STATE OF ILLINOIS)
)
COUNTY OF OGLE)

In the Matter of the Petition
of
Joseph J. & Julie A. Ebens, Oregon-Nashua Township
Ogle County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 22nd day
of December 2009
before the Ogle County
Zoning Board of Appeals

Present:
Maurice Bronkema
Randall Anderson
Curtis Freeberg
Maynard Stivers
Bruce McKinney, Chairman
Michael Reibel, Zoning Administrator

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MR. McKINNEY: Next item?
MR. REIBEL: The next order of business is to consider the request filed November 17th, 2009 of Joseph J. and Julie A. Ebens, 946 North Illinois Route 2, Oregon, Illinois for an Amendment to the Zoning District to rezone from R-2 Single-Family Residence District to R-1 Rural Residence District on property described as follows and owned by the Petitioners:

North part of E1/2 of NE1/4 Fractional Section 4 and North part of W1/2 of the NW1/4 Fractional Section 3 Oregon-Nashua Township 23N, R10E of the 4th P.M., 5.07 acres, more or less. Property Identification Number: 16-04-226-014 and 16-03-101-028. Common Location: 946 N. IL Rte. 2.

For the record a sign was posted along the frontage of the premises indicating that a hearing is to be held. All adjoining property owners to the petition have been notified by certified mail of the hearing this evening and the specifics of the petition and a legal notice was published in the November 30th, 2009 edition of the Ogle County Life notifying the public of the hearing this evening and the specifics of the petition.

Under the staff report I will point out under general information that the site is located on the west side of North Illinois Route 2 beginning approximately three-tenths of a mile north of Fair Street and approximately a tenth of a mile south of West Margaret Fuller Road. Existing Land Use: The site is residential. The site contains a single-family dwelling and detached garage. Surrounding Land Use and Zoning: The site is located within a predominantly residential area. All surrounding land is zoned R-2 Single-Family Residence District. Zoning History: The site and surrounding area were zoned R-2 in 1965 upon adoption of the first Ogle County Zoning Ordinance. Special Information, Public Utilities: The site is located within 500 feet of public water and sanitary sewer service. The site is currently served by a private on-site well and septic system. Transportation: Illinois Route 2 is a state-maintained highway. Physical Characteristics: The site is located on a gently sloping, well-drained stream terrace. According to the County Digital Soil

Survey, soil types on-site are 387B - Ockley silt loam, 2 to 5 percent slopes; and 623A - Kishwaukee silt loam, zero to 2 percent slopes. These soils are classified as prime farmland. They're rated as being very limited for septic fields due to seepage in the bottom layer and slow water movement.

According to the Illinois Department of Natural Resources, the natural resource review provided by EcoCAT identify protected resources that may be in the vicinity of the proposed action. The department has evaluated this information and concluded that adverse effects are unlikely. Therefore consultation with IDNR is terminated.

And at the December 17th, 2009 meeting of the Regional Planning Commission, Mr. White made a motion to recommend approval of Petition No. 10-09 Amendment, seconded by Mr. Conn. The motion carried unanimously by a roll call vote.

That's all I have.

MR. McKINNEY: I'll entertain a motion to go into a public hearing.

MR. BRONKEMA: So moved.

MR. McKINNEY: Second?

MR. ANDERSON: I'll second.

MR. McKINNEY: Maury has moved, Randy has seconded to go into a public hearing. All those in favor signify by saying aye.

(All those simultaneously responded.)

MR. McKINNEY: Any opposed say nay. Motion passed. We are in a public hearing.

Those that are going to be testifying please come forward.

JOSEPH J. EBENS,

being first duly sworn, testified as follows:

MR. McKINNEY: Give her your name and address.

MR. EBENS: Joseph J. Ebens, 946 North Illinois Route 2. Last name is spelled E-B-E-N-S.

MR. McKINNEY: Tell us about your petition.

