



Laura J. Cook
Ogle County Clerk & Recorder

October 25, 2016

The Ogle County Board, at their regular meeting held on Tuesday, October 18, 2016, Welty introduced the petition of Kenneth & Wendy Kretsinger, 9494 N. Barker Rd., Byron, IL, for an Amendment to the Zoning District to rezone from AG-1 Agricultural District to R-1 Rural Residence District on property described as follows and owned by the petitioner: Part of the N 2 NW 1/4 of the SW 1/4 of Section 20 Byron Township 25N, R11E of the 4th P.M., Ogle County, IL, 3.21 acres, more or less. PIN: Part of 05-20-300-015, Common Location: 9494 N. Barker Rd.

Welty moves to approve #3-16 an Amendment to the Zoning District to rezone for Kenneth & Wendy Kretsinger – O-2016-1001 as presented, Meyers seconds the motion.

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.

SECTION TWO: Based on the findings of fact as set forth above, the petition of Kenneth & Wendy Kretsinger, 9494 N. Barker Rd., Byron, IL for a Map Amendment (Petition No. 03-16AM) to re-zone from AG-1 Agricultural District to R-1 Rural Residence District on property located at 9494 N. Barker 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.

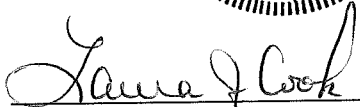
SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

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

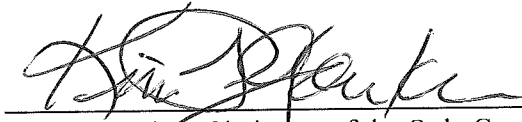
PASSED BY THE COUNTY BOARD THIS 18TH DAY OF OCTOBER 2016 A.D.



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

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2016-1001

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT
ON PROPERTY LOCATED AT 9494 N. BARKER ROAD IN BYRON TOWNSHIP

WHEREAS, Kenneth & Wendy Kretsinger, 9494 N. Barker Rd., Byron, IL have filed a petition for a Map Amendment (Petition No. 03-16AM) to re-zone from AG-1 Agricultural District to R-1 Rural Residence District on property located at 9494 N. Barker 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 September 29, 2016 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 September 29, 2016, 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 16-9-7G 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.

EXHIBIT "A"
LEGAL DESCRIPTION

PART OF THE NORTH HALF (½) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 20, TOWNSHIP 25 NORTH, RANGE 11 EAST OF THE FOURTH PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTH HALF (½) OF THE NORTHWEST QUARTER (1/4) OF SAID SOUTHWEST QUARTER (1/4); THENCE SOUTH 89 DEGREES 58 MINUTES 56 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTH HALF (½), A DISTANCE OF 1,088.96 FEET (1,081.00 FEET DEEDED) TO A MONUMENTED PROPERTY LINE, SAID POINT ALSO BEING THE POINT OF BEGINNING OF THE HEREINAFTER DESCRIBED TRACT OF LAND; THENCE NORTH 0 DEGREES 08 MINUTES 21 SECONDS WEST PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER (1/4) OF SAID SOUTHWEST QUARTER (1/4), A DISTANCE OF 185.84 FEET (186.84 FEET DEEDED); THENCE NORTH 89 DEGREES 58 MINUTES 56 SECONDS EAST PARALLEL WITH THE SOUTH LINE OF THE NORTH HALF (½) OF THE NORTHWEST QUARTER (1/4) OF SAID SOUTHWEST QUARTER (1/4), A DISTANCE OF 540.96 FEET; THENCE NORTH 0 DEGREES 08 MINUTES 21 SECONDS WEST PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER (1/4) OF SAID SOUTHWEST QUARTER (1/4), A DISTANCE OF 434.88 FEET TO A POINT 40.00 FEET SOUTHERLY OF, AS MEASURED PERPENDICULAR TO THE NORTH LINE OF SAID SOUTHWEST QUARTER (1/4); THENCE SOUTH 89 DEGREES 55 MINUTES 18 SECONDS EAST PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER (1/4), A DISTANCE OF 548.00 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER (1/4) OF SAID SOUTHWEST QUARTER (1/4); THENCE NORTH 0 DEGREES 08 MINUTES 21 SECONDS WEST ALONG SAID EAST LINE, A DISTANCE OF 40.00 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF SAID SOUTHWEST QUARTER (1/4); THENCE NORTH 89 DEGREES 55 MINUTES 18 SECONDS WEST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (1/4), A DISTANCE OF 1,326.50 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER (1/4); THENCE SOUTH 0 DEGREES 11 MINUTES 26 SECONDS EAST ALONG THE WEST LINE OF THE NORTH HALF (½) OF THE NORTHWEST QUARTER (1/4) OF SAID SOUTHWEST QUARTER (1/4), A DISTANCE OF 662.03 FEET TO THE SOUTHWEST CORNER OF THE NORTH HALF (½) OF THE NORTHWEST QUARTER (1/4) OF SAID SOUTHWEST QUARTER (1/4); THENCE NORTH 89 DEGREES 58 MINUTES 56 SECONDS EAST ALONG THE SOUTH LINE OF SAID NORTH HALF (½), A DISTANCE OF 236.93 FEET TO THE POINT OF BEGINNING; SITUATED IN THE TOWNSHIP OF BYRON, THE COUNTY OF OGLE AND STATE OF ILLINOIS.

