MINUTES – KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
June 5, 2017 – 7:00 p.m.

CALL TO ORDER
At 7:05 p.m., Chair Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members Present: Randy Mohr, Karen Clementi, Tom LeCuyer, Donna McKay and Dick Whitfield.
Members Absent: Scott Cherry and Dick Thompson
Staff Present: Matthew Asselmeier, AICP, Senior Planner, Scott Koeppel Acting Interim Director of Planning, Building and Zoning, Michael Goers, PBZ Intern, and Matthew Prochaska, County Board Member
Public: Jeff Spang, Fox Township Supervisor, Steve Grobl, Gerald Clancy and Greg Johnson

MINUTES
Mr. Whitfield, seconded by Mr. LeCuyer, moved to approve the May 1, 2017 meeting minutes. With a voice vote of all ayes, the motion was approved.

PETITION
17-12 Gerald Clancy
Request: Variance to Section 7.01.G.2.b of the Zoning Ordinance
Location: 9517 Finnie Road, Newark (Approximately 0.5 Miles Northeast of the Intersection of Finnie Road and Millington Road), Fox Township
PIN(s): 04-19-100-002
Purpose: Request to Reduce the Front Yard Setback from 150 Feet to Approximately 60 Feet in Order to Construct an Accessory Structure (Garage); Property is Zoned A-1

Chairman Mohr opened the public hearing and swore in all members of the public that wished to speak about the variance.

Mr. Asselmeier summarized the petition and reviewed the Staff Report. He noted that Fox Township verbally requested that the decision on this petition be laid over because the Fox Township Board has not met to discuss this matter. Mr. Asselmeier suggested that the setback request be reduced to place the proposed garage in-line with the existing house, which is approximately eight-one point one feet (81.1’) from the centerline of Finnie Road. In addition, the site plan should be changed by correcting the zoning of the property to the south of the subject property; the property is zoned A-1 not S-1. Also, the spelling of the last name of the owner of the property south of the subject property should be corrected.

Jeff Spang, Fox Township Supervisor, stated that he was sworn-in as Township Supervisor on May 15th and that the Fox Township Board has not had an opportunity to discuss this proposal. Accordingly, he would like the matter laid over until the Fox Township Board could meet. Their meeting is scheduled for June 12th.
Gerald Clancy, the petitioner, stated that the parcel is not wide enough to build a garage without encroaching into either the front or rear yard setback.

Chairman Mohr asked about the impact a delay would have on Mr. Clancy’s construction plans. Mr. Clancy responded that he already ordered the material and scheduled the construction crew.

Ms. Clementi asked if there was any other location on the property that the proposed garage could be constructed. She also expressed concerns about preserving the scenic status of Finnie Road. Mr. Clancy responded that the well and septic field for the property were located on the north side of the house and that constructing the garage on his western parcel would place the garage a significant distance from the house.

Mr. Whitfield asked about the location of the driveway in relation to the adjoining property. Mr. Clancy stated there was plenty of room for the driveway.

Mr. Whitfield asked if the petitioner had any objection to backing the garage up to line up with the front of the house. Mr. Clancy stated that he had no objections to this suggestion.

Ms. McKay asked about the visual for backing out of the driveway. Mr. Clancy said that no obstructions exist, either for people backing onto Finnie Road or motorists on Finnie Road.

Ms. McKay asked if any improvements were planned for Finnie Road. Mr. Asselmeier stated that the County was not aware of any plans to widen Finnie Road.

Chairman Mohr asked if the petitioner planned another road cut. Mr. Clancy said that he would not put a second road cut onto the road. He would deepen the road cut on his property, if the garage is moved west.

Steve Grobl of Naperville, owner of the property south of the subject property, expressed concerns about the location of the driveway in relation to the property. The driveway would be eleven feet (11’) from the property line. Mr. Grobl expressed concerns about the garage opening to the south. Mr. Grobl also believed that the well was located south of the house and that the petitioner had more land north of the house to build the proposed garage. The existing driveway would be vacated.

Jeff Spang asked if the doors would open south, per the drawing. Mr. Clancy clarified that the vehicle doors would open towards the street (east) and the man door would open towards the house (north).

Mr. Clancy said that the existing parking area would be removed.

Ms. McKay asked if having four cars parked on the pad was normal. Mr. Clancy said that fewer cars are normally parked on the pad. Once the garage is built, there will not be surplus cars parked on the pad.

There being no further questions or comments, Mr. Asselmeier noted that the applicant’s green cards and certificate of publication are on file.

