



VILLAGE OF POPLAR GROVE

"A Great Place to Call Home"

PLANNING & ZONING COMMISSION

Wednesday, August 23, 2023 - 6:00 PM

200 N. Hill Street, Poplar Grove, IL 61065

AGENDA

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

PUBLIC COMMENTS: *(General Comments)*

NEW BUSINESS

- 1.** **Case: 2023-03** - The applicant, Randy Erwin, is requesting variances pursuant to the Poplar Grove Zoning Ordinance, Section 8-8-3-B ,2, and 4 Height and Area Regulations. The applicant is requesting variances to allow two barns, a shed and a detached garage to remain on a property zoned R-3, single family residential, which exceeds the height, and square footage required by the zoning regulations, for the property located at 14086 Highway 76, Caledonia, IL 61011.

ADJOURNMENT

KJ 08/21/2023



VILLAGE OF POPLAR GROVE

"A Great Place to Call Home"

200 N. Hill Street, Poplar Grove, IL 61065

Phone: (815) 765-3201 – Fax: (815) 765-3571

<https://www.poplargo-ve-il.gov/>

Variance Application

PART 1: INTRODUCTION

Please complete this Zoning Variance Application and return it to the Village of Poplar Grove along with the following documentation:

- Written Narrative of the Proposed Request including zoning code section of requested variance.
- Plat of Survey of the Property
- Site Plan of property if changes to the property are proposed
- Legal description of the Property
- Any other information required by staff such as an elevation plan.
- List of Adjacent Property Owners within 250 feet, excluding public right-of-way. This may be obtained from the Supervisor of Assessments Office, 1208 Logan Ave. The accuracy of the information is the applicant's responsibility
- Application Fee
- Natural Resource Information (NRI) – State law requires applicants to request a natural Resource Information Report (NRI) from Boone county Soil and Water Conservation District at 211 North Appleton Road, Belvidere, IL 61008-1983, 815-544-2677, ext 3. This report must be received by the Village of Poplar Grove prior to the Plan Commission public hearing
- Proof of submittal to IDNR regarding the Endangered Species Act. The applicant shall contact the Illinois Department of Natural Resources (IDNR) via the EcoCat website at <https://dnr@Illinois.gov/EcoPublic/>
- Proof of submittal to the Illinois Historic Preservation Agency at 217-782-4836 if the proposal involves State or Federal Funding

PART 2: APPLICANT INFORMATION

Applicant	Name:	<u>Same as owner of record</u>
	Email:	_____
	Address/City:	_____
	Phone Number(s):	_____
Owner of Record	Name:	<u>See attached Exhibit A</u>
	Email:	_____
	Address/City:	_____
	Phone Number(s):	_____

Attorney Name: Attorney Lois Cannell Ramon
Email: lois@tobinramon.com
Address/City: 530 S. State St, Suite 200, Belvidere, IL 61008
Phone Number(s): (815) 544-0316

PART 3: PROPERTY INFORMATION

Street Address: 14086 Highway 76, Caledonia, IL 61011

Tax Parcel Number (PIN): 03-23-300-003 (part of)

Legal Description: See attached Exhibit B
(May be on separate sheet)

Current Use of the Property Single family residence with out buildings

Current Zoning of the property R-3

Surrounding Zoning and Land Use

North Ag use
South Single family residence with farm outbuildings
East Residential
West Ag use

PART 5: PROPOSED VARIANCE

Describe the proposed variance, including zoning code section of proposed variance (Attach additional sheets as needed to thoroughly describe the proposed variance).

The farm house and farm outbuildings with 2.83 acres is for sale by the owners. Prospective purchaser wishes to make purchase with home and outbuildings in tact.

PART 6: CRITERIA FOR VARIANCE

The Planning and Zoning Commission will make its recommendation to approve or deny the proposed variance based on compliance with the criteria listed below. Describe how the proposed variance will comply with the minimum standards set forth in the Village of Poplar Grove Zoning Ordinance:

1. 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 regulations were carried out.
Tearing down and hauling debris from removal of farm outbuilding would be costly and diminish the value of the property. The character of this farmstead would be substantially changed.
2. Special circumstances exist that are peculiar to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same district.
To allow the variances would not result in any change to the physical appearance of the property. The farm house and buildings have been in this location for over 100 years.
3. The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.
True. Just trying to maintain status quo appearance of the property. No income is being generated from the accessory buildings.
4. The variation is the minimum variation that will make possible the reasonable use of the land, structure or building, 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.
No change will result in the physical appearance of this proposal and this is not detrimental to the adjacent property owner.
5. The owner of the property has not created the alleged difficulty or hardship.
The buildings, at their present location, and in their present physical appearance have been there for over 100 years.
6. 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.
There are no close neighbors; no increased traffic; no change in outwardly appearance of improvements; no change on usage.
7. The proposed variation complies with the spirit and intent of the restrictions imposed by this title.
To grant this variance simply allows the property and its improvements to remain as is.

PART 7: PROCESS

Once a variance application is submitted with all required documentation it will be reviewed by Village Staff. It is recommended that the proposed variance be described in as much detail as possible to avoid delays in processing. Staff may request additional information to complete its review.

When the review is complete, a public hearing before the Planning and Zoning Commission will be scheduled. The public hearing will be conducted no less than 15 days or more than 30 days after public notice is sent to adjacent property owners within 250 feet by certified mail. The notice form will be provided to the applicant by Village staff, but the applicant shall send the notices and provide proof of service to the Village prior to the hearing. The Village will place a legal notice in a newspaper of general circulation. The cost of the newspaper notification shall be paid by the applicant.

The Planning and Zoning Commission may make a recommendation after the public hearing, or continue the case to a future date for additional information.

The Planning and Zoning Commission will forward its recommendation, along with its Findings of Fact to the Village Board, which will make the final determination on the proposed special use.

PART 8: ACKNOWLEDGEMENT

Payment of Fees. Fees shall be payable at the time applications are filed with the Village Clerk and are not refundable.

Reimbursable Costs. The Village may expend time in the investigation and processing of zoning procedures and site plan review. In addition to Village involvement, the Village may retain the services of professional consultants including, but not limited to engineers, landscape architects, architects, attorneys, environmental specialists, and recreation specialists in the administration, investigation and processing of such matters. Any person, firm or corporation requesting action by the Village on zoning procedures shall reimburse the Village for staff time expended in the administration, investigation and processing of applications for such permits or amendments and the cost to the Village charged by any professional consultant retained by the Village on any such matter. Notice shall be sent to the property owner or representative of the property owner informing them of the Village policy on reimbursement costs prior to the costs being incurred.

