SUPERVISOR OF ASSESSMENTS AND PLANNING & ZONING COMMITTEE
of the
OGLE COUNTY BOARD

SUPERVISOR OF ASSESSMENTS AND PLANNING & ZONING COMMITTEE REPORT TUESDAY, NOVEMBER 10, 2009

The regular monthly meeting of the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board was held on Tuesday, November 10, 2009 at 1:00 P.M. in the Ogle County Sheriff Department, Training Room, 103 Jefferson St., Oregon, IL.

The Order of Business is as follows:

1. ROLL CALL AND DECLARATION OF A QUORUM

   Chairman Lyle Hopkins called the meeting to order at 1:00 P.M. Roll call indicated five members of the Committee were present; Chairman Lyle Hopkins, Ben Diehl, Mel Messer, Jim Barnes, and Marcia Heuer. Dennis Williams and Larry Boes were absent.

2. READING AND APPROVAL OF REPORT OF OCTOBER 14, 2009 MEETING AS MINUTES

   Mr. Messer made a motion to approve the report of October 14, 2009 as minutes; seconded by Mrs. Heuer. The motion carried by a voice vote.

SUPERVISOR OF ASSESSMENTS PORTION OF MEETING:

3. CONSIDERATION OF MONTHLY BILLS OF SUPERVISOR OF ASSESSMENTS, AND ACTION

   Monthly bills of the Supervisor of Assessments were presented to the Committee for consideration. The bills totaled $7,522.89. Mr. Diehl made a motion to approve the payment of the bills in the amount of $7,522.89; seconded by Mr. Messer. The motion carried by a voice vote. Mr. Harrison noted that this month's bills were higher than usual because of the annual publication of assessments in newspapers, and mailing of assessment change notices.

4. OLD BUSINESS

   Mr. Harrison stated that in regards to the on going budget, at this Committee meeting several months ago, you asked me how my staff felt about a wage freeze. At that time, I told you that in light of the difficult economy, my staff and I would be willing to accept a salary freeze, if it was applied across the board to all departments and staff. We have now learned that is not to be the case, non-elected department heads and non-union staff will be the only people taking a salary freeze. Needless to say, I and my staff are not happy about this. Mr. Barnes stated all departments were suppose to share in the cuts but that is not happening. Mr. Harrison added elected officials don't have to accept their contracted salary increases, why aren't they returning theirs?

5. NEW BUSINESS

   There was no new business for discussion.

PLANNING & ZONING PORTION OF MEETING:

6. UNFINISHED BUSINESS (CONSIDERATION AND POSSIBLE ACTION)

   There was no unfinished business for consideration.

7. NEW BUSINESS

   A. DECISIONS (CONSIDERATION AND POSSIBLE ACTION)

#3-09 SPECIAL USE -- Mary Love Stuff, 1106 West John St., Champaign, IL for a Special Use permit to allow a retreat/recreational facility which will include corporate retreats, business parties, family vacations, weddings and other special gatherings, with lodging house for twelve persons in the AG-1 Agricultural District on property described as follows and owned by the petitioner:

Part of the NE1/4 of Section 31 Pine Creek Township 23N, R9E of the 4th P.M., Ogle County, IL, 97.56 acres, more or less
Property Identification Number: 15-31-200-003
Common Location: 5412 S. Lowell Park Rd.

Mr. Hopkins stated the intent is to rent the house out for weekends, weddings, etc. They have done a real good job restoring this house to its original decor and have made it a really nice place. Mr. Messer asked have there been any complaints by the neighbors? Mr. Reibel answered no.

Mr. Messer made a motion to approve #3-09 Special Use request of Mary L. Stuff; seconded by Mrs. Heuer. She added this petition was passed unanimously by the Regional Planning Commission and the Zoning Board of Appeals. Mr. Hopkins asked for a roll call vote, the vote being as follows: Heuer - yes, Messer - yes, Barnes - yes, Hopkins - yes, Diehl - yes; The motion carried by a roll call vote of 5-0.

B. MOBILE HOME APPLICATIONS - (CONSIDERATION AND POSSIBLE ACTION)

#4-09MH -- Request of Elizabeth Tepinski, PO Box 232, Sycamore, IL for the temporary use of a Mobile Home and Recreational Vehicle for dwelling purposes during re-construction of fire-damaged Dwelling

Part of the N1/2 of the SE1/4 Section 2, White Rock Township 41N, R1E of the 3rd P.M., Ogle County, IL, 5.10 acres, more or less
Property Identification Number: 18-02-400-002
Common Location: 2312 N. IL Hwy. 251, Rochelle, IL 61068

Ms. Tepinski and her Attorney Maria Burger were present. Assistant State's Attorney Scott Robinson was also present.

