

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2014-0801

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON PROPERTY
LOCATED AT 10411 E. KYTE ROAD IN FLAGG TOWNSHIP

WHEREAS, Frank W. & Betsy A. Chandler, 10411 E. Kyte Rd., Rochelle, IL have filed a petition for a Map Amendment (Petition No. 6-14AM) to re-zone from R-2 Single Family Residence District to R-1 Rural Residence District on property located at 10411 E. Kyte Road in Flagg 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 July 24, 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 July 24, 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:

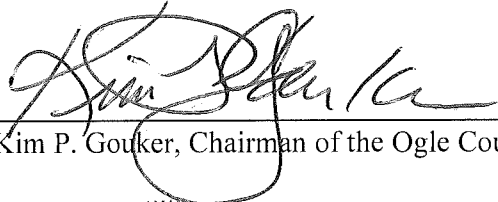
SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit “B” attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact as set forth above, the petition of Frank W. & Betsy A. Chandler, 10411 E. Kyte Rd., Rochelle, IL for a Map Amendment (Petition No. 6-14AM) to re-zone from R-2 Single Family Residence District to R-1 Rural Residence District on property located at 10411 E. Kyte Road in Flagg 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.

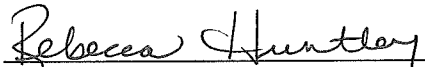
SECTION FOUR: Failure of the owners of other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 9.10 of the Ogle County Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 19TH DAY OF AUGUST 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

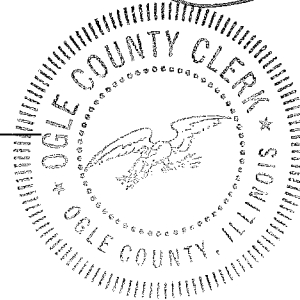


EXHIBIT "A"
LEGAL DESCRIPTION

Part of the Northeast Quarter (1/4) of the Northwest Quarter (1/4) of Section 20, Township 40 North, Range 1 East of the Third Principal Meridian, bounded and described as follows:
Commencing at the Northeast corner of the Northwest Quarter (1/4) of said Section 20; thence South 89 degrees 57'34" West along the North line of said Section 20, a distance of 618.75 feet to the point of beginning of the hereinafter described tract of land; thence South 0 degrees 02'26" East, a distance of 502.00 feet; thence South 89 degrees 57'34" West parallel with the North line of said Section 20; a distance of 510.00 feet; thence North 0 degrees 02'26" West, a distance of 502.00 feet to the North line of said Section 20; thence North 89 degrees 57'34" East along said North line, a distance of 510.00 feet to the point of beginning; situated in the County of Ogle and the State of Illinois with the easterly 66 feet of his parcel being subject to an access easement reserved in the Grantor, John B. Bearrows, for the purposes of ingress and egress and for the purposes of making improvements to said easterly 66 feet as may be necessary for ingress and egress

Property Identification Number (PIN): 24-20-126-006

Common Location: 10411 E. Kyte 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 Frank W. & Betsy A. Chandler, 10411 E. Kyte Rd., Rochelle, IL, in case #6-14AM. The applicants are requesting a map amendment to change the zoning classification of Parcel Identification No. 24-20-126-006 from R-2 Single Family Residence District to R-1 Rural Residence District. Said parcel is located in part of the E ½ NW 1/4 Section 20, Township 40N, Range 1E of the 3rd Principal Meridian and is located in Flag Township at 10411 E. Kyte Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on July 24, 2014 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 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. **Continued residential use of the site, including the maintaining of horses, is compatible with the existing uses and zoning of nearby property, as farmland adjoins the site on three sides and there are residential uses in the surrounding area. 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. **Continued used the site for residential use will not create a burden on the County of Ogle and other public service providers due to its location on a hard-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 semi-rural area that contains a mixture of agricultural and non-farm residential uses, is located on a seal coat surfaced Township road, and has been used for raising of livestock in the past. 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 residential uses, but the south side of Kyte Road in the vicinity of the site has remained relatively unchanged since the site was zoned R-2 in 1965. 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 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 R-2 Single Family Residence 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 24th day of July 2014 by the Ogle County Zoning Board of Appeals.

