STATE OF ILLINOIS)
)SS
COUNTY OF OGLE)

In the Matter of the Petition
of
Wesley A. and Lynn M. Jaros, Taylor Township
Ogle County, Illinois

Testimony of Witnesses
Produced, Sworn and
Examined on this 28th day
of October 2010
before the Ogle County
Zoning Board of Appeals

Present:
John Finfrock
Maynard Stivers
Jason Sword
Maurice Bronkema, Chairman

Michael Reibel, Zoning Administrator

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MR. BRONKEMA: Ready for the next one?
MR. REIBEL: The next order of business is to consider the request filed September 27th, 2010 of Wesley A. and Lynn M. Jaros, 1113 Black Oak Dr., Downers Grove, IL for a Variation to allow a dwelling addition (attached garage) to be constructed 25 feet from a -- it says side and it should be rear property line in lieu of 30 feet as required pursuant to the Ogle County Amendatory Zoning Ordinance on property described as follows and owned by the Petitioners:

Lots 400 and 401 Lost Nation Woodland Homesteads #9, part of the E1/2 of the NE1/4 Section 8 Taylor Township 22N, R10E of the 4th P.M., Ogle County, IL. Property Identification Numbers: 22-08-277-014 & -013. Common Location: 405 Birch Lane, Dixon, IL.

For the record a legal notice was published in the October 11th edition of the Ogle County Life notifying the public of the hearing this evening and the specifics of the petition. 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 sign was posted along the frontage of the premises to notify the public of the pending zoning action.

Under the staff report, a copy of which is on file and the Board members have received, I will point out under general information that the size of the parcel is approximately 28,690 square feet which is sixty-six hundredths of an acre. Existing Land Use is residential. The site is zoned R-2 Single-Family Residence District. Surrounding Land Use and Zoning: The site is located within a private residential subdivision. All surrounding land is in residential use and is zoned R-2. Zoning History: Lost Nation Woodland Homesteads #9 Subdivision was platted in 1970. Applicable Regulations: The required rear yard for principal buildings in the R-2 zoning district is 30 feet. Special Information, Public Utilities: Lost Nation/New Landing subdivision is provided with community water and community sanitary sewage disposal. Transportation: All roads in the Lost Nation/New Landing subdivisions are private. Physical

Characteristics: The site is gently sloping. There are no wetlands, floodplain or areas of ponding on the site.

That's all I have.

MR. BRONKEMA: Okay. Mr. Jaros, would you come forward.

MR. JAROS: Good evening.

MR. BRONKEMA: Give your name to the secretary.

MR. JAROS: Sure. Wes Jaros, 1113 Black Oak Drive, Downers Grove, Illinois.

WESLEY JAROS,

being first duly sworn, testified as follows:

MR. BRONKEMA: Okay. Go ahead and state your case I guess.

MR. JAROS: Well, I think the Board has been presented my packet and my wife and I bought this property back in mid-July with the full intent to use the property at our leisure. This will be more of a weekend retreat than a full-time residence, but the building was lacking one major item and that was a garage. And it's something that the other subdivision property owners have wanted to see on this

property for quite some time. Unfortunately, the previous owner supposedly didn't have the funds to build a garage so cars were left scattered about the property in front of the house, alongside the house and it really became an eyesore. We're fortunate enough to have the funding to build this garage at this time. One thing I will bring to your attention that might have been a little bit unclear in my presentation, if you look at the plat of survey where I did superimpose the garage, when I'm asking for a slight variation of 25 feet, that point only exists from the rear right-hand corner of the garage as you're looking at it to that property point line that connects the rear property line and the side property line. That is approximately 25 feet. If you extended the distance from the rear of the garage parallel to the side of the garage -- if you extend that down to those property lines we are well past 30 feet. In fact, in some of those areas we're probably 40 to 50 feet from the rear property line. But because of the anomaly of this lot's size and shape and the way the building was

situated on an irregular lot is the reason why we're encroaching a bit only in one section of that 30-foot property setback.

MR. BRONKEMA: Well, I think the garage also would help cover the gas tank back there and another thing is it needs a lot of improvement -- the whole property.

MR. JAROS: Yeah, it was a very neglected property. I should also add that in terms of our neighbors, there is no neighbor directly located behind us. That gentleman has a home that is situated, oh, probably 50 to a hundred feet to the north, so his building -- there's a heavy bush line that separates our property. He probably won't even see the garage when the plants are in bloom. Plus we're planning on beefing up that bush line as well in the springtime. The property owner just to our south, his home literally ends toward where our garage is going to be built and it's basically the rear end of his garage and there's very, very little sight line, if any, that he will also see the garage as well because of another bush line on that side. I have an aerial

photograph of the property if anybody would like to see it. It graphically displays what I'm attempting to tell you right now. So this is a win-win situation for the subdivision and we get the garage that I need to have a boat on the lake and it obviously will improve the property values as well.