MR. EBENS: Basically currently, as Mike was reading it, we're zoned R-2 and we'd like to move our zoning to R-1. By doing so this would allow our son and daughter, daughter is skiing

tonight, but she would be here, so they can house their 4-H projects on-site which are sheep basically is what they're showing at the 4-H fair and at the county fair. With 5 acres the most we could have is up to five. We're really only looking to have two or three on-site which would be located on the back side of the house. There's about an acre, acre and a half back there. The detached garage or detached shed, whatever you want to refer to it as, 24 by 48 I think is the measurements of that shed, so there would be housing for them also. Everything to the south of our property, there's seven or eight acres that is wide open that used to be part of the old fairgrounds and the four acres north of us is currently owned by us too. It's not part of what we're rezoning though. That's staying R-2.

MR. McKINNEY: Okay. Do you currently own the sheep keeping them some other place?

MR. EBENS: Currently not. Usually what we do is buy them in the spring, keep them through the summer, show them, sell them at the fair is what we've been doing for the last

couple years.

MR. STIVERS: How has that been working out?

MR. EBENS: Well, the hardship has been having to keep them somewhere else and run after them twice a day, you know, go feed, water them, walk them, wash them. That just -- you know, it's a time drain having to -- you know, last year we kept them over at some friends probably halfway to Stillman Valley, so you know, you're 45 minutes or an hour in the morning, 45 minutes or an hour at night, you know, with all the drive time. So this way we'll be right there and it will make it a little bit easier to take care of them.

MR. McKINNEY: Well, the sheep will really be pastured out back where -- away from the roads and --

MR. EBENS: Correct.

MR. McKINNEY: -- other neighbors, so they really wouldn't be probably not disturbing the peace too much by --

MR. BRONKEMA: Nobody is even going to see them.

MR. EBENS: No, because there's a tree line that actually -- behind our house and along the cemetery driveway and along the cemetery, there's three sides that are all treed in and at the north -- kind of at the northwest corner of that is where the shed is currently, so they're really out of sight out of mind, you know, you're not going to know they're there.

MR. BRONKEMA: And I think another important thing here is that the City of Oregon's Comprehensive Plan designates this site and surrounding area for low density residential, so they're evidently not going to build out in that area or not promoting building in that area. I mean, there's a lot of building there, but I think what's there is probably done. They're actually going the other direction. I'm sure that far back you wouldn't even hear them.

MR. McKINNEY: If this was denied what type of burden would be causing you -- would you have another place to pasture them or --

MR. EBENS: Sure. It would just be -- the burden would be the time crunch and really the

opportunity for the kids to spend more time with them and work with them. You know, it does take quite a bit of effort, you know, to take care of them, to wash them, to walk them, get them ready for the show and really work with them on a daily basis and once you have them broke to that when they show up at the fair, you know, the animal is well-behaved, they're easy to show and they do a pretty good job with them then.

MR. McKINNEY: Do they shear their own sheep or --

MR. EBENS: Myself or them, yeah, it's a joint effort.

MR. STIVERS: Is this probably like a five-year thing?

MR. EBENS: Probably so. I mean, our son is 12 years old right now, so, you know, we're looking five, six years, you know, it will be over probably. You know, I'm too old to be in 4-H these days anyway, so I probably wouldn't have a need after that.

MR. McKINNEY: I know what you're going through. When I was in high school for 4-H and FFA I lived in town and had to walk or go out to

the farm two or three miles away to pasture -- or to take care of my cattle.

Anybody else have any questions?

MR. BRONKEMA: None here.

MR. McKINNEY: Okay. Thank you. Is there anybody here what wishes to testify in favor of the petition? Anybody here that wishes to testify opposing the petition? Seeing none, we'll go back into open session. I'll entertain a motion.

MR. BRONKEMA: So moved.

MR. FREEBERG: Second.

MR. McKINNEY: Maury has moved, Curt has seconded to go back into open session. All those in favor signify by saying aye.

(All those simultaneously responded.)

MR. McKINNEY: Any opposed say nay. Motion passed. We're back into open session. We'll go through our finding of facts.

MR. REIBEL: Standard 1) That the proposed amendment will allow development that is compatible with existing uses and zoning of nearby property.

MR. BRONKEMA: The continued use of the site for large lot residential use is compatible with the existing use which are predominantly residential and zoning of the nearby property. Standard is met.

