STATE OF ILLINOIS )
)SS
COUNTY OF OGLE )

In the Matter of the Petition
of
Ronald Rockwood, Grand Detour Township
Ogle County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 30th day
of April A.D. 2009
before the Ogle County
Zoning Board of Appeals

Present:

Maurice Bronkema
Randall Anderson
Curtis Freeberg
Jason Sword
Bruce McKinney, Chairman

Michael Reibel, Zoning Administrator



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MR. McKINNEY: Okay. Next order of business?

MR. REIBEL: The next order of business is to consider the request filed March 23rd, 2009 of Ronald Rockwood, 3948 West Cedar Street, Grand Detour with a Dixon, Illinois postage address for a Variation to allow a dwelling addition to be constructed 11 feet, 8 inches from a side lot line in lieu of 25 feet and 6.45 feet from a front lot line in lieu of the average setback of existing structures in the same block on the same side of the street pursuant to the Ogle County Amendatory Zoning Ordinance on property described as follows and owned by the Petitioner:

Lots 14 & 15, E1/2 Vac. Alley NW and adjacent S1/2 Vac. Alley NE and adjacent, Block 3 Southern Addition to Grand Detour, located in part of the E1/2 NE1/4 Section 14 Grand Detour Township 22N, R9E of the 4th P.M. Property Identification Number: 21-14-279-008. Common Location: 3948 West Cedar Street, Grand Detour.

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 Monday, April 6th 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 notifying the public that a hearing is to be held.

Under the staff report I will point out that under general information the site is located on the north side of West Cedar Street beginning approximately 372 feet northwest of South Green Street. Size: The parcel is approximately forty-six hundredths of an acre in area. Existing land use is residential. Surrounding Land Use and Zoning: The site is located within a residential area. The site and all surrounding land is zoned R-2 Single-Family Residence District. Zoning History: The site and surrounding area were zoned R-2 Single-Family Residence District in 1965 upon adoption of the first Ogle County Zoning Ordinance. Applicable Regulations: The required side yard for a dwelling served with private well and septic on a lot over 100 feet in width is 25 feet. In a "lot and block" area such as Grand Detour, the average front setback

of existing structures in the same block on the same side of the street determines the required front setback for new structures. Public Information, Public Utilities: None. The dwelling on site is served with a private, on-site well and septic system. Transportation: West Cedar Street is a seal coat surfaced, Township maintained road. Physical Characteristics: The site is nearly level and well drained. According to the Digital Soil Survey, the soil type on the site is 570A - Martinsville silt loam, zero to 2 percent slopes. This soil is not subject to ponding or flooding; it is classified as "prime farmland"; it is rated as being "somewhat limited" for septic systems due to slow water movement.

That's all I have.

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

MR. ANDERSON: I'll move.

MR. BRONKEMA: Second.

MR. McKINNEY: Randy has moved, Maury 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 passes. We're back into public hearing. Will the Petitioner please come forward?

RONALD ROCKWOOD,

being first duly sworn, testified as follows:

MR. McKINNEY: Give her your name and address.

MR. ROCKWOOD: Ronald L. Rockwood, 3948 West Cedar Street, Dixon, Illinois, R-O-C-K-W-O-O-D.

MR. McKINNEY: Tell us about your petition.

MR. ROCKWOOD: I applied for the zoning variance because my living room is right now approximately 8 foot in width and I would like to make it 23 foot long and then what I want to do is build it -- it's going to be closer to Mr. Kelly's home which is why I'm here. The living room will be longer, I'll have a bigger kitchen and I'll be able to put another bedroom on the back side of my home and I'll have a



porch on the front with the rest of it.

MR. McKINNEY: Okay. Just to understand, why instead of going -- what is it -- east, why not go to either the north or west to put this addition on?

MR. ROCKWOOD: The reason why I'm not going to the west is because right now I have an administrative variance granted to put a three and a half car garage on the west side. There is a garage already existing on the west side, so as we speak I'm having a new septic and drain field put in on my additional lot so I can have the septic and dry well that exists filled in with 2-inch rock and that way I can put my garage on that side and then the other side I'll dig a full basement, a footing wall and then the shell and I'll build everything out on the inside.

MR. McKINNEY: How about to the north side, is that where your current septic field is?

MR. ROCKWOOD: No, the current septic field is right next to the existing garage. The reason why I don't want to go to the north side



is because the way the house is built there were two additions. The original house was a small cabin, then there was a kitchen that was added on and then there's a bedroom and the bedroom is its own little hut, it's got windows on either side and there's really no way I can build to the north without walking through my bedroom to get to anything. I don't want my living room on the other side of my bedroom.

MR. McKINNEY: Understandable. Just to make it clear, your neighbor's house is really not close to his western lot line?

MR. ROCKWOOD: No.

