

ZONING BOARD OF APPEALS AGENDA
Tuesday, April 26, 2016
Boone County Board Room
1212 Logan Avenue
7:00 P.M.

ROLL CALL:

Members:

Tony Savino, Chair
Brian Van Laar, Vice-Chair
Joan Krumm
Mark Rhode
Norm Stimes

Staff:

Paul Miller, DeKalb County Planning
Rebecca Von Drasek, DeKalb County Planning
Ken Terrinoni, County Administrator
Justyn Miller, Assistant to the County Administrator
Catherine Crawford, Administrative Assistant

MINUTES: Approval of Minutes from March 22, 2016.

PUBLIC COMMENT:

UNFINISHED BUSINESS: None

NEW BUSINESS:

04-2016; Bullard: The Application of Terri Bullard, 5333 Quail Trap Road, Poplar Grove, Illinois, 61065 for a Special Use Permit to allow for the construction of a new single-family residence in the A-1 Agriculture Preservation Area District (Boone County Zoning Ordinance Section 3.16 Table of Permitted Uses, Section 4.15 Second Dwelling Unit for Lot of Record Land Exchange and Section 2.7 Special Uses) east of 5333 Quail Trap Road in unincorporated Poplar Grove Township (PIN: 03-13-100-009).

Staff (Approval); ZBA ()

05-2016; Stohlquist: The Application of Ryan Stohlquist, 15825 Beaverton Road, Capron, Illinois 61012 for a variance to decrease the required setback from 75 feet to 45 feet to construct an in-ground swimming pool at 15825 Beaverton Road in the A-1 Agricultural Preservation Area District (Boone County Zoning Ordinance Section 3.2.4.D Non-Residential and Non-Agricultural Uses and Section 2.8 Variances) on 10 acres in unincorporated LeRoy Township (PIN: 04-17-100-011).

Staff (Approval); ZBA ()

07-2016; Perry: The Application of Kevin and April Perry, 15917 Capron Road, Capron, Illinois, 61012 for a Special Use Permit to allow the use of a Commercial Stable operation and an Accessory Relative Living Quarters in the A-1 Agriculture Preservation Area District (Boone County Zoning Ordinance Section 3.16 Table of Permitted Uses and Section 2.7 Special Uses) at 15917 Capron Road in unincorporated Boone Township (PIN: 04-14-100-012).

Staff (Approval); ZBA ()

OTHER BUSINESS: None

DISCUSSION: None

COMMUNICATIONS/PLANNING REPORTS:

Previous Case Update

**Zoning Board of Appeals
January 27, 2015
Agenda
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Staff Report

ADJOURNMENT

**BOONE COUNTY
ZONING BOARD OF APPEALS
MINUTES
Meeting March 22, 2016
County Board Room
7:00 P.M.**

ROLL CALL

Members Present:

Tony Savino, CHM
Brian Van Laar, VCHM
Norm Stimes
Joan Krumm

Staff Present:

Gina DelRose, Associate Planner
Ken Terrinoni, County Administrator
Catherine Crawford, Administrative Assistant

Members Absent:

Mark Rhode

Ex-Officio:

Bob Walberg, County Board Chairman

With a quorum present, Chairman Tony Savino called the meeting to order at 7:00 p.m.

It was moved and seconded (Van Laar/Stimes) to place the public comment agenda item after new business. The motion was carried with a 4-0 voice vote.

MINUTES:

It was moved and seconded (Van Laar/Krumm) to approve the minutes of the February 23, 2016 meeting. The motion carried with a 4-0 voice vote.

NEW BUSINESS:

03-2016; Diehl: The applicant and owner Tom Diehl, 8571 Country Place, Belvidere, Illinois 61008 is requesting a variance to increase the allowable accessory-building height from 20 feet to 22 feet 9 inches and a variance to increase the allowable square footage of an accessory building from 1,920 square feet to 2,604 square feet to construct a detached accessory building at 8571 Country Place in the R-1, Single-family Residential District (Boone County Zoning Ordinance Section 3.5.4.A Lot Development Standards, Section 5.2.1.F Residential Subdivision Restrictions for Accessory Structures and 2.8 Variances) on 4.8 acres in unincorporated Belvidere Township (PIN 05-18-476-010).

The public hearing opened at 7:03 p.m.

Gina DelRose was sworn in. Ms. DelRose summarized the staff report. Ms. DelRose said the applicant's property is on a cul-de-sac and the majority of the property is to the southwest of the residence. An addition is being constructed to bring the total square-footage of the residence to 3,103 square feet. An attached two-car garage contains personal vehicles and recreational items; the applicant wishes to store several work vehicles and maintenance items in the new detached structure. The building will be

located in the southeast corner of the property, downhill from the cul-de-sac. There is a line of trees to the south of the property that will obscure the view of the garage from neighboring properties. The additional square-footage being requested will allow several large work vehicles to be safely stored inside. Due to the size of the vehicles, the applicant is requesting an additional two feet nine inches in height.

Ms. DelRose said the permitted size of such an accessory structure is proportional to the size of the property (400 square feet per acre). The recent trend for residential subdivisions is larger lots which would allow for 1,200 to 2,000 square-foot buildings. The variance requests are based on the applicant's need to store work-related items. The planning staff recommends approval of the variances.

Tony Savino clarified the variance requests and asked for questions from board members for staff.

Joan Krumm asked to be shown where the structure will be located on the property. Ms. Krumm asked to be shown where trees are present in the southeast corner of the property.

Gina DelRose said there is a treeline present at the south of the property.

Joan Krumm asked how the applicant plans to access the new garage.

Gina DelRose said the driveway will be extended to meet the new structure.

Tony Savino asked if there were questions from the audience for the staff.

Susan Terrilewithee was sworn in. Ms. Terrilewithee asked if the applicant is permitted to build an additional garage on his property.

Gina DelRose clarified that this is correct; the variances are requested in order to make the structure large enough to accommodate the applicant's vehicles.

Susan Terrilewithee asked if there are any codes or ordinances in place that will regulate the lighting and landscaping present at the newly-built garage.

Gina DelRose said the zoning ordinance does not regulate landscaping or lighting in residential districts.

Brian Van Laar asked Ms. DelRose to verify the setback the applicant must adhere to in the building of the accessory structure.

Gina DelRose stated the structure has a setback of 15 feet from property lines.

Tom Diehl was sworn in. Mr. Diehl said Ms. DelRose summarized his request adequately. Mr. Diehl said he is requesting 17 more feet of space on the structure. Mr. Diehl said the new structure is being designed to match the roofline of his residence. In this way, the new structure will be more aesthetically pleasing.

Tony Savino asked Mr. Diehl to clarify what items will be stored in the new structure.

Tom Diehl stated he will store a large work-related trailer, as well as other work and personal items there. Mr. Diehl said he does not operate his business at home.

Joan Krumm asked Mr. Diehl the height of his trailer.

Tom Diehl said he was unsure; when he measured the vehicles, however, it was determined that a 14-foot tall door would be necessary. The structure will be 22 feet 9 inches in height due to the pitch of the roof.

Joan Krumm asked the applicant to list the type of items that will also be stored within the new structure.

Tom Diehl said besides the trailer, there will be a snow plow truck, a van, and the equipment he uses to maintain the property.

Brian Van Laar clarified that Mr. Diehl plans to build the structure fifteen feet from the property line.

Tom Diehl said he has not determined how many feet from the property line the new garage will be, however, he is aware of the required fifteen foot setback. Mr. Diehl said building the structure in the southeast corner will allow him to extend the existing driveway straight to the new garage.

Chairman Savino invited questions for the applicant.

Herbert Schulze was sworn in. Mr. Schulze said he lives south of the applicant on Sheffield Drive. Mr. Schulze said he feels Mr. Diehl is adding a commercial use to a residential property. Mr. Schulze stated he objects to the applicant conducting business at his residence.

Chairman Savino asked if Mr. Schulze's statement was a question or a comment.

Herbert Schulze said it was a comment.

Tony Savino said the board would listen to comments after questioning is completed.

John Rabideau was sworn in. Mr. Rabideau is a neighbor of Mr. Diehl. Mr. Rabideau asked what type of lighting will be placed on the new structure.

Tom Diehl said he had plans to install standard flood-lighting and to point the fixtures down in order to avoid light shining on neighboring properties. Mr. Diehl said the fixtures would be chosen to accommodate neighbors' wishes.

John Rabideau asked if there will be vehicle headlights shining down the driveway at night as vehicles are taken in and out.

Tom Diehl said he expects little moving of vehicles after dark; the building will mainly be for storage.

John Rabideau said it is his opinion the trees that are present are insufficient to screen the new garage from the view of the neighbors on Sheffield Drive.

Tom Diehl said he is willing to plant trees in that area, as well as to move the footprint of the structure further into the property.

Chairman Savino said he would allow comments.

Bernard Hugus was sworn in. Mr. Hugus is a neighbor on Sheffield Drive. Mr. Hugus provided a photo of what he stated were the existing trees on the property. The photo was submitted into evidence.

John Rabideau clarified that Mr. Diehl is allowed to build an accessory structure on his property.

Tony Savino stated this was correct; the applicant is allowed the structure and is requesting variances to the square footage of the structure and the height.

John Rabideau repeated his desire for the applicant to shade the lights at night, to add trees, and to place the structure farther from the property line.

Tony Savino said the applicant has stated such.

John Rabideau asked if the neighbors have any assurance this will be done.

Chairman Savino said they have the applicant's word under oath that he would provide these items. Mr. Savino explained that the board's duty is to determine whether the request for 684 square feet as well as the request for two feet nine inches of height taller will be detrimental to the neighborhood.

John Rabideau said it is his belief the variances will be a detriment.

Susan Terrilewithee said she is concerned about the size of the proposed structure. Ms. Terrilewithee said she is also concerned about what may happen to the property if

Mr. Diehl were no longer living in the neighborhood. Ms. Terrilewithee asked where the vehicles are currently being housed.

Chairman Savino said the applicant stated some of his property is stored at the fairgrounds.

Susan Terrilewithee said she is concerned about the wildlife that exists within the neighborhood if the planned structure is built. Ms. Terrilewithee said she is glad the applicant is willing to work with the neighbors regarding the placement of lighting and the planting of trees. Ms. Terrilewithee said a garage in the planned location will be removing what is currently a pleasant open area.

Brian Van Laar said a number of questions have been raised. Mr. Van Laar asked if Mr. Diehl would like to address these concerns.

Tom Diehl said he would address the neighbors' concerns. Mr. Diehl invited the neighbors present to look at the drawings he provided to the board, adding that the requested square footage would result in the garage extending only slightly further than the square footage already allowed. Mr. Diehl said he understands the concern for wildlife, however, his property is not a wildlife refuge area. Mr. Diehl said he would be happy to take the names and telephone numbers of the neighbors present and arrange a time to address their concerns outside of the hearing. Mr. Diehl repeated that the garage is not being used to conduct business and will only be for the storage of items to prevent vandalism and weather damage. Mr. Diehl asked the neighbors to notice that the property drops down in the area he plans to build; he feels the presence of the building will not be as intrusive as they may believe.

