

**ZONING BOARD OF APPEALS AGENDA**

**Tuesday, October 25, 2016**

**Boone County Board Room**

**1212 Logan Avenue**

**7:00pm**

**ROLL CALL Members:**

Brian Van Laar, Chair  
Tony Savino, Vice-Chair  
Joan Krumm  
Mark Rhode  
Steve Schabacker

**Staff:**

Ken Terrinoni, County Administrator  
Hilary Arther Boone County Land Use Planner

**Other:**

**MINUTES:** Approval of Minutes from September 27, 2016

**PUBLIC COMMENT:**

**UNFINISHED BUSINESS:**

**NEW BUSINESS:**

**Case 21-2016; Peter: The applicant and owner, Sarah Peter, 14106 Tallgrass Trail, Poplar Grove, Illinois 61065 is requesting a variance to reduce the required front-yard setback from 75 feet to 35 feet to rebuild the home destroyed by fire in the A-1, Agricultural Preservation Area District pursuant to the Boone County Zoning Ordinance (Section 3.2.4.B. Residential Uses, Less than 5 acres Section 2.8 Variances) on 4.98 acres at 14266 Capron Road (PIN: 04-22-400-007) in unincorporated Boone Township, Boone County, Illinois.  
Staff (Approval); ZBA ( )**

**OTHER BUSINESS:**

**DISCUSSION:**

**COMMUNICATIONS/PLANNING REPORTS:**

**Previous Case Update**

**Staff Report**

**ADJORNMENT**

ZONING BOARD OF APPEALS

MINUTES

Tuesday September 27, 2016

County Board Road

1212 Logan Avenue

7:00 P.M.

**ROLL CALL:**

**Members:**

Tony Savino, Vice-Chair  
Brian Van Laar, Chair  
Joan Krumm  
Mark Rhode  
Steve Schabacker

**Staff:**

Hilary Arther Boone County Land Use Planner  
Shelly Dunham Planning Consultant  
Ken Terrinoni, County Administrator

With a quorum present Chairman Brain Van Laar Called the meeting to order at 7:02 P.M. Brain Van Laar introduced Shelly Dunham and Hilary Arther.

**MINUTES:**

Mark Rhode asked for a spelling correction on his last name in the packet. Mr. Savino asked to amend paragraph one four lines down to include "after further discussion it was recommend the special use stay with Angelic Organics". It was moved and seconded (Savino / Krumm) to approve the minutes from August 23, 2016 with the changes noted.

**PUBLIC COMMENT:**

Before the public comment section commenced Chairman Van Laar explained the process for the hearing this evening. Natalie Barber 530 State Street #200 Belvidere IL asked for Hilary Arther's contact information

**UNFINISHED BUSINESS:**

**18-2016; Goad:** The application of Robert O. Goad and Betty Goad, 113 Galahad Court SE, Poplar Grove, IL 61065, requesting a special use permit under Section 2.7 (Special Uses) and Sub-Section 3.16.1 (Table of Permitted Uses of the Boone County Zoning Ordinance to allow an auction sales yard at 11860 Illinois Route 173, Capron Illinois, 61012, in the A1 Zoning Board of Appeals August 23, 2016 Agenda Page 2 of 2 (Agricultural Preservation) Zoning District in unincorporated Boone Township, Boone County, Illinois. (PIN: 04-01-400-004) and (PIN: 04-01-400-006).

The Public Hearing opened at 7:12 P.M.

Shelly Dunham having been sworn in summarized the staff report. She made a point of rereading a note of Section 3.16 (Table of Permitted Uses) of the Boone County Zoning Ordinance stating "auction sales yards" use: does not include livestock or motor vehicles and shall not be held for more than 3 days in a one-week period. All articles not sold at the end of the auction for that one-week period shall be removed from the property. Farm produce, rebut, reconditioned and used household goods and appliances shall be offered for sale.

In other planning considerations The Boone County Soil and Water Conservation District stated their review does not apply to this case. They added that a request for a Natural Resource Information Report was submitted for the property and that there is one soil type, Piscasaw silt loam, found on parcel 04-01-400-004 where proposed structure will be built. This soil is not prone to flooding or ponding, is well drained, and is not hydric. There are no flood plains or indicators of wetlands where building is proposed; however a 100-year flood plain is present on the east side of this parcel. Parcel 04-01-400-006 is completely covered by a 100-year flood plain and has wetland soil indicators with wetlands expected to be present onsite. The County Engineer comments came in after the advisory report was complete but stated the applicant shall either widen the existing access to accommodate two-way traffic, or construct a second access and have the two accesses one directional to provide good traffic flow. The addition of a new access point or widening of the existing access will require permission from the Illinois Department of Transportation. The Building Department has no objection to the Special Use Permit but would require a permit if approved. The County Health Department stated the applicant would need to go through there review process. Ms. Dunham further stated that the subject property was designated as planned neighborhood.

Under findings of fact Ms. Dunham stated that the findings of facts are met. However the late arrival of the engineers input and testimonies from this evening that conditions would be added if the board approved the proposal.

There were no questions from the Board for Ms. Dunham. Mr. Robert Goad of 113 Galahad Ct SE Poplar Grove IL and his attorney, Ms. Natalie Barber 530 S State St #200 Belvidere IL were sworn in and presented evidence regarding the petition.

Mr. GOAD: I've been doing auctions nearly forty years; I have had a dream of doing my own auction house on site. Most of my auctions are on site. I will be doing one this weekend in Mundelein for a store closing. My plan would be to once a month on this property preform an auction. Normally what happens is family member take what they want from a deceased persons estate often times there are items still left and not enough items for one auction. I combine multiple families' items and preform one auction. You normally need a place to carry out an auction and I had been renting a place out of Harvard for about 15 to 17 years. We never had any problems. You would have regular auction attendees then you had people come from the Chicago area, Elgin, and Wisconsin area. I had an auction in Harvard for 150 pieces of farm equipment. We had people from New York, Indiana, Texas and all over the country. We

help people get rid of items they don't need. I hate to see things thrown away I like to see things recycled. We make some money on it and have a lot of fun.

We are looking to make this a respectable property. When I bought the property it had a home half burnt down on it. The first thing we did was spend the money and have the building taken down. For tax reasons we had to farm the property for two years. Now I plan to farm a portion of the property and put up a respectable building for auctions and storage. This location will have climate control; you have to have something for the people. These people that came to the auctions in Harvard would go to stores and spend money in the community. I would like this to happen for Capron and Boone County. I sell the cattle and grain at the Boone County Fair. I would like to continue to perform auctions.

Natalie Barber Introduced herself as Mr. Goad's lawyer.

