Ogle County Zoning Board of Appeals

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COPY

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 Francis J. Drew, Jr., 6994 S. IL Route 2, Oregon, IL and Steven T. & Amy K. Drew, 519 Long Hill Rd., Gurnee, IL, in case #09-10SU. The applicants are requesting a Special Use Permit to permit Single-Family Dweling for the Son of the Farm Owner in the AG-1 Agricultural District on part of Parcel Identification No. 21-07-100-005, a 5.20 acre parcel which is part of Section 7, Township 22N, Range 9E of the 4th Principal Meridian and is located in Grand Detour Township in the 8500 Block of W. Woosung Road.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on October 28, 2010 in the County Board Room, 3rd Floor, Ogle County Courthouse, Oregon, Illinois and hereby report their findings of fact and their recommendation as follows:

SITE INFORMATION: See Staff Report (attached herewith).

ANALYSIS OF SEVEN 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 9.08(C) (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). 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 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 AG-1 zoning district regulations, as the site is not extremely high quality farmland and is approximately 1/4 mile from the street giving access to it. 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 W. Woosung 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. 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 9.08(C) of the *Ogle County Amendatory Zoning Ordinance.*

Therefore, the Zoning Board of Appeals hereby recommends that a Special Use Permit be granted to allow Single-Family Dweling for the Son of the Farm Owner in the AG-1 Agricultural District.

ROLL CALL VOTE: The roll call vote was 4 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 28th day of October 2010 by the Ogle County Zoning Board of Appeals.

Maurice Bronkema, Vice Chairman
Jason Sword
Maynard Stivers
John Finfrock

Maurice Bronkema, Vice Chairman

ATTEST:

Michael Reibel

Michael Reibel, Secretary

STATE OF ILLINOIS)
)SS
COUNTY OF OGLE)

In the Matter of the Petition
of
Francis J. Drew, Jr., Grand Detour 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:
Maynard Stivers
John Finfrock
Jason Sword
Maurice Bronkema, Chairman

Michael Reibel, Zoning Administrator

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MR. BRONKEMA: Next one.

MR. REIBEL: Next order of business is to consider the request filed September 20th, 2010 of Francis J. Drew, Jr., 6994 S. IL Rte. 2, Oregon, IL and Steven T. and Amy K. Drew, 519 Long Hill Rd., Gurnee, IL for a Special Use Permit in the AG-1 Agricultural District to allow a single-family dwelling for the son of the farm owner on property described as follows and owned by Francis Drew, Jr. and being purchased by Steven T. and Amy K. Drew:

Part of G.L. 1 and G.L. 2 of the NW1/4 Fractional Section 7 Grand Detour Township 22N, R9E of the 4th P.M., Ogle County, IL, 5.20 acres, more or less. Property Identification Number: Part of 21-07-100-005. Common Location: 8500 Block of W. Woosung Road.

For the record a legal notice was published in the Monday, October 4th issue 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 notifying 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 the site is located on the south side of West Woosung Road beginning approximately seven-tenths of a mile west of South Lowell Park Road and approximately seven-tenths of a mile east of South China Road. Existing Land Use: The site is in agricultural use and is zoned AG-1 Agricultural District. Surrounding Land Use and Zoning: All surrounding land is in agricultural use with the exception of a non-farm residential parcel adjacent to the north; all surrounding land is zoned AG-1 Agricultural District. No previous zoning history on the site. The AG-1 Agricultural District provides for a special use permit for a single-family dwelling when one of four criteria are met. In this instance Criteria 4 appears to be met and that is such single-family dwelling is initially intended for and occupied by a son in this case of the owner of the original

1 agricultural tract from which such lot is set
2 aside for residential purposes. Special
3 Information, Public Utilities: None.
4 Transportation: West Woosung Road is a seal
5 coat surfaced Ogle County highway. Physical
6 Characteristics: The site is part of an upland
7 ridge top/side slope system with slopes on-site
8 ranging from gently sloping to strongly sloping.
9 There are no mapped floodplains, wetlands or
10 areas of ponding on the site. The site is
11 predominantly well drained. Approximately 82
12 percent of the soils on-site are rated as
13 "Farmland of statewide importance", 10 percent
14 are "Prime", 8 percent are "Not prime farmland".
15 Approximately 51 percent of the soils identified
16 on-site are classified as being "Very limited"
17 for septic fields due to depth to saturated
18 zone, slow water movement, slope and depth to
19 bedrock; the remainder of soils on the site are
20 classified as "Somewhat limited" for septic
21 fields.
22 The LESA score of 194.9
23 indicates a Low rating for protection. Land
24 Evaluation being 70.9.