Gina DelRose said she wished to address the concerns as well. Ms. DelRose said that a business could not be operated out of Mr. Diehl's home unless he was in possession of a home occupation business license. Ms. DelRose stated that the zoning ordinance states that for an accessory structure to be utilized in a home occupation business, a special use permit is required. Such a special use would involve an application by the applicant and require county board approval. Ms. DelRose clarified for the board that a special use bears a different set of findings of fact. Ms. DelRose repeated that the proposed structure will not incur any additional traffic; it is for storage only. Ms. DelRose said if the neighbors were to see too much activity on the property, they were free to notify the Code Enforcement/Building Department. Ms. DelRose said if any of the board members want to change the findings of fact, the findings must be changed individually and specifically.

It was moved and seconded (Krumm/Stimes) to close the public hearing. The motion carried with a 4-0 voice vote.

The public hearing closed at 7:40 p.m.

It was moved and seconded (Stimes/Krumm) to accept the findings of fact.

Joan Krumm questioned if conditions requiring the applicant to add trees and shade the lighting can be added to the variance.

Gina DelRose said a variance cannot be conditioned.

Joan Krumm said, in light of this fact, she hopes that the applicant will work with the neighbors in providing these items in the building of the structure.

The motion carried with a 4-0 voice vote.

It was moved and seconded (Stimes/Van Laar) to approve case 03-2016.

Brian Van Laar said it is his opinion the discussion between the applicant and his neighbors was positive and informative. Mr. Van Laar said Mr. Diehl has the right and the privilege to build an accessory structure. Mr. Van Laar said the applicant's willingness to work with his neighbors was a positive thing. Mr. Van Laar said many variances have come before the ZBA and such a request is not an unusual one. Mr. Van Laar said the ZBA has denied variances that seemed as if they would be detrimental to the neighborhood. Mr. Van Laar said he would vote yes due to the applicant's willingness to work with his neighbors.

Chairman Savino said he agreed with Mr. Van Laar. Mr. Savino said it is encouraging to see the applicant's willingness to address neighbors' concerns. Mr. Savino said such a structure would be allowed without the requested variances.

Norm Stimes said that, although he does not personally know him, Mr. Diehl seems like an honorable man.

Case 03-2016 was approved with a 4-0 roll call vote.

PUBLIC COMMENT:

None

UNFINISHED BUSINESS:

None

OTHER BUSINESS:

None

DISCUSSION:

None

COMMUNICATIONS/PLANNING REPORTS:

Chairman Savino said this would be Gina DelRose's last ZBA meeting.

Gina DelRose said there will be several cases before the ZBA in April, 2016. Ms. DelRose said there will be two variance requests, and possibly three special uses. Ms. DelRose said she will be working with Justyn Miller as the county transitions itself to the new planning functions.

ADJOURNMENT:

It was motioned and seconded (Stimes/Van Laar) to adjourn the meeting.

The meeting was adjourned at 7:48 p.m.

Recorded by:

Reviewed by:

Catherine Crawford
Administrative Assistant

Gina DelRose
Associate Planner



**DeKalb County
Planning/Zoning/Building Department**

110 East Sycamore Street
Sycamore, IL 60178
(815) 895-7188
Fax: (815) 895-1669

BOONE COUNTY, IL ADVISORY REPORT

CASE NO: 04-2016

APPLICANT: Bullard, 5333 Quail Trap Road

REQUEST AND LOCATION:

The applicant and property owner, Terri L. Bullard, is requesting a Lot of Record Exchange to allow a residence to be built on the subject property (P.I.N.: 03-13-100-009) within the A-1, Agricultural Preservation District. The exchange would include a deed amendment abandoning the Lot of Record on P.I.N. 03-13-100-004 as a buildable lot for a dwelling.

EXISTING LAND USE ON SUBJECT PROPERTY AND ON ADJACENT PROPERTY:

Subject property: Agriculture with residence

All Adjacent Properties: Agriculture

CURRENT ZONING ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: A-1, Ag. Preservation

All Adjacent Properties: A-1, Ag. Preservation

COMPREHENSIVE PLAN FOR SUBJECT PROPERTY AND ON ADJACENT PROPERTY:

Subject property: Agricultural/Rural

All Adjacent Properties: Agricultural/Rural

BACKGROUND:

In March of 2016, the Boone County Board adopted a Text Amendment to the Boone County Zoning Ordinance allowing for a second dwelling unit to be constructed on contiguous farm property provided a current lot of record dwelling site was abandoned. Terri Bullard has applied for the necessary Special Use Permit to allow for an exchange of the building site. The existing five-acre lot of record (P.I.N.: 03-13-100-004) would be abandoned as a buildable lot, in exchange for approval of a new buildable lot surrounding the east and south sides of the existing residence at 5333 Quail Trap Road.

OTHER PLANNING CONSIDERATIONS:

The Boone County Soil Water Conservation District has submitted a letter indicating no review was required.

TREND OF DEVELOPMENT:

The area is intended to stay agricultural as depicted within the Comprehensive Plan. The additional farm dwelling would be consistent with the Plan's recommendation. The future municipal limits of the Village of Poplar Grove will be in close proximity to the subject property.

COMPREHENSIVE PLAN:

The subject property is designated "Agricultural /Rural" by the Boone County Comprehensive Plan, adopted November 10, 1999. The "Rural" map category encourages agricultural uses, farmsteads, other open lands, and single-family residential at or below one dwelling per 40 acres, with a key goal to "protect the economic viability of agriculture in the County by preserving agricultural land in key areas.

FINDINGS OF FACT:

1. **Findings: The proposed structure or use at the particular location requested may be necessary or desirable to provide a service or as facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community.**

The application indicates that the lot of record is a natural waterway, and therefore unsuitable as a building site. The alternative building site, by virtue of not blocking or altering stormwater runoff, would create less of an impact on the neighboring properties.

2. **Findings: The proposed structure or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare.**

The proposed structure would not create an adverse effect on the public welfare.

3. **Findings: The proposed structure or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.**

The application indicates that the proposed new dwelling location will comply with all required setbacks, per Section 4.15.2 of the amended Zoning Ordinance. Development of a house on the property would not inhibit the development or use of neighboring properties.

4. **Findings: Such other standards and criteria as are established by the ordinance for a particular Special Use as set forth in Section 2.7.4 and as applied to Planned Developments as set forth in Section 2.10 shall apply to the property for as long as the Special Use Permit is in effect.**

The applicant has indicated her intent to amend the deed to abandon the Lot of Record on P.I.N. 03-13-100-004 as a buildable lot for a dwelling.

5. **Findings: The Special Use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendations of the Zoning Board of Appeals.**

Development of a house, if approved on the subject property, will be required to conform with all applicable regulations of the A-1, Agricultural Preservation District.

6. **Findings: The potential public benefits of the Special Use outweigh any potential adverse impacts of the Special Use after taking into consideration the Applicant's proposal and any requirement recommended by the Applicant to ameliorate such impacts.**

It is not in the public interest to locate dwellings within wet areas or natural waterways. The recent Text Amendment by the County Board indicates that the County reserves the right to review "Lot of Record" Exchanges. The applicant has indicated her intent to comply with all the siting requirements for the new dwelling.

SUMMARY OF FINDINGS:

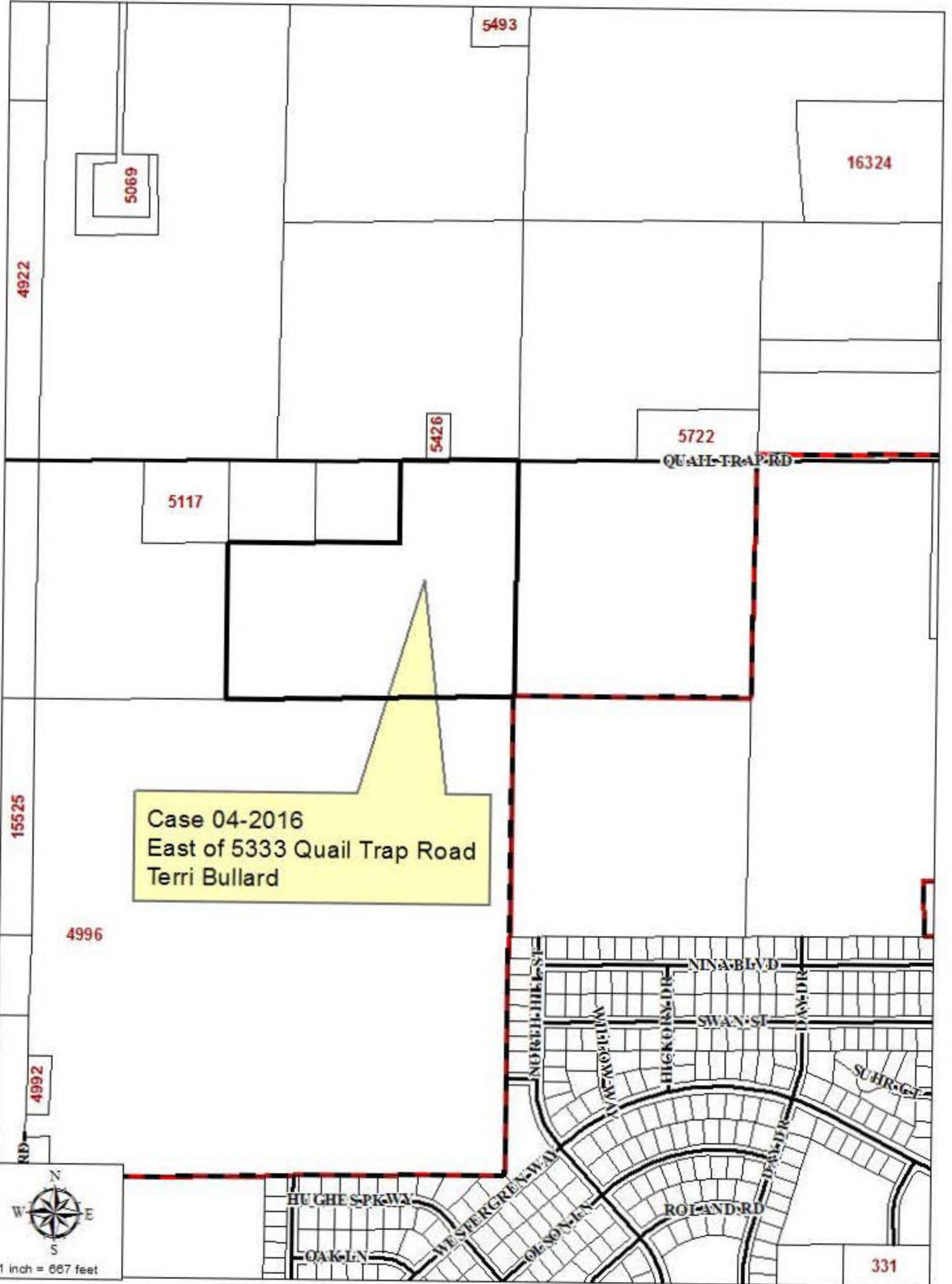
The applicant has indicated that all applicable standards necessary to build a dwelling on the contiguous farmland will be met. The applicant should be aware of the regulations set forth in Section 4.15.3 of the Zoning Ordinance, which dictate the minimum lot size, lot width, and building setbacks in the case that the new house is subsequently divided from the farm, so that the ability to make such a division in the future is not compromised.