MS. BARBER: I think Mr. Goad did a great job of describing his dream I just want to go over a few legal things. The items that would be sold at auction would be farm produce, rebut, reconditioned and used household goods, appliances and miscellaneous items. Per the ordinance auctions will not include livestock or motor vehicles. Auctions will not be held for more than 3 days in a one-week period. All articles not sold at the end of the auction for that one-week period will be removed from the property or stored properly. If you have any questions as to other limitations or the committee has any ideas about parking and well and septic now would welcome the suggestions.

MR. VAN LAAR: Does the board at this time have any questions for the applicant?

Mr. SCHABACKER: I didn't see it in there. Sometimes I miss things. Is this business to be totally indoors or will there be outdoors?

MR. GOAD: It depends on the weather, if the weather is beautiful and not too hot. The tool wagons like in the old days, junk wagons will be out. Auctions used to be family gatherings and I'd like to keep that atmosphere. Juke wagons always had the good tools in them. I would like the option to sell inside and out. The stuff will be indoors until the day of the auction and either stored after inside or thrown away.

Mr. SCHABACKER: A large portion of this building will be storage?

MR. GOAD: Yes.

Mr. SCHABACKER: So you can pull in wagon's and stuff?

MR. GOAD: Yep

Mr. SCHABACKER: Thank you.

MS: KRUMM: Do you have a thing going on in Harvard right now?

MR. GOAD: No I don't

MS: KRUMM: You're Closed out of that?

MR. GOAD: I rented the building for quite a while, and the Henson's got a grant got a 2.6 million dollars to do and they took that money and added an addition to use to be a banquet hall and now it's some kind of school. I sell at the Boone County Fair Grounds right now.

MS: KRUMM: Where do you store your stuff?

MR. GOAD: I have a storage unit for my stuff. And two builds that we use for storage in town.

MS: KRUMM: Ok

MR. SAVINO Have you checked with IDOT at all about the entrance?

MR. GOAD: We are in the process of that I had never thought of that prior to the last meeting. We were looking into that. The property is wide enough to put in a double entrance. If that doesn't work we have a second entrance on County Line Road because there are two parcels.

MR. SAVINO I'm assuming you'll have like a parking plan to show?

MR. GOAD: We have a plan that there is a field behind where the buildings will be. That will park into and a regular parking lot across from the building.

MR. SAVINO No cars will be planning on being parked on IL Rt 173?

MR. GOAD: No, absolutely I have 16 acres. We have 5 acres planned. If I need more we have it. I would never want anyone to park on the highway that is where my old building was.

MR. SAVINO: Ok that's it for me

MR. RHODE: The question I have is here shall not be held for more than 3 days in a one-week. What you're saying is you can basically he can sell 3 days every week, by this ordinance. That's what I'm trying to get at. What are you thinking one a month?

MR. GOAD: One a month on site, it takes a month to get one of these ready. The advertising it takes 2 to 3 weeks. If you don't do that you don't get anyone at the auction. The max I would do in a month would be two in the same month.

MR. RHODE: That's a huge concern.

MR. GOAD: Yeah I have no desire, I still work for Dean's Foods I have worked there 45 years I have no plans on retiring as long as my hearth holds I'm 66 years old. I am not planning on holding auctions once a week. It takes a long time; we do the hauling for these things. These are older people we have a lot of older people a lot of our stuff comes from Sun City.

MS: KRUMM: Are you going to pave your parking lot?

MR. GOAD: Not the whole things just in front t of the building gravel for most of it rest

MS: KRUMM: Ok, What about the building and restrooms?

MR. GOAD: There will be adequate facilities and you won't have to wait.

Mr. SCHABACKER: The architect and building department will make sure it is up to code that will all be part of your package review.

MR. GOAD: I have already talked to Drew and Bill right away, we did the perk test so we were qualified and we will have two one that we will use right away and one that we will set aside in case.

Mr. SCHABACKER: You have to get approval for your building permit you have to get approval for your septic.

MR. GOAD: Not only going to get a blue print we are going to get an engineer seal. My son is a contractor and is really good with this stuff. My son is handling all that.

MR. SAVINO: This is actually for Mark, if you read it says three per week, that is concerns do we want to limit it? If you pass this he can have three per week

That would be a condition I would want to explore.

MR. SAVINO: Is two per month realistic?

Ms. Barber and Mr. Goad discussed what would be a realist quantity of auctions in a month.

MR. GOAD: I have no intention of having an auction more than one a week and much intention on more than two in a month. It's too much to get set up. The reality is if it would come up I would do it, but it won't. There is no time to do that many you have to have time for people to get there stuff and to tear it down and put it up.

MS. BARBER: So what if we found a happy medium and said no more than 4 per month and no more than 2 in one week. For those 4 that are allowed we can control it on a weekly and month basis. Does that make sense?

MR. SAVINO: Ok so if we discuss you're ok if we put that limit on it?

Mr. GOAD: I'm happy with that. Are you able to change that?

MR. BRIAN VAN LAAR: We are not allowed change the code but we are allowed to put conditions in and recommendations for the board to consider.

MS. KRUMM: Do you see this going into a retail situation?

MR. GOAD: No, I don't do retail. This is for an auction situation I don't like garage sales. Someone else does that it's not me.

MR. VAN LAAR: I have a few questions. Looks like you have two parcels 004 and 006 it looks like your building is on 004. Are you asking for the special use to be on both parcels?

MS. BARBER: Yes, this is our attempt to work with all county departments that if a requirement needs to be met we have the space and included both lots. Technical nature we ask but we do not see the building encroaching on this.

MR. VAN LAAR: I want a clarification on that. Is there another site like what you're purposing? What is the closest permanent special use auction site? You're an auctioneer you know this? And how faraway is it?

MR. GOAD: There were two in the Elgin, but none like this in Boone County.

MR. VAN LAAR: There was an auction maybe 3 weeks ago on Rt 20 in Garden Prairie is that something you're looking to do here? They have auctions there every once in a while?

MR. GOAD: That is not a permanent thing, Gordon Stadie rents it. He used to do it on 76 and 173 he does it once a year. That is not a permanent site. They do not have enough parking for that. That's what I'm trying to do. I want to design something for my buyers. So they can come and go with no problems. I want to start from scratch I want to do it right. It's a lot harder to find a place and modify it for auction sales.

MR. VAN LAAR: He had a number of tractors there "motorized vehicles" are you according to our ordinance we don't allow motorized vehicles. Not sure of what the definition is, will have to look it up. Are you planning on selling farm tractors? Are planning on selling skid loaders or tractors?

MR. GOAD: Not at this time but I don't know what people would bring us. We don't normally get that kind of stuff. Once in a while you get one or two tractors we don't get normally 20, 40, or 50. Those are normally sold at a barn sale; they do better at a barn. A. Anderson does one in Clinton. Buck Brothers does one in Hampshire.

