ROLL CALL:
Members:
Tony Savino, Chair
Brian Van Laar, Vice-Chair
Joan Krumm
Mark Rhode
Norm Stimes

Staff:
Shelly Griswold, Boone County Planning Consultant
Ken Terrinoni, County Administrator
Justyn Miller, Assistant to the County Administrator
Catherine Crawford, Administrative Assistant

MINUTES: Approval of Minutes from April 26, 2016.

PUBLIC COMMENT:

UNFINISHED BUSINESS: None

NEW BUSINESS:

08-2016; Horstman: The Application of Curt and Wendy Horstman, 209 Brandywine Drive SE, Poplar Grove, Illinois 61065, for a Zoning Variance to decrease the required rear setback from 35 feet to 23 feet to construct a deck at 209 Brandywine Drive SE, Poplar Grove, Illinois, in the R-1 Single Family Residential District (Boone County Zoning Ordinance Section 3.5.4.A. Lot Development Standards – Residential Uses and Section 2.8 Variances) in Poplar Grove Township (PIN: 03-26-305-014).
Staff (Approval); ZBA ( )

09-2016; Hildenbrandt: The Application of Kenneth W and Donald F Hildebrandt, 2587 Stateline Road, South Beloit, Illinois, 61080, for a Zoning Variance to allow for the construction of a freestall barn and milking parlor in the A-1 Agriculture Preservation Area District (Boone County Zoning Ordinance Section 3.16 Table of Permitted Uses, Section A. Agriculture Uses – Permitted Uses) that encroaches across the property lines of two adjacent properties located at 2587 Stateline Road, South Beloit, Illinois, 61080, in Manchester Township (PIN: 01-04-300-008).
Staff (Deny); ZBA ( )

OTHER BUSINESS: None

DISCUSSION: None

COMMUNICATIONS/PLANNING REPORTS:

Previous Case Update
Staff Report

ADJOURNMENT
SHELLY R. GRISWOLD, AICP — Senior Community Development Specialist

Shelly Griswold is a Community Development Specialist for Fehr Graham and works with clients to support their community engagement, planning, and community and economic development efforts. Shelly has considerable experience in the field, having served as Community Development Director for the City of Freeport, Illinois for nine years prior to joining the staff at Fehr Graham.

Shelly’s experience in community and economic development encompasses a number of different areas including planning and zoning, community engagement, brownfields, tax increment financing and enterprise zones, public transit, and ordinance development.

» Community Engagement
  ◆ In-person interactive consensus building (stakeholder interviews, charrettes, open houses, workshops, public forums, capacity-building, focus groups)
  ◆ Web-based engagement, including webinars and on-line surveys
  ◆ Developing inter-agency and interdisciplinary project and support teams

» Planning and Zoning
  ◆ Comprehensive planning
  ◆ Hazard mitigation planning
  ◆ Corridor and neighborhood planning
  ◆ Public hearings for planning and zoning petitions

» Economic Development
  ◆ TIF District Development and Administration
  ◆ Development and Redevelopment Agreement composition and negotiation
  ◆ Project funding development

» Brownfields
  ◆ Manage projects for brownfields planning, assessment, and cleanup
  ◆ Manage environmental justice projects, including brownfields health monitoring and neighborhood capacity building

Years of Experience: 14
Joined Fehr Graham: 2014
City of Freeport, Illinois - Community Development Director, 2005-2014
Freeport Health Network, 1995-2005

Education
B.A., Interdisciplinary Studies - Business / Marketing - Columbia College, Freeport, Illinois
Rockford College, Rockford, Illinois
Highland Community College, Freeport, Illinois