(All those agreed.)

MR. REIBEL: 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.

MR. ANDERSON: Continued use of the site for residential use will not create a burden on the County of Ogle and other public service providers. That standard is met.

(All those agreed.)

MR. REIBEL: 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.

MR. FREEBERG: 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 continued residential use of the site. I don't see where the use will really be changing that much, so I think the standard is met.

(All those agreed.)

MR. REIBEL: 4) That the subject property is suitable for the proposed zoning classification.

MR. BRONKEMA: The site is suitable for R-1 Zoning District and it conforms to the minimum lot size and the width requirements, is located on a state highway and is buffered from other residents' use so that the raising of livestock on the site will not create a nuisance or be incompatible. Standard is met.

(All those agreed.)

MR. REIBEL: 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.

MR. ANDERSON: The site is located within a residential area. The proposed zoning classification of R-1 Rural Residence District is consistent with this trend and the existing zoning of the surrounding land. I feel that standard is met.

(All those agreed.)

MR. REIBEL: 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 findings, if applicable, which they're not, and the recommendation of the Ogle County Regional Planning Commission with respect to the Ogle County Amendatory Comprehensive Plan.

MR. FREEBERG: The proposed amendment is

consistent with the public interest and not solely for the interest of the applicant. We all want kids to participate in 4-H and that kind of stuff. This proposed amendment is consistent with the purpose and intent of the Amendatory Zoning Ordinance. The site is located within a mile and a half of the City of Oregon and the Regional Planning Commission has recommended approval. I think the standard is met.

(All those agreed.)

MR. REIBEL: And have the Board members read and considered the LaSalle factors as applied to this petition?

(All those simultaneously responded affirmatively.)

MR. McKINNEY: Going through the finding of facts we found that all standards have been met, so I will entertain a motion.

MR. FREEBERG: I move we recommend to the County Board that they approve Joseph and Julie Ebens' Petition No. 10-09 AM at 946 North Illinois Route 2 to rezone the requested property from R-2 to R-1.

MR. STIVERS: I'll second.

MR. McKINNEY: Curt has moved, Maynard has seconded to recommend approval of the 10-09 Amendment. Roll call.

MR. REIBEL: Bronkema?

MR. BRONKEMA: Yes.

MR. REIBEL: Anderson?

MR. ANDERSON: Yes.

MR. REIBEL: Stivers?

MR. STIVERS: Yes.

MR. REIBEL: Freeberg?

MR. FREEBERG: Yes.

MR. REIBEL: McKinney?

MR. McKINNEY: Yes.

(By voice vote five ayes.)

MR. REIBEL: Five voted yes.

MR. McKINNEY: Motion passes.

MR. REIBEL: This will go on to the Planning and Zoning Committee on January 13th at 1:30 -- 1 o'clock in the afternoon and to the County Board for a decision on January 19th at 5:30 in the evening and the committee meeting on the 13th is at the sheriff's office and the County Board meeting is right here.

MR. McKINNEY: Next order of business -- I think this can be off the record or off the -- this can be off the record.

(A discussion was held off the record.)

MR. McKINNEY: No other -- no other business?

MR. REIBEL: No further business.

MR. McKINNEY: Then this meeting is adjourned.

(The hearing was concluded at 7:39 p.m.)

Now on this 22nd day of December 2009, I do signify that the foregoing testimony was given before the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman

Michael Reibel,
Zoning Administrator

Julie K. Edeus
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STATE OF ILLINOIS)
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COUNTY OF OGLE)

In the Matter of the Petition
of
Nathan & Larinda Heller, Grand Detour Township
Ogle County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 22nd day
of December 2009
before the Ogle County
Zoning Board of Appeals

Present:
Maurice Bronkema
Randall Anderson
Curtis Freeberg
Maynard Stivers
Bruce McKinney, Chairman
Michael Reibel, Zoning Administrator

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MR. McKINNEY: I call this meeting of the December Ogle County ZBA Commission to order. Please stand for the Pledge of Allegiance.

(WHEREUPON the Pledge of Allegiance was recited.)