1 Site Assessment 124.
2 At the October 21st, 2010 meeting of the
3 Regional Planning Commission, Mr. Conn made a
4 motion to approve Petition No. 9-10SU. Seconded
5 by Mr. Smith. The motion carried unanimously by
6 roll call vote.
7 According to the Illinois Department of
8 Natural Resources, the Illinois Natural Heritage
9 Database shows the following protected resources
10 may be in the vicinity of the project: L & M
11 Prairie INAI site and L & M Prairie Natural
12 Heritage Landmark. However, the department
13 evaluated the information and determined that
14 adverse effects due to the identified resources
15 aren't likely and consultation has been
16 terminated.
17 That's all I have.
18 MR. BRONKEMA: Francis Drew, will you come
19 forward, please?
20 STEVE DREW: Good evening. I'm Steve
21 Drew, 519 Long Hill Road, Gurnee, Illinois.
22 Last name D-R-E-W. Francis got his hip replaced
23 yesterday so he couldn't make it.
24 MR. BRONKEMA: Okay. Want to raise your

1 right hand, please.
2 STEVE DREW,
3 being first duly sworn, testified as follows:
4 MR. BRONKEMA: Go ahead.
5 STEVE DREW: So my wife and I want to
6 purchase this property from our -- my father.
7 It's a family farm. It's been in our family for
8 a hundred and fifty years. Growing up I helped
9 work it and would like to retire out there
10 someday with my wife. Dad is getting on in
11 years, so we thought it would be a good thing to
12 move forward with trying to formalize this whole
13 thing, so that's kind of the timing of it. Amy
14 and I have -- have four boys. These are two
15 that came with me tonight, they're home on
16 college break. Two younger and the youngest is
17 in sixth grade this year. So the plan would be
18 when he graduates high school we'd like to build
19 a single-family dwelling there, but in the
20 meantime for any of you that had a chance to go
21 out and look at the property there's quite of
22 bit of development that has to be done with the
23 road and we'd like some time to be able to get
24 the electrical power back there since there is

1 no electricity back there and it's about a
2 quarter of a mile back -- this lane. We'd also
3 like to start to improve some of the property
4 with putting in trees for a windbreak and that
5 sort of thing and perhaps in the meantime in a
6 year or two commence with building a barn to
7 store some of the things we might use for the
8 improvements back there so. That's kind of our
9 game plan. We'd like to retire out there
10 someday and enjoy the land where I grew up.
11 MR. BRONKEMA: I got as far as the
12 driveway out there on a rainy day.
13 STEVE DREW: It's a little soft if you're
14 trying to get back there.
15 MR. BRONKEMA: It was a rainy day, but
16 anyway, you're back in there and of course, I
17 just seen where it was going back to, but do you
18 -- are you part of the farm operation or are
19 your boys part of the farm operation?
20 STEVE DREW: We are. I helped dad farm it
21 till he started to lease it out and I think he's
22 been leasing it now probably ten years plus, so
23 at this point I think that we'd probably
24 continue to lease it to a tenant farmer.

MR. BRONKEMA: I guess one of the questions I have to ask is you're not building this just to sell it down the road?

STEVE DREW: No, not at all. He wouldn't sell it to me if he thought I had that in mind.

MR. BRONKEMA: You said the utilities would have to be put back in there and the road has to be put back?

STEVE DREW: I've done some homework on that and talked with some Commonwealth Edison representatives and it's all possible, it just takes some time and I'll have to work with them, meet them out there and they said they could help me work the whole thing out to get the specifications and a certified electrician to put it in.

MR. SWORD: Now, does your father live on the property yet?

STEVE DREW: No. He actually lives just south on Route 2 here where -- where we lived since I was about 10 I guess. This was my grandfather's farm, so this is where my father grew up.

MR. BRONKEMA: Anybody else have any

questions? Okay, guess not.

STEVE DREW: Thank you.

MR. BRONKEMA: We got anybody else in favor of this petition? Do you want to step forward? Give your name and address to our secretary.

CONNOR DREW: Connor Drew, D-R-E-W, 519 Long Hill Road.

CONNOR DREW,

being first duly sworn, testified as follows:

CONNOR DREW: Well, I'm in favor of my father, Steve Drew, building this and I plan to help build it and living out here I've done a lot of work with my grandfather, Francis Drew and his excavating company and I like the country out here and hope to see my father and my mom put this farm -- or house and barn up for the rest of the family to enjoy and in future years my kids and my other brothers' children and just the family.

MR. BRONKEMA: Okay. Maybe you'll get back into farming too then.

CONNOR DREW: That would be nice.

MR. BRONKEMA: Okay. Any questions

anybody?

MR. SWORD: No.

MR. BRONKEMA: Okay. Thank you. Anybody else in favor of this petition? Do we have any anybody opposed to it? Okay. If not, we'll make a motion -- anybody -- do we need a motion to --

MR. REIBEL: We'll go through the standards here. Standard 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.