Jason Sword, Chairman
Maynard Stivers
Randy Ocken
Dennis Williams
Paul Soderholm

 Jason Sword, Chairman

ATTEST:



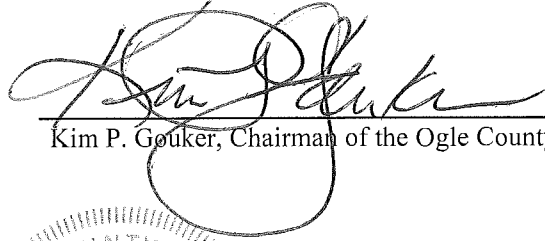
 Michael Reibel, Secretary

SECTION TWO: Based on the findings of fact set forth above, the request of Frances Lewis, 5914 N. Stillman Rd., Stillman Valley, IL and Dustin Lewis, 5866 N. Stillman Road, Stillman Valley, IL for a Special Use Permit in the AG-1 Agricultural District (Petition No. 4-14SU) to allow a Small Rural Business (firearms sales shop, auto parts sales, and minor auto repair shop) on property located at 5866 N. Stillman Road in Marion 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 AUGUST 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

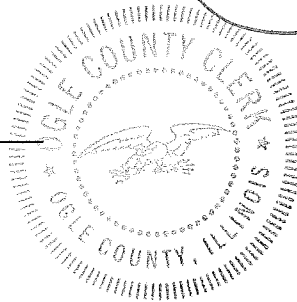


EXHIBIT "A"

LEGAL DESCRIPTION

Part of the North East 1/4 of the North East 1/4 of the North West 1/4 of Section 10 in Township 24 North, Range 11 East of the 4th P.M., in Ogle County, Illinois, described as follows: Beginning at a point on the East line of the North West 1/4 of said Section, 519 feet South of a stone located at the Northeast corner of said North West 1/4, thence west, 408 feet; thence South 220 feet, thence East 408 feet to the center of the road, and thence North 220 feet to the place of beginning, subject to easements, covenants, restrictions and highways of record or openly existing, if any.

Property Identification Number 10-10-100-002

Common Location: 5866 N. Stillman 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 Frances Lewis, 5914 N. Stillman Rd., Stillman Valley, IL and Dustin Lewis, 5866 N. Stillman Rd., Stillman Valley, IL, in case #4-14SU. The applicants are requesting a Special Use Permit in the AG-1 Agricultural District to allow a Small Rural Business (retail firearms sales shop, auto parts sales, and minor auto repair shop) on Parcel Identification No. 10-10-100-002, a 2.0 acre parcel which is part of Section 27, Township 25N, Range 10E of the 4th Principal Meridian and is located in Marion Township at 5866 N. Stillman Road.

After due notice as required by law, the Zoning Board of Appeals held a public hearing in this case on July 24, 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, as the proposed use will provide a service to the area, is small in scale and well screened from the adjacent public roadway. 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 utilize an existing building on the site, is well screened from the adjacent public roadway, and the proposed use will provide a service to the local community. STANDARD MET.

3. That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations. **Evidence indicates the site is large enough so that adequate off-street parking and loading areas can be provided, and there is adequate area existing. 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. **Evidence indicates that adequate utilities, ingress/egress to the site from N. Stillman 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. **Evidence indicates that 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 and is essential and desirable, as the proposed use will provide a service to the area. The proposed use will be visually compatible with the area, as it is utilizing an existing building and is well screened from the adjacent public roadway. 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 in the AG-1 Agricultural District be granted to allow a Small Rural Business (retail firearms sales shop, auto parts sales, and minor auto repair shop).


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

Respectfully submitted this 24th day of July 2014 by the Ogle County Zoning Board of Appeals.