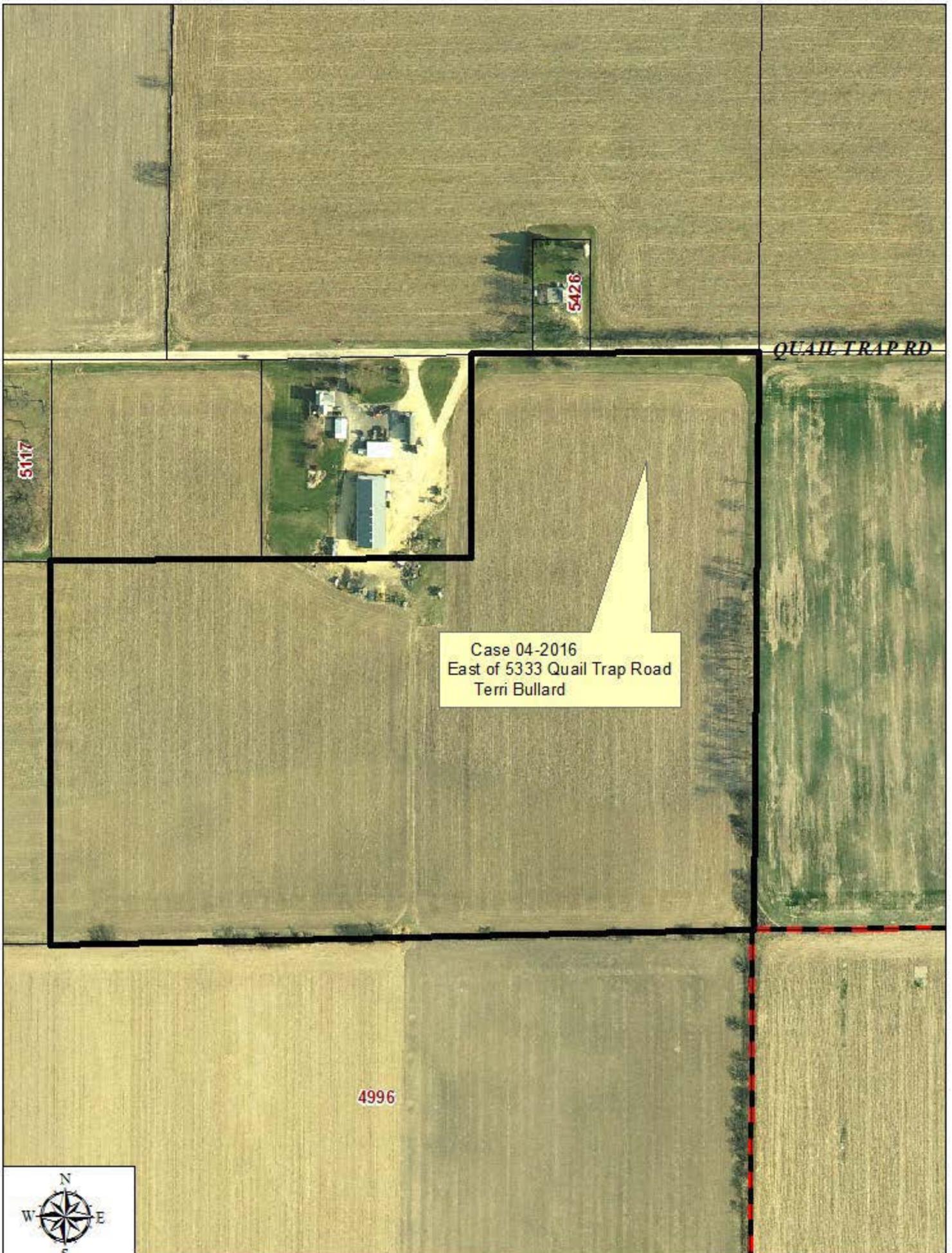
RECOMMENDATION:

The application appears to be in keeping with the intent and letter of the Text Amendment for a Lot of Record Exchange. Subject to compliance with the applicable regulations, staff recommends approval of this Special Use Permit

Submitted on behalf of Boone County by:

Rebecca Von Drasek
DeKalb County Assistant Planner





5117

5426

QUAIL TRAP RD

Case 04-2016
East of 5333 Quail Trap Road
Terri Bullard

4996



1 inch = 278 feet

APPLICATION FOR SPECIAL USE

BELVIDERE - BOONE COUNTY PLANNING DEPARTMENT

**Belvidere City Hall
401 Whitney Blvd. Suite 400
Belvidere, Illinois 61008**

FOR OFFICE USE ONLY

Belvidere

Boone County

| | | |
|------------------------------|----------------|-------------------------|
| Case Number <u>04-2016</u> | PZC Date _____ | ZBA Date <u>4/26/16</u> |
| Filing Date <u>3/22/2016</u> | CC Date _____ | PZB Date <u>5/4/16</u> |
| Zone District <u>A-1</u> | CC Date _____ | CB Date <u>5/8/16</u> |

If this application is approved, it is understood that it shall only authorize the special use described in the application with any conditions placed on the special use per the governing body. If the conditions are not met and/or the use is not established (or substantially underway) within one (1) year from the date of approval, the special use shall be null and void.

PLEASE PRINT IN BLACK INK OR TYPE

1) The address or general location of the property for which this application is filed is:

_____ and its

Parcel Identification Number is: 03-13-100-009

and the legal description for the subject property is: Lot _____, Block _____, Tract _____, Subdivision Name _____.

(NOTE - If there is no lot, block, or tract, then attach a legal boundary description hereto.)

LEGAL ATTACHED

2) Applicant Name: Terri L. Bullard

Mailing address: 5333 Quail Trap Rd.,

Poplar Grove, IL Zip: 61065

Daytime Phone: 815-871-1221 Fax: 815-544-2068 Email: bullardof4@yahoo.com

3) Property Owner Name: Terri L. Bullard

Mailing Address: 5333 Quail Trap Rd.

Poplar Grove, IL Zip: 61065

Daytime Phone: 815-871-1221 Fax: _____

4) Attorney Name: _____

Mailing Address: _____

Daytime Phone: _____ Fax: _____ Zip: _____

Daytime Phone: _____ Fax: _____ Email: _____

5) **Project Manager:** In order to reduce confusion, planning staff requests one contact person be designated to discuss issues concerning this petition.

Name: Terri L. Bullard
 Mailing Address: 5333 Quail Trap Rd.
Poplar Grove, IL Zip: 61065
 Daytime Phone: 815-871-1221 Fax: _____ Email: bullardof4@yahoo.com

6) Describe the current use of the subject property: Farmland

7) List the Special Use, as specified within the Zoning Ordinance, that you are seeking the approval of and describe the proposed use of the subject property in detail:

Act of Record Exchange for a House

8) Total number of acres the Special Use will occupy: 38.15ac

9) **LIST THE OWNERS OF RECORD: Boone County applicants** shall list the owner of record for all properties located adjacent to and across the street or alley from the perimeter of the subject property. **City of Belvidere applicants** shall list the owner of record for all properties within 250 feet of the subject property (exclusive of public right-of-ways). This information is found at the Supervisor of Assessments Office, 1208 Logan Ave. or the Planning Office. Verifying the accuracy of information is the responsibility of the applicant (use additional pages if necessary).

| PIN # | Name/Trust No. | Street | City | Zip |
|---------------|--|--------------------|------------------|-------|
| 03-13-100-007 | Don + Genevieve Ellingson Tr | 4996 Ellingson Rd | Poplar Grove, IL | 61065 |
| 03-13-100-003 | Wm + Kayla Lischka | 5117 Quail Trap Rd | Poplar Grove, IL | 61065 |
| 03-12-300-004 | Gallano Farms Land Tr | 3271 Newburg Rd | Belvidere, IL | 61008 |
| 03-12-300-005 | Thelma M. Palmer | 5426 Quail Trap Rd | Poplar Grove, IL | 61065 |
| 03-13-200-002 | JBM Poplar Grove LLC % James B. McWethy | 14W 277 83RD ST | Burr Ridge IL | 60527 |

10) SUPPORTING INFORMATION: Attach a vicinity map and a site plan drawn to scale regarding your proposal. Illustrate any existing and proposed buildings, parking and loading areas, traffic access and circulation drives, open space, landscaping, utilities, signs, refuse and service areas, and dimensions of setbacks and yard areas, as they apply to this application and as may be required by the Zoning Ordinance. Also include a detailed written statement relative to the above listed requirements, fully explaining your proposal and any measures to mitigate negative affects of your proposal on neighboring properties.

Incomplete applications will be returned to the applicant after sixty (60) days.

Natural Resource Information: Pursuant to state law, a copy of this application is to be provided to the Boone County Soil and Water Conservation District (SWCD). The SWCD is located at 211 N. Appleton Road, P.O. Box 218, Belvidere, and may be contacted at (815) 544-2677. Their business hours are Monday through Friday 8:00 a.m. to 4:30 p.m. An application fee is required. The SWCD has thirty (30) days to respond and provide their Natural Resource Information (NRI) Report to the Planning Office. **The SWCD must send a report to the Planning Department for your application to proceed.**

NOTE: The "Endangered Species Act" entitles the Illinois Department of Natural Resources (IDNR) to review all special use permit applications for their impact on endangered or protected species. Illinois law allows thirty (30) days for their response. The applicant is responsible for contacting the IDNR, via the EcoCAT website at DNR.EcoCAT@illinois.gov.

The "National Historic Preservation Act" entitles the Illinois Historic Preservation Agency to review all special use permit applications for their impact on cultural or historical resources if the proposed development involves State or Federal funding. Illinois law allows thirty (30) days for their response. The applicant is responsible for contacting the Illinois Historic Preservation Agency at (1-217-782-4836).

DECLARATION

I, the applicant, of the above legally described property on which the special use is proposed, have provided answers to the questions given herein that are true to the best of my knowledge. I have been granted permission by the property owner(s) of the above legally described property to apply for a special use on said property.

By virtue of my application for a special use, I do hereby declare that the appropriate appointed and elected officials responsible for the review of my application are given permission to visit and inspect the property proposed for a special use in order to determine the suitability of the request.

Applicant Signature: Merri L. Bullard Date Signed: 03/22/16

Owner(s) Signature: Merri L. Bullard Date Signed: 03/22/16

_____ Date Signed: _____

STAFF SIGNATURE: Jane del Rose Date Signed: 3/22/16

Filing Fee - Amount Paid: 700 - Check Number: 6848

FILING PROCEDURE

- A. Submit this form and supporting information accompanied by an application fee (make checks payable to the **Boone County Treasurer**). See the attached fee schedule.
- B. Submit application and supporting information with fee to the Boone County Soil and Water Conservation District.
- C. Selection of newspaper publication. See the attached newspaper selection sheet.
- D. City of Belvidere Applicants must appear before the Belvidere Planning and Zoning Commission, Building, Planning and Zoning Committee and the Belvidere City Council.