MR. McKINNEY: You may be seated. Roll call.

(Roll call was taken and Curtis Freeberg was absent.)

MR. McKINNEY: Four present. We do have a quorum. The verbatim transcripts serving as the minutes from the last meeting is on file and will not be read at this time. I'll entertain a motion to approve the minutes of the last ZBA meeting.

MR. BRONKEMA: So moved.

MR. ANDERSON: Second.

MR. McKINNEY: Maury has moved, Randy has seconded. All those in favor signify by saying aye.

(All those responded simultaneously.)

MR. McKINNEY: Any opposed say nay. Motion passed. All testimony will be taken

under oath. Please come forward to testify and state your name and address to the recording secretary. Please spell your last name. This hearing is the only opportunity to place testimony and evidence on the record. There will not be another opportunity beyond tonight's hearing to submit additional evidence or testimony for consideration. Please turn off your cell phone, pagers and any other electronic devices.

The procedures on hearings that will be followed tonight is as found in the ZBA Rules of Procedures or the Citizen's Guide to the Zoning Board of Appeals which is available near the door in the back of the room.

Mr. Lloyd Funk, chairman of the Ogle County Planning Commission, is present if any members have questions on the Planning Commission's actions on the petition. If anyone has any trouble hearing please let me know, and the minutes will show that Mr. Freeberg has entered the meeting.

(WHEREUPON Curtis Freeberg entered the hearing.)

MR. McKINNEY: Mr. Reibel, what is the first order of business?

MR. REIBEL: First order of business is to consider the request filed November 12th, 2009 of Nathan and Larinda Heller, 7981 South Pine Street, Grand Detour, Dixon, Illinois for a Variation to allow construction of an accessory building that will exceed the maximum allowable accessory building area pursuant to Section 6.06(D) pursuant to the Ogle County Amendatory Zoning Ordinance on property described as follows and owned by the Petitioners:

Lots 7, 8 & 9, Block 27 Original Village of Grand Detour, part of the W1/2 of the NW1/4 Section 13 Grand Detour Township 22N, R9E of the 4th P.M., Ogle County, IL. Property Identification Number: 21-13-102-002. Common Location: 7981 South Pine Street.

For the record all adjoining property owners to the petition have been notified by certified mail of the hearing this evening and the specifics of the petition. A legal notice was published in the November 30th, 2009 edition of the Ogle County Life notifying the public of the hearing this evening and the specifics of the petition and a sign was posted along the

frontage of the premises indicating that a zoning hearing is to be held in reference to the property.

Under the staff report, a copy of which is on file and the Board members have received, I will point out under general information the site is located at the northeast corner of the intersection of South Pine Street and West Ogle Street in Grand Detour. The size of the parcel is 132 by 198 feet. It's 26,136 square feet or six-tenths of an acre. Existing land use of the site is residential. Site contains a single-family dwelling, 18 by 26 detached garage. Surrounding Land Use and Zoning: The site is zoned R-2 Single-Family Residence District. The site is located within a residential area. All surrounding land is zoned R-2. No previous zoning history on the site. Under Special Information, Public Utilities: None. Transportation: South Pine and West Ogle Streets are seal-coat surfaced roads under the jurisdiction of Grand Detour Township. Physical Characteristics: The site is gently sloping and well drained.

That's all I have. I will pass around an aerial photograph. This is our new aerial photography. It was taken this spring. The aerial photography that I mapped the site on and adjusted for lot line discrepancies and also a sketch of the proposed building location from the concept plan.

MR. McKINNEY: Just one question on the calculated area that's covered. That 784 square feet, is that including the building to be built or is that what's already covering the --

MR. REIBEL: The existing building is to be removed.

MR. McKINNEY: Oh, okay. This is a public hearing, so I'll entertain a motion to go into a public hearing.

MR. BRONKEMA: So moved.

MR. McKINNEY: Is there a second?

MR. STIVERS: I'll second.

MR. McKINNEY: It's been moved and seconded. Maury moved, Maynard seconded to go into a public hearing. All those in favor signify by saying aye.

(All those simultaneously

responded.)