Professional Licenses
American Institute of Certified Planners, #027279, 2014

Conference and Speaking Credits
Demolition Toolbox - Illinois Municipal League Conference - September 2015
Brownfields: Setting the Stage for Redevelopment - Illinois Municipal League Conference - September 2014
Demolitions, Vacant & Abandoned Properties - Illinois Municipal League Conference - September 2014
Brownfields Success Stories - Illinois State Section of the American Planning Association, Spring Conference (Rockford) - April 2014
Area-Wide Planning, Superfund Sites, Environmental Justice and Green Infrastructure: Tying it All Together in the Freeport Community Planning Project - USEPA Superfund Redevelopment Initiative Webinar - February 2014
Capacity Building Tools to Move from Division to Dialogue - USEPA Community Involvement Training Conference, Boston, Massachusetts - August 2013
Healthy Neighborhoods as an Economic Development Strategy - Illinois Public Health Institute Webinar - June 2013
Leveraging Multiple Financial Sources for Brownfields Redevelopment - Brownfields National Conference, Atlanta - May 2013

Professional Associations
Illinois Enterprise Zone Association (2015 to present)
American Planning Association (2006 to present)
Albertus Airport Commission (2014 to present)
Freeport/ Stephenson County Enterprise Zone Committee (2012 to 2014)
Commissioner, Freeport Historic Preservation Commission (2005 to 2014)
May 20, 2016

ADVISORY REPORT

CASE NO.: 08-2016  APPLICANT: Horstman (209 Brandywine Drive SE)

REQUEST AND LOCATION:
The applicant and owner, Curt A and Wendy Horstman, 209 Brandywine Drive SE, Poplar Grove, IL 61065, is requesting a zoning variance to decrease the required rear setback from 35 feet to 23 feet to construct a deck at 209 Brandywine Drive SE, Poplar Grove, Illinois, in the R-1 Single Family Residential District (Boone County Zoning Ordinance Section 3.5.4.A. Lot Development Standards – Residential Uses and Section 2.8 Variances) in Poplar Grove Township (PIN: 03-26-305-014). The property is legally described as:

UNIT 2 LOT 30 CANDLEWICK LAKE 209 BRANDYWINE DR SE E 79.38 S 128.6 W 70 N 160, as recorded in the Recorder's Office in Boone County, Illinois; situated in Boone County, Illinois (PIN: 03-26-305-014).

EXISTING LAND USE FOR SUBJECT AND ADJACENT PROPERTIES:
Subject property: Residential
Adjacent properties:
North, South, East and West: Single Family Residential

CURRENT ZONING FOR SUBJECT AND ADJACENT PROPERTIES:
Subject property: R-1 Single Family Residential District
Adjacent properties:
North, South, East and West: R-1 Single Family Residential

COMPREHENSIVE PLAN FOR SUBJECT AND ADJACENT PROPERTIES:
Subject property: Single Family Residential
North, South, East and West: Single Family Residential

BACKGROUND:
The subject property in Candlewick Lake at 209 Brandywine Drive SSE, Poplar Grove, Illinois, 61065. The subject parcel (03-26-305-014) is owned by Curt & Wendy Horstman.
The applicant is seeking a zoning variance to allow a 23-foot rear setback in order to build a deck.

OTHER PLANNING CONSIDERATIONS:
The Boone County Soil and Water Conservation District states that an NRI report is not required.
The Boone County Engineer Rich Lundin reviewed the application and stated that Candlewick Lake is a private community and that he has no comment on the variance application.

The Boone County Building Department (Senior Building Inspector Drew Bliss) reviewed the application and stated that he has no objections to the variance request. He added that the applicant will need a building permit if the case is approved.

The Boone County Health Department (William Hatfield) reviewed the application and stated that the setback issue in Candlewick is not public health related and the department has no position on it.

TREND OF DEVELOPMENT:
The subject property is located in Candlewick Lake. The entire subdivision is zoned R-1 Single Family Residential District.

COMPREHENSIVE PLAN:
The subject property is designated as "Single Family Residential" by the Boone County Comprehensive plan adopted November 10, 1999. This map category encourages sewered single-family residential development at densities up to 5 dwelling units per acre.

