Laura J. Cook
Ogle County Clerk & Recorder

April 30, 2018

The Ogle County Board, at their regular meeting held on Tuesday, April 17, 2018, Janes presents #1-18 SPECIAL USE - Timothy Benedict, 885 W. Stone Barn Rd., Franklin Grove, IL for a Special Use Permit to allow a boarding house in the AG-1 Agricultural District on property described as follows and owned by the petitioner: Part of the Southeast Quarter (SE1/4) of the Southeast Quarter (SE1/4) of Section 31 Oregon-Nashua Township 23N, R10E of the 4th P.M., Ogle County, IL, 13.75 acres, more or less - P. I. N.: 16-31-400-008 - Common Location: 2008 W. Hay Rd.

Janes moves to approve O-2018-0401 as presented, Fritz seconds.

The motion carries. (Placed on file)

Laura J. Cook
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
Recorder: 105 S. 5th St., Suite 212, Oregon, IL 61061 • Phone (815) 732-1115 • Fax (815) 732-1189
www.oglecounty.org

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2018-0401

AN ORDINANCE APPROVING A SPECIAL USE PERMIT ON PROPERTY LOCATED AT 2008 W. HAY ROAD IN OREGON-NASHUA TOWNSHIP

WHEREAS, Timothy Benedict, 885 W. Stone Barn Rd., Franklin Grove, IL has filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 01-18SU) to allow a boarding house on property located at 2008 W. Hay Road 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 March 29, 2018 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 with conditions as set forth in the *Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals* dated March 29, 2018, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Supervisor of Assessments and 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 with conditions; 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. 01-08SU) to allow a boarding house on property located at 2008 W. Hay Road 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 Timothy Benedict, 885 W. Stone Barn Rd., Franklin Grove, IL for a Special Use Permit in the AG-1 Agricultural District

(Petition No. 01-18SU) to allow a boarding house on property located at 2008 W. Hay Road in Oregon-Nashua 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 representative shall be conditions of the Special Use Permit.
2. Manual fire extinguishing equipment of appropriate classification and in sufficient number and location shall be provided for the safety of those utilizing the dwelling. For reference see NFPA 10 - Standards for the Installation of Portable Fire Extinguishers.
3. All combustibles or flammable liquids shall be stored in approved containers. No combustible storage shall occur in or under stairways.
4. All hallways and stairways shall be adequately lighted.
5. A complete floor plan of the establishment shall be submitted to the local fire protection district.
6. Smoke detectors and carbon monoxide (CO) detectors shall be provided pursuant to the Illinois Smoke Detector Act and Illinois Carbon Monoxide Alarm Detector Act.

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 17TH DAY OF APRIL 2018 A.D.

Kim P. Gouker, Chairman of the Ogle County Board

ATTEST:

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

OGLE COUNTY CLERK
SEAL OF THE STATE OF ILLINOIS
OGLE COUNTY, ILLINOIS

EXHIBIT "A"

LEGAL DESCRIPTION

Part of the Southeast Quarter of Section 31, Township 23 North, Range 10 East of the Fourth Principal Meridian, Ogle County, Illinois, described as follows:

Beginning at the Southeast corner of said Southeast Quarter of Section 31; and running thence South 88 degrees 43 minutes 05 seconds West (assumed bearing) on the South line of said Southeast Quarter of Section 31, a distance of 1828.85 feet, more or less, to the Easterly edge of the Rock River; thence Northerly along said Easterly edge of the Rock River to a point which bears North 17 degrees 38 minutes 43 seconds East, a distance of 358.49 feet from the last described point; thence North 88 degrees 43 minutes 05 seconds East, a distance of 1726.10 feet, more or less, to the East line of said Southeast Quarter; thence South 1 degree 00 minutes 11 seconds West on said East line, a distance of 339.38 feet to the point of beginning; containing 13.75 acres, more or less; subject to that part taken and used for public road purposes for Hay Road; subject to a 60-foot wide access easement along the East edge of said tract for the benefit of the 44 acre and 42 acre tracts lying to the North of the tract conveyed herein.

Together with all right, title and interest of the grantor in all islands lying West of and opposite the East bank of the Rock River to the East of the main thread of said stream, all situated in Ogle County, Illinois.

Property Identification Number (PIN): 16-31-400-008
Common Location: 2008 W. Hay Road

EXHIBIT "B"

FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS

Ogle County Zoning Board of Appeals

911 Pines Road
Oregon, IL 61061
815.732.1190
Fax: 815.732.3709

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 Timothy Benedict, 885 W. Stone Barn Rd., Franklin Grove, IL in case #1-18SU. The applicant is requesting a Special Use Permit in the AG-1 Agricultural District to allow a boarding house on Parcel Identification No. 16-31-400-008, a 13.75-acre parcel located in part of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 31, T23N, R10E of the 4th P.M., Ogle County, IL, situated in Oregon-Nashua Township and located at the common address of 2008 W. Hay Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on March 29, 2018 in the County Board Room, 3rd 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 isolated, is in mature tree cover, and is well buffered by distance and topography from other residential uses in the vicinity. 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 existing site conditions will remain unchanged, and the dwelling to be utilized is isolated and on a site that is in mature tree cover. 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. Hay 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 is in an isolated area, is compatible with other recreational properties and natural areas in the vicinity, and is deemed essential and desirable for 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 boarding house SUBJECT TO THE FOLLOWING CONDITIONS:

1. All proposals and representations made by the applicant and/or representative shall be conditions of the Special Use Permit.
2. Manual fire extinguishing equipment of appropriate classification and in sufficient number and location shall be provided for the safety of those utilizing the dwelling. For reference see NFPA 10 - Standards for the Installation of Portable Fire Extinguishers.
3. All combustibles or flammable liquids shall be stored in approved containers. No combustible storage shall occur in or under stairways.
4. All hallways and stairways shall be adequately lighted.
5. A complete floor plan of the establishment shall be submitted to the local fire protection district.
6. Smoke detectors and carbon monoxide (CO) detectors shall be provided pursuant to the Illinois Smoke Detector Act and Illinois Carbon Monoxide Alarm Detector Act.