Fees for Public Hearing Notification. Applicants for all zoning matters (special uses, variations, map amendments, etc.) shall pay all expenses incurred for notification of all public hearings and other notices; including, but not limited to, publication, first class mail, certified mail, etc.

Any person who shall knowingly make or cause to be made, conspire, combine, aid, assist in, agree to, arrange for, or in any way procure the making of a false or fraudulent application affidavit, certificate or statement, shall be guilty of a misdemeanor as provided by statute by the State of Illinois. I hereby acknowledge that the information provided in this application is true and correct and that I understand that I am responsible for costs incurred.

Name of applicant: Randall Ewin Signature: Randall H. Ewin Date: 6/28/23
Name of property owner: Randall Ewin Signature: Randall H. Ewin Date: 6/28/23

EXHIBIT A
OWNERS OF RECORD

1) Robert W. Erwin Residuary Trust created under Erwin Trust No. 74, **Randall H. Erwin and Leland R. Erwin, co-trustees** as to an undivided 50% interest

Randall H. Erwin



Leland Robert Erwin

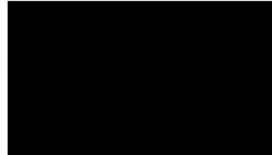


2) Erwin Trust No. 74 - **Randall H. Erwin and Leland R. Erwin, co-trustees** as to an undivided 28% interest

Randall H. Erwin

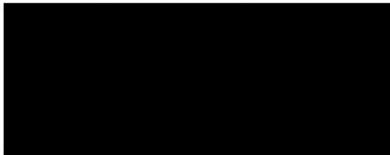


Leland Robert Erwin



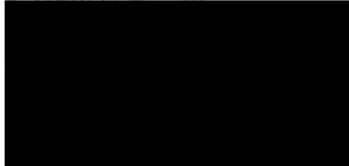
3) **Randall H. Erwin** trustee of the Randall H. Erwin Declaration of Trust dated March 20, 1998 as to an undivided 2.75% interest

Randall H. Erwin
C/O Randall H. Erwin Trust




4) **Donna J. Erwin** as trustee of the Donna J. Erwin Declaration of Trust dated March 20, 1998 as to an undivided 2.75% interest

Donna J. Erwin



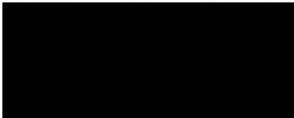
5) **Diane Erwin** as to an undivided 2.75% interest

Diane Virginia Erwin



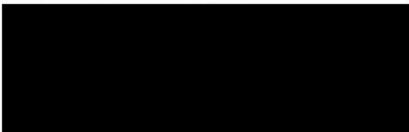
6) **Leland Erwin** as to an undivided 2.75% interest

Leland Robert Erwin



7) **Meredith E. Townsend** as to an undivided 2.75% interest

Meredith Erwin Townsend



8) **Bradley Townsend** as to an undivided 2.75%

Bradley Townsend



9) **Keith F. Erwin** as to an undivided 2.75% interest

Keith F. Erwin



10) **Debra Erwin** as to an undivided 2.75% interest

Debra L. Erwin

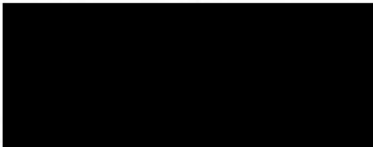


EXHIBIT B
LEGAL DESCRIPTION

Part of the Southwest Quarter of Section 23, Township 45 North, Range 3 East of the Third Principal Meridian, being described as follows: Commencing at the Southwest corner of the said Southwest Quarter; thence North 89 degrees 26 minutes 41 seconds East along the South line thereof, 2,192.27 feet to the place of beginning; thence North 00 degrees 33 minutes 19 seconds West, 300.00 feet; thence North 89 degrees 26 minutes 41 seconds East parallel with the said South line of the Southwest Quarter, 406.24 feet to the West right-of-way line of State Route 76, per Trustee Deed recorded as Document No. 93-11072; thence South 00 degrees 04 minutes 02 seconds West along said West right-of-way line, 12.24 feet; thence South 89 degrees 56 minutes 14 seconds East along a jog in said West right-of-way line, 9.64 feet; thence South 00 degrees 04 minutes 27 seconds West along said West right-of-way line, 287.67 feet to the said South line of the Southwest Quarter; thence South 89 degrees 26 minutes 41 seconds West along said South line, 412.59 feet to the Place of Beginning in McHenry County, Illinois.

PIN: 03-23-300-003 (part of)

NARRATIVE OF PROPOSED REQUEST

The farm house and farm buildings with 2.83 acres is for sale by the owners of the property. This prospective purchaser wishes to purchase this property with all the buildings intact. Section 83 of the Village of Poplar Grove zoning ordinance provides as follows:

1. *The maximum height of accessory structures is 20 feet or equal to the height of the home which is the primary residence, whichever is less.* The barn is both taller than the house and taller than 20 feet.
2. *No accessory structure shall occupy more than 50% of the area of the required yard. In no instance shall the square footage of the accessory structure be larger than the primary structure.* The square footage of the barn is larger than the square footage of the home.
3. *The total square footage of all accessory structures shall be less than the square footage of the home.* The total square footage of the three accessory structures exceeds the square footage of the home.

Therefore, we need a variance in the maximum height of permissible accessory structures on this property; a variance to allow the square footage of accessory structures to be larger than the residence; and a variance allowing the total square footage of the three accessory structures to exceed the square footage of the home.