FINDINGS OF FACT:
According to Section 2.8.5 of the Boone County Zoning Ordinance, a zoning variance shall not be granted unless the County Board finds the following facts:

1. **Required:** 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.

   **Finding:** The subject property is situated on a cul-de-sac. The front lot line curves inward significantly from north to south, which required the home to be situated farther west on the parcel than the rectangular parcels surrounding the property. This has resulted in a significantly smaller rear yard at the subject property, leading to the request for variance.

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

   **Finding:** The shape of the parcel, with the significant front lot line inward curve from north to south, is not applicable, generally, to other property within the same zoning classification.

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

   **Finding:** The owner is seeking the variance in order to build a rear deck, which is a common amenity at other properties in the neighborhood, as evidenced by aerial photography of the Candlewick Lake subdivision.
4. **Required:** The owner of the property has not created the alleged difficulty or hardship.

   **Finding:** The lot was subdivided and lot lines determined prior to the Horstmans’ ownership of the property.

5. **Required:** 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.

   **Finding:** The variation and subsequent use of the property are in keeping with the current use of the subject property and surrounding properties and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

6. **Required:** 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.

   **Finding:** The proposed variation and planned use as proposed by the owner 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 addition of a rear deck is incidental to the current use as a single family residence.

7. **Required:** 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.

   **Finding:** The granting of this variance has no foreseeable adverse impacts. It will result in the construction of a rear deck in keeping with similar decks throughout the neighborhood.

**SUMMARY OF FINDINGS:**

The Horstmans’ property is of irregular shape. This shape has necessitated the building of the dwelling structure farther back on the parcel than on neighboring properties, reducing the depth of the rear yard. Granting this variance request will alleviate this particular hardship with no anticipated adverse public impacts.

**RECOMMENDATION:**

Planning staff recommends the approval of case number 08-2016 because it meets the requirements of Section 2.8.5 of the Boone County Zoning Ordinance, which state that a zoning variance shall not be granted unless the County Board finds facts in the seven categories listed above.
Submitted by

Shelly R. Griswold, AICP
Interim Planner

ZONING BOARD OF APPEALS/COUNTY BOARD ACTION
After the holding of the public hearing, the Zoning Board of Appeals shall make and forward findings of fact as to the compliance of the proposed variance with the standards and give a recommendation to the County Board. The Zoning Board of Appeals may recommend and the County Board may impose conditions as necessary to secure compliance with the standards. The County Board shall review the findings and recommendation and may accept or reject the findings and recommendation of the Zoning Board of Appeals in whole or in part; or the County Board may refer the matter back to the Zoning Board of Appeals for further consideration; or, in the case of rejecting the Zoning Board's recommendation and findings, the County Board may grant or deny the special use request.
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: 08-16
Filing Date: 4-11-16
Zone District: R-1
Belvidere Boone County
PZC Date: 
ZBA Date: 5-24-16

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: 03-26-305-014

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: EVAR & WENDY HORSMAN
Mailing Address: 209 BRANDYWINE DR SE
Daytime Phone: 630-361-8320 Fax: 630-361-8320 Email:

3) Property Owner Name: SAMP AS ABOVE
Mailing Address: ___________________________________________ Zip: __________
Daytime Phone: __________________________ Fax: ________________ Email:

4) Attorney Name: N/A
Mailing Address: ___________________________________________ 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: N/A
Mailing Address: ___________________________________________ Zip: __________
Daytime Phone: __________________________ Fax: ________________ Email:
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**

\[ \text{Setback Variance} \]

From \( \text{__________} \) ft. to \( \text{23} \) ft. \( \text{Wooden Deck} \)

(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:**

- **X** 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.

10' NEEDED FOR DECK

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: RISE SCREED LINE

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

12' x 16' DECK

OVER SETBACK LINE

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?

SHAPE OF PARCEL

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
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.

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).