MR. STIVERS: 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. I believe that standard has been met.

(All those agreed.)

MR. REIBEL: 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 buildings, structures, walls and fences on the site. And B) The nature and extent of proposed landscaping and screening on the proposed site.

MR. SWORD: 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 AG-1 zoning district regulations, as the site is not extremely high quality farmland and is approximately 1/4 mile from the street giving access to it. I believe that standard is met.

(All those agreed.)

MR. REIBEL: 3) That off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.

MR. FINFROCK: The site is large enough so that adequate off-street parking and loading areas can be provided. Standard met.

(All those agreed.)

MR. REIBEL: 4) That adequate utilities, ingress/egress to the site, access roads, drainage and other such necessary facilities have been or will be provided.

MR. BRONKEMA: Adequate utilities, ingress/egress to the site from West Woosung Road, access roads, drainage and other such necessary facilities have been or will be provided. At this time it isn't where it should be, but it will be provided and I feel that

standard will be met.

(All those agreed.)

MR. REIBEL: 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.

MR. SWORD: 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. I feel that standard is met.

(All those agreed.)

MR. REIBEL: 6) That the proposed special use complies with all provisions of the applicable district regulations.

MR. FINFROCK: The proposed special use appears to comply with all provisions of the AG-1 District regulations. I feel the standard is met.

(All those agreed.)

MR. BRONKEMA: Someone want to make a motion on this?

MR. STIVERS: I'll make a motion that a special use permit be issued to Steve and Amy Drew for the family dwelling to be located on the site.

MR. SWORD: I'll second that.

MR. BRONKEMA: We've got a motion and a second. Roll call.

MR. REIBEL: Finfrock?

MR. FINFROCK: Yes.

MR. REIBEL: Sword?

MR. SWORD: Yes.

MR. REIBEL: Stivers?

MR. STIVERS: Yes.

MR. REIBEL: Bronkema?

MR. BRONKEMA: Yes.

(By voice vote four ayes.)

MR. REIBEL: Four voted yes, so the motion carried. This petition will go on to the Planning and Zoning Committee on November 10th at 1 o'clock in the afternoon right here and to the County Board for a decision on November 16th

at 5:30 in the evening also right here.

1 Now on this 28th day of October 2010, I do
2 signify that the foregoing testimony was given
3 before the Ogle County Zoning Board of Appeals.
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Maurice Bronkema, Chairman
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Michael Reibel,
13 Zoning Administrator
14
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Julie K. Edeus
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Ogle County Planning & Zoning Department

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COPY

STAFF REPORT

To: **Zoning Board of Appeals**	**File #09-10SU**
Date: **October 15, 2010**	**Prepared By: Michael Reibel**

GENERAL INFORMATION:

Applicant:	Francis J. Drew, Jr., 6994 S. IL Route 2, Oregon, IL and Steven T. & Amy K. Drew, 519 Long Hill Rd., Gurnee, IL
Status of Applicant:	Francis J. Drew, Jr. = Owner Steven T. & Amy K. Drew = Son and daughter-in-law of Francis J. Drew; contractual purchasers
Requested Action:	Special Use Permit in the AG-1 Agricultural District
Purpose:	Single-family dwelling for the son of the farm owner
Location:	Part of G.L. 1 and G.L. 2 of the NW 1/4 Fractional Section 7 Grand Detour Township 22N, R9E of the 4th P.M., Ogle County, IL (located on the south side of W. Woosung Road beginning approximately 0.7 mile west of S. Lowell Park Road and approximately 0.7 mile east of S. China Road) Common Location: 8500 Block of W. Woosung Road
Size:	5.20 acres
Existing Land Use:	The site is in agricultural use and is zoned AG-1 Agricultural District
Surrounding Land Use and Zoning:	All surrounding land is in agricultural use with the exception of a non-farm residential parcel adjacent to the north; all surrounding land is zoned AG-1 Agricultural District.
Comprehensive Plan:	The site is not located within 1.5 miles of an incorporated city or village; Grand Detour Township does not have a township planning commission. The Ogle County Amendatory Comprehensive Plan designates the site and surrounding area for continued agricultural and agriculturally-related uses; only limited residential uses should be permitted.
Zoning History:	None.