Boone County Applicants must appear before the Boone County Regional Planning Commission, Boone County Zoning Board of Appeals, Planning, Zoning and Building Committee, and the Boone County Board. Boone County applicants must appear before the Joint Planning Commission rather than the County Commission if their property is located within 1.5 miles of Belvidere.

LEGAL NOTICE REQUIRED

According to Illinois State Statutes, "notice of each hearing shall be published at least 15 days in advance thereof in a newspaper of general circulation published in the township or road district in which such property is located."

A Notice of Public Hearing will be completed by Planning Staff for publication in a newspaper of local distribution. Please select one of the following newspapers for publication:

*******THE COST OF THE PUBLICATION IS TO BE PAID BY THE APPLICANT*******

Belvidere Daily Republican
(815) 547-0084 (publishes 5 days a week)

Boone County Journal
(815) 544-4430 (publishes weekly)

NOTE: Fees are based on the length of the Notice of Public Hearing. If you wish to seek the lowest price, please contact the above newspapers at the telephone numbers provided.

March 20, 2016

My name is Terri Bullard. I live at 5333 Quail Trap Rd., Poplar Grove. My husband David and I raised our family on this farm and have lived here over 30 years. My husband, as well as his father also lived in the same house as children. The farm is almost 150 acres.

Dave farmed his entire life. He passed away in October 2014. Our son Matthew now helps me farm. We farm about 1100 acres. We both have full-time jobs off the farm. So spring, summer and fall are extremely busy for us. Matthew is married and has 3 young children. He is always at the farm working on equipment and all the other things that go along with farming. He has very limited time to spend with his family. I feel that Matthew and his family need to live on the farm so that he can have dinner with his family and tuck his kids in at bedtime. Yet I don't want to leave the farm. I would like to build a home for me on the farm so that they can move into my current home.

I have a lot of record, PIN# 03-13-100-004. It is a 5 acre parcel. It is the parcel to the West of my current home. It has a natural waterway that all the water runoff from the farm buildings flow. The water runs from the SE corner to the NW corner. It is not an ideal location for a home.

I am requesting a "Lot of Record Exchange", Ordinance #16-08, Section 4.15 of the County Code. I would like to exchange PIN# 03-13-100-004 for the NE corner of PIN# 03-13-100-009 to build my home. I would build on the corner of the parcel. I would follow all the setbacks required. Not only is there no water issue at that location, it is in the corner taking the least amount of farmland out of production.

If approved, I will file a deed amendment to abandon the current lot of record, PIN# 03-13-100-004.

Thank you for your consideration in this matter.

Respectfully,

A handwritten signature in cursive script that reads "Terri L. Bullard".

Terri L. Bullard

N ↑

↓ S

QUAIL TRAP RD

03-13-100-004 ↓

Proposed SITE ←



HOME FARM

LOT of Record 5 AC

03-13-100-009

38.15 AC

HWY 76



Boone County
Soil & Water
Conservation District

211 N. Appleton Road
PO Box 218
Belvidere, IL 61008
815-544-2677 ext. 3
FAX 815-544-4281

March 22, 2016

SWCD NRI #: 1487

Dear Sir/Madam,

A request for a Natural Resource Information Report was submitted for the property listed in this letter. We will supply a written reply to you office as indicated below:

Our review does not apply in this instance.
 Other (see attached)

Location of Site: 5333 Quail Trap Rd. Poplar Grove, Illinois

PIN(S): 03-13-100-009

Contact:

Terri Bullard

Phone: 815-871-1221

Email: bullardof4@yahoo.com

Petitioner:

Terri Bullard

Phone: 815-871-1221

Email: bullardof4@yahoo.com

Owner:

Terri Bullard

Phone: 815-871-1221

Email: bullardof4@yahoo.com

Request: Special Use for lot of record exchange at 5333 Quail Trap Road in Poplar Grove, Illinois.

Natural Resource Information: the lot of record exchange to build a proposed house is relatively flat with about a two foot change in elevation. The primary soil type is 412B, Ogle silt loam. Some characteristics to be aware of when building a structure: well drained soil, moderate shrink-swell potential, no ponding or flooding, and high potential for frost action. There are no floodplains or wetlands found on this property.

Sincerely,



Jennifer Becker

Boone County Soil & Water
Conservation District



Boone County
DEPARTMENT OF
PUBLIC HEALTH

1204 Logan Avenue ♦ Belvidere, Illinois 61008

Main Office: 815-544-2951 ♦ Clinic: 815-544-9730
Fax: 815-544-2050 www.boonchealth.org

The mission of the BCDPH is to protect and promote health in Boone County.

April 7, 2016

Ken Terrinoni
Boone County Planning Dept.
1212 Logan Ave.
Belvidere, IL 61008

Re: 04-2016 Bullard, East of 5333 Quail Trap Road

Dear Ken,

We are in receipt of the special use request for the above referenced case.

Our office has no objections or comments on this request.

Thank you,

A handwritten signature in black ink that reads "William L. Hatfield". The signature is written in a cursive style.

William L. Hatfield
Director of Environmental Health

**BOONE COUNTY
BUILDING DEPARTMENT**

**1212 Logan Ave. Suite 101 Belvidere, Illinois 61008
(815)544-6176
(815)-547-0906(fax)**

April 8, 2016

To: Ken Terrinoni
County Administrator

From: Drew Bliss
Senior Building Inspector

RE: 04-2016, Bullard, East of 5333 Quail Trap Rd.

Dear Mr. Terrinoni,

Our office has no objections to the special use request at this time; however we may have additional comments once the advisory report is completed. Please notify the applicant that a building permit or a zoning certificate may be required if the case is approved.

If you have any further questions, please feel free to contact our department at (815) 544-6176.

Thank you,



Drew Bliss
Senior Building Inspector
Boone County Building Department



DeKalb County
Planning/Zoning/Building Department
110 East Sycamore Street
Sycamore, IL 60178
(815) 895-7188

BOONE COUNTY, IL ADVISORY REPORT

CASE NO: 06-2016

APPLICANT: Stohlquist, 15825 Beaverton Road

REQUEST AND LOCATION:

The applicant, Vince Kaminsky from Sonco Pools, is requesting a Variance on behalf of property owners Victoria and Ryan Stohlquist to allow an in-ground pool to be built within the required front setback for accessory structures within the A-1, Agricultural Preservation District.

EXISTING LAND USE ON SUBJECT PROPERTY AND ON ADJACENT PROPERTY:

Subject property: Agriculture with residence

All Adjacent Properties: Agriculture

CURRENT ZONING ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: A-1, Ag. Preservation

All Adjacent Properties: A-1, Ag. Preservation

COMPREHENSIVE PLAN FOR SUBJECT PROPERTY AND ON ADJACENT PROPERTY:

Subject property: Agricultural/Rural

All Adjacent Properties: Agricultural/Rural

BACKGROUND:

The applicant wishes to construct an in-ground pool next to the residence on the subject property. The Boone County Zoning Ordinance requires all accessory structures to be setback 75 feet from the front property line. The applicant is seeking a variance to allow the pool to be setback 45 feet.

TREND OF DEVELOPMENT:

The subject property is located on Beaverton Road, south of Quail Trap Road, east of the Village of Poplar Grove. The area is dominated by agricultural uses.

COMPREHENSIVE PLAN:

The subject property is designated “Agricultural /Rural” by the Boone County Comprehensive Plan, adopted November 10, 1999. The “Rural” map category encourages agricultural uses, farmsteads, other open lands, and single-family residential at or below one dwelling per 40 acres, with a key goal to, “protect the economic viability of agriculture in the County by preserving agricultural land in key areas.”

FINDINGS OF FACT:

1. **Findings: The particular physical surroundings, shape, topographical, or other on-site 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 regulation were carried out.**

The application includes an explanation for locating the pool in proximity to the residence. Other possible locations would either encroach on the septic field, be too close to hog buildings, or be too far from the residence. If the pool were to meet the required set back of 75 feet, it would constitute a particular hardship for the property owner.

2. **Findings: The conditions upon which the petition for a variation is based would not be applicable, generally, to other property within the same zoning classification.**

This Variation request is specifically driven by the existing layout of the subject property, and is not generally applicable to other properties in the A-1, Agricultural Preservation District.

3. **Findings: The purpose of the variation is not based exclusively upon a desire to make more money out of the property.**

This criterion does not apply.

4. **Findings: The owner of the property has not created the alleged difficulty or hardship.**

The physical layout of the subject property is not the fault of the property owner. The request for a swimming pool is a common residential accessory structure.

5. **Findings: The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.**

The proposed location of the pool does not appear injurious to other properties within the neighborhood. The general intent of setback requirements is to keep a common open area along roadways in order to help maintain a rural character. A pool is required by the Boone County Code to be enclosed by fencing. If located within the minimum required front setback, such fencing may create an obstruction in the common open area.

6. **Findings: 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 or adversely affect the health, morals, or general welfare of the public.**

This Variation, if granted, would not pose an additional safety hazard to the public.

7. **Findings: That the potential public benefits of the variation outweigh any potential adverse impacts of the variation after taking into consideration the applicant's proposal and any requirement recommended by the applicant to ameliorate such impacts.**

The adverse impact of the swimming pool encroaching on the minimum required setback would not exceed the positive impact of allowing the full residential use of the subject property by the property owners.

SUMMARY OF FINDINGS:

Although a visual obstruction will be created by the pool and associated fencing, the property owner's desire to have a swimming pool is a typical accessory use. The existing physical layout of the subject property constrains and limits the area available to place a swimming pool. The impact on neighboring properties will be minimal.

RECOMMENDATION:

The application meets the criteria for granting the requested Variation. Staff recommends that this Variation request be approved.

ZONING BOARD OF APPEALS:

The Zoning Board of Appeals shall not vary the regulations of the Zoning Ordinance unless the findings indicate there are practical difficulties or hardships present. The concurring vote of three (3) members of the Zoning Board of Appeals shall be necessary to approve a variance. All decisions shall be subject to judicial review.

Submitted on behalf of Boone County by:

**Rebecca Von Drasek
DeKalb County Assistant Planner**

BEAVERTON RD

16077

16015

QUAIL TRAP RD

Case 06-2016
15825 Beaverton Road
Sonco Pools & Spas, Inc.

15825

15806

BEAVERTON RD

15785



1 inch = 335 feet

BEAVERTON RD

15806

15825

Case 06-2016
15825 Beaverton Road
Sonco Pools & Spas, Inc.



