CALL TO ORDER
At 7:01 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Randy Mohr (Chairman), Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield
Also present was: Senior Planner Angela Zubko
Absent: None
In the audience: Steven and Lori Seeler and Attorney Daniel Kramer

A quorum was present to conduct business.

MINUTES
Donna McKay motioned to approve the amended April 29, 2013 ZBA meeting minutes. Scott Cherry seconded the motion. All were in favor and minutes were approved.

Chairman Randy Mohr wanted to welcome Dick Thompson to the Committee. He is from Big Grove Township.

Chairman Randy Mohr swore all members in the audience and staff in

PETITIONS
#13-13 Steven & Lori Seeler
Attorney Kramer introduced himself and stated the property is located near the southeast corner of Cherry Road and Schlapp Road, about 1/5 mile east of Schlapp Road. The petitioner is looking to rezone about 3 acres of an 11.6 acre property in NaAuSay Township. Next to the western boundary there is a house right close to the lot line and there is a story behind it that he will try to explain. What happened with all of the other homes in the area is they all fell under different Kendall County ag allocation rules and this property is zoned agricultural. This particular parcel was actually two different parcels, the western parcel was actually under contract with the home to the west and the owner thought he was going to close on this property about 8 or 9 years ago and the seller backed out last minute due to a lot of litigation and could not get control of the property so the western neighbor did not get to purchase it. This is why the neighbor built his house so close to the lot line as he thought he was going to own the parcel east of him and put nursery stock on it. The eastern parcel was owned by a different owner, who ran DK Landscaping and due to the economy they lost the property. The Seeler’s would like to build one single family home. Mr. Kramer passed around elevations that were just recently prepared. He stated as proposed on the plat of survey there is a proposed barn as the owners would like to have some horses. Mr. Kramer said they wanted to be mindful of the close neighbor and put the barn at least 100’ from the neighbor. They have received approval from the NaAuSay Township Plan Commission and have the township Board meeting on June 17th. The Village of Plainfield has no objection to the proposed rezoning and we never heard from the Village of Oswego which the property is in their planning boundaries. The petitioner plans on leaving the existing tree coverage and planting some more trees and they
will clean up the property as lots of concrete, railroad ties and previous landscaping waste was left on the property.

Mr. Cherry asked about the other houses and how they are all zoned agricultural. Mr. Kramer stated those were all allocations when there was the 5 acre, 10 acre, 60 acre or 40 acre rule and this lot does not fall under those rules. Also there was no allocation available.

There was some discussion of the weird shape of the rezoning and asked why they would not rezone more land to build more homes. Mr. Kramer stated the shape prevents it from getting more R-1 zonings and the petitioner only wants 1 home on this property.

With no further testimony, Chairman Mohr closed the testimony and reviewed the Findings of Fact and were approved as follows:

*Existing uses of property within the general area of the property in question.* The current existing uses to the west are residential with lots ranging from 1 to 8 acres. The rezoning will be consistent with the general area and will not alter the overall principal uses of the property.

*The Zoning classification of property within the general area of the property in question.* The zoning classifications within the general area are currently R-1, R-2 and A-1.

*The suitability of the property in question for the uses permitted under the existing zoning classification.* The petitioners would like to rezone part of their property to R-1 in order to build a house. The property must be rezoned to build a home. A lot of this property is wooded.

*The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification.* The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in that area is agricultural with residential houses. The rezoning to R-1 should have little impact on further development with the area as it would be consistent with surrounding area.

*Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.* The Land Resource Management Plan calls for this property to be Rural Residential which would be consistent with an R-1 zoning designation and the Village of Oswego also calls for this property to be residential.

Karen Clementi approved staff’s findings of fact as written, Tom LeCuyer seconded the motion. All were in favor of approving the findings of fact.
With no further suggestions or changes Donna McKay made a motion, seconded by Karen Clementi to approve the rezoning. With a roll call vote all were in favor and the rezoning will be forwarded onto the PBZ Committee.

**#13-08 ZPAC Definition**
Planner Zubko stated this text change is to allow any member of the PBZ Committee to attend the ZPAC meeting instead of just the PBZ Chair as the definition is currently worded. The ZPAC (Zoning, Platting and Advisory Committee) consists of all staff. The Plan Commission suggested added language to include 1 vote out of the 5 PBZ members just for clarification.

There was no audience member to discuss this text amendment.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Donna McKay to approve the text amendment. With a roll call vote all were in favor and the text amendment will be forwarded to the PBZ Committee.

**REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES**
None (2 variances last meeting)

**Update about fencing** Planner Zubko stated she talked about this at the last PBZ Committee meeting and there was much discussion on the topic. The conclusion was since there have been no other issues in the last 6 years they did not want to change the process. They felt it was the ZBA’s decision if they want to approve the variances or not. Planner Zubko suggested talking to County Board members about the issue to help them understand.

**NEW BUSINESS** None

**OLD BUSINESS** None

**ADJOURNMENT**
Karen Clementi made a motion to adjourn the ZBA meeting, Dick Whitfield seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:50 p.m. The next meeting will be on May 28, 2013.

Respectfully Submitted,
Angela L. Zubko
Senior Planner & Recording Secretary