STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2010-1102

AN ORDINANCE APPROVING A SPECIAL USE PERMIT
ON PROPERTY LOCATED AT 1612 S. WOODLAWN ROAD, LYNNVILLE TOWNSHIP

WHEREAS, Jeannette Richmond Trust #92 c/o Jeannette Richmond, Trustee, 1469 Farington Dr., Naperville, IL and Brian Harms, 2830 Lynnville Ct., Lindenwood, IL have filed a petition for a Special Use Permit in the AG-1 Agricultural District (Petition No. 08-10SU) to allow a Single-Family Dwelling in the AG-1 Agricultural District, on property located at 1612 S. Woodlawn Road in Lynnville Township and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Rochelle News-Leader and the Ogle County Life at least fifteen (15) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least fifteen (15) days prior thereto, the Ogle County Zoning Board of Appeals conducted a public hearing on October 28, 2010, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and no member(s) of the public spoke in favor of or opposition to the petition; and

WHEREAS, the Zoning Board of Appeals, having considered the evidence, testimony and exhibits presented has made its findings of fact and recommended that the requested Special Use Permit be granted as set forth in the *Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals* dated October 28, 2010, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the Ogle County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the findings of fact and recommendation of the Zoning Board of Appeals, and has forwarded a recommendation to the Ogle County Board that the requested Special Use Permit be granted; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Zoning Board of Appeals and the recommendation of the Planning and Zoning Committee, and has determined that granting the Special Use Permit to allow a Single-Family Dwelling in the AG-1 Agricultural District would be consistent with the requirements established by Section 9.08(C) of the *Ogle County Amendatory Zoning Ordinance*;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

SECTION ONE: The report of the Ogle County Zoning Board of Appeals, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact set forth above, the request of Jeannette Richmond Trust #92 c/o Jeannette Richmond, Trustee, 1469 Farington Dr., Naperville, IL and Brian Harms, 2830 Lynnville Ct., Lindenwood, IL for a Special Use Permit in the AG-1

Agricultural District to allow a Single-Family Dwelling on property located 1612 S. Woodlawn Road in Lynnville Township and legally described as shown in Exhibit "A" attached hereto, is hereby approved.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 9.10 of the *Ogle County Amendatory Zoning Ordinance*.

PASSED BY THE COUNTY BOARD THIS 16TH DAY OF NOVEMBER 2010 A.D.

_____
W. Ed Rice, Chairman of the Ogle County Board

ATTEST:

_____
Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

EXHIBIT "A"

LEGAL DESCRIPTION

Part of the Southeast Quarter of Section 26, Township 41 North, Range 2 East of the Third Principal Meridian, bounded and described as follows:

Commencing at the Southeast Corner of said Section 26; thence North 00 degrees 03 minutes 42 seconds East along the East Line of the Southeast Quarter of said Section 26, a distance of 1476.42 feet to the point of beginning of the hereinafter described tract of land; thence continuing North 00 degrees 03 minutes 42 seconds East along said East Line, a distance of 330.00 feet; thence North 89 degrees 56 minutes 18 seconds West, perpendicular to the last described course, a distance of 396.00 feet; thence South 00 degrees 03 minutes 42 seconds West, parallel with the East Line of said Southeast Quarter, a distance of 330.00 feet; thence South 89 degrees 56 minutes 18 seconds East, perpendicular to the last described course, a distance of 396.00 feet to the Point of Beginning, containing 3.000 acres, more or less, subject to that land being used for public road purposes and also all easements, agreements, county codes and/or ordinances of record, if any, all situated in the Township of Lynnville, the County of Ogle and the State of Illinois.

Part of Property Identification Number 19-26-400-001
Common Location: 1612 S. Woodlawn Road

EXHIBIT "B"

FINDINGS OF FACT AND RECOMMENDATION
OF THE ZONING BOARD OF APPEALS

Ogle County Zoning Board of Appeals

911 W. Pines Road
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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 Jeannette Richmond Trust #92 c/o Jeannette Richmond, Trustee, 1469 Farington Dr., Naperville, IL and Brian Harms, 2830 Lynnville Ct., Lindenwood, IL, in case #08-10SU. The applicants are requesting a Special Use Permit to permit Single-Family Dwelling in the AG-1 Agricultural District on part of Parcel Identification No. 19-26-400-001, a 3.0 acre parcel which is part of Section 26, Township 41N, Range 2E of the 3rd Principal Meridian and is located in Lynnville Township at 1612 S. Woodlawn 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© (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 on a site that is a former farmstead and not farm land). 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 a former farmstead and would place a house where a house formerly existed. 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 S. Lynnville 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© 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 Dwelling 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, Secretary