MR. BRONKEMA: And you also -- he showed me where he took down a building that was pretty deteriorated in the back, so --

MR. JAROS: Yeah, there was an old shed located right in the middle of the backyard. It really was an eyesore. The roof had seen better days and in light of the fact that we're building an extra deep garage does not really require us to have that small shed any longer. So all we're trying to do is improve the property here and construct something that will be very pleasing to the site as passersby use Birch Lane, which by the way, if you've ever been in the Lost Lake Subdivision it's kind of one of the busier roads through the area and we're right across the street from the beach area, so in the summertime, nice weather times

when people are out using the lake for activities, our house is front and center and again, there were a number of complaints that my builder had mentioned that the property had been let go and that cars had been parked at all places on the lot itself, so this will tidy up the situation quite a bit and make it a more pleasing area.

MR. SWORD: Now, did you buy the two lots together?

MR. JAROS: Yes, I did, uh-huh and we have no intentions of building on the second lot except for maybe a volleyball court.

MR. BRONKEMA: You feel you have adequate parking even after you put the building up -- after you put the garage up do you feel you'll still have adequate parking for your use?

MR. JAROS: Oh, yeah, I will have a deck boat which is kind of like a pontoon boat and a spare car that I'm going to be parking there as well, so we'll have more than adequate parking.

MR. BRONKEMA: And also will it affect the corner sight of cars going through or anything like that?

MR. JAROS: Not at all.

MR. BRONKEMA: You're set back pretty far?

MR. JAROS: Yes.

MR. BRONKEMA: And I guess the next question I have to ask you is are you buying this to sell it for a profit or are you figuring on --

MR. JAROS: Heavens, no. We were very fortunate to be in the right place at the right time to buy this piece of property. It's kind of unique. It's not lakefront, but it's lake view. The lake is only about 50 feet from our front door, so it's kind of a unique property, so we'll be sitting on it for quite some time.

MR. BRONKEMA: You got a pretty good view of the lake.

MR. JAROS: Right, I'm looking forward to that.

MR. BRONKEMA: Any other questions?

MR. SWORD: No.

MR. BRONKEMA: Okay. You may be seated.

MR. REIBEL: Francis Star or Barbara Wise, you've entered an appearance. Do you have any questions of Mr. Jaros?

AUDIENCE MEMBER: No.

MR. BRONKEMA: Okay. Anybody else in favor of this petition that wants to testify? Anybody against the petition that wants to testify? If not, we'll go through the finding of facts.

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 irregular shape of the lot and position of the dwelling on the lot result in a particular hardship upon the owner in constructing an attached garage. I feel that standard will be 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. 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 irregular shape of the lot and the position of the dwelling on the lot. 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. FINFROCK: 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 a garage for the occupants of the dwelling. Standard met.

(All those agreed.)

MR. BRONKEMA: I agree and he also testified to that.

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

MR. STIVERS: The alleged difficulty or hardship has not been created by Mr. or Mrs. Jaros, as they did not design or construct the dwelling. I believe that standard has been 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. BRONKEMA: 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. Standard met.

(All those 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. SWORD: No evidence has been submitted that would indicate that the variation will 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. If anything, he's going to improve the property by adding the garage. Standard is met.

(All those 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 circumstance.

MR. STIVERS: The circumstances are unique due to the irregular shape of the lot and the position of the dwelling on the lot. I believe that's the zoning alternative and that standard has been met.

(All those agreed.)

MR. REIBEL: B) The variation, if

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

MR. FINFROCK: The variation will not alter the essential character of the locality. Standard met.

(All those agreed.)

MR. BRONKEMA: Anyone want to the make a motion on this petition?

MR. SWORD: I'll make a motion we approve Variation No. 12-10 of Wesley and Lynn Jaros in light of all the standards having been met.

MR. BRONKEMA: Second?

MR. FINFROCK: Second.

MR. BRONKEMA: Roll call.

MR. REIBEL: Stivers?

MR. STIVERS: Yes.

MR. REIBEL: Finfrock?

MR. FINFROCK: Yes.

MR. REIBEL: Sword?

MR. SWORD: Yes.

MR. REIBEL: Bronkema?

MR. BRONKEMA: Yes.

(By voice vote four ayes.)

MR. REIBEL: Four voted yes, so the motion

having carried, come in and see me to complete the application.

MR. BRONKEMA: Any further business?

MR. REIBEL: No further business.

MR. BRONKEMA: Okay. Meeting adjourned. Do we need a motion for it? I guess meeting is adjourned.

(The hearing was concluded at 7:42 p.m.)

Now on this 28th day of October 2010, I do signify that the foregoing testimony was given before the Ogle County Zoning Board of Appeals.

Maurice Bronkema, Chairman

Michael Reibel,
Zoning Administrator

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