Jason Sword, Chairman
Maynard Stivers
Randy Ocken
Paul Soderholm
Dennis Williams

 Jason Sword, Chairman

ATTEST:



 Michael Reibel, Secretary

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2014-0803

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON PROPERTY
LOCATED AT 8041 S. CLINTON STREET IN GRAND DETOUR TOWNSHIP

WHEREAS, Gary Fruin, 8041 S. Clinton St. (Grand Detour), Dixon, IL has filed a petition for a Map Amendment (Petition No. 7-14AM) to re-zone from B-1 Business District to R-2 Single Family Residence District on property located at 8041 S. Clinton Street in Grand Detour 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 July 24, 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 July 24, 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 Gary Fruin, 8041 S. Clinton St. (Grand Detour), Dixon, IL for a Map Amendment (Petition No. 7-14AM) to re-zone from B-1 Business District to R-2 Single Family Residence District on property located at 8041 S. Clinton Street in Grand Detour 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.

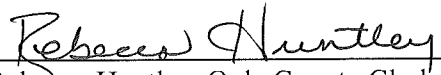
SECTION FOUR: Failure of the owners of other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 9.10 of the Ogle County Amendatory Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 19TH DAY OF AUGUST 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

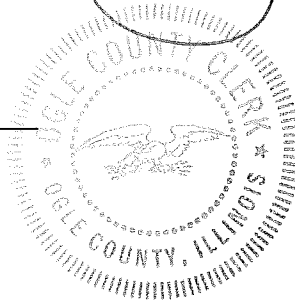


EXHIBIT “A”
LEGAL DESCRIPTION

Lots Number Nine (9) and Ten (10) in Block Number Three (3) in the Village of Grand Detour, according to the Revised Plat on Grand Detour, Illinois, and its Additions recorded in Book “B” of the Miscellaneous Records, page 160 in the Recorder’s Office of Ogle County, Illinois; situated in the Township of Grand Detour, County of Ogle and State of Illinois.

Property Identification Number (PIN): 21-13-132-002 and 21-13-132-003

Common Location: 8041 S. Clinton Street

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 Gary Fruin, 8041 S. Clinton St. (Grand Detour), Dixon, IL, in case #7-14AM. The applicant is requesting a map amendment to change the zoning classification of Parcel Identification Nos. 21-13-132-002 & -003 from B-1 Business District to R-2 Single Family Residence District. Said parcels are described as Lots 9 & 10 Block 10 Original Town of Grand Detour, located in part of the E ½ NW ¼ Section 13 Grand Detour Township 22N, Range 9E of the 4th Principal Meridian and is located in Grand Detour Township at 8041 S. Clinton Street.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on July 24, 2014 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 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. **Rezoning of the site to R-2 to allow continued residential use of the site is compatible with the existing uses and zoning of nearby property, as the site is adjoined by residential uses on three side, and although the surrounding residential properties are zoned B-1, all other residential properties in Baileyville west of Main Street are zoned R-2. 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. **Continued residential use of the site will not create a burden on the County of Ogle and other public service providers, as no change in the intensity of use is proposed. 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. **No adverse impacts or impact on the environment will result from the proposed map amendment, as no change to the property will occur. Standard met.**

4. That the subject property is suitable for the proposed zoning classification. **The site is suitable for the R-2 zoning district, as it is currently, and has been used for single-family residential purposes. 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. **The trend of development in the general area is of existing and established residential uses. The proposed zoning classification of R-2 Single Family 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 it will make an existing and established use consistent with the Zoning Ordinance and surrounding uses; the proposed amendment is also 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 B-1 Business District to R-2 Single Family Residence District.

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

Respectfully submitted this 24th day of July 2014 by the Ogle County Zoning Board of Appeals.

Jason Sword, Chairman
Maynard Stivers
Randy Ocken
Dennis Williams
Paul Soderholm

Jason Sword, Chairman

ATTEST:



Michael Reibel, Secretary