LIST OF ADJACENT PROPERTY OWNERS (within 250 feet of p/o PIN: 03-23-300-003)

NORTH PIN: 03-23-300-002

ERWIN, ROBERT W TR & ERWIN TR 74 ET AL
c/o RANDALL H. ERWIN
8118 NUEPORT DR S
WILLOW SPRINGS, IL, 60480

SOUTH PIN: 03-26-126-031

CUMMINGS, JAMES J JR
13942 IL ROUTE 76
POPLAR GROVE, IL, 61065-9064

EAST PIN: 03-23-454-002

POPLAR GROVE DEVELOPMENT LLC
6801 SPRING CREEK RD
ROCKFORD, IL, 61114

WEST PIN: 03-23-300-001

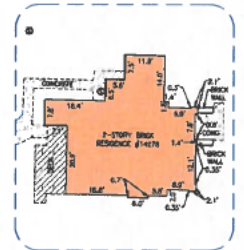
ERWIN, ROBERT W TR & ERWIN TR 74 ET AL
c/o RANDALL H ERWIN
8118 NUEPORT DR S
WILLOW SPRINGS, IL, 60480

PLAT OF SURVEY

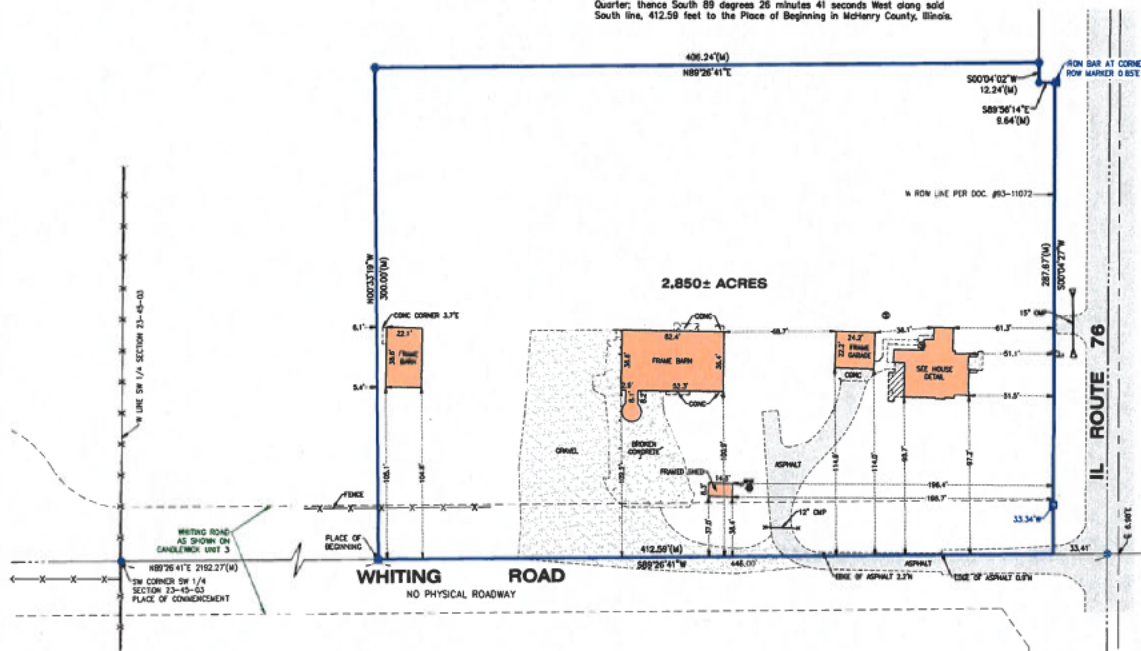
Part of the Southwest Quarter of Section 23, Township 45 North, Range 3 East of the Third Principal Meridian, being described as follows: Commencing at the Southwest corner of the said Southwest Quarter; thence North 89 degrees 26 minutes 41 seconds East along the South line thereof, 2,192.27 feet to the Place of Beginning; thence North 00 degrees 33 minutes 19 seconds West, 300.00 feet; thence North 89 degrees 26 minutes 41 seconds East parallel with the said South line of the Southwest Quarter, 406.24 feet to the West right-of-way line of State Route 76, per Trustee Deed recorded as Document No. 93-11072; thence South 00 degrees 04 minutes 02 seconds West along said West right-of-way line, 12.24 feet; thence South 89 degrees 56 minutes 14 seconds East along a jog in said West right-of-way line, 9.64 feet; thence South 00 degrees 04 minutes 27 seconds West along said West right-of-way line, 287.67 feet to the said South line of the Southwest Quarter; thence South 89 degrees 26 minutes 41 seconds West along said South line, 412.59 feet to the Place of Beginning in McHenry County, Illinois.

LEGEND	
[Symbol]	FLARED END SECTION
[Symbol]	FOUND IRON BAR
[Symbol]	FOUND WAG NAIL
[Symbol]	FOUND ROW MARKER
[Symbol]	FOUND RR SPIKE
[Symbol]	SEPTIC LID
[Symbol]	SET IRON BAR
[Symbol]	SON
[Symbol]	SPDOT
[Symbol]	UTILITY POLE
[Symbol]	WELL
[Symbol]	DEED
[Symbol]	MEASURED
[Symbol]	ROW RIGHT-OF-WAY

SCALE: 1" = 40'



HOUSE DETAIL
SCALE 1"=20'



STATE OF ILLINOIS)
COUNTY OF McHENRY) S.S.

In my professional opinion, and based on my observations, I hereby certify that we have surveyed the premises above described, and that the plat herein is a true representation of the said survey. This professional service conforms to the current Illinois minimum standards for a boundary survey.

Dated at Woodstock, McHenry County, Illinois, 05/25 A.D., 20 23.

Vanderstappen Land Surveying Inc.
Design Firm No. 154-005792

By: Arthur P. Crimmins
Illinois Professional Land Surveyor No. 3857

CLIENT: ERWIN FARMS
DRAWN BY: CLKV CHECKED BY: APG
SCALE: 1"=40' SEC. 23 T. 45 R. 03 E.
BASIS OF BEARING: EAST ZONE NAD83 (2011)
P.L.N.: 03-23-100-000 -000 03-23-300-000 -000 -003
JOB NO.: 230294-B L.D. MBS
FIELDWORK COMP.: 04/27/23 BK. PG.
ALL DISTANCES SHOWN IN FEET AND DECIMAL FEET.
POINTS THEREOF CORRESPOND TO MET P.

NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements.
• No distances should be assumed by scaling.
• No underground improvements have been located unless shown and noted.
• No representation as to ownership, use, or possession should be hereon implied.
• This Survey and Plat of Survey are void without original embossed or colored seal and signature affixed.

Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.