<table>
<thead>
<tr>
<th>PIN#</th>
<th>Name/Trust No.</th>
<th>Street</th>
<th>City</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>03-26-0305-013</td>
<td>Robert &amp; Michelle Brennike</td>
<td>207 Brady Ave Dr SE</td>
<td>Pecor</td>
<td>61065</td>
</tr>
<tr>
<td>03-26-0305-029</td>
<td>Angela &amp; John Perry</td>
<td>211 Broadway Dr SE</td>
<td>&quot;&quot;</td>
<td>&quot;&quot;</td>
</tr>
<tr>
<td>03-26-0306-030</td>
<td>Michael &amp; Ali Nequi</td>
<td>210 Broadway Dr SE</td>
<td>&quot;&quot;</td>
<td>&quot;&quot;</td>
</tr>
<tr>
<td>03-26-0305-020</td>
<td>Kyle &amp; Jessica von Schneid</td>
<td>307 N County Line</td>
<td>Assumption</td>
<td>62515</td>
</tr>
<tr>
<td>03-26-0305-021</td>
<td>Bonifacio &amp; Patricia Del Muro</td>
<td>505 River Rd</td>
<td>S. Elgin, IL</td>
<td>60177</td>
</tr>
<tr>
<td>03-26-0305-006</td>
<td>Gail &amp; Thomas Kennedy</td>
<td>46 Kennedy Dr</td>
<td>&quot;&quot;</td>
<td>&quot;&quot;</td>
</tr>
<tr>
<td>03-26-0305-005</td>
<td>Carrie &amp; Barry Weyler</td>
<td>N450 County Rd E</td>
<td>Ripon, WI</td>
<td>54971</td>
</tr>
<tr>
<td>03-26-0305-004</td>
<td>Carolyn &amp; John Candler</td>
<td>831 Candler Dr SE</td>
<td>Peoria Grove, IL</td>
<td>61065</td>
</tr>
</tbody>
</table>
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: [Signature] Date Signed: 4/1/16
Owner(s) Signature: [Signature] Date Signed: 4/1/16

[Signature] Date Signed: ____________

STAFF SIGNATURE: [Signature] Date Signed: 4/13/16

Filing Fee - Amount Paid: $350.00 Check Number: 46

Page 5 of 8
April 11, 2016

SWCD NRI #: 1492

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:

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

Location of Site: 209 Brandywine Dr. SE Poplar Grove, IL 61065

PIN(S): 03-26-305-014

Contact:
Curt and Wendy Horstman
Phone: 224-600-7443

Petitioner:
Curt and Wendy Horstman
Phone: 224-600-7443

Owner:
Curt and Wendy Horstman
Phone: 224-600-7443

Request: Variance for 12'x16' deck

Sincerely,

[Signature]

Jennifer Becker
Boone County Soil & Water Conservation District
May 17, 2016

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

Re: 08-2016 – Horstman Zoning Variance (209 Brandywine Dr SE)

Dear Ken,

We are in receipt of the Zoning variance for the above referenced case.

The setback issue in Candlewick is not public health related and the department has no position on it.

Thank you,

[Signature]

William L. Hatfield
Director of Environmental Health

skm
Justyn Miller

From: Rich Lundin-Comcast  
Sent: Tuesday, May 10, 2016 3:00 PM  
To: Justyn Miller  
Subject: Rich Lundin  
Attachments: Variance 09-2016, Hildebrant.pdf

Justyn,

Attached is my response to variance 09-2016.

Variance 08-2016 is in Candlewick Lake which is a private community which I do not respond to. So no comment on that variance.

Rich Lundin
Boone County Engineer
May 11, 2016

To: Ken Terrinoni
   County Administrator

From: Drew Bliss
       Senior Building Inspector

RE: 09-2016 – Hildebrandt Zoning Variance (2587 Stateline Rd.)