Atty. Burger stated since the last meeting, Ms. Tepinski has been focusing on coming into compliance with the requirements from the first request for the mobile home. The septic system has been installed, the open cattle building has been enclosed, and the junk & vehicles are gone or are now stored in the building. Ms. Tepinski has applied for a permit for the demolition of part of the burnt home and is working on that removal. Because of financial reasons, she was unable to act on these requests as quickly as desired, but a personal-injury insurance settlement from an accident she was involved in has been settled and she will be receiving a five-figure sum in the near future. Once received, part of the house will be removed as well as the mobile home, although removing a mobile home is difficult and time consuming. Nothing can be done until the insurance settlement is received so Mrs. Tepinski is asking for more time to come into compliance. The request is for a mobile home for her son and his family to live in while the house is being rebuilt and for the RV to remain. Ms. Tepinski does not live in the RV, she does stay there from time to time, but she does not live there.

Mr. Barnes asked if this was denied in June, why is she back asking again? Mr. Reibel answered she is hoping for a different answer due to the actions she has taken to come into compliance. Attorney Burger stated the focus has been to come into compliance with what was required on the original request. That request was approved and then revoked due to non-compliance of installing a septic system, enclosing the open building, and storage of open junk/vehicles in the enclosed building. Since June, much money and effort has been made to come into compliance and we are again asking the Committee for a temporary permit to be allowed to keep the mobile home on site until the new dwelling is completed. Mr. Barnes stated she is still waiting for insurance money. We heard that in June, too. Attorney Burger stated the case has now been settled and Ms. Tepinski will be receiving a settlement as soon as the negotiations regarding the reimbursement of her health care providers is settled.. Mr. Barnes stated even though the figure has been finalized, it could still take some time for these negotiations. Attorney Burger stated nothing further can be done until there are funds. They absolutely intend to be in compliance with the zoning requirements.

Assistant State's Attorney Scott Robinson stated a law suit was filed last year after the original permit was revoked for non-compliance. Today's decision by this Committee will determine if the State's Attorney's office will proceed with the lawsuit. Mrs. Heuer asked what are the parameters of the lawsuit? Mr. Robinson answered that the use of the mobile home us unlawful, and we are asking the Court for an injunction to prevent them from continuing to live there. Attorney Burger stated if the Committee gives permission for the mobile home, then the lawsuit will not be standing.

Mr. Hopkins stated the letter from the Bank simply states they are willing to work with Mrs. Tepinski, it does not state that a home loan has been approved. Attorney Burgers stated letter from the bank indicates that Ms. Tepinski has been working with them. Ms. Tepinski has been working to get in compliance and has been getting things done. Mr. Hopkins asked is the contract to purchase still under control? Attorney Burger answered yes, however it is the buyer's responsibility to keep everything in compliance and if this doesn't go through, all the work they have done would be for nothing, as the seller could take the property back.

Adjoining property owner Harriet Gocken was present. Mrs. Gocken stated my husband and I own the frontage of this property and it was beautiful until these people moved in. There has been an RV parked there since day one. Without a permit. They put up steel posts with a chain across driveway; why? They have 4 or 5 vehicles for sale at one time all the time yet nothing on the

property gets done. I don't understand how they can be asking for permit after the fact. They hauled in debris to make a berm around their property. Don't they need a permit for that? Seems like someone missed the ball. Mr. Reibel answered a permit is not required to put in a berm. They did use some illegal materials and those issues have been taken care of through the Solid Waste Management Department. A permit is not required for berms or fences.

Mr. Barnes asked why is her address a PO box in Sycamore? Attorney Burger answered Ms. Tepinski does not live in the RV. She stores her things there. The request is for her son and family to be able to continue to live in the mobile home. Ms. Tepinski will live there when the house is rebuilt.

Attorney Robinson stated to answer the question regarding Planning & Zoning, if someone is in violation of zoning ordinance, the Zoning department warns them, that occurred here. Ms. Tepinski did not come in compliance and we have a law suit against her, but law suits take a long time to deal with. This law suit has been since July of 2008 and we have tried our best to move things along and make them comply. The law suit has not been resolved. The county is doing what it can to rectify the situation and all the County can do is file a law suit. The County can not go onto a property and make someone clean it up. We are doing what we can. It takes time.

Mr. Barnes stated I believe we have discussed this enough. I make a motion to deny this request. Seconded by Mr. Messer. Mr. Hopkins asked is there any discussion?

Mr. Reibel stated that the application is to use both a mobile home and RV for dwelling purposes during re-construction of a fire-damaged home. Ms. Tepinski has admitted to me that she does live in the RV. Every time we have gone to the site, Ms. Tepinski is there. Attorney Burgers asked based on the motion to deny, what are the primary objections? Mr. Messer answered one is we have been coming here for a long time and get the a same story every time. Discussion ensued regarding the insurance settlement from the fire and how that money was applied. Mr. Messer asked can we amend the motion to state that they must be in full compliance in 30 days or the State's Attorneys office will proceed with the law suit. Mr. Barnes stated I do not want to change my motion.

Mr. Hopkins stated the motion is to deny this request. Can I have a roll call vote, the vote being as follows: Heuer - yes, Messer - yes, Barnes - yes, Hopkins - yes, Diehl - yes, ; The motion to deny the request carried by a roll call vote of 5-0.

8. SUBDIVISION PLATS (CONSIDERATION AND POSSIBLE ACTION)

There were no subdivision plats for consideration.