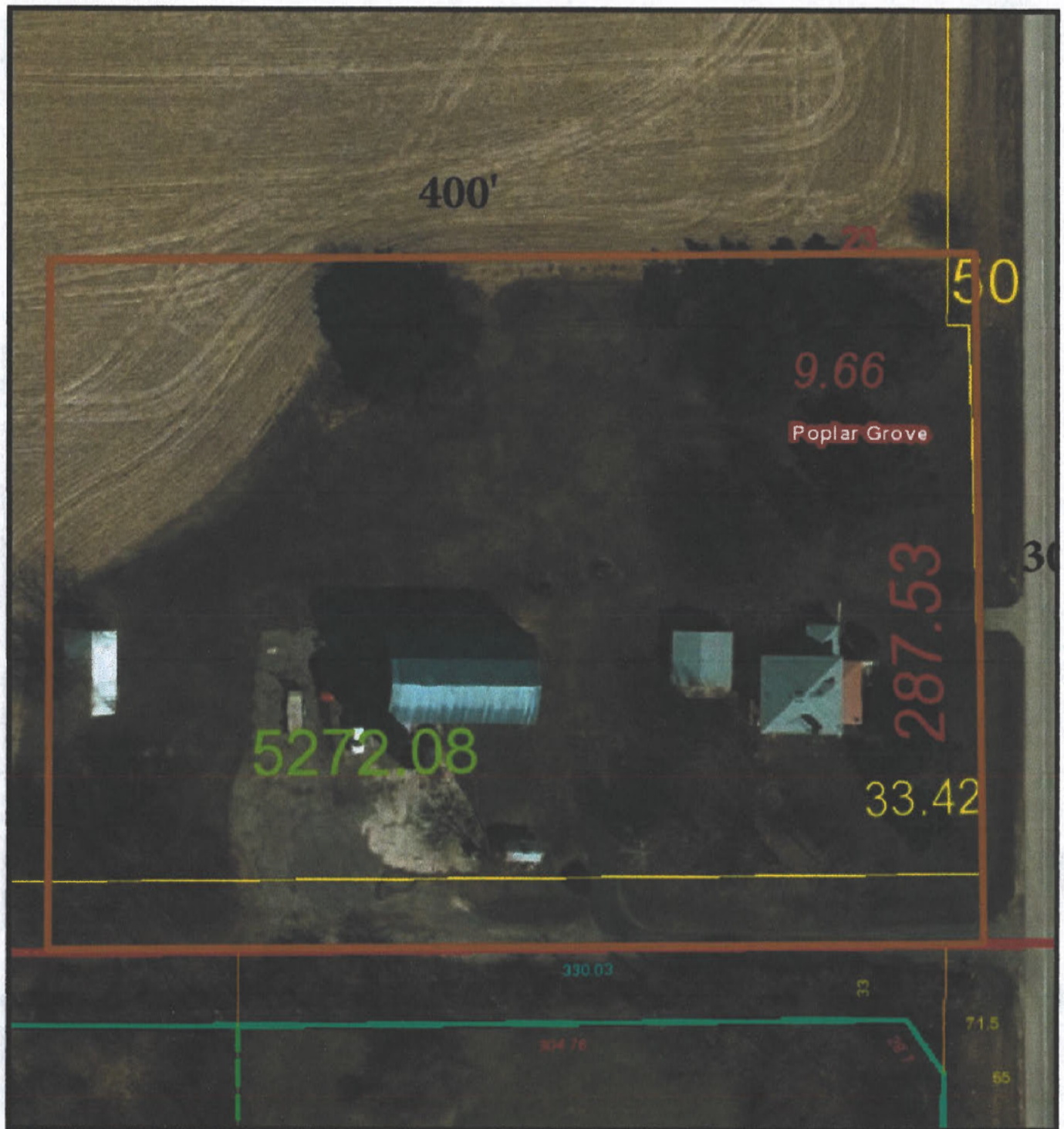


EXHIBIT B
LEGAL DESCRIPTION

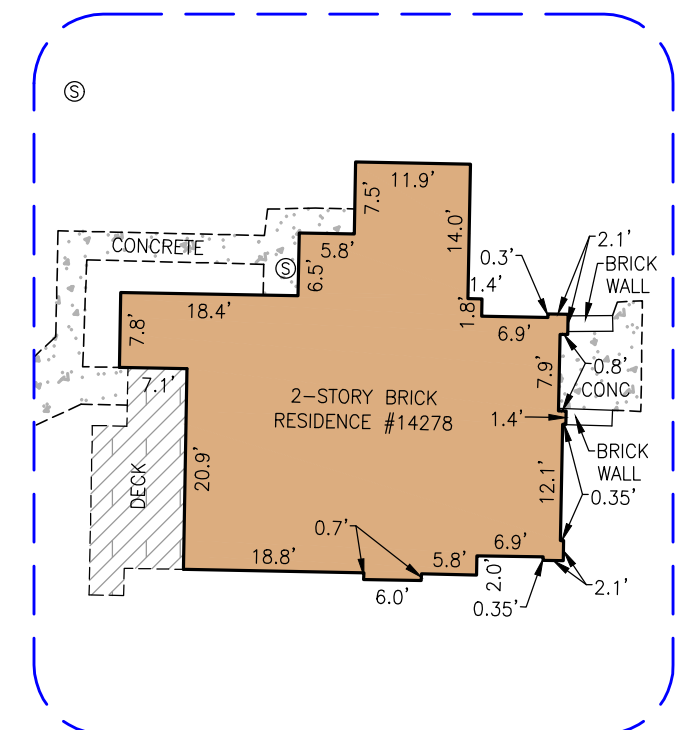
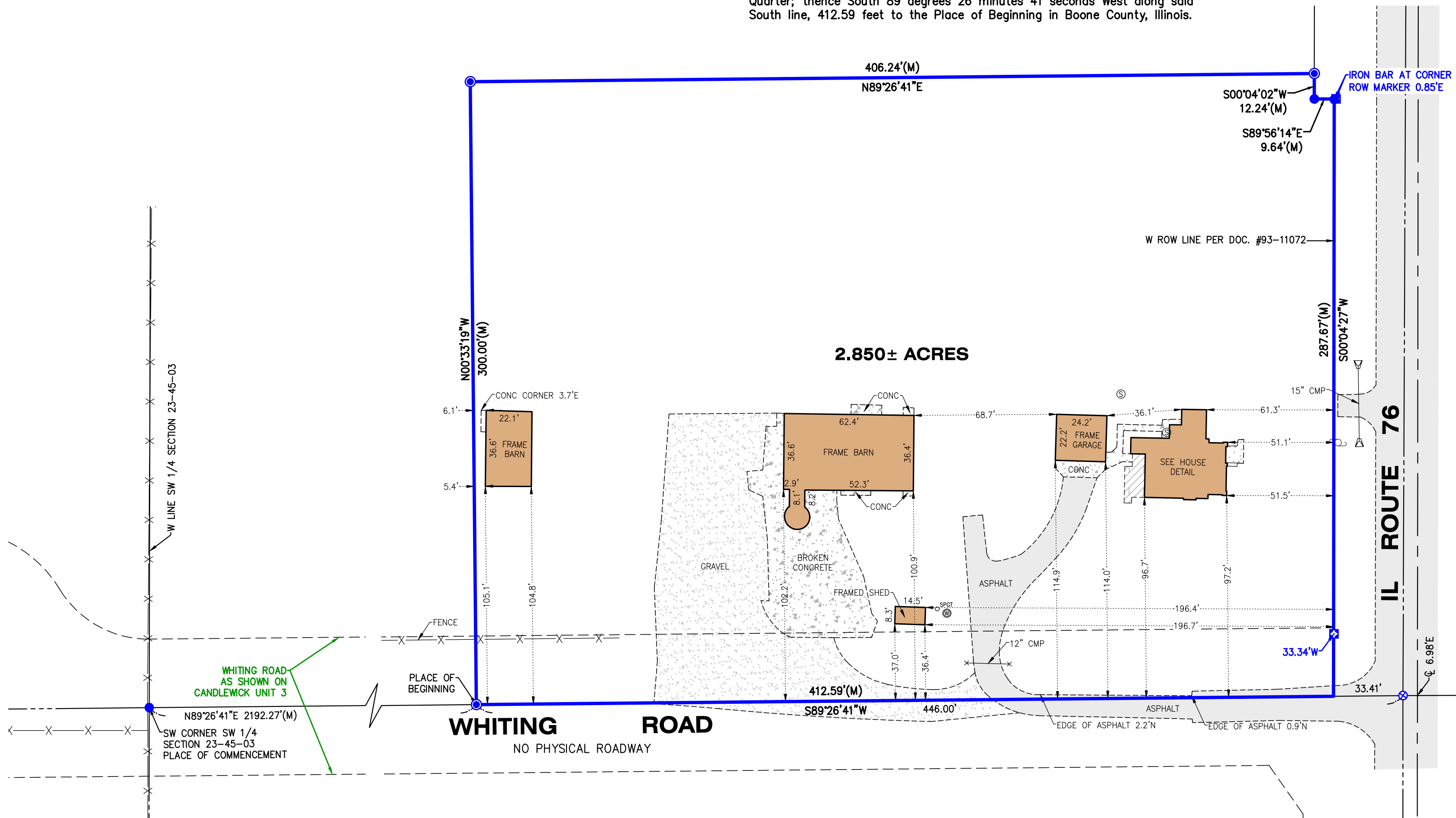
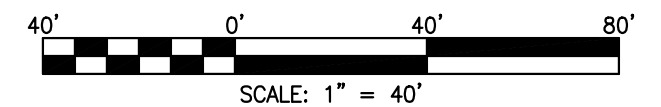
Part of the Southwest Quarter of Section 23, Township 45 North, Range 3 East of the Third Principal Meridian, being described as follows: Commencing at the Southwest corner of the said Southwest Quarter; thence North 89 degrees 26 minutes 41 seconds East along the South line thereof, 2,192.27 feet to the place of beginning; thence North 00 degrees 33 minutes 19 seconds West, 300.00 feet; thence North 89 degrees 26 minutes 41 seconds East parallel with the said South line of the Southwest Quarter, 406.24 feet to the West right-of-way line of State Route 76, per Trustee Deed recorded as Document No. 93-11072; thence South 00 degrees 04 minutes 02 seconds West along said West right-of-way line, 12.24 feet; thence South 89 degrees 56 minutes 14 seconds East along a jog in said West right-of-way line, 9.64 feet; thence South 00 degrees 04 minutes 27 seconds West along said West right-of-way line, 287.67 feet to the said South line of the Southwest Quarter; thence South 89 degrees 26 minutes 41 seconds West along said South line, 412.59 feet to the Place of Beginning in Boone County, Illinois.

PIN: 03-23-300-003 (part of)

PLAT OF SURVEY