Dear Mr. Terrinoni,

Our office has no objections to the variance request. Please notify the applicant that a zoning certificate 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
May 20, 2016

ADVISORY REPORT

CASE NO.: 09-2016  APPLICANT: Hildebrandt (2587 Stateline Road)

REQUEST AND LOCATION:
The applicant, Ken Hildebrandt, 2587 Stateline Road, South Beloit, Illinois 61080, on behalf of the owner Kenneth W and Donald F Hildebrandt, 2587 Stateline Road, South Beloit, Illinois 61080, is requesting a zoning variance to allow for the construction of a freestall barn and milking parlor in the A-1 Agriculture District (Boone County Zoning Ordinance Section 3.16 Table of Permitted Uses, Section A. Agriculture Uses – Permitted Uses and Section 2.8 Variances) that encroaches on two adjacent properties as described below.

Subject Parcel: 2587 Stateline Road, South Beloit, Illinois, 61080, PT W 1/2 FRACL SEC- BEG 324' W NE COR S 268' E 95' N 49' E 228.93' S 854.93 W 1707.38' N 1068.04' SE 203.05 E 1171.43' TO POB 4-46-3 as recorded in the Recorder’s Office in Boone County, Illinois (PIN: 01-04-300-008).

Adjacent Parcels with Proposed Encroachments:

4-46-3 N 20 ACS W1/2 E1/2 FRAC SEC 4 PER 78-689 as recorded in the Recorder’s Office in Boone County, Illinois; situated in Boone County, Illinois (PIN: 01-04-400-005). Owner: Fred W Hildebrandt Trust and Kenneth W and Donald F Hildebrandt.

W1/2 E1/2 FRAC SEC 4 (EX N 20 ACS) PER 78-1767 4-46-3 as recorded in the Recorder’s Office in Boone County, Illinois; situated in Boone County, Illinois (PIN: 01-04-400-006). Owner: Fred W Hildebrandt Trust and Kenneth W and Donald F Hildebrandt.

EXISTING LAND USE FOR SUBJECT AND ADJACENT PROPERTIES:
Subject property: Agricultural
Adjacent properties: North, South, East and West: Agricultural/row crop production

CURRENT ZONING FOR SUBJECT AND ADJACENT PROPERTIES:
Subject property: A-1 Agriculture District
Adjacent properties: North: Wisconsin
South, East and West: A-1 Agriculture District
COMPREHENSIVE PLAN FOR SUBJECT AND ADJACENT PROPERTIES:

Subject property: Agricultural/Rural
North: Wisconsin
South, East and West: Agricultural/Rural

BACKGROUND:
The subject property is located on Stateline Road in Manchester Township, northwest Boone County. The subject parcel (01-04-300-008) is owned by Kenneth W and Donald F Hildebrandt. The immediately adjacent parcels in Illinois, including the two parcels that would be encroached upon by the proposed variance (01-04-400-005 and 01-04-400-006) are owned by Fred W Hildebrandt Trust and Kenneth W and Donald F Hildebrandt.

The applicant wishes to build a freestall barn and milking parlor on the subject property and is requesting a variance to allow the proposed structures to encroach on two adjacent properties as listed above. (See Attachment 9 Setback Map.)

OTHER PLANNING CONSIDERATIONS:
The Boone County Soil and Water Conservation District states that an NRI report is not required.

The Boone County Engineer Richard A. Lundin reviewed the application and stated that the project will not require an additional entrance, and if one is needed the applicant should contact the Manchester Township Road Commissioner. Engineer stated that detention will not be required, and that he has no objection to the approval of the variance based on the above comments.

The Boone County Building Department (Drew Bliss, Senior Building Inspector) reviewed the application and stated that 1) the office has no objections to the variance request; and 2) that the applicant will require a zoning certificate if the case is approved.

The Boone County Health Department (Bill Hatfield) reviewed the application and stated that the barn/office/milking parlor expansion has a public health component concerning septic systems and water wells. However, neither issue is relevant until such time as the zoning issues are settled and construction plans are submitted.

