met.**

RECOMMENDATION: We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 9.07(G) of the *Ogle County Amendatory Zoning Ordinance* and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the zoning district classification of the property described above be changed from AG-1 Agricultural District to R-1 Rural Residence District.

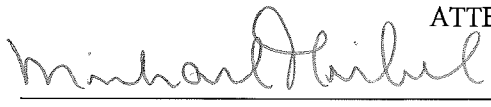
ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 27th day of February 2014 by the Ogle County Zoning Board of Appeals.

Jason Sword, Chairman
Randall Anderson
Randy Ocken
Paul Soderholm
Jason Klaske



Jason Sword, Chairman

ATTEST:


Michael Reibel, Secretary