1 inch = 112 feet

APPLICATION FOR VARIANCE

BELVIDERE - BOONE COUNTY PLANNING DEPARTMENT

**Belvidere City Hall
401 Whitney Blvd. Suite 400
Belvidere, Illinois 61008**

| | | |
|----------------------------|------------------|---------------------|
| FOR OFFICE USE ONLY | Belvidere | Boone County |
| Case Number _____ | PZC Date _____ | ZBA Date _____ |
| Filing Date _____ | | |
| Zone District _____ | | |

PLEASE PRINT IN BLACK INK OR TYPE

1) The address or general location of the property for which this application is filed is:

15825 Beaverton Rd., Poplar Grove IL 61065

and its Parcel Identification Number is: 0417100011

and the legal description for the subject property is: Lot _____, Block _____,

Tract _____, Subdivision Name _____

(NOTE - If there is no lot, block, or tract, then attach a legal boundary description hereto.)

2) **Applicant Name:** Sonca Pools & Spas Inc.

Mailing Address: 8100 E. Riverside

Loves Park IL 61111 Zip: 61111

Daytime Phone: 815 654 7665 Fax: 815 600 8073 Email: Vince@soncapools.com

3) **Property Owner Name:** Ryan & Victoria Stahlquist

Mailing Address: 15825 Beaverton Rd.

Poplar Grove IL Zip: 61065

Daytime Phone: 815 569 1035 Fax: _____

4) **Attorney Name:** _____

Mailing Address: _____

Daytime Phone: _____ Fax: _____ Zip _____

5) **Project Manager:** In order to reduce confusion, planning staff requests one contact person be designated to discuss issues concerning this petition.

Name: Vince Kaminsky

Mailing Address: 8100 E. Riverside Blvd.

Loves Park IL Zip: 61111

Daytime Phone: 815 654 7665 Fax: _____ Email: Vince@soncapools.com

Ext. 3

NOTICE TO APPLICANT

A Variation is a zoning adjustment, which permits minor changes of district requirements where individual properties have proven hardships. Variances are restrictive and the degree of Variation is limited to the minimum change necessary to overcome the practical difficulty inherent on the property. "Variation" means the modification of the requirements of a zoning district and does not include the substitution of uses assigned to other districts. Use Variations are specifically prohibited.

A Variation recognizes that the same district requirements do not affect all properties equally; it is intended to permit minor changes to allow hardship properties to enjoy equal opportunities with similarly zoned properties. **You must prove that your land is affected by special circumstances or unusual conditions.** These must result in uncommon hardship and unequal treatment under the strict application of the Zoning Ordinance. Where hardship conditions extend to other properties, a Variation cannot be granted. The remedy for a general hardship is a change to the Zoning Map or to the text of the Zoning Ordinance.

You must prove that the combination of the Zoning Ordinance and the uncommon conditions of your property prevent you from making any reasonable use of your land as permitted by your present zoning district. Since zoning regulates land and not people, the following conditions cannot be considered pertinent to the application for a Variation: 1) Proof that a Variation would increase the financial return from the land, 2) Personal hardship, and 3) Self-imposed hardship. In the last case, the recognition of conditions created after the enactment of the Zoning Ordinance would encourage and condone violation of the law.

A proposed Variation which will adversely affect surrounding property or the general neighborhood cannot be granted. All Variations must comply with the intent and purpose of the Zoning Ordinance.

6) Variance for Setback Variance
From 75 ft. to 45 ft. (what type of Variance)
To Permit: Swimming Pool
(what type of construction)

Reasons for Variance Request

- 7) Which of the following types of modifications will allow you a reasonable use of your land:
- Change in setback requirement
 - Change in lot-coverage requirement
 - Change in side yard restriction
 - Change in off street parking requirement
 - Change in area requirement
 - Other (describe) _____

8) Describe how this variation is the minimum variation that will make possible the reasonable use of the land, structure, or buildings in question.

Looking to place pool in backyard no closer to road than the existing house

9) What characteristics of your property prevent it from being used in a reasonable manner?

Too narrow _____ Elevation _____ Soil _____
Too small _____ Slope _____ Subsurface _____
Too shallow _____ Shape _____ Other close to Road.

10) Describe the items checked, giving dimensions where appropriate and how the characteristics are different than other properties in the district.

House runs parallel to Road. Setback is 108 ft. but septic system prevents pool location there. Pool to be no closer than existing house to road.

11) In what way do the above site conditions prevent any reasonable use, commonly enjoyed by owners of other properties in the same zoning district?

Proximity to road & septic location conflict w/ setback.

12) To the best of your knowledge, can you affirm that the hardship described above was not created by an action of anyone having an interest in the property after the Zoning Ordinance or applicable part thereof became law? Yes No _____ If "No", explain why the hardship should not be regarded as self-imposed (self-imposed hardships are not entitled to variations).

13) Are the conditions on your property the result of other manmade changes, such as the relocation of a road or highway? If so, describe.

no

14) Will granting the variation requested give the applicant any special privilege that is denied by the Zoning Ordinance to owners of other lands, structures, or buildings in the same district? Explain your answer.

no. Previous variance was issued for past addition.

15) Specify how the granting of the variation requested will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

Property is isolated from land w/ no direct
 conflicts with neighbors

16) **LIST THE OWNERS OF RECORD: Boone County applicants** shall list the owner of record for all properties located adjacent to and across the street or alley from the perimeter of the subject property. **City of Belvidere applicants** shall list the owner of record for all properties located within 250 feet of the subject property (exclusive of public right-of-ways). This information is found at the Supervisor of Assessments Office, 1208 Logan Ave. or the Planning Office. Verifying the accuracy of information is the responsibility of the applicant (use additional pages if necessary).

| PIN# | Name/Trust No. | Street | City | Zip |
|------|----------------|--------|------|-----|
|------|----------------|--------|------|-----|

No Bordering neighbors

| | | | | |
|---------------|--------------------------------------|----------------------|------------------|-------|
| 04-17-100-010 | Peter + Sherri Babcock | 15785 Beaverton Rd | Poplar Grove, IL | 61065 |
| 04-17-100-001 | Flynn Tr 2014 c/o Wm. Allen Flynn | 15212 Willowbrook Rd | South Beloit, IL | 61080 |

17) SUPPORTING INFORMATION: Attach a site plan drawn to scale showing lot dimensions, the size and locations of existing buildings, the locations and dimensions of proposed buildings or alterations, and any natural or topographic peculiarities of the property in question.

Also include a detailed written statement relative to the above listed requirements, fully explaining your proposal and any measures to mitigate negative affects of your proposal on neighboring properties.

Incomplete applications will be returned to the applicant after sixty (60) days.

Natural Resources Information: Pursuant to state law, a copy of this completed application must be provided to the Boone County Soil and Water Conservation District (SWCD). They are located at 211 N. Appleton Road, P.O. Box 218, Belvidere, and may be contacted at (815) 544-2677. Their business hours are Monday through Friday 8:00 a.m. to 4:30 p.m. An application fee is required. The SWCD has thirty (30) days to respond and provide their Natural Resource Information (NRI) Report to the Planning Office. **The SWCD must send a report to the Planning Department for your application to proceed.**

DECLARATION

I, the applicant, of the above legally described property on which the variance is proposed, have provided answers to the questions herein that are true to the best of my knowledge. I have been granted permission by the property owner(s) of the above legally described property to apply for a variance on said property.

By virtue of my application for a variance, I do hereby declare that the appropriate appointed and elected officials who are responsible for the review of my application are given permission to visit and inspect the property proposed for variance in order to determine the suitability of the request.

Applicant Signature:  Date Signed: 3/22/16

Owner(s) Signature: See Attached Copy Date Signed: _____
_____ Date Signed: _____

STAFF SIGNATURE:  Date Signed: 3/22/16

Filing Fee - Amount Paid: 350 Check Number: 66048

To Whom it May Concern,

We are looking to build an inground pool for a customer in Poplar Grove with a setback issue.

We require a Variance because the placement of the existing septic prevents us from placing pool in compliance with setbacks. The pool is proposed 2' further from the road than the existing house (see drawing) and can't be pushed further in order to keep 25' away from septic field.

Given the pool is inground, no line of sight issues exist.

- Vince Kaminsky
Sence Pools.

To whom it may concern,

Thank you for taking the time to review my request for a variance. I am asking approval from the county to place an in ground pool behind our house. Our deck is in the back of our home which is where my kitchen and living room is located. It is important that the pool is in proximity to my home for it's efficient location for use, as well as proper distance from the septic and barns filled with livestock. There is no other reasonable place to put the pool due to septic and location of our barns. This particular hardship imposed on us if compelled to meet the guidelines, would leave us not being able access the pool from our house, and would be too close to our barns filled with animals and to close to our septic field.

We raise pigs here on our farm and have three young children. We don't get to leave very much due to our occupation, so we figured we would bring the vacation to us. We have many buildings on our farm, which are all filled with pigs year round. It is unfortunate our house is located close to the road and there is not as much privacy as you would expect from a house in the county. Our septic tank is located northeast from about the center of our house. Our septic field is located to the east and north of our house. The road is located to the west and our house faces the South. The only location we could put a pool is directly North of our house. It is also the best location for efficient use of the pool, being right off the deck and next to the kitchen and family room where I can observe my children using the pool. This is a unique circumstance, where the only good location for the pool is directly behind the deck, because of the road, septic, and distance from the barns with animals. I really appreciate you taking the time to put this under review. We really enjoy our home here in Boone County, and as you can see with all of our recent expansion on the farm, we are not going anywhere. We plan to let our children grow up working hard on the farm, but also a have little enjoyment with the pool. Thank you for your time in this matter.

Sincerely,



Vicky and Ryan Stohlquist

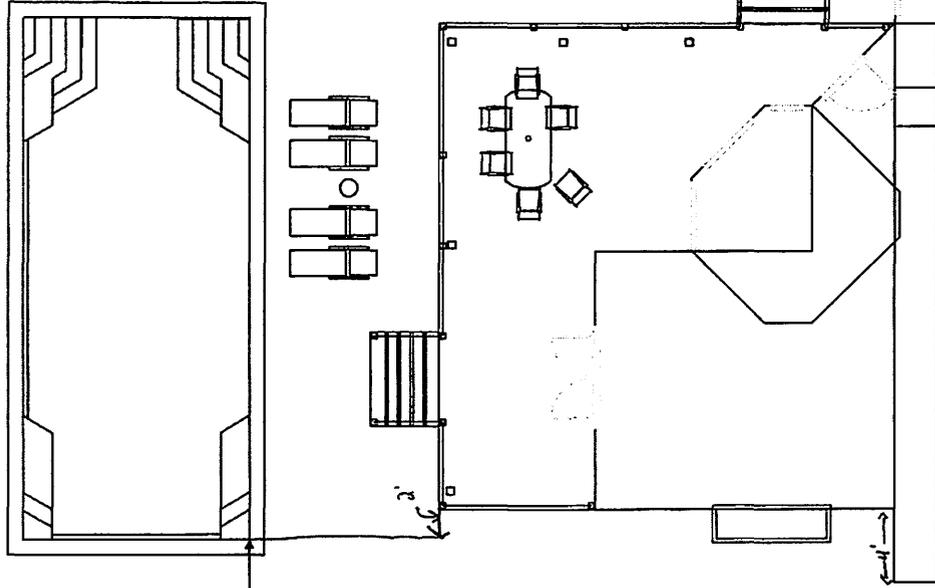
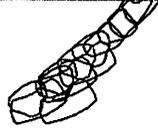
SONCO

POOLS & SPAS, INC.