TREND OF DEVELOPMENT:
The subject property is located on Stateline Road in northwest Boone County. The surrounding area has historically been agriculture. That trend is expected to continue.

COMPREHENSIVE PLAN:
The subject property is designated as "Agricultural/Rural" by the Boone County Comprehensive plan adopted November 10, 1999. This map category encourages agricultural uses, farmsteads, other open lands, and single-family residential at or below 1 dwelling per 40 acres.
FINDINGS OF FACT:
According to Section 2.8.5 of the Boone County Zoning Ordinance, a zoning variance shall not be granted unless the County Board finds the following facts:

1. **Required:** 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.

   **Finding:** The proposed variance is being sought in order to avoid the process of subdividing parcels, which would require re-opening of the Fred W Hildebrandt Trust. No evidence of hardship due to physical surroundings, shape, topographical, or other on-site conditions of the specific property has been presented.

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

   **Finding:** A variance granted for convenience could set a precedence for other similar variance requests.

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

   **Finding:** The owners’ stated motivation for the variation, which is to avoid the necessity of opening their father’s trust, is not based exclusively upon a desire to make more money out of the property.

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

   **Finding:** The difficulty – the joint ownership among Kenneth and Donald Hildebrandt and the Fred Hildebrandt Trust – was not created by the owner of the property.

5. **Required:** 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.

   **Finding:** The variation and subsequent use of the property as proposed by the owner is in keeping with the current use of the property as a dairy farm operation and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

6. **Required:** 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.

   **Finding:** The proposed variation and planned use as proposed by the owner 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 in that it is in keeping with the current use of the property as a dairy farm operation.

7. **Required:** 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.

**Finding:** Granting a variance that allows structures to encroach upon adjacent properties is not in keeping with standard planning and zoning standards. Best practices would call for either 1) a reconfiguration of the planned construction to stay within the boundaries of a single property parcel; or 2) subdivision of the parcels in a manner that enables the proposed construction to stay within the boundaries of a single property parcel. Having structures encroaching on adjacent properties poses a particular difficulty at the time of a future property transaction. Although current owners may agree to the proposed encroachment, a future owner of one or more of the parcels may not.

**SUMMARY OF FINDINGS:**

The property owners’ stated motivation for the application is a reluctance to re-open their father’s trust, which would be necessary in order to subdivide the parcels in a way that would eliminate the need for a variance to allow structures to encroach upon two adjacent structures.

While the owners did not create this particular difficulty, granting a variance that allows structures to encroach upon adjacent properties is not in keeping with standard planning and zoning standards. Best practices would call for either 1) a reconfiguration of the planned construction to stay within the boundaries of a single property parcel; or 2) subdivision of the lots in a way that enables the proposed construction to stay within the boundaries of a single property parcel. Having structures encroaching on adjacent properties poses a particular difficulty at the time of a future property transaction. Although current owners may agree to the proposed encroachment, a future owner of one or more of the parcels may not.

**RECOMMENDATION:**

Planning staff recommends the denial of case number 09-2016 because it fails to meet the requirements of Section 2.8.5 of the Boone County Zoning Ordinance, which state that a zoning variance shall not be granted unless the County Board finds facts in the seven categories listed above.

Submitted by:

[Signature]
ZONING BOARD OF APPEALS/COUNTY BOARD ACTION
After the holding of the public hearing, the Zoning Board of Appeals shall make and forward findings of fact as to the compliance of the proposed variance with the standards and give a recommendation to the County Board. The Zoning Board of Appeals may recommend and the County Board may impose conditions as necessary to secure compliance with the standards. The County Board shall review the findings and recommendation and may accept or reject the findings and recommendation of the Zoning Board of Appeals in whole or in part; or the County Board may refer the matter back to the Zoning Board of Appeals for further consideration; or, in the case of rejecting the Zoning Board’s recommendation and findings, the County Board may grant or deny the special use request.
Attachment A: Location Map
Hildebrandt Zoning Variance Application 09-2016
Attachment A: Aerial Photo
Hildebrandt Zoning Variance Application 09-2016
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_09-2016
Filing Date 4-13-16
Zone District A-1
Belvidere Boone County
PZC Date_ ZBA Date 5-24-16