Part of the Southwest Quarter of Section 23, Township 45 North, Range 3 East of the Third Principal Meridian, being described as follows: Commencing at the Southwest corner of the said Southwest Quarter; thence North 89 degrees 26 minutes 41 seconds East along the South line thereof, 2,192.27 feet to the Place of Beginning; thence North 00 degrees 33 minutes 19 seconds West, 300.00 feet; thence North 89 degrees 26 minutes 41 seconds East parallel with the said South line of the Southwest Quarter, 406.24 feet to the West right-of-way line of State Route 76, per Trustee Deed recorded as Document No. 93-11072; thence South 00 degrees 04 minutes 02 seconds West along said West right-of-way line, 12.24 feet; thence South 89 degrees 56 minutes 14 seconds East along a jog in said West right-of-way line, 9.64 feet; thence South 00 degrees 04 minutes 27 seconds West along said West right-of-way line, 287.67 feet to the said South line of the Southwest Quarter; thence South 89 degrees 26 minutes 41 seconds West along said South line, 412.59 feet to the Place of Beginning in Boone County, Illinois.

LEGEND	
	FLARED END SECTION
	FOUND IRON BAR
	FOUND MAG NAIL
	FOUND ROW MARKER
	FOUND RR SPIKE
	SEPTIC LID
	SET IRON BAR
	SIGN
	SPIGOT
	UTILITY POLE
	WELL
(D)	DEED
(M)	MEASURED
ROW	RIGHT-OF-WAY



HOUSE DETAIL
SCALE 1"=20'

07/03/23 - CKV - REVISED LEGAL

STATE OF ILLINOIS)
COUNTY OF McHENRY) S.S.

In my professional opinion, and based on my observations, I hereby certify that we have surveyed the premises above described, and that the plat hereon is a true representation of the said survey. This professional service conforms to the current Illinois minimum standards for a boundary survey.

Dated at Woodstock, McHenry County, Illinois 05/25 A.D., 20 23.