MR. McKINNEY: He's got a big garage or something --

MR. ROCKWOOD: He's got approximately 30 to 35 feet and he's got an outbuilding, a machine shed. It's actually the original farm that was down there in that part of Grand Detour. So he's got a machine shed about 35 feet from my lot line and then an additional, I would venture to guess, 50 more feet to the east before his house and then it's his garage, so -- and I asked him before I even started any of

this and he said he had absolutely no problem with it.

MR. McKINNEY: So he doesn't -- to your knowledge he doesn't have any plans on building anything --

MR. ROCKWOOD: No, I would assume not.

MR. McKINNEY: -- west of the machine shed?

MR. ROCKWOOD: I would assume not, no.

MR. McKINNEY: Okay, and also just to -- for clarification for our finding of facts, you did not build this house or put these other additions on that would cause this --

MR. ROCKWOOD: No sir, the home was built in 1951 to my knowledge.

MR. McKINNEY: It's not that long ago.

MR. ROCKWOOD: I wasn't alive, so I know I didn't build it.

MR. McKINNEY: Be careful, I still have a vote. Anybody else have any questions?

MR. SWORD: How long have you owned it then?

MR. ROCKWOOD: I've owned it for about three and a half years now.



MR. McKINNEY: Questions anybody?

MR. BRONKEMA: No. I looked at it there and he's got a problem.

MR. ROCKWOOD: It's small. I just want to make it bigger. That's all.

MR. McKINNEY: How big a family do you have?

MR. ROCKWOOD: Currently it's just myself, so -- but that isn't to say that I wouldn't need the space anyway, so --

MR. McKINNEY: Right, and you've got a lot of room either to the north or west for future kids.

MR. ROCKWOOD: That's correct. It's a big lot, I love it. I can see the river all the way around no matter where I look and it's a great place to live.

MR. SWORD: It's a nice spot.

MR. BRONKEMA: There's a guy way out into Lena that built a big, beautiful home like that and he didn't have a wife and somebody says who's going to keep it clean and he said who says you have to keep it clean.

MR. ROCKWOOD: I'll be in the garage most



the time.

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

MR. SWORD: So moved.

MR. ANDERSON: Second.

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

(All those simultaneously agreed.)

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

MR. REIBEL: Standard A) 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 location and



configuration of the existing house is such that it is not possible for the Petitioner to construct an addition as proposed that conforms with the required side yard of 25 feet. Standard is met.

(All those simultaneously 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. SWORD: The conditions upon which the petition for a variation are based are unique and are not applicable generally to other property within the R-2 Single-Family Residence District due to the existing house design and location, and the location of the well and septic system. I feel that standard is met.

(All those simultaneously 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. FREEBERG: Evidence indicates that 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 additional living space for the occupant of the dwelling. I think the standard is met.
(All those simultaneously agreed.)
MR. REIBEL: D) The alleged difficulty or hardship has not been created by any person presently having an interest in the property.
MR. ANDERSON: The alleged difficulty or hardship has not been created by Mr. Rockwood as he has recently purchased the property and is attempting to improve the property. I feel the standard is met.
(All those simultaneously 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. SWORD: No evidence has been submitted that would indicate that 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. Standard is met.
(All those simultaneously agreed.)
MR. REIBEL: F) The proposed variation will not impair an adequate supply of light and air to adjacent property 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. FREEBERG: No evidence has been submitted that would indicate the variation will impair an adequate supply of light and air to the adjacent property 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. Standard is met.



(All those simultaneously agreed.)
MR. REIBEL: The Zoning Board of Appeals shall not vary the regulations of this 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. ANDERSON: The circumstances are unique due to the location and design of the existing dwelling on the site, as well as the location of the existing well and septic. That standard is met.
(All those simultaneously agreed.)
MR. REIBEL: B) The variation, if granted, will not alter the essential character of the locality.
MR. BRONKEMA: The variance will not alter the essential character of the location as there is an adequate buffer between the proposed addition on the northerly adjacent dwelling -- or southerly, it says here northerly, but southerly adjacent dwelling, so the standard is



met.
(All those simultaneously agreed.)
MR. REIBEL: That's it.
MR. McKINNEY: Going through the finding of facts the Board has found that all standards have been met. I'll entertain a motion.
MR. FREEBERG: I'd move that we grant Mr. Ronald Rockwood's Petition No. 3-09VAR.
MR. ANDERSON: I'll second it.
MR. McKINNEY: Who seconded it, Randy?
MR. ANDERSON: Yeah.
MR. McKINNEY: Curtis has moved, Randy has seconded to grant the variation for Mr. Rockwood. Roll call.
MR. REIBEL: Sword?
MR. SWORD: Yes.
MR. REIBEL: Anderson?
MR. ANDERSON: Yes.
MR. REIBEL: Bronkema?
MR. BRONKEMA: 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: Come in and see me.
MR. ROCKWOOD: Thank you, you guys, I appreciate it.



Now on this 30th day of April, A.D. 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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