PLEASE PRINT IN BLACK INK OR TYPE

1) The address or general location of the property for which this application is filed is:
   2587 STATELINE RD
   S BELOIT IL 61080
   and its Parcel Identification Number is: 01-04-400-005 01-04-400-006 0104-300-008
   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: KEN HILDEBRANDT
   Mailing Address: 2587 STATELINE RD
   S BELOIT IL 61080
   Zip: 61080
   Daytime Phone: 815 292-3250 Fax: 815 292-3250 Email: kenhildebrandt@msn.com

3) Property Owner Name: KEN HILDEBRANDT
   Mailing Address: 2587 STATELINE RD
   S BELOIT IL 61080
   Zip: 61080
   Daytime Phone: 815 292-3250 Fax: 815 292-3250

4) Attorney Name: NATALIE HINSEK BARKER
   Mailing Address: 530 S STATE ST. SUITE 200
   BELVIDERE IL
   Zip: 61008
   Daytime Phone: 815-544-0316 Fax: 815-544-4398

5) Project Manager: In order to reduce confusion, planning staff requests one contact person
   be designated to discuss issues concerning this petition.
   Name: KEN HILDEBRANDT
   Mailing Address: 2587 STATELINE RD
   S BELOIT IL
   Zip: 61080
   Daytime Phone: 815 292-3250 Fax: 815 292-3250 Email: kenhildebrandt@msn.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 ____________ across the property lines of two adjacent properties (what type of Variance)
From ________ ft. to ________ ft.
To Permit: ________ Free stall dairy barn & milk parlor
construction (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:

 X  Change in setback requirement

 X  Change in lot-coverage requirement

 X  Change in side yard restriction

 X  Change in off street parking requirement

 X  Change in area requirement

 X  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.

The building project crosses over the line on the tax parcel.

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.

It's all part of our farm. The peculiarity is that the names on the tax parcels are different. All 3 parcels list Kan & Dan Hildbrandt. Of those parcels also list Fred Hildbrandt Trust.

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?

NONE

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, the property is zoned Ag 1. The parcels in question are all owned by Kan & Dan Hildbrandt.
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.

All adjoining parcels are owned by Hildersmads

(Handwritten)

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).

<table>
<thead>
<tr>
<th>PIN#</th>
<th>Name/Trust No.</th>
<th>Street</th>
<th>City</th>
<th>Zip</th>
</tr>
</thead>
<tbody>
<tr>
<td>01 04 40 00 008</td>
<td>Dennis Kuen Morris</td>
<td>604 Pleasant St. Unit 320</td>
<td>Beloit, WI</td>
<td>53511</td>
</tr>
<tr>
<td>01 04 40 00 001</td>
<td></td>
<td>W</td>
<td></td>
<td></td>
</tr>
<tr>
<td>01 04 40 00 004</td>
<td>Jeff Jonice Dresel</td>
<td>1402 Anum Ct.</td>
<td>Waukesha, WI</td>
<td>53597</td>
</tr>
<tr>
<td>010 051 00 07</td>
<td>Collins Forms</td>
<td>7041 E State Line Rd.</td>
<td>Clinton, WI</td>
<td>53525</td>
</tr>
<tr>
<td>010 051 00 601</td>
<td>Michael Meke</td>
<td>1001 N. Clinton Corner</td>
<td>Clinton, WI</td>
<td>53525</td>
</tr>
<tr>
<td>010 051 00 501</td>
<td></td>
<td>W</td>
<td></td>
<td></td>
</tr>
<tr>
<td>010 051 00 064</td>
<td>Kettman Trust</td>
<td>8245 State Line Rd.</td>
<td>Clinton, WI</td>
<td>53525</td>
</tr>
<tr>
<td>039 001 308</td>
<td>Dierk Kevan Kalke</td>
<td>12312 South Clinton Cpws</td>
<td>Clinton, WI</td>
<td>53525</td>
</tr>
</tbody>
</table>
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: [Signature] Date Signed: 4-13-16

