

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING A  
SPECIAL USE AND VARIANCES FOR PROPERTY  
COMMONLY KNOWN AS 13714 POPLAR GROVE ROAD**

**WHEREAS**, the Village of Poplar Grove is a municipality under the Illinois Constitution of 1970;

**WHEREAS**, Luke Cavil, 13714 Poplar Grove Road (the “Petitioner”) has requested that the property at 13714 Poplar Grove Rd, parcel identification number 03-25-200-025, which is located in an RE Zoning District, be allowed a Special Use Permit to construct a pole barn on the property and that variances be granted for the height limitation set by Section 8-8-3(B)(2) and from the square footage limitation set by Section 8-8-3(B)(5), said property which is legally described on **Exhibit 1** which is attached hereto (the “Subject Property”);

**WHEREAS**, a public hearing was held on November 21, 2024 before the Village of Poplar Grove Planning and Zoning Commission, due notice of the meeting having been published and mailed to those required to receive notice and all those members of the public desiring to testify and cross examine witnesses were given the opportunity;

**WHEREAS**, the Planning and Zoning Commission, based on the evidence presented in the record from said public hearing, recommended to allow Petitioner the special use to build the pole barn as an “Agricultural Building” and that variances that he requested for height and square footage be allowed, and the Commission adopted written findings of fact based upon the evidence which are attached hereto as **Exhibit 2**;

**WHEREAS**, the Village Board finds that Petitioner's requests are consistent with the stated purpose of the Zoning Ordinance and that the requests meet the standards and requirements of the Zoning Ordinance;

**WHEREAS**, the Village Board finds that the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare; that the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, not substantially diminish and impair property values within the neighborhood; that the establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district; that adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided; that adequate measures have been, or will be taken, to provide ingress or egress so designed as to minimize traffic congestion in the public streets; and that the special use shall, in all other respects, conform to the applicable regulations of the districts in which it is located.

**WHEREAS**, the Village Board finds that 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; 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 purpose of the variations is not based exclusively upon a desire to increase the value or income potential of the property; the variations are the minimum variations 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 owner of the property has not created the alleged difficulty or hardship; the proposed variations 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; and, the proposed variations comply with the spirit and intent of the restrictions imposed by the Zoning Code.

**NOW, THEREFORE, BE IT ORDAINED** by the President and Board of Trustees of the Village of Poplar Grove, Boone County, Illinois, as follows:

**SECTION 1:** The above stated recitals are incorporated herein by reference.

**SECTION 2:** A Special Use Permit is approved for the Subject Property to allow the Petitioner to build a pole barn as an Agricultural Building on the Subject Property. The development of the Subject Property shall be in accordance with the testimony by Petitioner before the Planning and Zoning Commission and the documents and revisions which were submitted to the Village in support of the application for a Special Use Permit.

**SECTION 3:** Variances are approved as to building height and building square footage in accordance with the testimony by Petitioner before the Planning and Zoning Commission and the documents and revisions which were submitted to the Village in support of the application for the variances..

**SECTION 4:** The specific terms and conditions of this Ordinance shall prevail against all other existing ordinances of the Village to the extent that there might be any conflict.

**SECTION 5:** This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and Approved this \_\_\_\_ day of December, 2024.

Trustee Cheek	____	Aye	____	Nay	____	Absent	____	Abstain
Trustee Straw	____	Aye	____	Nay	____	Absent	____	Abstain
Trustee Davies	____	Aye	____	Nay	____	Absent	____	Abstain
Trustee Costanza	____	Aye	____	Nay	____	Absent	____	Abstain
Trustee Goings	____	Aye	____	Nay	____	Absent	____	Abstain
Trustee Moore	____	Aye	____	Nay	____	Absent	____	Abstain

Village of Poplar Grove

\_\_\_\_\_  
Village President Don Sattler

ATTEST:

\_\_\_\_\_  
Village Clerk

I, \_\_\_\_\_, being the Petitioner, having read a copy of this Ordinance, do hereby accept, concur and agree to develop and use the Subject Property in accordance with the terms of this Ordinance.

Dated this \_\_\_\_\_ day of December, 2024.

Petitioner: \_\_\_\_\_

**EXHIBIT 1**

**LEGAL DESCRIPTION**

## **EXHIBIT 2**

### **DECISIONS AND RECOMMENDATIONS**