MR. McKINNEY: Any opposed say nay. Motion passed. We're in a public hearing. Will the Petitioners please come forward and be sworn in.

NATHAN HELLER,

being first duly sworn, testified as follows:

MR. McKINNEY: Please give her your name and address.

MR. HELLER: Nathan Heller, 7981 South Pine Street in Grand Detour.

MR. McKINNEY: Okay. Tell us about your --

MR. HELLER: I'm trying to build a building. I got a couple trucks and I do tree work. I got a chipper and a skid loader and a trailer. I'm trying to build a building to get everything inside to keep this stuff out of the weather and make it look a little cleaner, less clutter. I'd like to build a 32 by 48 with cedar siding and a metal roof and I'm going to -- I'll have to reside my house with the same -- I'm planning on doing the same cedar siding on the house to make it look the same as my house.

I went around to all my neighbors and got them to sign a -- well, I asked them if they'd sign a paper saying if it was okay or not with them if I did this and they were all okay with it. I got the papers for that. A couple of them said they'd --

MR. McKINNEY: Are you submitting this as evidence or as a --

MR. REIBEL: Exhibit.

MR. McKINNEY: -- exhibit? We'll entitle this as Petitioner's Exhibit 1.

MR. ANDERSON: How long have you lived there?

MR. HELLER: I've been in Grand Detour 11 years.

MR. ANDERSON: Have you been at this house?

MR. HELLER: No, I lived right across the street from where I'm living now.

MR. BRONKEMA: Do you own the lot to the north too? It shows another lot here, more land here, is this yours too?

MR. HELLER: No, that's not mine.

MR. BRONKEMA: You're that far?

MR. HELLER: Yep.

MR. ANDERSON: And you live where now?

MR. HELLER: In Grand Detour.

MR. ANDERSON: Right, but you live in this house?

MR. HELLER: Yes.

MR. ANDERSON: That's what I meant.

MR. HELLER: Yeah, I live -- I used to live across the street right there.

MR. ANDERSON: Okay.

MR. McKINNEY: So you actually have a business here at this location?

MR. HELLER: I do. I have a tree service I do on the side. I cut trees down for people and --

MR. McKINNEY: Those beams that are in the back part of your lot, is that for the building to be built?

MR. HELLER: Yeah.

MR. McKINNEY: Okay. You got a lot of stuff stored outside.

MR. HELLER: Yeah.

MR. McKINNEY: Were all these -- the current buildings, were they all there when you

bought the land?

MR. HELLER: Yeah, yep.

MR. McKINNEY: Did you remove a building where --

MR. HELLER: No. Before I bought the place there was a barn roughly where I want to put this shed that they tore down.

MR. McKINNEY: But you didn't tear it down?

MR. HELLER: I didn't tear it down, no.

MR. BRONKEMA: It was falling down anyhow, wasn't it?

MR. HELLER: I think so, yeah. My garage is real small. I can hardly get -- well, I can't get two cars in there with my tools in there, so this way I could put my trucks inside the shed and my trailer and --

MR. McKINNEY: How many vehicles are you planning on putting in there?

MR. HELLER: Two trucks, a trailer, a skid loader and trailer.

MR. McKINNEY: Will you be storing any other equipment outside then?

MR. HELLER: No, that will all fit in

there.

MR. McKINNEY: What kind of hardship would this be on you if this was denied?

MR. HELLER: Well, the winters are hard on my equipment sitting outside and I went to get a permit back in July of 2008 with the -- roughly the same size building and it was okayed except for the health department wanted me to either put a new septic in or have somebody come show me where a new septic would have to go. So I just decided to put a new septic in and then the money I was going to use for the building I had to put in the septic, so then I had to wait until now and then they changed the law from I think 5 percent of your property to 3 percent. If I would have known that I would have never put the septic in. I would have just had somebody come show me where it was going to be and then got the permit and then built it because it was okay to do it in '08.

MR. BRONKEMA: In other words, in the meantime they smalled it down?

MR. HELLER: Yep, yes.

MR. McKINNEY: Is there -- is there any

other property around you that has this many accessory buildings?