Owner(s) Signature: [Signature] Date Signed: 4-13-16

Date Signed:

STAFF SIGNATURE: [Signature] Date Signed: 4-13-16

Filing Fee - Amount Paid: $350 Check Number: 8183
Re: Hildebrandt Variance

We are planning a dairy expansion. We are building a dairy barn and milking parlor. We have selected this site because it ties together our feeding and manure facilities with facilities we currently have. It also allows for close proximity between buildings for easy cow management.

The reason for the variance is because the site crosses lot lines according to the tax parcels. The parcels in question are all part of our farm; however, because they do not read the same, the county considers them different entities. All three of the parcels list Ken and Don Hildebrandt as owners. Two of those three parcels also list Fred Hildebrandt Trust. The trust portion will eventually be owned by Ken and Don Hildebrandt.
April 14, 2016

SWCD NRI #: 1493

Dear Sir/Madam,

A request for a Natural Resource Information Report was submitted for the property listed in this letter.

Some natural resources to be aware of during construction of milk barn: the depth to bedrock just north of proposed construction site is estimated to be 10-15' of the ground surface, and there are four soil types present: Pecatonica silt loam (21C2), Kendall silt loam (242A), St. Charles silt loam (243C2), and Stronghurst silt loam (278A). All soil types present have a moderate shrink swell potential, moderate to high frost action, and are not prone to ponding or flooding. Kendall silt loam (242A) and Stronghurst silt loam (278A) are somewhat poorly drained soils and have an apparent seasonal high water table from January to May. Soils are not prone to flooding or ponding. See attached soils and bedrock maps.

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: 2475 Stateline Rd. South Beloit, IL 61080

PIN(S): 01-04-400-005, 01-04-400-006, & 01-04-300-008

Contact:
Ken Hildebrandt
Phone: 815-292-32350
E-Mail: Hildebrandtfarm@gmail.com

Petitioner:
Ken Hildebrandt
Phone: 815-292-32350
E-Mail: Hildebrandtfarm@gmail.com

Owner:
Ken Hildebrandt
Phone: 815-292-32350
E-Mail: Hildebrandtfarm@gmail.com

Request: Variance for milking barn

Sincerely,

[Signature]
Jennifer Becker
Boone County Soil & Water Conservation District
May 17, 2016

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

Re: 09-2016 – Hildebrandt Zoning Variance (2587 Stateline Road)

Dear Ken,

We are in receipt of the Zoning variance for the above referenced case.

The Hildebrandt barn/office/milking parlor expansion has a public health component concerning septic systems and water wells. However, neither issue is relevant until such time as the zoning issues are settled and construction plans are submitted.

Thank you,

[Signature]

William L. Hatfield  
Director of Environmental Health

skm
May 11, 2016

To: Ken Terrinoni
   County Administrator

From: Drew Bliss
   Senior Building Inspector

RE: 08-2016 – Horstman Zoning Variance (209 Brandywine Dr. S.E.)

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,

[Signature]

Drew Bliss
Senior Building Inspector
Boone County Building Department
May 10, 2016

Mr. Ken Terrinoni, County Administrator
1212 Logan Avenue, Suite 102
Belvidere, IL 61008

RE: Variance 09-2016; Hildebrant, 2587 Stateline Road

Dear Mr. Terrinoni,

I have reviewed the above variance request. The project will not require an additional entrance and if one is needed they will contact the Manchester Township Road Commissioner. Detention will not be required.

I have no objection to the approval of the variance based on the above comments.

Richard A. Lundin
Boone County Engineer