MS. BARBER: So the code states cannot include livestock and motor vehicles. I think if you check the code motor vehicle does not include farm equipment. It looks at this point that the code is silent because it does say farm produce, rebut, reconditioned and used household goods, appliances shall be offered. We check the code motorized vehicles and farm equipment are different. The code offers two limitations and three suggestions. There is a separate definition of farm equipment we are looking to the committee for a recommendation on that.

MR. VAN LAAR: That is what I was thinking too. To me motor vehicles mean automobiles. I want ask questions so we could start thinking about this. There is a definition in the Ordinance for farm machinery.

MS. BARBER: I am wonder if this is similar to the two day a week three day a week analysis? Do we need to limit this like the amount of farm equipment, so many pieces of farm machinery at a time?

MR. VAN LAAR: Adequate parking, you had mentioned you would sometimes in Harvard you have two to three hundred people and that is around 100 cars. What is your plan from a parking stand point? How are you keeping people off 173 and neighbors? How are you keeping them on your property?

MS. BARBER: Can you reference this picture in the packet? So if you look you can see on the back of the property there is a lot of empty space, you have 4 or 5 acres for parking, whatever the planning department and Drew Bliss would require and a few spots more. You can see property 004 that is where the building is going to be built and 006 has a lot of open space that could be used as ancillary parking as well.

MS. DUNHAM: The zoning code does have listed requirement for auction sales, one parking spot for every 2000 square feet of display area dedicated for auction sales. There is set requirement by the code if you choose to set a condition different, the code does have a requirement.

MR. SAVINO: What did you say it was?

MS. DUNHAM: One parking spot for every 2000 square feet of display area dedicated for auction sales. It does not say indoor, your wagons would count as display area.

MR. GOAD: One parking spot for every 2000 square feet?

MS. DUNHAM: It's a very barebones parking requirement, it's why I bring it up when you say two to three hundred people it will require more parking.

MR. SAVINO: I don't know if we could come up with that but have the building department; let them review the application for adequate parking.

MS. BARBER: Those kinds of details make sense to kick the can down the road Drew Bliss and Bill Hatfield would naturally take care of these issues.

MR. SCHABACKER: Occupant Load, accessibility, and amount of parking spaces all have requirements go hand in hand with use of the building.

MS. BARBER: We would agree with that.

MR. VAN LAAR: Are you thinking of ever renting this facility to other auctioneers?

MR. GOAD: I probably won't be renting it, but the Toy Club does have a yearly auction. I would let them use my building for that. They are trying to raise money to keep the club alive.

MR. VAN LAAR: What if Stadie wanted to rent out the facility, and would give you \$5,000 dollars for a weekend?

MR. GOAD: It's not in my plan, but for \$5000.00 I would probably have to take it.

MS. BARBER: So I think your trying to get at as if this would be a turnkey thing?

MR. VAN LAAR: I cannot fill 4 per month but I bet you someone can, I want to maximize that.

MR. GOAD: I have no plans of having a rental situation; I don't want other people on my property to start with you get into trouble when things get mixed up with their stuff. Things go missing and it's a bigger headache than its worth.

MS. BARBER: So I think may be other groups on the property but it would be a hosting situation and have an oversight and managing situation.

MS. KRUMM: On this diagram up here can you show where the big building is going to be?

MS. BARBER: If you look at that –Bring document up

MS. KRUMM: My question on this road, this is a hard place to get into. You're coming across the bridge, the curve, and the speed. What is your plan? How to get into this property without causing problems?

MS. BARBAR: This is why we are asking for the special use on both properties, my client owns both 004 and 006 and 006 which are adjacent and 006 has access to County Line Road.

MR. GOAD: It really isn't a problem; I have had this property for 5 years.

MR. VAN LAAR: There is a creek on the property?

MS. BARBER: If you did do an entrance it would have to be a bridge.

MS. KRUMM: I want the curve to be addressed.

MR. VAN LAAR: If there are no more questions at this time we will open this time up for questions from the audience. To ask questions, sign in and I will swear you in.

Mr. Van Laar explained the process of a public hearing.

MR. BOTTCHE: 1823 IL Rt 13 Capron IL

(The examiner was thereupon duly sworn)

The property you purchased and have had two auctions at before, I live right across the road during and during the auction people used my property as an Indy 500 they were not pulling out and backing out they were just driving through it. I have to be concerned about my six year-old daughter. You said you removed the burn house, you buried it. You said you hauled it out but you buried it.

MR. VAN LAAR: Can you formulate questions?

MS. BARBER: You have to ask a question like why, how, and when.

MR. BOTTCHE: For the first two auctions why were people parked on the road?

MS. BARBER: My client would be absolutely be willing to have a conversation about this at a different time. But this is not relevant to the special use we have requested. If you want to know how we will handle parking I would show you the plans.

MR. BOTTCHER: Are people going to park on the road?

MR. GOAD: This is why what we're doing what we're doing. This is why we are going through this so we can create a facility and can avoid this situation. I have no control over of where people park.

MS. BARBER: There is about 5 to 7 acres to offer parking so there should be no reason for people parking on the road.

MR. BOTTCHER: Are they going to be parking along the back fence line on the north end?

MS. BARBER: They will not be that close, There are set backs that are required that by the county. They are not allowed to be that close to the lot line.

MR. BOTTCHER: How close can they be?

MS. BARBER: You would have to ask the County.

MR. VAN LAAR: I don't know off the top of my head.

MR. BOTTCHER: On the very north there, there is a water way.

MS. BARBER: They would have to be away from the water way

MR. BOTTCHER: There is a large dip there.

MS. BARBER: There is room for over a 1000 parking spaces over the 5 to 7 acres that are available. It's where ever the county wants it. There is no reason for people parking on the street

MR. RHODE: I think Drew would be the one to decide where parking would be.

MR. VAN LAAR: Drew and Rich.

MS. BARBER: They are refereeing to the building department and county engineer. They would be very specific about location of the parking. They would give the requirements.

MR. BOTTCHER: The other driveway you're talking about down by County Line. There is a blow out from the State leaks in.

MS. BARBER: IDOT wouldn't approve that, we would put the turn in where ever IDOT would allow us. They would evaluate the best location with the least amount of accidents.

MR. BOTTCHER: I am talking about the second driveway.

MS. BARBER: IDOT would control that.

MR. BOTTCHER: You're turning into the flood plane

MS. BARBER: Right, IDOT would tell us where we would go. If there was not a special use it would be the same.

MR. VAN LAAR: That is a state highway and anytime a commercial enterprise that feeds it feeds into it. IDOT gets involved the county is limited and the state overrules. It is really up to IDOT.