Vanderstappen Land Surveying Inc.
Design Firm No. 184-002792

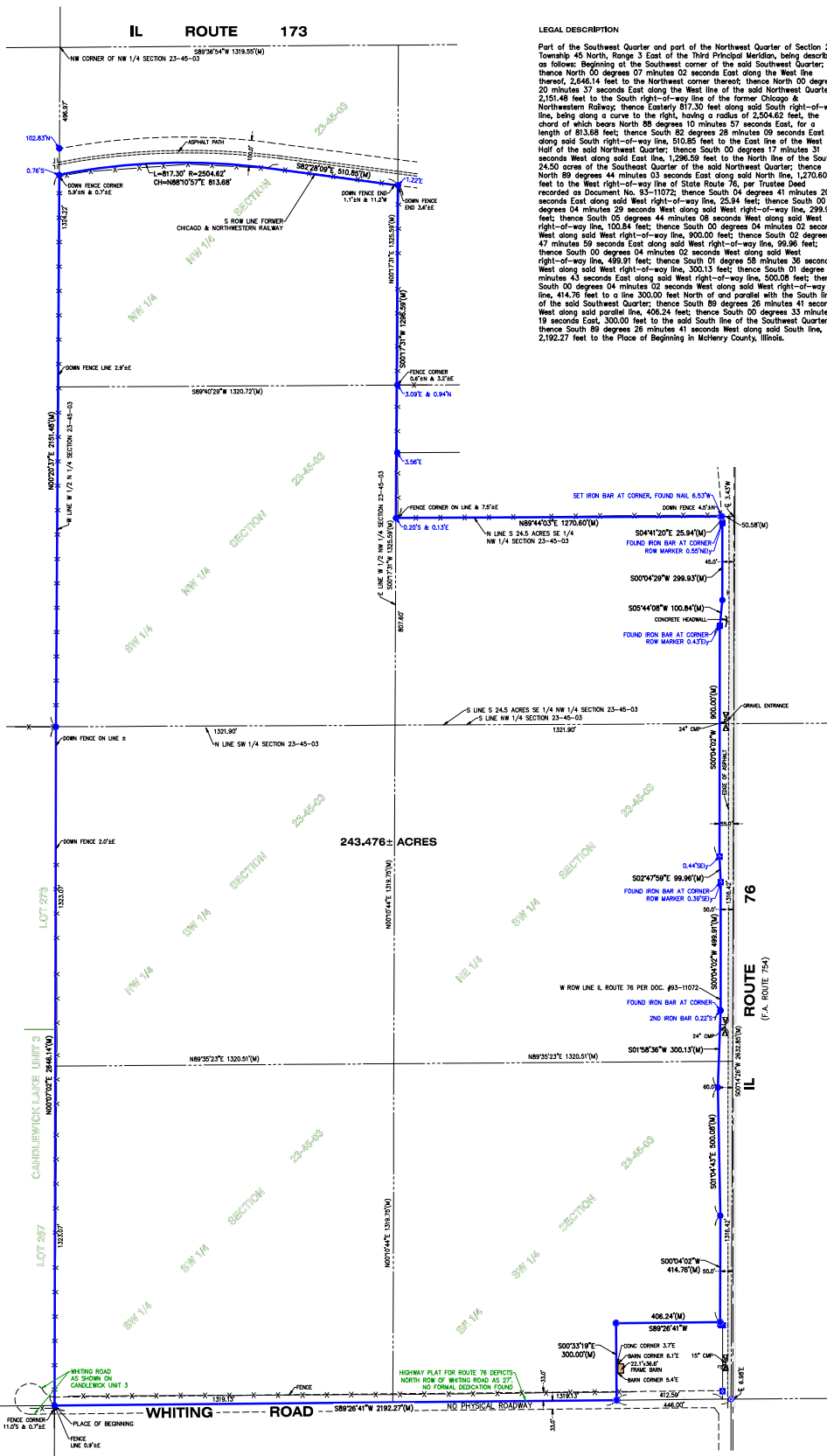
By:
Illinois Professional Land Surveyor No. 3857

CLIENT: ERWIN FARMS
DRAWN BY: CKV CHECKED BY: APG
SCALE: 1"=40' SEC. 23 T. 45 R. 03 E.
BASIS OF BEARING: IL EAST ZONE NAD83 (2011)
P.I.N.: 03-23-100-009; -010; 03-23-300-001; -002; -003
JOB NO.: 230294-B I.D. MBS
FIELDWORK COMP.: 04/27/23 BK. PG.
ALL DISTANCES SHOWN IN FEET AND DECIMAL REF:
PARTS THEREOF CORRECTED TO 68° F.

NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements.
* No distance should be assumed by scaling.
* No underground improvements have been located unless shown and noted.
* No representation as to ownership, use, or possession should be hereon implied.
* This Survey and Plat of Survey are void without original embossed or colored seal and signature affixed.

Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.

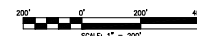
PLAT OF SURVEY



LEGAL DESCRIPTION

Part of the Southwest Quarter and part of the Northwest Quarter of Section 23, Township 45 North, Range 3 East of the Third Principal Meridian, being described as follows: Beginning at the Southwest corner of the said Southwest Quarter; thence North 00 degrees 07 minutes 02 seconds East along the West line thereof, 2,646.14 feet to the Northwest corner thereof; thence North 00 degrees 20 minutes 37 seconds East along the West line of the said Northwest Quarter, 2,151.48 feet to the South right-of-way line of the former Chicago & Northwestern Railway; thence Easterly 817.30 feet along said South right-of-way line, being along a curve to the right, having a radius of 2,504.62 feet, the chord of which bears North 88 degrees 10 minutes 57 seconds East, for a length of 813.88 feet; thence South 82 degrees 28 minutes 09 seconds East along said South right-of-way line, 510.85 feet to the East line of the West Half of the said Northwest Quarter; thence South 00 degrees 17 minutes 31 seconds West along said East line, 1,236.59 feet to the North line of the South 24.50 acres of the Southwest Quarter of the said Northwest Quarter; thence North 89 degrees 44 minutes 03 seconds East along said North line, 1,270.60 feet to the West right-of-way line of State Route 76, per Trustee Deed recorded as Document No. 93-11072; thence South 04 degrees 41 minutes 20 seconds East along said West right-of-way line, 25.94 feet; thence South 00 degrees 04 minutes 29 seconds East along said West right-of-way line, 299.93 feet; thence South 02 degrees 44 minutes 08 seconds West along said West right-of-way line, 100.84 feet; thence South 00 degrees 04 minutes 02 seconds West along said West right-of-way line, 900.00 feet; thence South 02 degrees 47 minutes 59 seconds East along said West right-of-way line, 99.96 feet; thence South 00 degrees 04 minutes 02 seconds West along said West right-of-way line, 499.97 feet; thence South 01 degree 58 minutes 30 seconds West along said West right-of-way line, 300.13 feet; thence South 01 degree 04 minutes 43 seconds East along said West right-of-way line, 500.08 feet; thence South 00 degrees 04 minutes 02 seconds West along said West right-of-way line, 414.76 feet to a line 300.00 feet North of and parallel with the South line of the said Southwest Quarter; thence South 88 degrees 26 minutes 41 seconds West along said parallel line, 406.24 feet; thence South 00 degrees 33 minutes 19 seconds East, 300.00 feet to the said South line of the Southwest Quarter; thence South 89 degrees 28 minutes 41 seconds West along said South line, 2,192.27 feet to the Place of Beginning in McHenry County, Illinois.