MR. HELLER: A neighbor a block away just put up a pole barn that's 30 by -- 30 by 40 or 30 by 50.

MR. McKINNEY: Are you planning on putting any plumbing or anything into this --

MR. HELLER: No, huh-uh.

MR. McKINNEY: Just electricity?

MR. HELLER: Yeah.

MR. FREEBERG: When you're doing your tree business do you bring any of the material to that site or --

MR. HELLER: Yeah, I bring logs because I have a wood burner, I burn wood.

MR. McKINNEY: That's for your own -- are you selling wood from your property?

MR. HELLER: No.

MR. McKINNEY: Is that just for your own use?

MR. HELLER: That's for mine, yeah.

MR. McKINNEY: Any other questions?

MR. ANDERSON: Huh-uh.

MR. McKINNEY: Okay. Is there anybody

here that wishes to testify in favor of this petition? Anybody here that wishes to testify opposing the petition? Seeing none, we'll go back into open session. I'll entertain a motion.

MR. BRONKEMA: So moved.

MR. McKINNEY: Maury has moved.

MR. FREEBERG: Second.

MR. McKINNEY: Curt has seconded. All those in favor signify by saying aye.

(All those simultaneously responded.)

MR. McKINNEY: Any opposed say nay. Motion passed. We're back into open session. Shall we go through the finding of facts.

MR. FREEBERG: I have a question for Mike. This is zoned R-2. Is there any issues with running a business out of an R-2?

MR. REIBEL: Yeah.

MR. FREEBERG: So -- so what he's doing really wouldn't be in compliance with an R-2 zoning or --

MR. REIBEL: Well, it's -- you know, it's a business that's -- and he stores some -- I

don't know, what kind of trucks do you have?

MR. HELLER: Like a dump truck, like a one ton, I have a one ton dump truck and then I have a three quarter ton Ford that I plow snow with.

MR. REIBEL: Uh-huh.

MR. HELLER: I mainly do that for the neighbors and my church is basically what I use that for.

MR. REIBEL: Sounds like a home occupation permit would cover it because it's -- you know, as long as he keeps everything in a building -- you know, his business isn't really conducted there, it's just equipment is kept there and then he doesn't have a lot of it. Home occupation permit would cover it.

MR. McKINNEY: And he can get that from your office?

MR. REIBEL: Right, and that's the main thing with a home occupation permit is it allows restrictive businesses to be conducted in residential areas. Basically you don't know that they're there. Nobody would really know it's there other than seeing his truck come and go once in a while.

MR. McKINNEY: That wouldn't be anything that he needs to file a petition and come back to the Board for?

MR. REIBEL: No.

MR. McKINNEY: So that could be a stipulation if this was passed?

MR. REIBEL: Well, you don't need to make a stipulation. We'll address that when he --

MR. FREEBERG: It isn't the kind of business that's going to create a lot of traffic with people coming and going.

MR. REIBEL: No.

MR. McKINNEY: Sounds like he's just storing his equipment there and he goes to the site to --

MR. BRONKEMA: The business is not really there.

MR. REIBEL: Right.

MR. McKINNEY: People can't really bring their trees to you to cut down. Ready for the findings of facts? Any other questions?

MR. REIBEL: Variation Standard A) That the particular physical surroundings, shape or topographical condition of the specific property

involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were carried out.

MR. BRONKEMA: The site is located within the unincorporated Village of Grand Detour on three 66 by 132 lots with a combined area of 0.6 acres or six-tenths of an acre I guess and the site contains an old garage which he testified has been removed and he wants to replace it with a new garage. Result is a particular hardship upon the owner if construction of the detached garage -- the size required by the property owner and he testified that it would be for just to put equipment away which is sitting outside right now, so it will probably be a real plus for the little town of Grand Detour. I feel that standard is met.

(All those agreed.)

MR. REIBEL: B) The conditions upon which the petition for a variation are based are unique and would not be applicable generally to other property within the same zoning classification.

MR. ANDERSON: The conditions upon which the petition for a variation are based are unique and not applicable generally to other property within the R-2 Single-Family Residence District. I feel that standard is met.