MR. BOTTCHE: There is that other access and it has a blow out all along the side of the road.

MS. BARBER: If IDOT says that the access on County Line is not adequate then the Rt 173 access would have to be appropriately sized and may need to be relocated to be the safest. No matter what development comes in they have to go to IDOT.

MR. BOTTCHE: What am I supposed to do with all the traffic on my driveway with my daughter running around?

MS. BARBER: There should be no more traffic on you driveway going forward. The traffic volume was another concern, that was part of the concern earlier and only allows auctions so often or limit them.

MR. BOTTCHE: It doesn't stop people coming in my big U shaped driveway.

MS. BARBER: Does your driveway look attractive?

MR. BOTTCHE: They made a wrong turn and drove through my property

MS. BARBER: Sometime type of sign would be included, the lots look similar and the applicant will make sure his property looks different and the destination for an auction.

MR. VAN LAAR: What does the driveway look like?

MR. GOAD: The driveway is really wide at the bottom and narrow at the top because it was a residential lot. We have plans to widen the driveway and we are going make it attractive and wider for traffic. The first one no one knew where it would be at. But we will make sure people know this is the location.

MS. BARBER: Could a temporary sign be placed to help?

MR. GOAD: We can put a lighted letter sign, we could go about this many ways but we are but the real thing is to let the people know where the driveway is. There are trees near the driveway we have plans to take it down and help with site.

MR. VAN LAAR: Any additional questions?

MR. TIERNEY: 11532 IL Rt 173 Capron IL

(The examiner was thereupon duly sworn)

MR. TIERNEY: I would like to point out on the map, county line is all flood plain, and we the neighbors know where it floods. What kind of building is he going to put up? How he is going to afford it? What about the parking? What about the driving ways? I don't think it's a viable plan.

No further questions were asked of the applicant.

Mr. Van Laar then opened the floor for comments from the opposition.

Mr. Herbst at Bienterra Trail, Suite 3, Rockford, Illinois came to the podium

(The examiner was thereupon duly sworn)

Good Evening, I am an attorney representing Tierney Farms they live just west of the property in subject. We submitted a seven page document a few days ago. In the document we had stated our concerns there are a number of items I would like to highlight. The first point is this site has unsafe ingress egress. The site is located in a poor location to attract people from far away. This reminds me of the Motorola Building, building a large facility with no way to get to it. That's what I have think going on here. Mr. Goad has done multiple auctions on this property, and caused previous parking issues. Future auctions are going to cause these same concerns. Finally contrary to the planning advisory report we believe this is inconsistent with the Comprehensive Plan. This should be a tool but this is not an appropriate exception. This road is dangerous it has fast moving traffic. I did not feel safe walking on when I took photos. This property has server hills on this property. It has been the scene of very dangerous accidents. How much money are we going to spend on this small business? We find ourselves with a difficult property with multiple issues.

Pass out photos showing driveway from street views to committee members.

MR. HERBEST: so and so describes the photos and the distances that they were taken. Along with directions traffic would take and the strain that this would put on the highway system.

I do not think this committee should pass up the opportunity to review this request lightly. The neighbors are very concerned. The ordinance is inadequate for how auctions are conducted. Most are performed on the weekend. In comprehensive plan this land has been purposed primarily for planned residential use. There are only few properties that have access to transportation like this. This is the type of residential property people are looking for. A large commercial auction facility is going to devalue the neighboring properties. I'm speaking in a long term perspective this is not what is needed for the community. What were the Goads thinking when they bought this property? Why this site?

MS. BARBER: Objection assumes facts not in evidence

MR. HERBEST: I'm sorry?!

MS. BARBER: My objection was addressed toward the committee.

MR. VAN LAAR: Understood.

MR. HERBEST: The price they paid for the property is a matter of public record

MS. BARBER: my objection was towards the second comment, what were they thinking?

MR. VAN LAAR: Understood.

MR. HERBEST: I think the concern is these inquiries should have been made prior to the property was purchased.

MS. BARBER: Objection he's assuming the inquiries were not made prior. He doesn't know either way.

MR. HERBEST: I don't think a permit is granted as is or zoning change was made prior to the purchase.

MR. VAN LAAR: The board has no evidence of that. That would be the risk the purchaser would have to assume on his or her shoulders and the risk of doing business.

MR. HERBEST: We don't believe the site is suitable, we think its inappropriate use of land. I would recommend the board deny the request.

MR. VAN LAAR: Does the board have any questions for this person?

MR. SCHABACKER: I know you mentioned accidents; did you bring documents detailing the accidents? T

MR. HERBEST: The accident we referred to are from IDOT. I do not have documentation at this time or emails. I think it is a matter of record that they are there. Several have been very serious even fatalities.

MR. SCHABACKER: I am not saying you're wrong or right but the documentation should have been brought with you so we could review your point.

MR. HERBEST: We would be happy to provide them; they would be available from IDOT as well.

MR. SCHABACKER: This would have been the time to bring that document forward.

MR. SAVINO: The ultimate reason your clients do not want the business? Is it the Auction Business? Traffic?

MR. HERBEST: It's a combination of different issues; egress and ingress, traffic, and the use of the property. We don't believe this business would be called a neighborhood business.

MR. SAVINO: But you think a Starbucks would be a neighborhood business?

MR. HERBEST: Yes, is a business that brings people from Chicago a neighborhood business?

MR. SAVINO: So is it the business or the traffic?

MR. HERBEST: This is going to create traffic. This is a very rural farm area. I was speaking more long term planning about the Starbucks type business. The types of businesses that would support the community should go in this area. I hope that answers your question.

MR. SCHABACKER: I am sure you are aware that the comprehensive plan is a tool and a guide. It helps give a direction and not set in stone. I am sure you agree with that

MR. HERBEST: Absolutely, the comprehensive plans does caution against spot zoning. You can make an exception. The neighbors fail to see this as a compelling reason to allow spot zoning in this case.

MR. SCHABACKER: You mentioned a better development would be placed here.

MR. HERBEST: I think it was contemplated in the comprehensive plan. We're talking about highest and best use of the land long term.

Mr. VAN LAAR: Any cross examination?

MS. BARBER: I have a few questions. What is the category of this area in the comprehensive plan?

MS. DUNHAM: Planned neighborhood it's a land use designation

MS. BARBER: Do we have a definition for planned neighborhood?

MS. DUNHAM: I quoted this in the Advisory Report, this map category encourages "a carefully planned mixture of predominantly single-family residential development (minimum of 60% of all dwelling units), combined with one or more of the following land use categories: neighborhood residential, two-family residential, multi-family residential, neighborhood office, neighborhood business, institutional, and active recreations.

