STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2009-1001

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT ON PROPERTY LOCATED AT 2104 E. IL ROUTE 72, BYRON TOWNSHIP

WHEREAS, Brinkman Family Trust by Darlene McCaslin, Trustee, 324 N. Union St., Byron, IL has filed a petition for a Map Amendment (Petition No. 08-09AM) to re-zone from AG-1 Agricultural District to R-1 Rural Residence District on property located at 2104 E. IL Route 72 and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in 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 September 24, 2009, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Map Amendment, and no member(s) of the public spoke in favor of or against 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 Map Amendment be approved as set forth in the Findings of Fact and Recommendation of the Ogle County Zoning Board of Appeals dated September 24, 2009, 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 Map Amendment be approved; 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 Map Amendment would be consistent with the requirements established by Section 9.07(G) 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 as set forth above, the parcel of land located at 2104 E. IL Route 72 in Byron Township and legally described as shown in Exhibit "A" attached hereto, is hereby rezoned from AG-1 Agricultural District to R-1 Rural Residence District, and the Ogle County Zoning Map shall be amended to reflect said zone change.

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 of 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 20TH DAY OF OCTOBER 2009 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

A part of the Southwest Quarter of the Southwest Quarter of Section 25, Township 25 North, Range 10 East of the 4th P.M., bounded and described as follows:

Beginning at the Southwest corner of the Southwest Quarter of the Southwest Quarter of said Section 25; thence North 0° 55' 45" East along the West line of said Southwest Quarter of the Southwest Quarter 657.83 feet to the South line of the Chicago, Milwaukee, St. Paul and Pacific Railroad; thence South 87° 55'14" East along said South line, 1310.24 feet to the East line of said Southwest Quarter of the Southwest Quarter; thence South 0° 49' 23" West along said East line 624.45 feet to the Southeast corner of said Southwest Quarter of the Southwest Quarter; thence North 89° 22' 48" West along the South line of said Southwest Quarter of the Southwest Quarter 1311.15 feet to the point of beginning containing 19.29 acres more or less.

Subject to and excluding that part taken and/or used for public road right-of-way purposes, all situated in the Township of Byron, the County of Ogle, and the State of Illinois.

Property Identification No. 04-25-300-003
Common Location: 2104 E. IL Route 72, Byron Township, Ogle County, IL

EXHIBIT "B"

FINDINGS OF FACT AND RECOMMENDATION OF THE ZONING BOARD OF APPEALS

Ogle County Zoning Board of Appeals

911 W. Pines Road
Oregon, IL 61061
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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 Brinkman Family Trust by Darlene McCaslin, Trustee, 324 N. Union St., Byron, IL, in case #08-09AM. The applicant is requesting a map amendment to change the zoning classification of Parcel Identification No. 04-25-300-003, a 17.40 acre parcel, from AG-1 Agricultural District to R-1 Rural Residence District. Said parcel is part of Section 25, Township 25N, Range 10E of the 4th Principal Meridian and is located in Byron Township at 2104 E. IL Route 72.

After due notice, as required by law, the Zoning Board of Appeals held a public hearing in this case on September 24, 2009 at the Ogle County Farm Bureau, 421 W. Pines Rd., 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 9.07(G) (Standards for Map Amendments) 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 amendment will allow development that is compatible with existing uses and zoning of nearby property. **Use of the site and immediate area for large-lot residential use is compatible with the existing large-lot residential uses north and east of the site, and the existing zoning of nearby property, of which two residential parcels north and within 300' of the site are currently zoned R-1 Rural Residence District. <u>Standard met.</u>**

2. That the County of Ogle and other service providers will be able to provide adequate public facilities and services to the property (including, but not necessarily limited to, schools, police and fire protection, roads and highways, water supply and sewage disposal), while maintaining adequate public facilities and levels of service to existing development. **The development of the site for residential use will not create a burden on the County of Ogle and other public service providers due to its location on a State highway and seal-coat surface Township road, and the low density of development that will be generated on the site . <u>Standard met.</u>**

3. That the proposed amendment will not result in significant adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources. **No adverse impacts on other property in the vicinity of the subject site or on the environment, including air, noise, stormwater management, wildlife and natural resources are anticipated from the development of the site. <u>Standard met</u>.**

4. That the subject property is suitable for the proposed zoning classification. **The site is suitable for the R-1 zoning district, as it conforms to the minimum lot size and width requirements, is in a rural residential area near other similar uses, is located within 1/3 mile of the City of Byron, a majority of the site is in uses other than cropland, and it is located on a State highway and seal-coat surfaced Township road. Standard met.**

5. That the proposed zoning classification is consistent with the trend of development, if any, in the general area of the subject property including changes, if any, which have taken place since the day the property in question was placed in its present zoning classification. **There is a trend of development in the vicinity of rural residential uses, and the site is within 1/3 mile of the City of Byron. The proposed zoning classification of R-1 Rural Residence District is consistent with this trend and the existing zoning of the surrounding land. Standard met.**

6. That the proposed amendment is consistent with the public interest and not solely for the interest of the applicant, giving due consideration to the stated purpose and intent of the Amendatory Zoning Ordinance as set forth in Division 1 therein, the Land Evaluation and Site Assessment (LESA) findings (if applicable), and the recommendation(s) of the Ogle County Regional Planning Commission with respect to the *Ogle County Amendatory Comprehensive Plan.* **The proposed amendment is consistent with the public interest and not solely for the interest of the applicant, as the LESA score indicates a low rating for protection, the proposed amendment is consistent with the purpose and intent of the Amendatory Zoning Ordinance, and the Regional Planning Commission has recommended approval. Standard met.**

RECOMMENDATION: We find that the proposed map amendment requested meets all the standards for recommending granting as found in Section 9.07(G) of the *Ogle County Amendatory Zoning Ordinance* and that such request is in the public interest. Therefore, the Zoning Board of Appeals hereby recommends that the zoning district classification of the property described above be changed from AG-1 Agricultural District to R-1 Rural Residence District.

ROLL CALL VOTE: The roll call vote was 5 members for the motion to recommend granting, 0 opposed.

Respectfully submitted this 24th day of September 2009 by the Ogle County Zoning Board of Appeals.

Bruce McKinney, Chairman
Maurice Bronkema
Maynard Stivers
Randall Anderson
Curtis Freeberg

Bruce McKinney, Chair

ATTEST:

Michael Reibel

Michael Reibel, Secretary