EXCEPTING THEREFROM THAT PORTION CURRENTLY ZONED R-1 RURAL RESIDENCE DISTRICT AND DESCRIBED AS FOLLOWS:

PART OF THE NORTH HALF (½) OF THE NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4) OF SECTION 20, TOWNSHIP 25 NORTH, RANGE 11 EAST OF THE FOURTH PRINCIPAL MERIDIAN, COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (1/4) OF THE SOUTHWEST QUARTER (1/4), SAID POINT ALSO BEING THE POINT OF BEGINNING FOR THE FOLLOWING DESCRIBED PARCEL; THENCE SOUTHERLY ALONG THE WEST LINE OF THE SW 1/4 SECTION 20, A DISTANCE OF 662.03 FEET TO THE NORTHWEST CORNER OF "TWIN OAKS SUBDIVISION"; THENCE EASTERLY ALONG THE NORTH LINE OF "TWIN OAKS SUBDIVISION", A DISTANCE OF 236.93 FEET; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER (1/4), A DISTANCE OF 185.84 FEET; THENCE EASTERLY PARALLEL WITH THE SOUTH LINE OF THE NORTH HALF (½) OF THE NORTHWEST QUARTER (1/4), A DISTANCE OF APPROXIMATELY 259 FEET; THENCE NORTHERLY PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER (1/4) OF SAID SOUTHWEST QUARTER (1/4) TO A POINT 20.00 FEET SOUTHERLY OF THE NORTH LINE OF SAID SOUTHWEST QUARTER (1/4), AS MEASURED PERPENDICULAR TO THE NORTH LINE OF SAID SOUTHWEST QUARTER (1/4); THENCE EASTERLY PARALLEL WITH THE

NORTH LINE OF SAID SOUTHWEST QUARTER (1/4) TO THE EAST LINE OF THE NORTHWEST QUARTER (1/4) OF SAID SOUTHWEST QUARTER (1/4); THENCE NORTHERLY ALONG SAID EAST LINE, A DISTANCE OF 20.00 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF SAID SOUTHWEST QUARTER (1/4); THENCE WESTERLY ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (1/4), A DISTANCE OF 1,326.50 FEET TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER (1/4), SAID POINT ALSO BEING THE POINT OF BEGINNING; SITUATED IN THE TOWNSHIP OF BYRON, THE COUNTY OF OGLE AND THE STATE OF ILLINOIS.

Parcel Identification Number(s): Part of 05-20-300-015
Common Location: 9494 N. Barker 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: 815.732.3709

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 Kenneth & Wendy Kretsinger, 9494 N. Barker Rd., Byron, IL in case #03-16AM. The applicants are requesting a Map Amendment to change the zoning classification from AG-1 Agricultural District to R-1 Rural Residence District on part of Parcel Identification No. 05-20-300-015, a 3.21-acre parcel located in part of the N ½ NW 1/4 Section 20, Township 25 North, Range 11 East of the 4th P.M., Ogle County, Illinois, and located in Byron Township at 9494 N. Barker Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on September 29, 2016 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 16-9-7G (Report by Zoning Board of Appeals) 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. **Large-lot residential use of the site will not adversely affect surrounding agricultural operations, the site is adjacent to other existing non-farm dwellings and residential zoning districts and there are 56 dwellings within 1/4 mile of the site, and the site is within 1.5 miles 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 site is located on a seal coat surface road, and will generate a low density of development. 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 are anticipated from the development of the site for residential use. Standard met.**
4. That the subject property is suitable for the proposed zoning classification. **The site is not in agricultural production, is located within a residential area, is adjacent to other existing non-farm residential parcels, is located on a seal coat surfaced road, 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 residential uses, as there are 56 non-farm dwellings within 1/4 mile of the site and several residential subdivisions. 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 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 16-9-7G 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 29th day of September 2016 by the Ogle County Zoning Board of Appeals.

**Randy Ocken, Chairman
Maynard Stivers
Cody Considine
James Reed
David Williams**

Randy Ocken, Chairman

ATTEST:



Michael Reibel, Secretary