Chairman Mohr adjourned the public hearing on this matter at 7:25 p.m.
Chairman Mohr asked if the applicant had to re-submit if the matter was laid over. Mr. Asselmeier responded that the Board was not bound to make a decision this evening; they could issue a ruling at a future date and time.

Ms. Clementi asked if any neighbors or anyone else submitted comments. Mr. Asselmeier stated no additional written comments were received.

Restrictions on the variance would be added when the Board considers it final vote.

The findings of facts are based off of both the original application and the testimony provided at the public hearing.

Chairman Mohr asked for a motion to approve the findings of fact. The consensus of the Board was to wait on approving the findings of fact until a later date. Ms. McKay made a motion, seconded by Ms. Clementi to lay over the approving the findings of fact and granting a final ruling on the requested variance for one (1) month. By a voice vote, the motion passed unanimously.

The consensus of the Board was to cancel the July 3, 2017 meeting. Chairman Mohr said that he would call a special meeting on July 10, 2017 at 7:30 p.m. to take final action on the requested variance.

The Board’s discussion of Petition 17-12 ended at 7:40 p.m. and the Board started discussion of Petition 17-13 at 7:40 p.m.

**PETITION 17-13**

**Greg and Shelley Johnson**

Request: Variance to Section 8.08.E.1 of the Zoning Ordinance

Location: 66 Quinsey Lane, Yorkville (Approximately Approximately 1000 Feet East of the T-Intersection of Quinsey Road and E. Spring Street), Bristol Township

PIN(s): 02-34-151-010

Purpose: Request to Reduce the Front Yard Setback from 50 Feet to Approximately 26 Feet in Order to Construct an Accessory Structure (Garage); Property is Zoned R-3

Mr. Asselmeier summarized the petition and reviewed the Staff Report. The petitioners previously received approval for the existing garage in 1998. They would like to construct another garage at the same setback line as the existing garage. The proposed garage is located at the northwest corner of their property and is approximately sixty-two feet (62’) north of the septic field. Quinsey Lane is a private road.

Chairman Mohr asked if this property was the final property on Quinsey Lane. Mr. Asselmeier responded that approximately six (6) homes were located on Quinsey Lane east of the subject property.

Greg Johnson, the petitioner, said he was in attendance to answer any question the Board may have.

Ms. Clementi asked if the petitioner intended to use the proposed garage for business purposes. Mr. Johnson said that the garage would not be used for any commercial enterprise; it would be used for storage and for parking his truck out of the weather.
There being no further questions or comments, Mr. Asselmeier noted that the applicant’s green cards and certificate of publication are on file.

At 7:46 p.m., Chairman Mohr closed the public hearing on the variance request related to 66 Quinsey Lane.

Chairman Mohr presented the Findings of Fact as proposed by Staff and outlined in Section 13.04.A.3 of the Zoning Ordinance and requested a vote on each finding.

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.*  
True, the size of the property, the proximity to the Fox River and adjoining floodplain, and the placement of the well, septic tank and septic field severely limits the potential locations for the proposed structure on the petitioners’ property.

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.*  
True, the only other R-3 zoned properties that experience the same conditions would be properties of a similar size and located near a waterway. The majority of R-3 zoned properties in Kendall County are not of a similar size and are not located near a waterway.

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.*  
True, the petitioners did not create the flood area or create the parcel configuration that prevents them from constructing the proposed accessory structure in other locations on the property.

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.*  
True, the construction of the proposed garage will not be detrimental to the public welfare or injurious to other properties.

*That 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.*  
True, the proposed accessory structure will not block light or air from adjacent properties. The proposed structure is intended for private, residential use and not a commercial enterprise. Quinsey Lane is a private street and the proposed structure and use will not cause an increase in traffic on Quinsey Lane or the public streets used to access Quinsey Lane. The proposed variance will not diminish property values in the area. Provided the garage is constructed to code, no increase of fire or public safety is anticipated by this proposal.

Mr. Whitfield, seconded by Mr. LeCuyer, made a motion to approve the findings of fact as presented. By a voice vote, the motion was approved unanimously.

Mr. Whitfield, seconded by Ms. Clementi, made a motion to approve the variance as requested. The votes were as follows:
Ayes (5): Mohr, Clementi, LeCuyer, McKay and Whitfield
Nays (0): None
Absent (2): Cherry and Thompson

The motion passed.

Bristol Township will be informed and given fifteen (15) days to file a formal objection.

The Board’s discussion of Petition 17-13 ended at 7:47 p.m.

**REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD**

16-22 JA Schleining LLC d/b/a Jets Towing and Services; Map Amendment at 790 Eldamain Road was approved by the County Board.

