STATE OF ILLINOIS)
) SS
COUNTY OF OGLE)

ORDINANCE NO. 2008-8004

AN ORDINANCE APPROVING A VARIATION TO THE OGLE COUNTY, IL *SPECIAL FLOOD HAZARD AREAS ORDINANCE* ON PROPERTY LOCATED AT 6477 N. RIVER DRIVE IN ROCKVALE TOWNSHIP

WHEREAS, Chester D. Kobel has filed a petition for a Variation to the Ogle County, IL *Special Flood Hazard Areas Ordinance* to allow an addition to an existing residential structure (dwelling) to be constructed with a lowest floor elevation of 684.1' in lieu of 684.4' (0.7' above the Base Flood Elevation in lieu of 1' above the Base Flood Elevation) on property located at 6477 N. River Drive in Rockvale Township, said property being legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, pursuant to Section 14-18-15 of the Ogle County, Illinois *Special Flood Hazard Areas Ordinance*, the Planning & Zoning Administrator has reviewed the aforementioned petition for a variation, and has submitted his findings and recommendation, attached hereto as Exhibit "B"; and,

WHEREAS, the Planning and Zoning Committee of the Ogle County Board has reviewed the findings of fact and recommendation of the Planning & Zoning Administrator, and has forwarded a recommendation to the Ogle County Board that the requested Variation to the *Special Flood Hazard Areas Ordinance* be granted; and

WHEREAS, the Ogle County Board has considered the findings of fact and recommendation of the Planning & Zoning Administrator and the recommendation of the Planning and Zoning Committee, and has determined that granting the Variation would be consistent with the requirements established by Section 14-18-15, Paragraph A. of the *Special Flood Hazard Areas Ordinance.*

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF OGLE COUNTY, ILLINOIS, as follows:

SECTION ONE: The report of the Planning & Zoning Administrator, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the Ogle County Board.

SECTION TWO: Based on the findings of fact set forth above, the request of Chester D. Kobel for a Variation to the Ogle County, IL *Special Flood Hazard Areas Ordinance* to allow an addition to an existing residential structure (dwelling) to be constructed with a lowest floor elevation of 684.1' in lieu of 684.4' (0.7' above the Base Flood Elevation in lieu of 1' above the Base Flood Elevation) on property located at 6477 N. River Drive in Rockvale Township, said property being legally described in Exhibit "A" attached hereto, is hereby approved.

SECTION THREE: This Ordinance shall be in full force and effect upon its adoption by the County Board of Ogle County, Illinois and attestation by the Ogle County Clerk.

SECTION FOUR: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 14-18-17 of the Ogle County, IL *Special Flood Hazard Areas Ordinance.*

PASSED BY THE COUNTY BOARD THIS 19TH DAY OF AUGUST 2008 A.D.

W. Ed Rice, Chairman of the Ogle County Board

ATTEST:

Rebecca Huntley, Ogle County Clerk and
Ex Officio Clerk of the Ogle County Board

Exhibit "A"

P.I.N.: 09-02-403-016

PLAT OF SURVEY

OF PROPERTY DESCRIBED AS: Part of the East Half (E1/2) of Section Two (2), Township Twenty-four (24) North, Range Ten (10) East of the Fourth (4th) Principal Meridian, Ogle County, Illinois, bounded and described as follows, to wit:

Commencing at the Southwest corner of the East Half (E1/2) of the Northeast Quarter (NE1/4) of said Section Two (2); thence Easterly along the South line of said Northeast Quarter (NE1/4), a distance of 217.80 feet; thence Southwesterly at an angle of 42 degrees 57 minutes 58 seconds as measured counterclockwise from the last described course, a distance of 296.19 feet; thence Southwesterly at an angle of 163 degrees 22 minutes 33 seconds as measured clockwise from the last described course, a distance of 243.82 feet; thence Southwesterly at an angle of 170 degrees 18 minutes 30 seconds as measured counterclockwise from the last described course, a distance of 181.77 feet to the Point of Beginning of the hereinafter described tract of land; thence continuing Southwesterly on an extension of the last described course, a distance of 100.00 feet; thence Northwesterly at an angle of 82 degrees 44 minutes 59 seconds as measured counterclockwise from the last described course, a distance of 145.22 feet; thence Northeasterly at an angle of 111 degrees 23 minutes 10 seconds as measured counterclockwise from the last described course, a distance of 106.54 feet; thence Southeasterly at an angle of 68 degrees 36 minutes 50 seconds as measured counterclockwise from the last described course, a distance of 171.45 feet to the Point of Beginning, containing 0.360 acre, more or less.

EXHIBIT "B"

FINDINGS OF FACT AND RECOMMENDATION OF THE PLANNING & ZONING ADMINISTRATOR

Ogle County Planning & Zoning Department

911 W. Pines Road
Oregon, IL 61061
(815) 732-3201
Fax: (815) 732-2229

August 19, 2008

To: **Ogle County Board**

From: **Michael Reibel, Planning & Zoning Administrator/Floodplain Administrator**

RE: **Petition of Chester D. Kobel for a Variation to the Ogle County, IL *Special Flood Hazard Areas Ordinance* that would allow an addition to an existing elevated residential structure (dwelling) to be constructed in a "Special Flood Hazard Area" with a lowest floor elevation 684.1' in lieu of 684.4 (0.7' above the Base Flood Elevation in lieu of 1' above the Base Flood Elevation).**

Pursuant to Section 14-18-14 of the Ogle County, IL *Special Flood Hazard Areas Ordinance*, it is my recommendation that the above variation be granted based upon the following findings of fact:

1. The development activity cannot be located outside the Special Flood Hazard Area, as the residential structure to which an addition is proposed is existing, and the entire parcel upon which said existing residential structure is located is entirely within a Special Flood Hazard Area;

2. An exceptional hardship would result if the variance were not granted, as the lowest floor of the existing structure is at an elevation of 684.1, and an addition with a lowest floor elevation of 684.4 would present practical structural difficulties;

3. The relief requested is the minimum necessary, as the proposed addition will be at the same elevation as the existing residential structure, which is 0.7' above the Base Flood Elevation;

4. There will be no additional threat to public health or safety or creation of a nuisance, as this is an addition to an existing elevated residential structure, and not new development;

5. There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities, as this is an addition to an existing elevated residential structure, and not new development;

6. The applicants have proceeded with knowledge of the risk and liability involved in the construction of a building with the lowest floor below the required flood protection elevation and have acknowledged in writing the assumption of the risk and liability.