

STATE OF ILLINOIS        )  
                                      ) SS  
COUNTY OF OGLE         )

ORDINANCE NO. 2016-1101

AN ORDINANCE APPROVING A SPECIAL USE PERMIT  
ON PROPERTY LOCATED AT 6633 W. TOWNLINE ROAD IN MT. MORRIS TOWNSHIP

WHEREAS, Ronald Bocker, 6633 W. Townline Rd., Leaf River, IL has filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 8-16SU) to allow an agribusiness (repair shop for agriculturally-related machinery and equipment) on property located at 6633 W. Townline Road in Mt. Morris 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 October 27, 2016, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Special Use Permit, no member(s) of the public spoke in favor of the petition, and no member(s) of the public spoke 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 October 27, 2016, 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. 8-16SU) to allow an agribusiness (repair shop for agriculturally-related machinery and equipment) on property located at 6633 W. Townline Road in Mt. Morris Township and legally described as shown in Exhibit "A" attached hereto would be consistent with the requirements established by Section 16-9-8C 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.

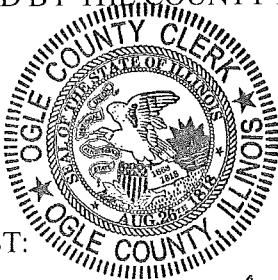
SECTION TWO: Based on the findings of fact set forth above, the petition of Ronald Bocker, 6633 W. Townline Rd., Leaf River, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 8-16SU) to allow an agribusiness (repair shop for agriculturally-related machinery and equipment) on property located at 6633 W. Townline Road in Mt. Morris Township and legally described as shown in Exhibit "A" attached hereto, is hereby approved, subject to the following conditions:

1. All proposals and representations made by the applicant and/or their representative shall be conditions of the Special Use Permit.
2. Any expansion of the authorized use to another portion of the building, a different building or a new building or expanded building on the site shall require a supplemental Special Use Permit.

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 16-9-10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 15<sup>TH</sup> DAY OF NOVEMBER 2016 A.D.



ATTEST:

Laura J. Cook, Ogle County Clerk and  
Ex Officio Clerk of the Ogle County Board

Kim P. Gouker, Chairman of the Ogle County Board

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

A tract of land located in a part of the Northwest Quarter of Section 4, Township 24 North, Range 9 East of the Fourth Principal Meridian, Ogle County, Illinois, the boundary of which is more particularly described as follows:

Commencing at the Northwest corner of the Northwest Quarter of Section 4, Township 24 North, Range 9 East of the Fourth Principal Meridian; thence North 90 degrees 00 minutes 00 seconds East, along the North line of the Northwest Quarter of said Section 4, a distance of 1,112.76 feet to a point in the centerline of Townline Road, said point also being the Point of Beginning; thence South 88 degrees 48 minutes 00 seconds East, along said centerline, a distance of 664.45 feet; thence South 01 degrees 07 minutes 05 seconds West, 870.78 feet; thence North 88 degrees 23 minutes 00 seconds West 655.03 feet; thence North 00 degrees 29 minutes 35 seconds East, 866.10 feet to the Point of Beginning, all being situated in Ogle County, Illinois.