Applicant:	Francis J. Drew, Jr., 6994 S. IL Route 2, Oregon, IL and Steven T. & Amy K. Drew, 519 Long Hill Rd., Gurnee, IL
Applicable Regulations:	The AG-1 Agricultural District provides for the following Special Use: Single-family dwelling, when constructed on a lot divided and set aside from a farm as defined herein. Lot area shall be not less than one (1) acre and the lot width shall be not less than one hundred fifty (150) feet. At least one of the following criteria must be met prior to issuance of a special use permit for a single-family dwelling in an AG-1 Agricultural District: 1. Existence of man-made or natural physical features which serve as barriers to agricultural use on a majority of the property; 2. Tree cover (mature), either covering the majority of the property or the location of which serves as the barrier to agricultural use on the property; 3. Topography and slope unconducive to agricultural use even under conservation practices. 4. <u>Such single-family dwelling is initially intended for and occupied by a son or daughter, parent or spouse of the owner of the original agricultural tract from which such lot is set aside for residential purposes.</u> In addition to the above, all applicants requesting a special use permit for a single-family dwelling must certify by affidavit (see Appendix III) that they have read the preamble to the AG-1 Agricultural District regulations, and if said application is approved by the County Board, record with the property deed said affidavit. Proof of recordation will be required prior to a zoning certificate being issued by the Zoning Administrator.

SPECIAL INFORMATION:

Public Utilities:	None.
Transportation:	W. Woosung Road is a seal coat surfaced Ogle County highway.
Physical Characteristics:	The site part of an upland ridge top/side slope system, with slopes on site ranging from gently sloping to strongly sloping. There are no mapped wetlands, floodplains or areas of ponding on the site. The site is predominately well drained. Approximately 82% of the soils on site are rated as "Farmland of statewide importance"; 10% are "Prime"; 8% are "Not prime farmland". Approximately 51% of the soils identified on site are classified as being "Very limited" for septic fields due to depth to saturated zoned, slow water movement, slope and depth to bedrock; the remainder of soil on site are classified as "Somewhat limited" for septic fields.
LESA:	The LESA score of 194.9 indicates a LOW RATING FOR PROTECTION (LE = 70.9; SA = 124).

ATTACHMENTS:

LESA Summary Sheet

SITE ASSESSMENT WORK SHEET - OGLE COUNTY, ILLINOIS "L.E.S.A."

Site Assessment Factors		Maximum Points per Factor	Score Assigned
Agricultural Land Use			
1. Percent of land in agriculture within 1.5 mile of site		16	16
2. Percent of land in agriculture adjacent to site		16	16
3. Percent of site suitable for agricultural use		16	8
Zoning			
4. Number of non-farm dwellings within 0.5 mile of site	6	12	5
5. Percent of land zoned AG-1 within 1.5 miles of site		16	16
6. Availability of zoned land for proposed use		10	5
7. Number of similar map amendments and/or special use permits approved within 1.5 miles of site within last ten years	2	12	5
Compatibility/Impact of Use(s)			
8. Distance from fire/ambulance protection		11	5
9. Distance from school (high school)		11	5
10. Impact on the environment and unique historical/cultural factors		10	6
11. Compatibility with surrounding area		10	4
Urban Infrastructure			
12. Degree to which the affected transportation routes can bear the traffic that the proposed use may generate		10	4
13. Availability of central sewer		8	8
14. availability of public water		8	8
Land Use Feasibility			
15. Soil suitability for on-site disposal	6.1% CAT 3 93.6% CAT 1+2	10	0
16. Size of site	5.20	10	3
17. Future need for more land		5	5
Adopted Plans			
18. a) Consistency with County "Comprehensive Plan"; or b) consistency with city/village plan if within 1.5 miles of city/village limits		9	5
SITE ASSESSMENT SUB-TOTAL			124

LAND EVALUATION WORK SHEET AND SUMMARY SHEET - OGLE COUNTY, ILLINOIS "L.E.S.A."

1 Soil Type	2 Agricultural Group	3 Relative Value	4 Acres	5 Product (Relative Value x Acres)
233B	4	75	0.2	15.0
243C2	6	74	0.2	14.8
280B	4	75	0.2	15.0
280C2	6	74	2.5	185.0
509E2	8	44	0.3	13.2
618D2	6	74	1.7	125.8
TOTAL	-----	-----	5.2	368.8

Note:

- "Agricultural Group" is obtained from Table 1.
- "Relative Value" is obtained from Table 2.
- To calculate # acres, use a planimeter or dot grid on a soil survey map or consult with the Ogle county Soil and Water Conservation District or Ogle County Planning & Zoning Department.

368.8 / 5.2 = 70.9

Total of Column 5 / Total of Column 4 = Land Evaluation Sub-Total (Maximum 100 pts. Possible)

Site Assessment Sub-Total (Max. 200 pts.) = 124

Total Points Accrued (Max. 300 pts.) = 194.9 (L.E.S.A. Score)

In most cases, the site should be protected for agriculture when the points exceed 200. The following point scale should be observed:

0 - 199 = Low rating for protection
200 - 210 = Medium rating for protection
211 - 300 = High rating for protection

Petitioner: DREW

File No.: 9-10 SU

Date: 10-14-10 Prepared By: MM