MS. BARBER: I don't think I have any other questions.

MR. VAN LAAR: Anyone else would that would like to speak in opposition?

MR. BOTTCHEr: Early Mr. Goad said he hauled everything off the property. They did not. They buried the burn home. Everything is buried on the property.

MR. SAVINO: What is your ultimate concern?

MR. BOTTCHEr: The traffic and people pulling in my yard.

MR. TIERNEY: I would like to see this denied, we have put a lot of money into our properties we do not want our property devalued. I don't want to live next to an auction house or let alone a half built auction house. There have been many accidents in this area on the road. This area is dangerous. I don't think this a vial business venture. What does moto vehicles actually mean? Who is going to enforce the dates and times on the auctions? I will turn him in if I have to. Who is going to monitor this situation? I would like those questions answered?

MS. KRUMM: we are not in charge in answering enforcement questions. Our primary concern is the land use. Those questions go to different people and departments.

MS. BARBER: First question are you concerned with the current traffic?

MR. TIERNEY: I am concerned with the traffic and the danger, if there is a half built auction house and I'm concerned it's going to fail.

MS. BARBER: Do you think the traffic can be improved in the area?

MR. TIERNEY: Yes, if enough money is put into it.

MS. BARBER: Are you happy with the current state of building and driveway?

MR. TIERNEY: No, I think they could be improved.

MS. BARBER: How should the land be used?

MR. TIERNEY: The land should be used for farm land.

It was moved and seconded (Krumm / Savino) to close the public hearing. Motion carried 5-0 voice vote.

Mr. Schabacker wanted to add a condition in regards to IDOT reviewing the proposed plan. Ms. Dunham added that conditions could be added to address Mr. Tierney's concerns about the project being complete. There was further discussion. Ms. Krumm discussed her concern that there is not enough information and very concerned about the flood plain. Mr. Van Laar discussed that the committee focus on if this is good use of the land. The board continued to discuss their concerns with each other. Mr. Terrinoni wanted to ask some questions but was denied because the public hearing was now closed. The board came to an agreement to read over the findings one at a time and vote on each condition. Ms. Dunham stated she had prepared additional conditions based on the testimony given. Each required finding was read and the committee discussed that all six findings were met and additional conditions were added after each finding as saw fit. It was moved and seconded by (Savino / Schabacker) to accept the findings of facts with the conditions added. Mr. Schabacker asked if Ms. Durham could read over all additional conditions. Ms. Dunham read aloud each condition that was added under the findings.

#1 Condition: Applicant shall submit a signage plan to the building department including permanent signage and temporary signage for auction days that directs people to the property entrance and discourages them from entering neighboring properties and parking along the roadway. Signage plan shall be reviewed and approved prior to any site work, construction or use of property as an auction sales yard.

#2 Condition: Applicant shall submit drawings completed and stamped by a licensed professional engineer for the upgrade of the ingress and egress to the property. Said drawings shall demonstrate to the satisfaction of the Boone County Engineer and the Illinois Department of Transportation that ingress and egress satisfy IDOT traffic safety standards. Drawings shall be reviewed and approved by the Boone County Engineer prior to any site work, construction or use of property as an auction sales yard.

2 The number of auction sales on the property shall be limited to a maximum of 2 per week and 4 per month.

#4 Condition: Applicant shall submit a parking plan adequate to accommodate the applicant's testimony of 200-300 people per auction sale to the Building Department for review and approval prior to any site work, construction or use of property as an auction sales yard. Also applicant shall submit a plan for a septic system adequate to accommodate the applicant's testimony of 200-300 people per auction sale to the County Health Department for review and approval prior to any site work, construction or use of property as an auction sales yard.

#5 Conditions: Applicant and special use shall comply with all applicable federal, state, and local laws and regulations.

#6 Adding phrase "With the conditions included in findings 1 through 5 above changed in the findings" and a recommendation: That staff will work with the Boone County State's Attorney to define the term "motor vehicle" for the purposes of an auction sales yard.

This motion carried 4-1 by a roll call vote. Motion was made and seconded (Savino / Rhode) to accept the motion for the special use with the conditions in the finding of facts. The motion to approve case 18-2016 carried 4-1 by a roll call vote.

Ms. KRUMM left at 10:05 P.M. for medical reasons.

**NEW BUSINESS:**

**19-2016; Thomas:** The applicant **William C. Thomas**, 6745 Auburn Road, Rockford IL 61101, is requesting a zoning map amendment under Sub-Section 2.12.2.C (Amending the Zoning Map/Special Uses) of Section 2.10 (Text and Map Amendments, Comprehensive Plan Amendments) of Chapter 2 (Administration, Enforcement, and Procedures) and Section 3.11 (Light Industrial District) of Chapter 3 (Districts and General Provisions) of the Boone County Zoning Ordinance to amend the Boone County Zoning Map from R-1 (Single Family Residential District) and I-1 (Light Industrial District) to I-1 (Light Industrial District) for the property located at 1401 Ipsen Road, Belvidere, Illinois, 61008 in unincorporated Flora Township, Boone County, Illinois.

The Public Hearing opened at 10:06 P.M.

Shelly Dunham having been sworn in summarized the staff report. Pointing out this property is zoning R-1 and I-1 and is with in the US 20 overlay district. The committee discussed the surrounding properties uses.

Under findings of fact Ms. Dunham stated that the findings of facts are met. Ms. Dunham brought another issue forward about the previous use being abandoned. If the use was ceased for a year or more than the building would have to be brought up to conformity and not be allowed to be legal non-conforming.

Ms. Natalie Barber 530 S State St #200 Belvidere IL were sworn in and presented evidence regarding the petition. She confirmed that the use has been ceased for more than a year. Ms. Barber did not have objection to the conditions that were added to the property.

The Public Hearing was closed at 10:17 P.M.

It was moved and seconded by (Savino / Schabacker) to close the public hearing. This motion carried 4-0 by a voice vote. It was moved and seconded by (Rhode/ Savino) to accept the findings of facts. This motion carried 4-0 by a voice vote.

A Motion was made and seconded (Rhode/Schabacker) to accept the motion for the rezoning with the conditions in the finding of facts. The motion to approve case 19-2016 carried 4-0 by a roll call vote. Ms. Krumm was absent.

**OTHER BUSINESS: None.**

**DISCUSSION: None.**

**COMMUNICATIONS/PLANNING REPORTS:** Potential upcoming rezoning of two properties on US. 20 and that the Peaker Plan has no update as of today.

**PREVIOUS CASE UPDATE: None.**

**STAFF REPORT: None.**

**ADJORNMENT:**

It was moved and seconded by (Schabacker/Rhode) to adjourn the September 27, 2016 Zoning Board of Appeal meeting. The motion carried by a 4-0 voice vote.