Owner: Victoria Stohlquist State: IL
Address: 15825 Beaverton Rd Zip: 1065
City: Poplar Grove
Phone: 815 569 1035

Stohlquist

Scale: 1" = 8'



Road

69' 6"

45' front yard setback

Stohquist

Scale: 1" = 8'

Owner: Victoria Stohquist

Address: 15825 Beaverton Rd

City: Poplar Grove

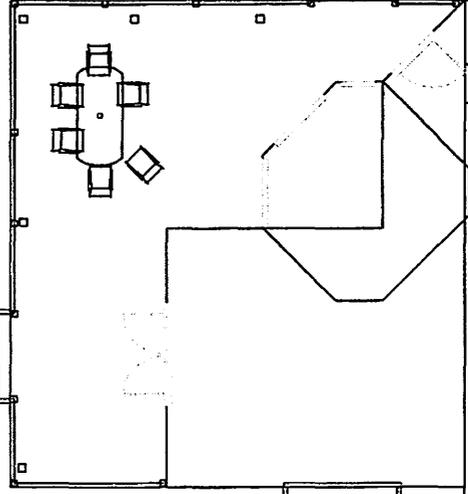
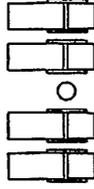
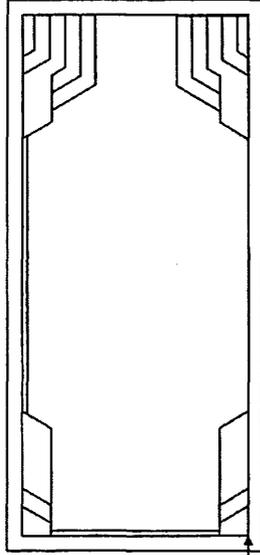
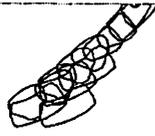
Phone: 815 569 1035

State: IL

Zip: 1065

SONCO

POOLS & SPAS, INC.





211 N. Appleton Road
PO Box 218
Belvidere, IL 61008
815-544-2677 ext. 3
FAX 815-544-4281

March 22, 2016

SWCD NRI #: 1489

Dear Sir/Madam,

A request for a Natural Resource Information Report was submitted for the property listed in this letter. We will supply a written reply to you office as indicated below:

Our review does not apply in this instance.
 Other (see attached)

Location of Site: 15825 Beaverton Rd. Poplar Grove, IL 61065

PIN(S): 04-17-100-011

Contact:

Sonco Pools- Vince Kaminski

Phone: 815-654-7665 x 3

Email: vince@soncopools.com

Petitioner:

Sonco Pools- Vince Kaminski

Phone: 815-654-7665 x 3

Email: vince@soncopools.com

Owner:

Victoria Stohlquist

15825 Beaverton Rd. Poplar
Grove, IL 61065

Request: Variance for in ground pool.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Becker".

Jennifer Becker
Boone County Soil & Water
Conservation District



Boone County
DEPARTMENT OF
PUBLIC HEALTH

1204 Logan Avenue ♦ Belvidere, Illinois 61008

Main Office: 815-544-2951 ♦ Clinic: 815-544-9730
Fax: 815-544-2050 www.boonehealth.org

The mission of the BCDPH is to protect and promote health in Boone County.

April 7, 2016

Ken Terrinoni
Boone County Planning Dept.
1212 Logan Ave.
Belvidere, IL 61008

Re: Variance 06-2016; 15825 Beaverton Road

Dear Ken,

We are in receipt of the Variance request for the above referenced case.

The Boone County Health Department has a process in place to review any footprint additions to properties which have a well and or septic. A to scale site plan needs to be submitted showing the additions and the location of the well and septic. The fee for this process is \$50.00. This process would need to be done and approved by the Health Department before the Building department will issue a building permit.

Our office has no objections or comments on the variance request.

Thank you,

William L. Hatfield
Director of Environmental Health
skm

**BOONE COUNTY
BUILDING DEPARTMENT**

**1212 Logan Ave. Suite 101 Belvidere, Illinois 61008
(815)544-6176
(815)-547-0906(fax)**

April 8, 2016

To: Ken Terrinoni
County Administrator

From: Drew Bliss
Senior Building Inspector

RE: Variance 06-2016, 15825 Beaverton Rd.

Dear Mr. Terrinoni,

Our office has no objections to the variance request. Please notify the applicant that a building permit will be required if the case is approved.

If you have any further questions, please feel free to contact our department at (815) 544-6176.

Thank you,



Drew Bliss
Senior Building Inspector
Boone County Building Department



**DeKalb County
Planning/Zoning/Building Department**

110 East Sycamore Street
Sycamore, IL 60178
815-895-7188

April 13, 2016

BOONE COUNTY, IL ADVISORY REPORT

CASE NO: 07-2016 APPLICANT: Kevin and April Perry, 15917 Capron Road

REQUEST AND LOCATION:

The applicant and contract purchasers Kevin and April Perry, c/o Tobin & Ramon, is requesting a Special Use Permit for property located at 15917 Capron Road, Capron, IL, to allow a commercial stable within the A-1, Agricultural Preservation District. The 7.57-acre property is located on the east side of Capron Road, just south of the intersection of Capron and Anderson Roads, in unincorporated Boone County.

EXISTING LAND USE ON SUBJECT PROPERTY AND ON ADJACENT PROPERTY:

Subject property: Agriculture with residence

All Adjacent Properties: Agriculture (wooded to the south)

CURRENT ZONING ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

Subject property: A-1, Ag. Preservation

All Adjacent Properties: A-1, Ag. Preservation

COMPREHENSIVE PLAN FOR SUBJECT PROPERTY AND ON ADJACENT PROPERTY:

Subject property: Single-Family (< 5 du/acre)

Adjacent Properties:

North: Traditional Neighborhood

South: Single-Family

East: Single-Family

West: Single-Family

BACKGROUND:

The applicants proposes to operate a commercial stable on the subject property. The Boone County Zoning Ordinance includes "commercial stable" as a possible Special Use in the A-1, Ag. Preservation District. The application also requests approval of a Special Use for Accessory Relative Living Quarters. However, the Boone County State's Attorney has determined that this portion of the request would violate the lot of record provision of Section 3.2.3(A)(1) of the Boone County Code, and therefore will not be processed (see attached letter, dated April 7, 2016).

TREND OF DEVELOPMENT:

The subject property is located on the east side of Capron Road, south of the Village of Capron. The area is primarily in agricultural use, with some isolated stands of trees.

COMPREHENSIVE PLAN:

The subject property is designated “Single-Family (< 5 du/acre)” by the Boone County Comprehensive Plan, adopted November 10, 1999. It is within the growth area for the Village of Capron. The narrative within the Comprehensive Plan for the Village of Capron includes, “Single Family Residential uses are planned for areas where significant development of single-family homes has already occurred to the south of the Village on Capron Road ... This Plan calls for new residential development in the Village to be compatible with the village character of existing residential areas of the Village.” However, the current use of the subject property and surrounding properties is agricultural. If the proposed commercial stable is found to meet the criteria for granting a Special Use Permit, the recommendations of the Comprehensive Plan would not be compromised.

OTHER PLANNING CONSIDERATIONS:

The Boone County Soil and Water Conservation District has indicated that a Natural Resources Inventory Report is not required for this application.

The application for Special Use contains little information on the proposed commercial stables. “Commercial stables” are identified as a possible Special Use in the A-1, Ag. Preservation District because, depending on the scope and scale of a commercial stable, they have to potential to dominate the immediate area and adversely effect adjacent properties, the character of the neighborhood, and the condition of the public roads (due to increased traffic). The application asserts that the commercial stable will not have these negative effects, however, additional information should be provided by the applicant to support this assertion. In particular, the applicant should identify:

1. The maximum number of horses that might be stabled on the property at any one time;
2. The anticipated maximum number of vehicles trips in and out per day associated with the commercial stable at its peak operation;
3. Whether there will be any additional employees associated with the commercial stable;
4. Whether there will be any activities, events, or services (such as horse rides and equestrian events open to the public) associated with the commercial stable;
5. Whether any new signage be proposed as part of the commercial stable (the Zoning Ordinance contains regulations related to permitted signs in agricultural districts);
6. How parking will be handled on the subject property (vehicles with horse trailers, visitor parking, and employee parking if any).

FINDINGS OF FACT: A Special Use Permit shall be granted only if the County Board finds evidence of the following:

- A. The proposed structure or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community;**

The subject property is appropriate for use as a commercial stable, so long as the number of horses stabled does not exceed the capacity of the property. Generally, one acre of grazing area is needed per horse. The area behind the barn is roughly two acres in size. There may be other areas on the property where horses are proposed to be allowed to graze. The applicant should be prepared to address the maximum number of horses that will be stabled at any one time;

- B. The proposed structure or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare; and**

As above, provided there is sufficient acreage for the maximum number of horses to be stabled at any one time, the proposed commercial stable should not have a substantial adverse effect on adjacent properties or the character of the area;

- C. The proposed structure or use will be designed, arranged and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations, and**

Because no new structures have been proposed, and provided that the number of horses stabled does not exceed the capacity of the property, the proposed use should not constrain the development and use of neighboring properties;

- D. Such other standards and criteria as are established by the ordinance for a particular Special Use as set forth in Section 2.7.4 and as applied to planned developments as set forth in Section 2.10 shall apply to the property for as long as the special use permit is in effect; and**

This Special Use Permit, if approved by the County Board, will be required to conform to all the applicable regulations of the Zoning Ordinance in addition to any conditions of approval;

- E. That the Special Use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendations of the Zoning Board of Appeals; and**

This Special Use Permit, if approved by the County Board, will be required to comply with all applicable regulations of the A-1, Ag. Preservation District;

- F. That the potential public benefits of the Special Use outweigh any potential adverse impacts of the Special Use after taking into consideration the applicant's proposal and any requirement recommended by the applicant to ameliorate such impacts.**

A positive finding with respect to this evaluation criterium is dependent on the applicant's responses to the questions set forth above under "Other Planning Considerations."

