

# 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

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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.

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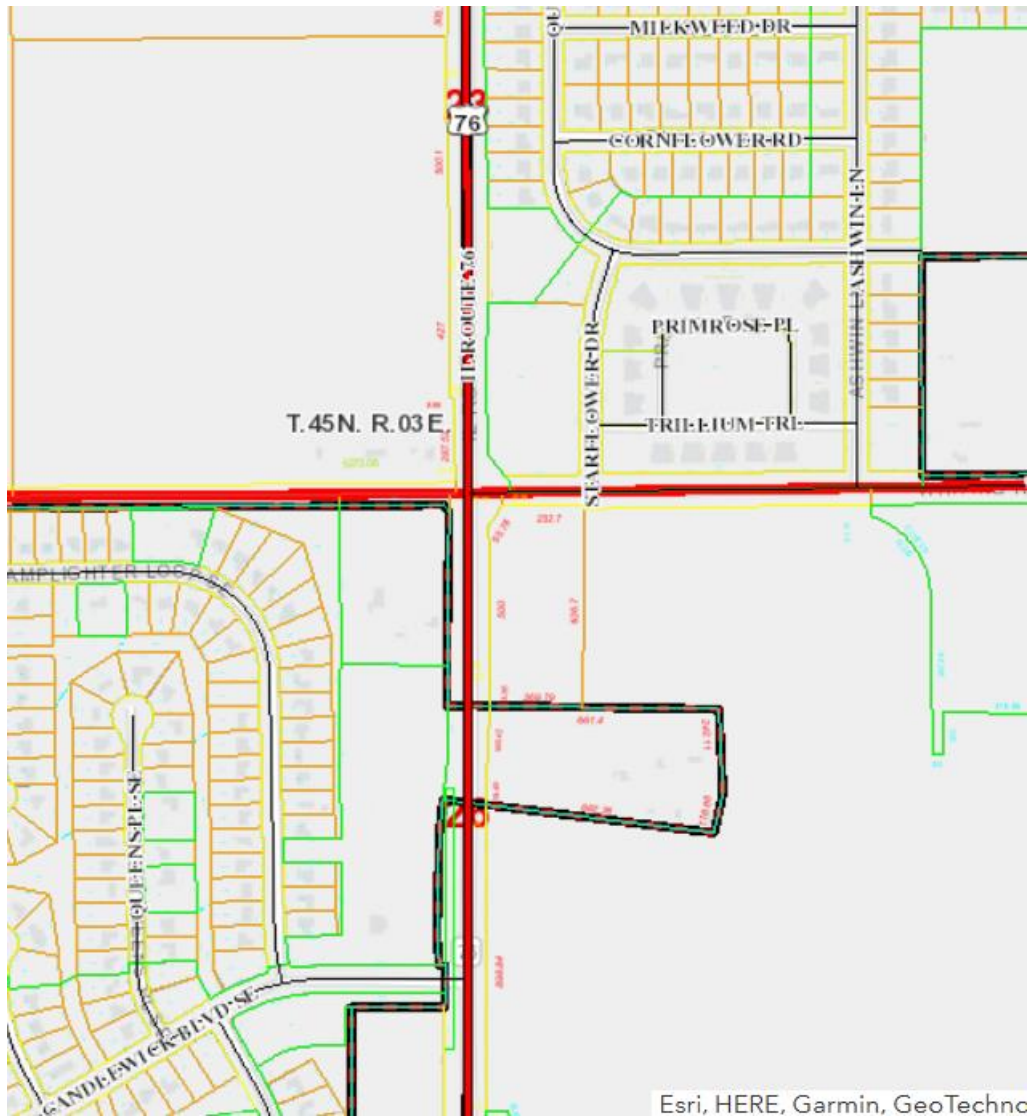
The proposed variances comply with the intent and spirit of the code by allowing existing historic structures to remain.

### 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