The meeting was adjourned at 10:23 P.M.

Recorded by:



Hilary Arther

Land Use Planner

Reviewed by:



Ken Terrinoni

County Administrator

# BOONE COUNTY PLANNING DEPARTMENT

1212 Logan Avenue, Suite 102, Belvidere, Illinois, 61008 (815) 547-4770 Fax (815) 547-3579

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October 7, 2015

## ADVISORY REPORT

**CASE NO:** 21-2016

**APPLICANT:** Peter, 14266 Capron Road

### REQUEST AND LOCATION:

The applicant and owner, Sarah Peter, 14106 Tallgrass Trail, Poplar Grove, Illinois 61065 is requesting a variance to reduce the required front-yard setback from 75 feet to 35 feet to rebuild the home destroyed by fire in the A-1, Agricultural Preservation Area District pursuant to the Boone County Zoning Ordinance (Section 3.2.4.B. Residential Uses, Less than 5 acres Section 2.8 Variances) on 4.98 acres at 14266 Capron Road (PIN: 04-22-400-007) in unincorporated Boone Township, Boone County, Illinois.

### EXISTING LAND USE ON SUBJECT PROPERTY AND ON ADJACENT PROPERTY:

**Subject property:** Single family residence and agriculture

**North:** Agricultural production

**South:** Agricultural production

**East and West:** Agricultural production

### CURRENT ZONING ON SUBJECT PROPERTY AND ADJACENT PROPERTY:

**Subject property:** A-1, Agricultural Preservation Area

**All Adjacent Properties:** A-1, Agricultural Preservation Area

### COMPREHENSIVE PLAN FOR SUBJECT AND ADJACENT PROPERTIES:

**Subject property:** Agricultural/Rural

**All Adjacent Properties:** Agricultural/Rural and Environmental Corridor

### BACKGROUND:

The property is 4.98 acres and measures 360 feet by 605 feet. The property meets the minimum required lot size for two (2) acres and minimum required side setback, rear setback, and accessory building setback.

The damaged residence is currently located 35 feet from the right-of-way line and 68 feet from the center of the road. In 2013 there was a house fire that left the residence severely damaged. The owner is preparing to rebuild the residence, in the same location. The applicant is requesting that the residence be rebuilt with a setback of 35 feet from the right-of-way due to the

location of the septic field. The proposed reduction is a 40 foot distance from the required set back.

**OTHER PLANNING CONSIDERATIONS:**

The Boone County Soil and Water Conservation District have no objections.

The Boone County Engineer Justin Krohn stated the building setbacks should be followed to accommodate future widening and improve safety on Capron Road. The Highway Department recommends following existing setbacks

The Boone County Health Department states the capacity of the tank, structural integrity, and code compliance of the septic system is unknown. The health department has no record of the system being installed. A series of onsite septic field investigations and a soil analysis would need to be complete to verify code compliance.

The Boone County Building Department has no objections to the variance request. But a building permit will be required to construct the home.

**TREND OF DEVELOPMENT:**

The property is located south of IL Route 173 off Capron and Edson Roads. This area of the county is predominately agricultural production with some farmsteads and few isolated clusters of residences.

**COMPREHENSIVE PLAN:**

The subject property is designated as "Agriculture/Rural" by the Boone County Comprehensive Plan, adopted November 10, 1999. The Agriculture/Rural map category calls for agricultural uses, farmsteads, other open lands and single-family residential at or below one dwelling per 40 acres.

**FINDINGS OF FACT:**

According to Section 2.8.5 of the Boone County Zoning Ordinance, a variation shall not be granted unless the following findings are made:

1. **Findings: The particular physical surroundings shape or topographical conditions of the subject property involved would not result in a particular hardship upon the owner as distinguished from the mere conveniences, if the strict letter of regulations were carried out.**

Although the property meets the minimum requirements of the Zoning Ordinance and there is an area within the 4.98 acre parcel for the residence to be rebuilt in compliance with the ordinance, but it would involve extensive costs and reconfiguring of existing infrastructure.

2. **Findings: The conditions upon which the petition for a variation is based is sometimes applicable to other property within the same zoning districts.**

Many residences in the A-1, Agricultural Preservation Area District were constructed prior to the current Zoning Ordinance. Agricultural properties are generally laid out in a way where the buildings and improvements are clustered together to allow for optimal agricultural use. When a residence is destroyed, there is not always adequate area to allow for buildings to be re-arranged meeting current codes.

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

The applicant wishes to utilize the existing infrastructure while rebuilding a single family residence.

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

Planning staff is of the opinion that the requested variance is due to convenience rather than hardship; as such, no hardship exists created by the applicant.

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 residence will be using the existing driveway so traffic patterns are not anticipated to change. The planning staff does not anticipate any negative impacts.

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.**

The new residence is not anticipated to increase traffic or other nuisances or diminish light and air from adjacent properties. The new residence will not be significantly larger than the current residence and all existing infrastructure will be utilized. There will be a more positive effect on property values and the general welfare of the community.

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 benefits of the variation outweigh the request due to the fact that the rebuilt residence is not anticipated to have any negative impacts on the neighboring properties and land will not be removed from agricultural production.

**SUMMARY OF FINDINGS:**

Planning staff is of the opinion that the requested variance is due to convenience rather than hardship; as such, no hardship exists created by the applicant. The property meets the minimum requirements of the Zoning Ordinance but the front set back requirement. There is an area within the five-acre parcel for the residence to be rebuilt in compliance with the ordinance, but it would involve relocating existing infrastructure.

Many residences in the A-1, Agricultural Preservation Area District were constructed prior to the current Zoning Ordinance. Agricultural properties are generally laid out in a way where the buildings and improvements are clustered together to allow for optimal agricultural use. When a residence is destroyed, there is not always adequate area to allow for buildings to be re-arranged meeting current codes. To change the location of the residence the septic field would need to be relocated. The residence will be using the existing driveway so traffic patterns are not anticipated to change.

The benefits of the variation outweigh the request due to the fact that the rebuilt residence is not anticipated to have any negative impacts on the neighboring properties and land will not be removed from agricultural production.

**RECOMMENDATION:**

The planning staff recommends the **approval** of case number **21-2016**.