SUMMARY OF FINDINGS:

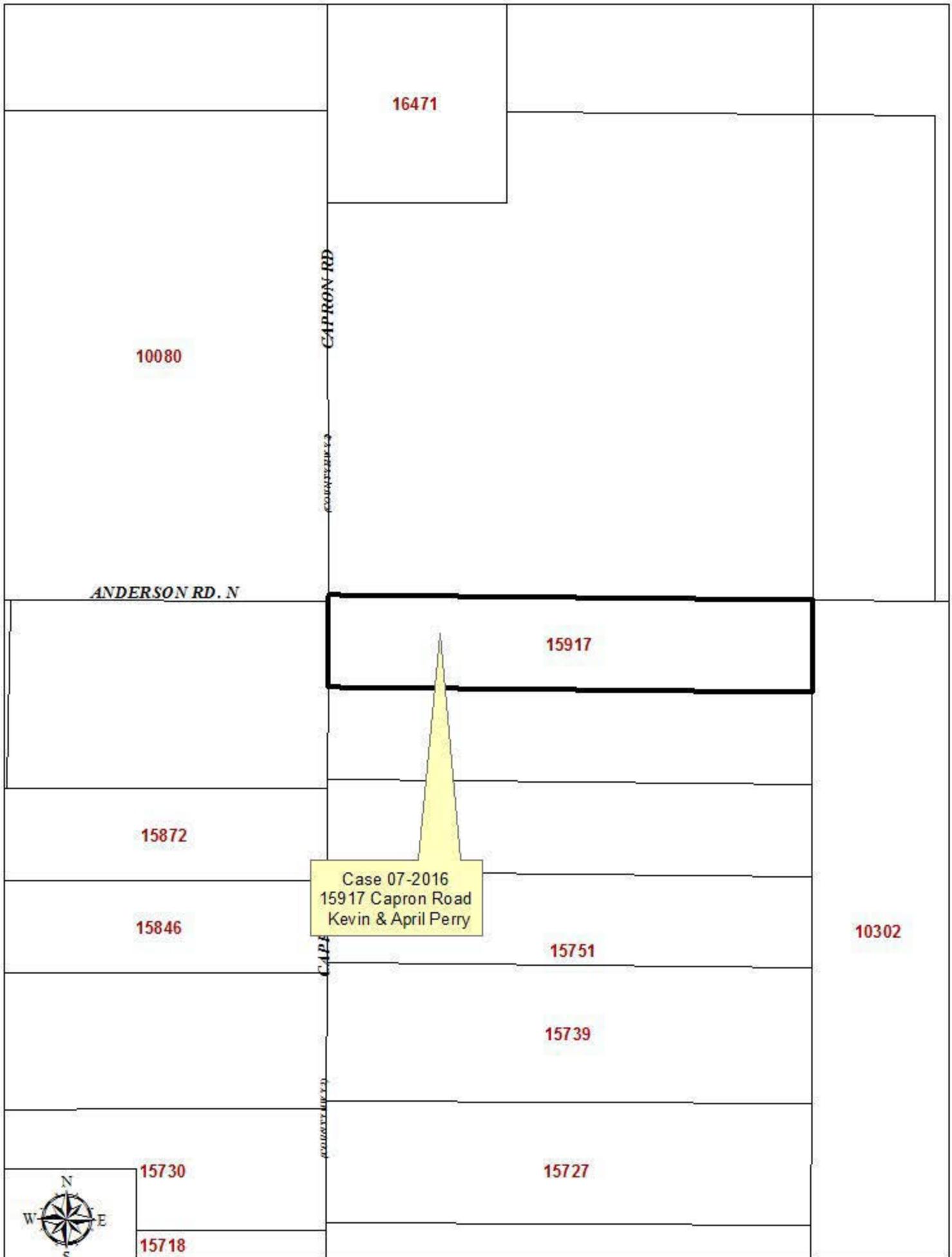
The subject property is located within an area dominated by agricultural uses. As such, a commercial stables is a compatible and desirable land use. Whether or not a commercial stable is appropriate on the subject property, however, is dependent on the maximum number of horses to be stabled at any given time. A general rule of thumb of one horse per acre of grazing land is a good guide; the applicant may wish to propose other standards for determining the number of horses on the property. Care should be taken to assure that the County does not authorize a Special Use that would allow too many horses for the property to safely and humanely accommodate. The County should also require the applicant to identify how many trips in and out of the property are anticipated in peak hours (in order to gauge the impact to the public road and the neighborhood), if any employees will be regularly visiting the property, whether there will be any signage, how parking will be handled, and whether there will be offered services or events that draw the general public to the site.

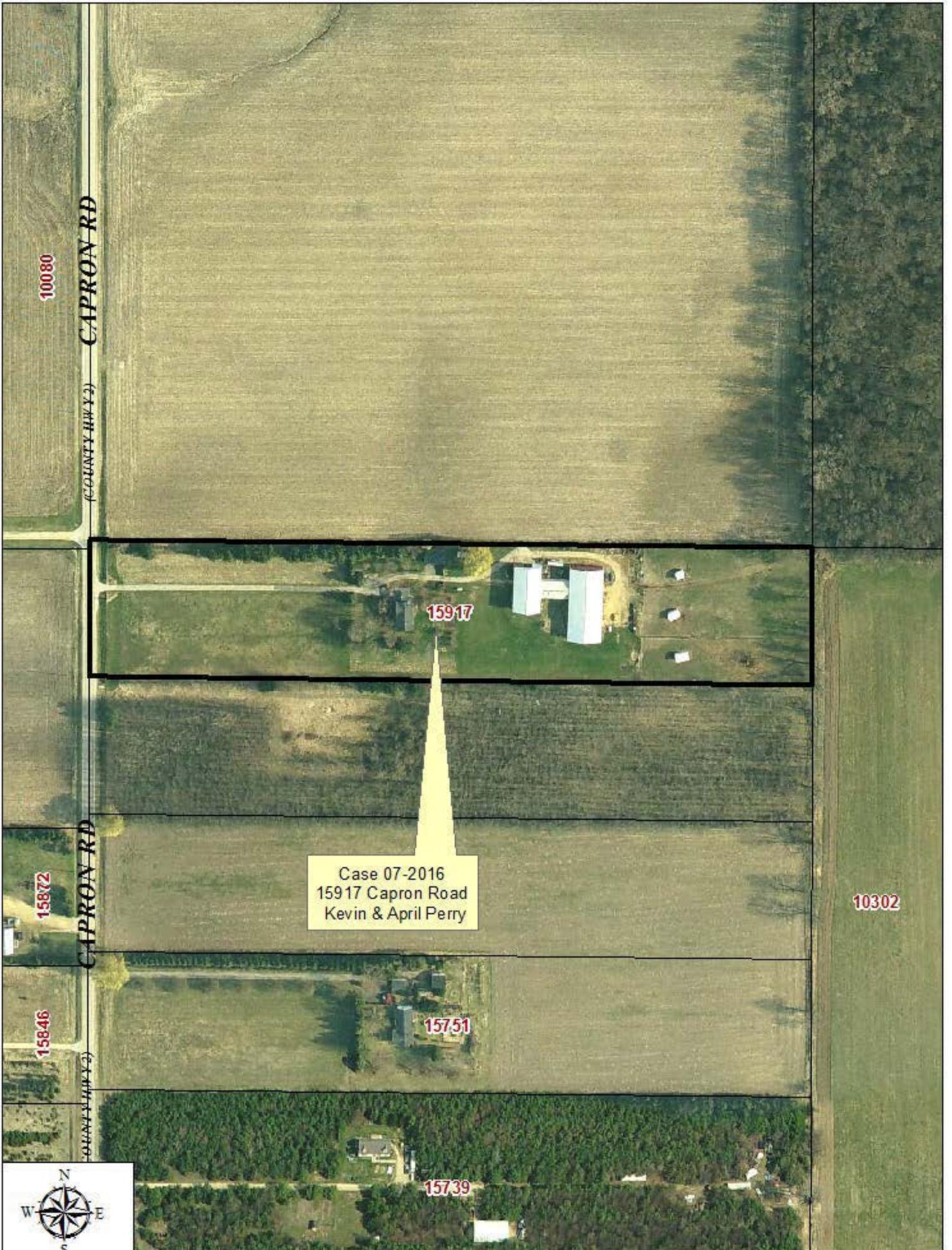
RECOMMENDATION:

Provided the applicant satisfactorily answers the questions regarding the scope, scale, and details of the proposed commercial stable, staff recommends approval of Case #07-2016, subject to conditions that repeat the details requested above.

Submitted on behalf of Boone County by:

Paul R. Miller, AICP
DeKalb County Planning Director





10080

CAPRON RD

(COUNTY HWY 2)

15917

Case 07-2016
15917 Capron Road
Kevin & April Perry

15872

CAPRON RD

10302

15846

(COUNTY HWY 2)

15751

15739



1 inch = 222 feet

APPLICATION FOR SPECIAL USE

BELVIDERE - BOONE COUNTY PLANNING DEPARTMENT

**Belvidere City Hall
401 Whitney Blvd., Suite 400
Belvidere, Illinois 61008**

| FOR OFFICE USE ONLY | Belvidere | Boone County |
|------------------------------|------------------|---------------------------|
| Case Number <u>07-2016</u> | PZC Date _____ | ZBA Date <u>4/26/2016</u> |
| Filing Date <u>3/23/2016</u> | CC Date _____ | PZB Date <u>5/4/2016</u> |
| Zone District <u>A-1</u> | CC Date _____ | CB Date <u>5/18/2016</u> |

If this application is approved, it is understood that it shall only authorize the special use described in the application with any conditions placed on the special use per the governing body. If the conditions are not met and/or the use is not established (or substantially underway) within one (1) year from the date of approval, the special use shall be null and void.

PLEASE PRINT IN BLACK INK OR TYPE

- 1) The address or general location of the property for which this application is filed is:
15917 Capron Road, Capron, IL 61012 _____ and its
 Parcel Identification Number is: 04-14-100-012
 and the legal description for the subject property is: **Lot** _____ **Block** _____
Tract _____ **Subdivision Name** _____

(NOTE - If there is no lot, block, or tract, then attach a legal boundary description hereto.)