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

Respectfully submitted this 29th day of March 2018 by the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman
David Williams
Cody Considine
Paul Soderholm
Mark Hayes

Randy Ocken, Chairman

ATTEST:

Michael Reibel, Secretary

Laura J. Cook
Ogle County Clerk & Recorder

April 30, 2018

The Ogle County Board, at their regular meeting held on Tuesday, April 17, 2018, Janes presents #3-18 SPECIAL USE - Doane Holdings, Inc., %Angela Doane, 1831 N. Lynnville Rd., Lindenwood, IL for a Special Use Permit to allow a construction laydown yard for outside storage of construction equipment (excavators, dozers, semi-trucks and trailers, and similar equipment) and construction materials (pipes, concrete forms, and similar materials related to pipeline and road construction) in the AG-1 Agricultural District on property described as follows and owned by the petitioner: Part of South Half (S1/2) of the Southwest Quarter (SW1/4) of Section 4 Pine Rock Township 23N, R11E of the 4th P.M., 80.0 acres, more or less - P.I.N.: 17-04-300-001 - Common Location: 754 S. Rocky Hollow Rd.

Janes moves to deny O-2018-0402 as presented and Smith seconds. Fritz abstains from voting due to the applicants being customers.

Chairman Gouker expressed that in this voting yes means to deny the zoning application.

Roll call vote is called:

YES: Typer, Whalen, Bowers, Colbert, Finfrock, Griffin, Heuer, Hopkins, Janes, Kenney, Nordman, Oltmanns, Saunders, Smith, Sparrow, and Gouker
NO: Colson, Gronewold, McKinney, and Reising
ABSENT: Bolin, Meyers, and Williams
ABSTAINED: Fritz

Motion carries on roll call vote.

Laura J. Cook
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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www.oglecounty.org

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2018-0402

AN ORDINANCE DENYING A SPECIAL USE PERMIT ON PROPERTY
LOCATED AT 754 S. ROCKY HOLLOW ROAD IN PINE ROCK TOWNSHIP

WHEREAS, Doane Holdings, Inc. c/o Angela Doane, 1831 N. Lynnville Rd., Lindenwood, IL has filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 03-18SU) to allow a construction laydown yard on property located at 754 S. Rocky Hollow 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 March 29, 2018 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 denied as set forth in the *Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals* dated March 29, 2018, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Supervisor of Assessments and 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 denied; 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. 03-08SU) to allow a construction laydown yard on property located at 754 S. Rocky Hollow Road in Pine Rock Township and legally described as shown in Exhibit "A" attached hereto would be inconsistent 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 Doane Holdings, Inc. c/o Angela Doane, 1831 N. Lynnville Rd., Lindenwood, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 03-18SU) to allow a construction laydown yard on property located at 754 S. Rocky Hollow Road in Pine Rock Township and legally described as shown in Exhibit "A" attached hereto, is hereby denied.

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 17TH DAY OF APRIL 2018 A.D.

Kim P. Gouker, Chairman of the Ogle County Board

ATTEST:

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

EXHIBIT "A"

LEGAL DESCRIPTION

The South Half (½) of the Southwest Quarter (1/4) of Section 4, Township 23 North, Range 11 East of the Fourth Principal Meridian; EXCEPTING therefrom those portions thereof taken, used or dedicated for public roadway purposes; situated in the County of Ogle and State of Illinois.

Property Identification Number (PIN): 17-04-300-001
Common Location: 754 S. Rocky Hollow Road

EXHIBIT "B"

FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS

Ogle County Zoning Board of Appeals

911 Pines Road
Oregon, IL 61061
815.732.1190
Fax: 815.732.3709

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 Doane Holdings, Inc. c/o Angela Doane, 1831 N. Lynnville Rd., Lindenwood, IL in case #3-18SU. The applicant is requesting a Special Use Permit in the AG-1 Agricultural District to allow a construction laydown yard on Parcel Identification No. 17-04-300-001, an 80.00-acre parcel located in part of the South Half (S ½) of the Southwest Quarter (SW 1/4) of Section 4, T23N, R11E of the 4th P.M., Ogle County, IL, situated in Pine Rock Township and located at the common address of 754 S. Rocky Hollow Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on March 29, 2018 in the County Board Room, 3rd 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 may be unreasonably detrimental to the value of other property in the neighborhood, and to the public health, safety, morals, comfort and general welfare at large due the nature of the use including added traffic, noise, and introducing a commercial use to a predominately rural agricultural area. 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 use will dominate the immediate neighborhood, as a laydown yard is incompatible with the existing agricultural and residential uses in the surrounding area. STANDARD NOT 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. **S. Rocky Hollow Road is inadequate to accommodate the proposed use. STANDARD NOT 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 may be detrimental to the permitted developments and uses in the AG-1 zoning district, as a laydown yard is not compatible with the surrounding land uses; due the topography of the site the proposed use will not be visually compatible with the surrounding area; and, the proposed use is not essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. STANDARD NOT 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 does not meet 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 denied to allow a construction laydown yard.

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

Respectfully submitted this 29th day of March 2018 by the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman
David Williams
Cody Considine
Paul Soderholm
Mark Hayes

Randy Ocken, Chairman

ATTEST:

Michael Reibel, Secretary