(All those agreed.)

MR. REIBEL: C) The purpose of the variation is not based exclusively upon a desire to obtain a higher financial return on the property.

MR. BRONKEMA: Well, evidence indicated the purpose of the variation is not based exclusively upon a desire to obtain a higher financial return on the property but rather to provide an additional storage area for the occupant of the dwelling. Standard is met.

(All those agreed.)

MR. REIBEL: D) The alleged difficulty or hardship has not been created by any person presently having an interest in the property.

MR. FREEBERG: The alleged difficulty or hardship has not been created by Mr. and Mrs. Heller. I think the standard is met.

(All those agreed.)

MR. REIBEL: E) The granting of the variation will not be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

MR. ANDERSON: No evidence has been submitted that would indicate the granting of the variation will be materially detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. That probably will enhance the area. I feel that standard is met.

(All those agreed.)

MR. REIBEL: F) The proposed variation will not impair an adequate supply of light and air to adjacent properties or substantially increase the congestion in the public streets or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood.

MR. STIVERS: No evidence has been submitted that would indicate that the variation would -- will impair an adequate supply of light

and air to adjacent property or potentially increase the congestion in the public streets or increase the danger of fire or endanger the public safety or substantially diminish or impair property values within the neighborhood. I believe it's a betterment, so I feel the standard has been met.

(All those agreed.)

MR. REIBEL: The Zoning Board of Appeals shall not vary the regulation of the Ordinance unless it shall make findings based upon the evidence presented to it in each specific case that, A, the plight of the owner is due to unique circumstances.

MR. BRONKEMA: Well, the circumstances are unique because of the -- due to the size of the parcel and the fact that the existing old garage is proposed to be removed -- which has been removed and replaced with a new garage and again, a real plus because the equipment is put away and the kids won't be getting into it or climbing on it, so I feel that standard is met.

(All those agreed.)

MR. REIBEL: B) The variation, if

granted, will not alter the essential character of the locality.

MR. FREEBERG: The variation will not alter the essential character of the locality because detached accessory buildings are common in Grand Detour. And as I drove around the neighborhood and looked I don't think this lot will be any more dense as far as building area than what's pretty typical in Grand Detour, so I think the standard is met.

(All those agreed.)

MR. REIBEL: And in addition to the required findings of fact pursuant to Section 6.06(D)(1) of the Zoning Ordinance, the Board is also required to find that the area of all accessory buildings will be compatible with the neighborhood in design, location and size and there's proportionality between the size of the principal building, parcel, street frontage and the size of the accessory structures.

MR. BRONKEMA: The Board finds that the area of all accessory buildings will be compatible with the neighborhood in design, location and size and the proposed accessory

building is proportioned to the existing dwelling's particular size and frontage and he said it would look -- it would be the same as the house design -- or the siding, so it should look pretty nice and then the neighbors didn't object to applying for it, so I think that it's met.

(All those agreed.)

MR. McKINNEY: Okay. Going through the findings of facts we have found that all standards have been met. So we'll entertain a motion.

MR. BRONKEMA: I'll make a motion that we grant the request for the Hellers on 7981 Pine Street in Grand Detour with Variation 15-09 with all the standards being met.

MR. McKINNEY: Is there a second?

MR. FREEBERG: I'll second it.

MR. McKINNEY: Maury has moved, Curt has seconded to grant the Variation 15-09 to Nathan and Larinda Heller in Grand Detour. Roll call.

MR. REIBEL: Anderson?

MR. ANDERSON: Yes.

MR. REIBEL: Stivers?

MR. STIVERS: Yes.
MR. REIBEL: Freeberg?
MR. FREEBERG: Yes.
MR. REIBEL: Bronkema?
MR. BRONKEMA: Yes.
MR. REIBEL: McKinney?
MR. McKINNEY: Yes.
(By voice vote five ayes.)
MR. REIBEL: Five voted yes.
MR. McKINNEY: Motion passes.
MR. REIBEL: Come in and see me.

Now on this 22nd day of December 2009, I do signify that the foregoing testimony was given before the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman

Michael Reibel,
Zoning Administrator

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