- 2) **Applicant Name:** Kevin Perry and April Perry
 Mailing Address: 3540 Partridge Lane
Belvidere, IL 61008
 Daytime Phone: 815-975-0891 Fax: _____ Email: aprilperry80@yahoo.com
- 3) **Property Owner Name:** Lisa Hensley
 Mailing Address: 15917 Capron Road, Capron, IL 61012
 Daytime Phone: _____ Fax: _____ Email: _____
- 4) **Attorney Name:** Natalie Hyser Barber, Tobin & Ramon
 Mailing Address: 530 South State Street, #200
Belvidere, IL 61008
 Daytime Phone: (815) 544-0316 Fax: (815) 544-4398 Email: natalie@tobinramon.com

5) **Project Manager:** In order to reduce confusion, planning staff requests one contact person be designated to discuss issues concerning this petition:

Name: Natalie Hyser Barber
 Mailing Address: 530 South State Street, Suite 200
Belvidere, IL 61008
 Daytime Phone: 815-544-0316 Fax: 815-544-4398 Email: natalie@tobinramon.com

6) Describe the current use of the subject property: residential

7) List the Special Use, as specified within the appendix of the Zoning Ordinance, that you are seeking the approval of and describe the proposed use of the subject property in detail:

Commercial Stables *(THB)*

8) Total number of acres the Special Use will occupy: 7.57 acres

9) **LIST THE OWNERS OF RECORD:** . **Boone County applicants** shall list the owner of record for all properties located adjacent to and across the street or alley from the perimeter of the subject property. **City of Belvidere applicants** shall list the owner of record for all properties located 250 feet from the perimeter of the subject property (exclusive of public right-of-ways). This information is found at the Supervisor of Assessments Office, 1208 Logan Ave. or the Planning Office. Verifying the accuracy of information is the responsibility of the applicant (use additional pages if necessary).

| PIN # | Name/Trust No. | Street | City | Zip |
|-----------------|---|------------------------|-------------|-------|
| ✓ 04-14-100-013 | Northwest Nat'l Bank Tr. #10-084050-3 c/o Ed Simon | 24741 El Toro Grande | El Tora, CA | 92630 |
| 04-14-100-004 | Delores R. Pajak Tr. | 15751 Capron Road | Capron | 61012 |
| ✓ 04-14-100-014 | Fernando Revas and Profirio Rodriguez | 10302 Wange Road | Capron | 61012 |
| ✓ 04-11-300-011 | Kenneth E. Book Trust Mimi L. Book Trust | 22905 bunker Hill Road | Harvard | 60033 |
| ✓ 04-11-300-007 | Julie & Shirley A. Anderson | P. O. Box 302 | Capron | 61012 |
| ✓ 04-10-400-006 | Robert & Sue Ann Park | 10080 Anderson Rd. N. | Capron | 61012 |
| ✓ 04-15-200-018 | Michael J. Book Trust Jill Book Trust | 2400 Maritime Lane | Woodstock | 60098 |
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10) SUPPORTING INFORMATION: Attach a vicinity map and a site plan drawn to scale regarding your proposal. Illustrate any existing and proposed buildings, parking and loading areas, traffic access and circulation drives, open space, landscaping, utilities, signs, refuse and service areas, and dimensions of setbacks and yard areas, as they apply to this application and as may be required by the Zoning Ordinance. Also include a detailed written statement relative to the above listed requirements, fully explaining your proposal and any measures to mitigate negative affects of your proposal on neighboring properties.

Incomplete applications will be returned to the applicant after sixty (60) days.

Natural Resource Information: Pursuant to state law, a copy of this application is to be provided to the Boone County Soil and Water Conservation District (SWCD). The SWCD is located at 211 N. Appleton Road, P.O. Box 218, Belvidere, and may be contacted at (815) 544-2677. Their business hours are Monday through Friday 8:00 a.m. to 4:30 p.m. An application fee is required. The SWCD has thirty (30) days to respond and provide their Natural Resource Information (NRI) Report to the Planning Office. **The SWCD must send a report to the Planning Department for your application to proceed.**

NOTE: The "Endangered Species Act" entitles the Illinois Department of Natural Resources (IDNR) to review all special use permit applications for their impact on endangered or protected species. Illinois law allows thirty (30) days for their response. The applicant is responsible for contacting the IDNR, via the EcoCAT website at DNR.EcoCAT@illinois.gov.

The "National Historic Preservation Act" entitles the Illinois Historic Preservation Agency to review all special use permit applications for their impact on cultural or historical resources if the proposed development involves State or Federal funding. Illinois law allows thirty (30) days for their response. The applicant is responsible for contacting the Illinois Historic Preservation Agency at (1-217-782-4836).

DECLARATION

I, the applicant, of the above legally described property on which the special use is proposed, have provided answers to the questions given herein that are true to the best of my knowledge. I have been granted permission by the property owner(s) of the above legally described property to apply for a special use on said property.

By virtue of my application for a special use, I do hereby declare that the appropriate appointed and elected officials responsible for the review of my application are given permission to visit and inspect the property proposed for a special use in order to determine the suitability of the request.

Applicant Signature: Natalie DeBake Date Signed: 3/22/16

Owner(s) Signature: Natalie DeBake Date Signed: 3/22/16

attorney of record Date Signed: _____
for all parties

STAFF SIGNATURE: ghe dellos Date Signed: 3/23/16

Filing Fee - Amount Paid: 500 Check Number: 260872

FILING PROCEDURE

- A. Submit this form and supporting information accompanied by an application fee (make checks payable to the **Boone County Treasurer**). See the attached fee schedule.
- B. Submit application and supporting information with fee to the Boone County Soil and Water Conservation District.
- C. Selection of newspaper publication. See the attached newspaper selection sheet.
- D. City of Belvidere Applicants must appear before the Belvidere Planning and Zoning Commission, Building, Planning and Zoning Committee and the Belvidere City Council.

Boone County Applicants must appear before the Boone County Regional Planning Commission, Boone County Zoning Board of Appeals, Planning, Zoning and Building Committee, and the Boone County Board. Boone County applicants must appear before the Joint Planning Commission rather than the County Commission if their property is located within 1.5 miles of Belvidere.

LEGAL NOTICE REQUIRED

According to Illinois State Statutes, "notice of each hearing shall be published at least 15 days in advance thereof in a newspaper of general circulation published in the township or road district in which such property is located."

A Notice of Public Hearing will be completed by Planning Staff for publication in a newspaper of local distribution. Please select one of the following newspapers for publication:

*******THE COST OF THE PUBLICATION IS TO BE PAID BY THE APPLICANT*******

Belvidere Daily Republican
(815) 547-0084 (publishes 5 days a week)

Boone County Journal
(815) 544-4430 (publishes weekly)

NOTE: Fees are based on the length of the Notice of Public Hearing. If you wish to seek the lowest price, please contact the above newspapers at the telephone numbers provided.

Edits by
Natalie HyperBank
4/19/16

NARRATIVE

The applicants, Kevin Perry and April Perry (the "Perrys") have a contract to purchase 15917 Capron Road (PIN: 04-14-100-012) (the "Subject Property") from Lisa Hensley (the "Current Owner"). The Perrys and the Current Owner have retained Tobin & Ramon to hereby submit this Application.

In addition to residing at the Subject Property, the Perrys plan to use the Subject Property as a space for Commercial Stables and Accessory Relative Living Quarters. The Perrys would like to use the barn recreation room to provide guest housing for April Perry's brother and grandfather from time to time. Both gentlemen have permanent residences elsewhere. Therefore, the space would be used strictly as a guest house for them. No income or rent would be collected by the Perrys for the use. The brother would serve as an intermittent caretaker for the Commercial Stables operation, and the grandfather would be a guest. Attached hereto are the following: photographs of the potential Accessory Relative Living Quarters, Current Floor Plan, and Proposed Remodel.

Special Uses

and/or Caretaker Facility
one

(NHB)

To conduct business as Commercial Stables, the Perrys will need ~~two~~ Special Uses. Commercial Stables and Accessory Relative Living Quarters. April Perry's brother will serve as caretaker when needed and would therefore need a living space from time to time during his work. To that end, the Perrys are requesting the aforementioned Special Uses.

The Perrys are flexible and are willing to diligently work with staff on further and final details in connection with the Proposed Remodel to accomplish the aforementioned Special Uses to the satisfaction of staff. *this matter*

The proposed Special Uses will not have a substantial adverse effect upon the surrounding and adjacent properties nor the character of the neighborhood, traffic conditions, utility facilities or other matters affecting public health, safety and general welfare because both the Special Uses fit within the general character of the neighborhood. The Perrys will use the proposed Special Uses according to the attached designs to operate Commercial Stables in a way that conforms to the current direction of development and use of the area in accordance with the applicable regulations. The public benefits outweigh any potential adverse impacts.

~~Although at the moment the dwelling space in the barn would be used as Accessory Relative Living Quarters, the Perrys would also like to apply for Special Use- Caretaker Facility to allow for flexibility of that dwelling unit in the future.~~

(NHB)



Boone County
Soil & Water
Conservation District

211 N. Appleton Road
PO Box 218
Belvidere, IL 61008
815-544-2677 ext. 3
FAX 815-544-4281

March 24, 2016

SWCD NRI #: 1490

Dear Sir/Madam,

A request for a Natural Resource Information Report was submitted for the property listed in this letter. We will supply a written reply to you office as indicated below:

Our review does not apply in this instance.
 Other (see attached)

Location of Site: 15917 Capron Rd. Capron, IL 61012

PIN(S): 04-14-100-012

Contact:

Tobin & Ramon

Phone: 815-544-0316

Email: Natalie@tobinramon.com

Petitioner:

Kevin and April Perry

3540 Partridge Ln.

Belvidere, IL 61008

Owner:

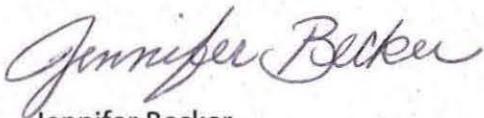
Lisa Hensley

15917 Capron Rd.

Capron, IL 61012

Request: Special use for accessory relative living quarters and commercial stables and/or caretaker facility.

Sincerely,



Jennifer Becker

Boone County Soil & Water

Conservation District



211 N. Appleton Road
PO Box 218
Belvidere, IL 61008
815-544-2677 ext. 3
FAX 815-544-4281

April 19, 2016

Dear Sir/Madam,

On behalf of Kevin and April Perry, Tobin & Ramon submitted a request for a Natural Resource Information (NRI) Report. The report (NRI #1490) was completed on March 24, 2016 for special use for accessory relative living quarters and commercial stables and/or caretaker facility. The proposed special use has now been amended to commercial stables only. Please refer to NRI #1490 for the original request.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Becker". The signature is written in a cursive, flowing style.

Jennifer Becker
Boone County Soil & Water
Conservation District



Boone County
DEPARTMENT OF
PUBLIC HEALTH

1204 Logan Avenue ♦ Belvidere, Illinois 61008

Main Office: 815-544-2951 ♦ Clinic: 815-544-9780
Fax: 815-544-2050 www.boonehealth.org

The mission of the BCDPH is to protect and promote health in Boone County.

April 8, 2016

Ken Terrinoni
Boone County Planning Dept.
1212 Logan Ave.
Belvidere, IL 61008

Re: 07-2016; Ken and April Perry, 15917 Capron Road, Capron

Dear Ken,

We are in receipt of the special use request for the above referenced case.

Our office has no objections or comments on this request.

However, the existing septic system is not sized to accommodate the anticipated use per the request.

Prior to building/remodeling the Health department process for the septic system sizing, etc. must be initiated.

Thank you,

William L. Hatfield
Director of Environmental Health
skm

**BOONE COUNTY
BUILDING DEPARTMENT**

**1212 Logan Ave. Suite 101 Belvidere, Illinois 61008
(815)544-6176
(815)-547-0906(fax)**

April 8, 2016

To: Ken Terrinoni
County Administrator

From: Drew Bliss
Senior Building Inspector

RE: 07-2016, Kevin and April Perry, 15917 Capron Rd.

Dear Mr. Terrinoni,

Our office has no objections to the special use request at this time; however we may have additional comments once the advisory report is completed. Please notify the applicant that a building permit or a zoning certificate may be required if the case is approved.

If you have any further questions, please feel free to contact our department at (815) 544-6176.

Thank you,

A handwritten signature in blue ink, appearing to read 'Drew Bliss', is positioned above the typed name.

Drew Bliss
Senior Building Inspector
Boone County Building Department