**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 by:**



---

Hilary Arther, Land Use Planner

**APPLICATION FOR VARIANCE**

**BELVIDERE - BOONE COUNTY PLANNING DEPARTMENT**

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

**FOR OFFICE USE ONLY**

Case Number 21-2016  
Filing Date 10/27/16  
Zone District A1

**Belvidere**  
PZC Date 11/2/16

**Boone County**  
ZBA Date 10/25/2016

**PLEASE PRINT IN BLACK INK OR TYPE**

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

14266 Capron Rd Capron, IL

and its Parcel Identification Number is: \_\_\_\_\_

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: Sarah Peter

Mailing Address: 14106 Tallgrass Trail Poplar Grove, IL

Zip: 61065

Daytime Phone: (815) 276-3417 Fax: n/a Email: mdchels77@gmail.com

3) Property Owner Name: Sarah Peter

Mailing Address: 14106 Tallgrass Trail Poplar Grove, IL

Zip: 61065

Daytime Phone: (815) 276-3417 Fax: n/a

4) Attorney Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Zip \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

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

Name: Sarah Peter

Mailing Address: 14106 Tallgrass Trail Poplar Grove, IL

Zip: 61065

Daytime Phone: (815) 276-3417 Fax: n/a Email: mdchels77@gmail.com

**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 set back variance  
(what type of Variance)  
From 108 ft. to 608 ft.  
To Permit: building a home  
(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.

I would like to build a home in the same area that a home was already on prior to it burning down

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

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

Lots of homes in the area do not meet this requirement. Home would be 68 ft from center of 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?

The adjacent properties are similar to where there home is located on the property but I need to have the home placed 68 ft from center of road because of septic field location

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. I do not believe that where my house placement will have any affect



**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: Sarah Peter Date Signed: 10-07-16

Owner(s) Signature: Sarah Peter Date Signed: 10-07-16

\_\_\_\_\_  
Date Signed: \_\_\_\_\_

STAFF SIGNATURE: Melony Arthur Date Signed: 10/7/16

Filing Fee - Amount Paid: \$350.00 Check Number: Cash

**FILING PROCEDURE**

- A. Submit this form and supporting information accompanied by an application fee. Make checks payable to **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. Attendance at the Zoning Board of Appeals or Planning & Zoning Commission meeting is required.

**Variance for Corporations, Partnerships, and Joint Venture  
(If Applicable)**

- 1. Is the petitioner or applicant a corporation, partnership or joint venture?  
no
- 2. State the name for which the business is conducting business under.  
\_\_\_\_\_
- 3. Are you acting for yourself, or in the capacity of agent, alter ego or representative of a principal?  
\_\_\_\_\_
- 4. State the name(s) and address(es) of the actual and true principal(s).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 5. State the names and address of all officers, directors and all stockholders or shareholders owning any interest in excess of 20% of all outstanding stock of such corporation (use a separate sheet if necessary).  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.

LEGAL DESCRIPTION

NORTH 135 FEET OF THE EAST 605.0 FEET OF THE EAST 605.0 FEET OF THE SOUTHEAST QUARTER (1/4) OF SECTION 22; ALSO THE SOUTH 225 FEET OF THE EAST 605.0 FEET OF THE NORTHEAST QUARTER (1/4) OF THE SOUTHEAST QUARTER (1/4) OF SECTION 22; ALL IN TOWNSHIP 45 NORTH, RANGE 4 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN BOONE COUNTY ILLINOIS; SITUATED IN THE COUNTY OF BOONE AND STATE OF ILLINIOS.

14266 Capron Road  
Capron, IL 61012

Mail to:

SARA H PETER →

Send Subsequent Tax Bills To:

14266 CAPRON RD

CAPRON, IL 61012

September 29, 2016

Property Location:

14266 Capron Road  
Capron, IL 61012

RE: Future home location on property

To whom it may concern,

This letter is in regards to where I would like to place my future home located at the above address. Thus far I have presented the building department with house plans and after his review he informed me that I need to set the house back 108 feet from the center of Capron Rd. This means that where the house would need to be placed would be not only directly over my septic, but also in the middle of my septic field. Prior to this letter I had asked for a variance to keep my septic open. The septic meets all requirements for capacity and is structurally fine. I would like to use my existing septic for my new house. I am asking that you consider allowing me to use the location from where the house was prior, so that I may keep my septic where it is. This would mean that my house would be 68 feet from the center of Capron Rd. I am asking you to consider allowing me to do this so that I can utilize what is already on the property to keep my costs as low as possible.

I have enclosed a copy of google maps (aerial view) at 14266 Capron rd. with the approximate location of where the house would start. I appreciate your time and consideration in this matter.

Sincerely,

Sarah Peter

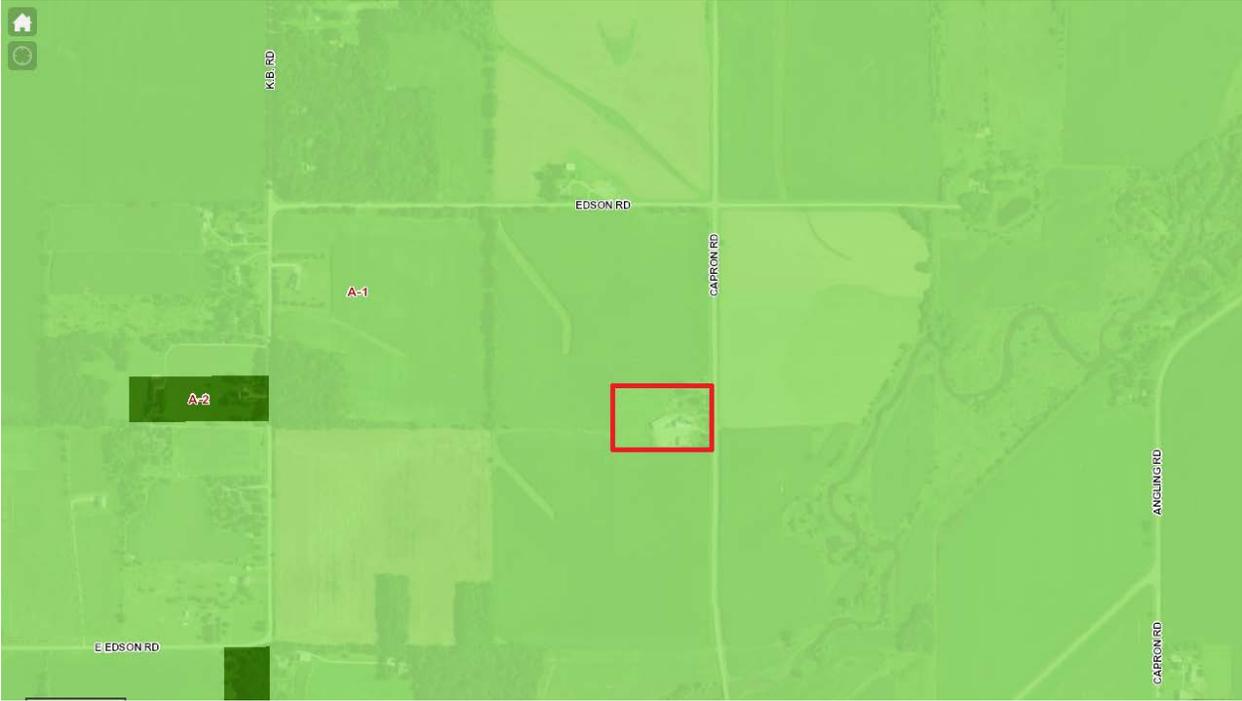
### **Attachments**

- 1. Aerial photo of property**
- 2. Current Zoning Map & Comprehensive Plan Zoning Map**
- 3. Setback Map**
- 4. Buildable lot letter**
- 5. Request to waive fees**
- 6. Soil and Water Comments**
- 7. Building Departments Comments**
- 8. Highway Departments Comments**
- 9. Health Departments Comments**