9. CONSIDERATION OF MONTHLY BILLS OF PLANNING & ZONING DEPARTMENT, AND ACTION

Monthly bills of the Planning & Zoning Department were presented to the Committee for consideration. The bills totaled $294.26. Mrs. Heuer made a motion to approve the payment of the bills in the amount of $294.26; seconded by Mr. Diehl. The motion carried by a voice vote.

10. REFERRAL OF NEW PETITIONS TO THE ZONING BOARD OF APPEALS FOR PUBLIC HEARING

#9-09 AMENDMENT -- JNASA Holding, LLC, % Jerald Aarvig, 12680 Ashfield Rd., Caledonia, 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 S1/2 G.L. 2 NW1/4 Fractional Section 7 Byron Township 25N, R11E of the 4th P.M., and part of the SE1/4 of the NE1/4 Section 12 Byron Township 25N, R10E of the 4th P.M., Ogle County, IL, 18.0 acres, more or less
Property Identification Number: Part of 05-07-100-013, -014, & -016 and part of 04-12-200-012, -013, & -015
Common Location: 11490 N. Tower Rd.

#13-09 VARIATION -- Marvin & Debra Horsman, 8735 E. Flagg Rd., Rochelle, IL for a Variation to allow an addition to an accessory building that exceeds the maximum allowable accessory building area due to parcel size pursuant to the *Ogle County Amendatory Zoning Ordinance* on property described as follows and owned by the petitioners:

Part of the S1/2 SE1/4 Fractional Section 36 Pine Rock Township 23N, R11E of the 4th P.M., Ogle County, IL, 1.75 acres, more or less
Property Identification Number: 17-36-400-005
Common Location: 8725 E. Flagg Rd.

14-09 VARIATION -- Fasco Holding, Inc., %Richard Zimmerman, PO Box 170, Mendota, IL and ADM Grain Co., %Jeff Mauck & Michael O'Donnell, PO Box 350, Mendota, IL for a Variation to allow a grain bin to be constructed 37' from the right-of-way line of E. IL Rte. 38 in lieu of 80' as required pursuant to the Ogle County Amendatory Zoning Ordinance on property described as follows, owned by Fasco Holding, Inc. and being leased by ADM Grain Co.:

Part of the SW1/4 of the SE1/4 Section 14 Dement Township 40N, R2E of the 3rd P.M., Ogle County, IL, 9.60 acres, more or less
Property Identification Number: 25-14-400-007
Common Location: 19560 E. IL Rte. 38

Mrs. Heuer made a motion to refer the above new requests to the Zoning Board of Appeals for public hearing; seconded by Mr. Messer. The motion carried by a voice vote.

11. OTHER BUSINESS (CONSIDERATION AND POSSIBLE ACTION)

Discussion regarding Land Use Task Force Text Amendment Proposal

Mr. Hopkins stated we need more time to review and will hold this over for another month. The motion carried by a voice vote.

Request of Marcia Heuer, 589 S. Harmony Rd., Oregon, IL for an extension of Special Use Permit #10-07 SU (Single-Family Dwelling in the AG-1 District)

Mrs. Heuer asked to be excused from this discussion and decision. Mr. Hopkins excused Mrs. Heuer from this portion of the meeting.

Mr. Messer made a motion to approve a one (1) year extension of Special Use Permit #10-07SU; seconded by Mr. Barnes . Mr. Hopkins asked for a roll call vote, the vote being as follows: Barnes - yes, Diehl - yes, Mess - yes, Hopkins - yes. The motion carried by a voice vote 4-0

Mrs. Heuer who had been previously excused from and did not participate in this portion of the meeting was allowed to re-enter the meeting.

Discussion regarding "Ogle County LESA" - Update "Land Evaluation" portion (replacing existing soils data with new Soil Survey soils data)

Mr. Reibel stated our current LESA system uses the old Soil Survey. There is a new Soil Survey published, and we would like to incorporate the new soils data into the LESA program. Mr. Reibel added that he would like to have the LESA program officially recognized by the State, and the State requires the updated LESA program to be submitted for review and approval prior to the Ogle County Board acting on the update. Mr. Reibel asked the Committee if he should pursue this. Mr. Hopkins stated the system needs to be updated. The consensus of the Committee was for Mr. Reibel to pursue State-recognition of the Ogle County LESA program, and then bring it to the Committee upon State approval.

12. PUBLIC COMMENT

Mr. Hopkins stated we are continuing to work on an Administrative Adjudication officer to hear ordinance violation cases. These cases would come before a hearing officer which would keep them out of the court system and should speed up compliance.

Shannon Landers asked since the union employees are getting raises and the non-union employees are not, will the non-union employees be reimbursed for this in the future? Mr. Hopkins stated that is being considered.

13. ADJOURN

The regular monthly meeting of the Supervisor of Assessments and Planning & Zoning Committee of the Ogle County Board adjourned at 2:17 P.M. The next meeting of the Supervisor of Assessments and Planning & Zoning Committee is scheduled for Wednesday, December 9, 2009 at 1:00 P.M.

Respectfully submitted,

Michael Reibel
Planning & Zoning Administrator