LEGEND	
FLARED END SECTION	
FOUND IRON BAR	
FOUND IRON NAIL	
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FOUND RR SPIKE	
SEPTIC LID	
SET IRON BAR	
SIGN	
SPRINT	
UTILITY POLE	
WELL	
DEED	
MEASURED	
RIGHT-OF-WAY	



CLIENT: ERWIN FARMS
DRAWN BY: OKV
CHECKED BY: APC
SCALE: 1"=200'
SBC: 23 T. 45 R. 03 E.
BASIS OF BEARING: EAST ZONE NAD83 (2011)
P.L.N.: 03-23-10-009-005, 03-23-10-009-006, 03-23-10-009-007
JOB NO.: 230204-A
FIELDWORK COMP.: 04/27/23, BK. 1, PG. 1
ALL DISTANCES SHOWN IN FEET AND DECIMALS
PARTS THEREOF CORRECTED TO 68° F.

NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements.
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• No underground improvements have been located unless shown and noted.
• No representation as to ownership, use, or possession should be hereon implied.
• This Survey and Plat of Survey are void without original embossed or colored seal and signature affixed.
Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.



STATE OF ILLINOIS)
COUNTY OF McHENRY) S.S.

In my professional opinion, and based on my observations, I hereby certify that we have surveyed the premises above described, and that the plat hereon is a true representation of the said survey. This professional service conforms to the current Illinois minimum standards for a boundary survey.

Dated at Woodstock, McHenry County, Illinois, 05/25 A.D., 2023.

Vanderstappen Land Surveying Inc.
Design Firm No. 184-006792
By: *Walter J. Vanderstappen*
Illinois Professional Land Surveyor No. 3857

Village of Poplar Grove

Date: July 25, 2023,

To: Boone County Journal

From: Joanne Kalchbrenner, BFCCS, Inc., for the Village of Poplar Grove

Re: Notice of Public Hearing

Please publish the attached public hearing notice, one time, on **Thursday August 3, 2023**

After publication, please send the bill to:

Lois Cannell Ramon
530 S. State Street, Suite 200
Belvidere, IL 61008

Please forward a certificate of publication to:

Katie Jaster
Village of Poplar Grove
200 Hill Street
Poplar Grove, IL 61065

If you have any questions, please call Joanne Kalchbrenner at (630) 433-8749.

NOTICE OF PUBLIC HEARING

You are hereby notified that a public hearing will be held by the Village of Poplar Grove Planning and Zoning Commission on Wednesday, August 23, 2023 at 6:00 p.m. at the Poplar Grove Village Hall, 200 North Hill Street, Poplar Grove, IL, 61065 for the purpose of considering a variance application submitted by the applicant, Randall Erwin, 8118 Nueport Dr, S, Willow Springs, IL 60480. The applicant is requesting a variance pursuant to the Poplar Grove Zoning Ordinance, Section 8-8-3-B.1,2,3, and 4 Height and Area Regulations. The applicant is requesting variances to allow a barn and shed to remain on a property zoned R-3, single family residential, which exceeds the height, square footage and setbacks required by the zoning regulations, for the property located at 14086 Highway 76, Caledonia, IL 61011 and with PIN 03-23-300-003.

The subject property is legally described as:

Part of the Southwest Quarter of Section 23, Township 45 North, Range 3 East of the Third Principal Meridian, being described as follows: Commencing at the Southwest corner of the said Southwest Quarter, thence North 89 degrees 26 minutes 41 seconds East parallel with the said South line of the Southwest Quarter, 406.24 feet to the West right-of-way line of State Route 76 per Trustee Deed recorded as Document No. 93-11072: thence South 00 degrees 04 minutes 02 seconds West along said West right-of-way line, 12.24 feet; thence South 89 degrees 56 minutes 14 seconds East along a jog in said West right-of-way line 9.64 feet; thence South 00 degrees 04 minutes 27 seconds West along said West right-of-way line, 287.67feet to the said South line of

the Southwest Quarter; thence South 89 degrees 26 minutes 41 seconds West along said South line, 412.59 feet to the Place of Beginning in Boone County, Illinois.

All persons interested in said petition may attend and be heard at the stated time and place.

Jessica Roberts, Chairman,
Village of Poplar Grove Planning and Zoning Commission

Memorandum

DATE: August 14, 2023

TO: Village of Poplar Grove Planning and Zoning Commission

FROM: Joanne Kalchbrenner, AICP, B&F Construction Code Services

SUBJECT: Staff advisory memo for case: 2023-03; Erwin Variances

REQUEST AND LOCATION:

The applicant, Randy Erwin, is requesting variances pursuant to the Poplar Grove Zoning Ordinance, Section 8-8-3-B., 2., and 4 Height and Area Regulations. The applicant is requesting variances to allow two barns, a shed and a detached garage to remain on a property zoned R-3, single family residential, which exceeds the height, and square footage required by the zoning regulations, for the property located at 14086 Highway 76, Caledonia, IL 61011.

BACKGROUND:

The property is approximately 2.85 acres in size and includes two barns, a detached garage and a single family home. According to the applicant, the structures were constructed over 100 years ago. The property was part of a larger farm over 400 acres in size. The property owner would like to sell the property to two purchasers. The farmland will be sold and continue to be farmed. The subject 2.85 acres will be subdivided and sold to a purchaser as a homestead property.

The adjacent property owners were sent certified notices and the green cards have been returned. The request was published in the Boone County Journal on August 3, 2023. No objections were received.

ADDITIONAL ANALYSIS

The structures are considered legally nonconforming in the current configuration. However, when the owner divides the larger property and creates a new, 2.85 acre parcel, the property loses its legal nonconforming status. This results in the need for the proposed variances.