**Aerial Photo**  
**14266 Capron Road Capon, IL 61012**



**Current Zoning**  
**14266 Capron Road**



**Comprehensive Plan**  
**14266 Capron Road**





14266 Capron Road Capron IL 61012

PIN: 04-22-400-007

## BOONE COUNTY PLANNING DEPARTMENT

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1212 Logan Avenue, Suite 102 - Belvidere, Illinois 61008 (815) 547-6269 FAX (815) 547-3579

September 1, 2016

Sarah Peter  
14106 Tallgrass Trail  
Poplar Grove, Illinois 61065

Re: 14266 Capron Road, Capron, Illinois

To Whom It May Concern:

This parcel was split from a larger "lot of record" parcel. Both the original parcel and the former residence were in existence prior to May 10, 1978. The parcel with the residence was split from the rest of the original parcel in 1988. According to Section 3.2.3.B.3, "[a]n existing residence, for which a building permit was issued, may be separated from a lawful lot of record to form a **new lawful "buildable" lot of record** containing the existing residence regardless of the date of the creation of the lot, provided that all applicable codes and ordinances are being met". Because the Boone County Code considers this parcel a lawful buildable lot of record, the non-conforming use provisions do not apply.

Further, Section 3.2.3.B.3. states that the "lot of record status remains with the lot on which the existing residence is/was located", which anticipates situations in which a residence formerly existed on the parcel but no longer does. So the fact that the former residence was destroyed by fire in 2013 does not remove the lawful buildable lot of record status.

Because of this, the lot at 14266 Capron Road is a buildable lot of record. A new residence may be built on the lot, provided that all applicable codes and ordinances are being met.

Sincerely,

Ken Terrinoni  
County Administrator

October 6, 2016

Property Location:

14266 Capron Road  
Capron, IL 61012

RE: Letter to waive fees for house variance

To whom it may concern,

This letter is in regards to the fees associated with the setback variance of my future home. Hillary had emailed me the application for the variance and after my review and looking at the fee sheet I would be required to pay \$350 for this variance. I would like to state at I am looking to reconstruct my home in the same location as where there was a home prior to me owning this property. Everything will stay the same besides widening the foundation. I am not going to be making any other changes of placement or direction of which the house is going to be facing. I am going to simply construct a home in the same exact location where a home existed prior to me owning this property. I am asking that you consider waiving the fee associated with the variance request because I am going to use the same location of where there once was a home. Again, I am asking you to consider this so that I can keep my costs as low as possible.

I appreciate your time and consideration in this matter.

Sincerely,

Sarah Peter



Boone County  
**Soil & Water**  
Conservation District

211 N. Appleton Road  
Belvidere, IL 61008  
815-544-2677 ext. 3

October 7, 2016

Boone County Planning Department  
1212 Logan Ave.  
Belvidere, IL 61008

SWCD NRI #1519

Dear Sir/Madam,

Sarah Peter has submitted a request for a Natural Resource Information Report. The request was for a Variance at 14266 Capron Road, in Belvidere, Illinois. We will submit a written reply to your office as indicated below:

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

Sincerely,

Jennifer Becker

Boone County Soil & Water  
Conservation District

**BOONE COUNTY  
BUILDING DEPARTMENT**

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

October 13, 2016

To: Hilary Arther  
Land Use Planner

From: Drew Bliss  
Senior Building Inspector

RE: Case: 21-2016; 14266 Capron Rd, Capron IL. 61012

Dear Ms. Arther,

Our office has no objections to the variance request. Please notify the applicant that a building permit will be required for the new home.

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 written over a horizontal line.

Drew Bliss  
Senior Building Inspector  
Boone County Building Department



## BOONE COUNTY HIGHWAY DEPARTMENT

9759 Illinois Route 76  
Belvidere, Illinois 61008

JUSTIN D. KROHN, P.E.  
COUNTY ENGINEER

OFFICE 815-544-2066  
GARAGE 815-547-6142  
FAX 815-544-8329  
E-MAIL [boonecohwy@comcast.net](mailto:boonecohwy@comcast.net)

October 13, 2016

Hilary Arther  
Land Use Planner Boone County, Illinois  
1212 Logan Avenue, Suite 102  
Belvidere, IL 61008

RE: Case: 21-2016:  
14266 Capron Road, Capron, IL

Dear Ms. Arther,

The following comments are the results of review of the above referenced case:

- Building setbacks should be followed to accommodate future widening and improve safety on Capron Road.

The Highway Department recommends following existing setbacks.

Respectfully,

Justin D. Krohn, P.E.  
Boone County Engineer



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.boonhealth.org

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

October 19, 2016

Hilary Arther  
Boone County Planning Department  
1212 Logan Ave.  
Belvidere, IL 61008

FAX: 815-547-3579

Re: Case: 21-2016; 14266 Capron Rd., Capron, IL 61012

Dear Hilary Arther,

We are in receipt of the variance request for the above referenced case to allow a 68' front yard setback. The applicant is basing the variance request upon the premise that the existing septic system will be compromised if the setback variance is not allowed. As a supporting document for the variance request, a letter from the applicant dated September 29, 2016, was also received. In that letter, the applicant states, "The septic meets all requirements for capacity and is structurally fine." This statement applies only to the structural integrity of the septic tank. The capacity of the tank as well as the capacity / structural integrity and code compliance of the rest of the septic system are unknown.

In order to rebuild the house, the septic system must be addressed. The health department has no record of the system installation. Therefore, in order for the existing system to be utilized, it will have to be verified as being code compliant through a series of onsite septic field investigations and soil analysis. Verifying septic field code compliance is expensive and often unsatisfactory. Most property owners elect to install a new septic system rather than risk spending money for verification only to find that the system is not compliant with current code.

Thank you,

William L. Hatfield  
Director of Environmental Health