

STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2017-0301

AN ORDINANCE APPROVING A SPECIAL USE PERMIT ON PROPERTY
LOCATED 9402 N. MERIDIAN ROAD IN MARION TOWNSHIP

WHEREAS, Richard Brass, 7430 Kishwaukee Rd., Stillman Valley, IL and Stephen Brass, 6721 N. Alpine Dr., Byron, IL have filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 1-17SU) to allow a single-family dwelling for the son of the farm owner on property located at 9402 N. Meridian Road in Marion 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 2, 2017, 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 March 2, 2017, a copy of which is appended hereto as Exhibit “B”; and

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

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning & Zoning Committee, and has determined that granting the Special Use Permit in the AG-1 Agricultural District (Petition No. 1-17SU) to allow a single-family dwelling for the son of the farm owner on property located at 9402 N. Meridian Road in Marion 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 Richard Brass, 7430 Kishwaukee Rd., Stillman Valley, IL and Stephen Brass, 6721 N. Alpine Dr., Byron, IL have for a Special Use Permit in the AG-1 Agricultural District (Petition No. 1-17SU) to allow a single-family dwelling for the son of the farm owner on property located at 9402 N. Meridian 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 16-9-10 of the *Ogle County Amendatory Zoning Ordinance*.

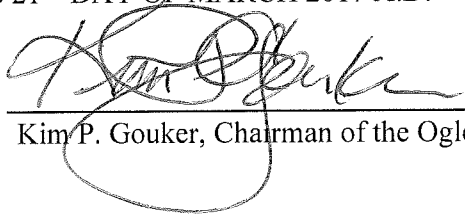
PASSED BY THE COUNTY BOARD THIS 21ST DAY OF MARCH 2017 A.D.



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

Part of Section 24 of Township 25 North, Range 11 East of the Fourth Principal Meridian, Ogle County, Illinois described as follows:

Commencing at the northeast corner of the Southeast Quarter of said Section 24, thence South 0 degrees 53 minutes 06 seconds East (bearings assumed for description purposes), a distance of 227.35 feet on the east line of the Southeast Quarter of said Section 24, to the Point of Beginning: thence continuing South 0 degrees 53 minutes 06 seconds East, a distance of 21.44 feet on said east line: thence South 89 degrees 54 minutes 48 seconds West, a distance of 1,683.71 feet, thence South 0 degrees 07 minutes 47 seconds West, a distance of 539.14 feet, thence South 89 degrees 10 minutes 26 seconds West, a distance of 400.06 feet, thence North 0 degrees 07 minutes 47 seconds East, a distance of 884.68 feet; thence North 89 degrees 10 minutes 26 seconds East, a distance of 400.06 feet; thence South 0 degrees 07 minutes 47 seconds West, a distance of 324.10 feet; thence North 89 degrees 54 minutes 52 seconds East, a distance of 1,683.33 feet to the Point of Beginning, containing 8.95 acres, more or less. Subject to the rights of the public to that portion used, taken or dedicated for roadway purposes.

Property Identification Number (PIN): Part of 05-24-300-001

Common Location: 9402 N. Meridian 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 Richard Brass, 7430 Kishwaukee Rd., Stillman Valley, IL and Stephen Brass, 6721 N. Alpine Dr., Byron, IL in case #1-17SU. The applicants are requesting a Special Use Permit in the AG-1 Agricultural District to allow a single-family dwelling for the son of the farm owner on part of Parcel Identification No. 05-24-300-001, a 8.95-acre parcel located in part of the N ½ SE 1/4, part of the N ½ SW 1/4, and part of the S ½ NW 1/4 Section 24 Marion Township 25N, R11E of the 4th P.M., Ogle County, IL, and located in Marion Township at 9402 N. Meridian Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on March 2, 2017 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 will not be unreasonably detrimental to the value of other property in the neighborhood in which it is to be located or the public health, safety, morals, comfort or general welfare at large due to the nature of the use (being a dwelling for the son of the farm owner), and the proximity of the parcel to the existing farm buildings. STANDARD MET.**
2. That the location and size of the special use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the special use will so dominate the immediate neighborhood, consideration shall be given to:
 - a. The location, nature and height of building, structures, walls and fences on the site; and,
 - b. The nature and extent of proposed landscaping and screening on the proposed site.

The proposed special use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the AG-1 zoning district regulations, as the site is in close proximity to the existing farm buildings, 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 N. Meridian Road, access roads, drainage and other such necessary facilities have been or will be provided. STANDARD MET.**
5. That the proposed use can be operated in a manner that is not detrimental to the permitted developments and uses in the zoning district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and is deemed essential or desirable to preserve and promote the public health, safety and general welfare of Ogle County. **The proposed use of a single-family dwelling can be operated in a manner that is not detrimental to the permitted developments and uses in the AG-1 zoning district, will be visually compatible with the area, and is deemed essential and desirable. STANDARD MET.**
6. That the proposed special use complies with all provisions of the applicable district regulations. **The proposed special use appears to comply with all provisions of the AG-1 district regulations. STANDARD MET.**


RECOMMENDATION: After considering all the evidence and testimony presented, this Board finds that the application meets all the standards as found in Section 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 son 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 2nd day of March 2017 by the Ogle County Zoning Board of Appeals.

Randy Ocken, Chairman
Maynard Stivers
Paul Soderholm
David Williams
Cody Considine


Randy Ocken, Chairman

ATTEST:

Michael Reibel, Secretary