Property Identification Number (PIN): 08-04-100-003

Common Location: 6633 W. Townline Road

**EXHIBIT "B"**

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

# Ogle County Zoning Board of Appeals

911 W. Pines Road  
Oregon, IL 61061  
815.732.1190  
Fax: 815.732.2229

## 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 Ronald Bocker, 6633 W. Townline Rd., Leaf River, IL in case #8-16SU. The applicant is requesting a Special Use Permit in the AG-1 Agricultural District to allow an agribusiness (repair shop for agriculturally-related machinery and equipment) on Parcel Identification No. 08-04-100-003, a 13.12-acre parcel located in part of G.L. 2 of the NW 1/4 Fractional Section 4, Township 24N, R9E of the 4<sup>th</sup> P.M., Ogle County, IL, and located in Mt. Morris Township at 6633 W. Townline Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on October 27, 2016 in the County Board Room, 3<sup>rd</sup> Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) 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 16-9-8C (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 repair shop for agriculturally-related machinery and equipment), and the location of the proposed use on a farm within an existing building. 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 proposed use will be conducted from within an existing accessory building, will complement agricultural uses within the vicinity, 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 W. Townline 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 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 due to the use being conducted from within an existing building on a farm and it will complement agricultural operations in the vicinity. 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 6-9-8C of the *Ogle County Amendatory Zoning Ordinance*.

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

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

Respectfully submitted this 27<sup>th</sup> day of October 2016 by the Ogle County Zoning Board of Appeals.

**Randy Ocken, Chairman**  
**Maynard Stivers**  
**Paul Soderholm**  
**Dennis Williams**  
**Cody Considine**

\_\_\_\_\_  
Randy Ocken, Chairman

ATTEST:

  
\_\_\_\_\_  
Michael Reibel, Secretary

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF OGLE         )

ORDINANCE NO. 2016-1102

AN ORDINANCE APPROVING A SPECIAL USE PERMIT ON PROPERTY  
LOCATED IN THE 900 BLOCK OF W. IL ROUTE 64 IN OREGON-NASHUA TOWNSHIP

WHEREAS, David E. Nelson, 5828 N. Mt. Morris Rd., Mt. Morris, IL and the Ogle County Sheriff's Department c/o Sheriff Brian VanVickle have filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 9-16SU) to allow a radio communications tower and appurtenances on property located in the 900 Block of W. IL Route 64 in Oregon-Nashua 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 October 27, 2016, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, no member(s) of the public spoke in favor of the petition, and no member(s) of the public spoke 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 October 27, 2016, 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. 9-16SU) to allow a radio communications tower and appurtenances on property located in the 900 Block of W. IL Route 64 in Oregon-Nashua Township and legally described as shown in Exhibit "A" attached hereto would be consistent with the requirements established by Section 16-9-8C 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.

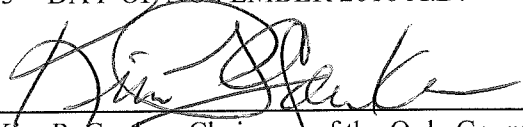
SECTION TWO: Based on the findings of fact set forth above, the petition of David E. Nelson, 5828 N. Mt. Morris Rd., Mt. Morris, IL and the Ogle County Sheriff's Department c/o Sheriff Brian VanVickle for a Special Use Permit in the AG-1 Agricultural District (Petition No. 9-16SU) to allow a radio communications tower and appurtenances on property located in the 900 Block of W. IL Route 64 in Oregon-Nashua Township and legally described as shown in Exhibit "A" attached hereto, is hereby approved.

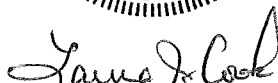
SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

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 16-9-10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 15<sup>TH</sup> DAY OF NOVEMBER 2016 A.D.



  
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Kim P. Gouker, Chairman of the Ogle County Board

  
\_\_\_\_\_  
Laura J. Cook, Ogle County Clerk and  
Ex Officio Clerk of the Ogle County Board



## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

Part of Lot 5, Fractional Northeast Quarter (1/4) of Section 5 and part of the West Half of Lot 5, Fractional Northwest ¼ of Section 4, Township 23 North, Range 10 East of the 4<sup>th</sup> Principal Meridian, Ogle County, Illinois, described as follows:

The Point of Beginning being the southwest corner of Lots 28 and 29 of Mongan and Etnyre 4<sup>th</sup> Subdivision being a part of Lot 5 in the Northwest Fractional Quarter (1/4) of Section 4 in Township 23 North, Range 10 East of the 4<sup>th</sup> Principal Meridian, the recorded Plat of which subdivision is recorded in Book H of Plats, page 51 in the Recorder's Office of Ogle County, Illinois, located on the northerly right-of-way line of S.B.I. Route No. 77 (IL Route 64), thence north a distance of 163.18' bearing North zero (0) degrees, zero (0) minutes, and zero (0) seconds East (assumed for descriptive purposes) on the west line of Lots 28 and 29 of Mongan and Etnyre 4<sup>th</sup> Subdivision being a part of Lot 5 in the Northwest Fractional Quarter (1/4) of Section 4 in Township 23 North, Range 10 East of the 4<sup>th</sup> Principal Meridian, the recorded Plat of which subdivision is recorded in Book H of Plats, page 51 in the Recorder's Office of Ogle County, Illinois, thence northwesterly a distance of 255.19' bearing North seventy-four (74) degrees, three (3) minutes, and forty-eight (48) seconds West parallel to the northern right-of-way line of S.B.I. Route No. 77 (IL Route 64) and also parallel to the centerline of S.B.I. Route No. 77 (IL Route 64), thence southwesterly a distance of 156.91' bearing South fifteen (15) degrees, fifty-six (56) minutes, and twelve (12) seconds West, perpendicular to the previous line and also perpendicular to the centerline of S.B.I. Route 77 (IL Route 64), thence southeasterly on northern right-of-way line of S.B.I. Route 77 (IL Route 64), being 40' north and parallel of the centerline of S.B.I. Route 77 (IL Route 64), a distance of 300.00' bearing South seventy-four (74) degrees, three (3) minutes, and forty-eight (48) seconds to the Point of Beginning, situated in the County of Ogle in the State of Illinois, containing 1.00 acres more or less.

Property Identification Number (PIN): Part of 16-04-101-001

Common Location: 900 Block of W. IL Route 64

**EXHIBIT "B"**

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

# Ogle County Zoning Board of Appeals

911 W. Pines Road  
Oregon, IL 61061  
815.732.1190  
Fax: 815.732.2229

## 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 E. Nelson, 5828 N. Mt. Morris Rd., Mt. Morris, IL and the Ogle County Sheriff's Department c/o Sheriff Brian VanVickle in case #9-16SU. The applicants are requesting a Special Use Permit in the AG-1 Agricultural District to allow a radio communications tower and appurtenances on part of Parcel Identification No. 16-04-101-001, a 1.0-acre parcel located in part of G.L. 5 of the W ½ NW ¼ Fractional Section 4, Township 23N, R10E of the 4<sup>th</sup> P.M., Ogle County, IL, and located in Oregon-Nashua Township in the 900 Block of W. IL Route 64.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on October 27, 2016 in the County Board Room, 3<sup>rd</sup> Floor, Ogle County Courthouse, Oregon, Illinois and hereby reports its findings of fact and recommendation(s) 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 16-9-8C (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 site is located in the corner of a parcel that is in agricultural use, and the proposed special use will ensure public safety, law enforcement and emergency response throughout Ogle County. 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 location, size and nature of the proposed use (being a radio communications tower that will ensure public safety, law enforcement and emergency response throughout Ogle County) is such that it must be located on a high elevation, and the proposed location is on one of the higher elevation ridgelines in Ogle County. The site is also located close to the Ogle County Sheriff's Office, and on IL Route 64 so that it is easily accessible. 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 W. IL Route 64, 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 will not be detrimental to permitted developments and uses in the surrounding area as it is set back sufficiently from nearby uses and structures, and will ensure public safety, law enforcement and emergency response throughout Ogle County. 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 6-9-8C of the *Ogle County Amendatory Zoning Ordinance*.

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

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

Respectfully submitted this 27<sup>th</sup> day of October 2016 by the Ogle County Zoning Board of Appeals.

**Randy Ocken, Chairman  
 Maynard Stivers  
 Paul Soderholm  
 Dennis Williams  
 Cody Considine**

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 Randy Ocken, Chairman

ATTEST:

  
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 Michael Reibel, Secretary