There were originally three variances requested. While the original request included a variance to the 5 foot setback requirement, the newly created lot allows for a five foot setback for the westernmost barn, so this variance is no longer required. The two remaining variance include the maximum square footage for accessory structures and maximum height for accessory structures. Specifically, the Village code indicates that the total square footage of all accessory structures may not exceed the square footage of the principle building. In this case the total square footage of all accessory structures is over 3,600 square feet while the square footage of the house is over 1,330 square feet.

The Village code also limits the height of accessory structures to a maximum of 20 feet in height. Because the barn was used as part of an overall farm property and was constructed over 100 years ago, it is significantly higher than 20 feet.

Findings of Fact

The Planning and Zoning Commission has the authority to consider the proposed variances and make a final determination. According to the Village Code of Ordinances, after the public hearing on the proposed variation is conducted, a decision will be made to grant or deny the variance based on the findings of fact made by the Commission. The Commission may make the determination at the same meeting, or choose to continue the proceedings at a later date. Once a decision is made, the Commission shall record its conclusion as part of the meeting minutes and written findings of fact. In order to make a determination and adoption of findings of fact, the Commission shall consider the following facts :

1. 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 regulations were carried out.

The owner would face significant hardship if he were required to demolish the existing accessory structures that have existed for over 100 years and continue to serve the property.

2. Special circumstances exist that are peculiar to the land, structure or building involved and are not applicable to other lands, structures or buildings in the same district.

The site is unique in that it was part of a farm that is being subdivided to allow continued farm operation as well as a homestead site.

3. The purpose of the variation is not based exclusively upon a desire to increase the value or income potential of the property.

The proposed variances would not solely increase the value, but rather maintain the value of the property.

4. The variation is the minimum variation that will make possible the reasonable use of the land, structure or building, 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.

The variances are the result of re-subdividing property and have existed for over 100 years. They have not been detrimental to adjacent properties.

5. The owner of the property has not created the alleged difficulty or hardship.

The variances are required due to subdividing the property, but the structures have been in existence for over 100 years, and not constructed by the current owner.

6. 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.

As noted, the buildings have existed for over 100 years and have not caused congestion, danger or other adverse impact to the public.

7. The proposed variation complies with the spirit and intent of the restrictions imposed by this title.

2023-03: Erwin Variances 14086 Highway 76, Caledonia

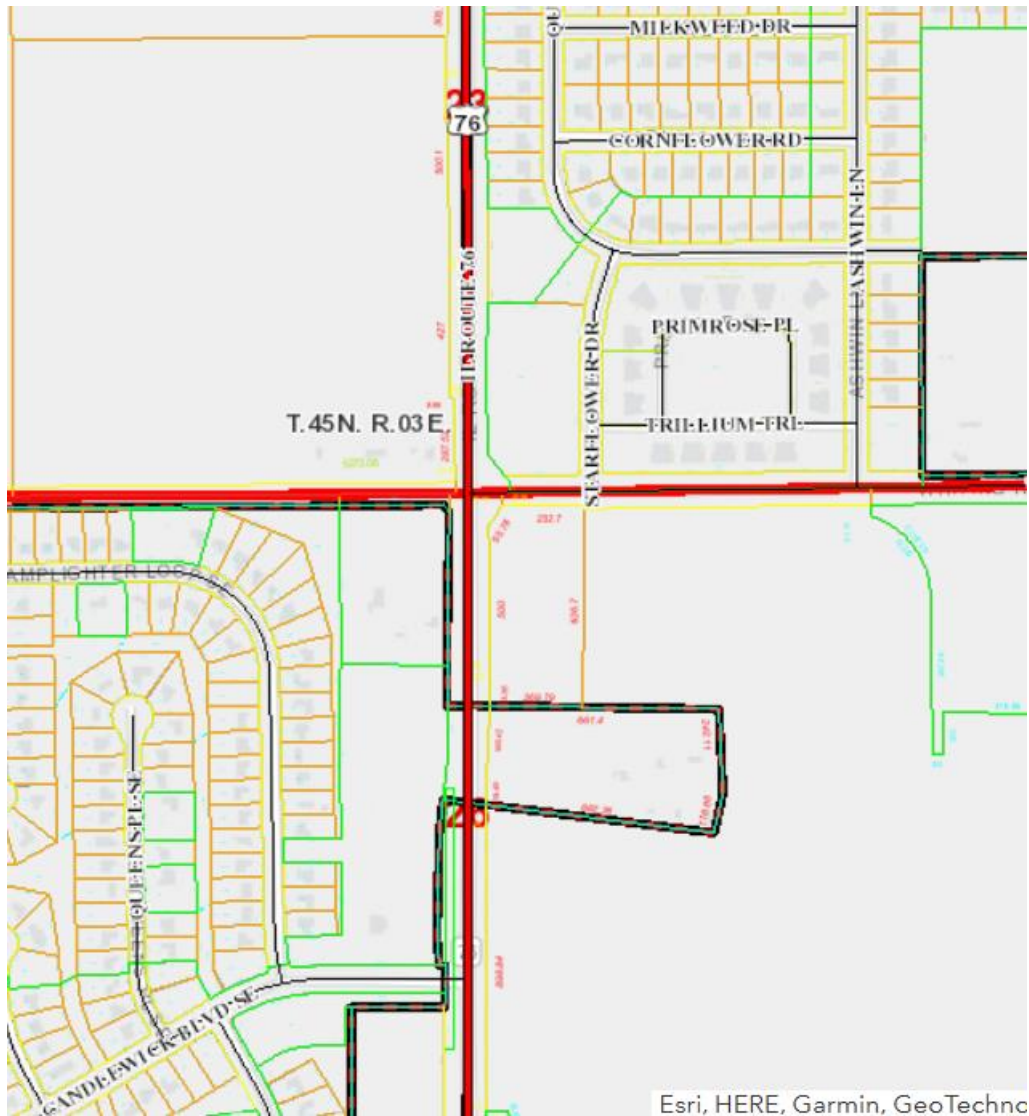
The proposed variances comply with the intent and spirit of the code by allowing existing historic structures to remain.

RECOMMENDATION:

The planning staff recommends approval of case 2023-03 to allow variances to the total square footage of accessory structures and the allow the height of an accessory structure over 20 feet.



Aerial Map



Location Map

Attachments
Application
Applicant Narrative
Plat of survey