16-26 John and Sharon Pagel Living Trust; Map Amendment at 2380 Burkhart Drive was approved by the County Board.

Ms. Clementi asked for an update on Kingmoor Lane. Mr. Asselmeier stated that the Illinois Department of Transportation (IDOT) is working on reconfiguring the infiltration pond. They (IDOT) do not want to relocate Kingmoor Lane greater than five hundred feet (500’).

**NEW BUSINESS/OLD BUSINESS**

None

**PUBLIC COMMENT**

None

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Ms. McKay, seconded by Mr. LeCuyer made a motion to adjourn. By voice vote, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 8:20 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner

Exhibits
1. Staff Report on Petition 17-12 Dated May 26, 2017
2. Staff Report on Petition 17-13 Dated May 15, 2017
INTRODUCTION
The petitioner, Gerald Clancy, is requesting a variance to the required front yard setback for accessory structures to locate one (1) 576 square foot, two (2) door garage approximately sixty (60) feet from the centerline of Finnie Road. This structure would encroach into the required front yard setback of one hundred fifty (150) feet by approximately ninety (90) feet. The survey is included as Attachment 1. The elevations of the proposed garage are included as Attachment 2.

The survey (Attachment 1) shows two (2) parcels, Parcel One and Parcel Two. The petitioner would like to place the proposed garage placed on Parcel One, the eastern parcel. While the information for Parcel Two is included on the survey, the petitioner’s application and the legal description that printed in the newspaper only included information for Parcel One.

SITE INFORMATION

<table>
<thead>
<tr>
<th>PETITIONER</th>
<th>Gerald Clancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDRESS</td>
<td>9517 Finnie Road, Newark</td>
</tr>
<tr>
<td>LOCATION</td>
<td>Approximately 0.5 Miles Northeast of the Finnie Road/Millington Road Interchange on the West Side of Finnie Road</td>
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</table>
TOWNSHIP  
Fox

PARCEL #  
04-19-100-002

LOT SIZE  
3.19 acres

EXITING LAND USE  
Agricultural

ZONING  
A-1 Agricultural District

<table>
<thead>
<tr>
<th>LRMP</th>
<th>Current Land Use</th>
<th>Future Land Use</th>
<th>Roads</th>
<th>Trails</th>
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</thead>
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<tr>
<td></td>
<td>Agricultural/Farmstead</td>
<td>Agricultural</td>
<td>Finnie Road is a Township Road classified as Scenic Route</td>
<td>A Multi-Use Trail is planned along the East Side of Finnie Road</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Floodplain/Wetlands</td>
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REQUESTED ACTION  
Request for a variance to the required front yard setback for the construction of one (1) 576 square foot accessory structure (2 car garage).

APPLICABLE REGULATIONS  
§ 7.01 G.2.b – A-1 Agricultural District – Site and Structure Requirements – Setbacks – Accessory Structures – One hundred (100) feet from a dedicated road right-of-way or one hundred and fifty (150) feet from the center line of all adjacent roads, whichever is greater.

§13.04 – Variation procedures and requirements.

<table>
<thead>
<tr>
<th>SURROUNDING LAND USE Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
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<td>North</td>
<td>Agricultural/Farmstead</td>
<td>A-1 and A-1 Building Permit</td>
<td>Agricultural</td>
<td>A-1 and A-1 Building Permit</td>
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<tr>
<td>South</td>
<td>Agricultural/Farmstead</td>
<td>A-1 and A-1 SU</td>
<td>Agricultural</td>
<td>A-1 and A-1 SU</td>
</tr>
<tr>
<td>East</td>
<td>Agricultural/Farmstead</td>
<td>A-1, R-3</td>
<td>Countryside Residential (Max 0.33 du/acre)</td>
<td>A-1</td>
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<tr>
<td>West</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Agricultural</td>
<td>A-1</td>
</tr>
</tbody>
</table>

ZBA Memo – Prepared by Matt Asselmeier – May 26, 2017
GENERAL
The existing house is approximately eighty-one (81) feet from the center of Finnie Road. The petitioner also has three (3) sheds and two (2) pole barns on the property.

Finnie Road in front of the property is straight, but is slightly rolling.

Per Attachment 2, the car doors for the garage would face south; the man door would face east towards Finnie Road.

Per the petitioner, the existing well, septic tank septic field is located on the north side of the house.

Pictures of the property are included as Attachments 3-7.

Fox Township
Fox Township was mailed information about the petition on May 11th. On May 23rd, the Fox Township Supervisor informed Staff that he would request a layover of this request to allow the Fox Township Board an opportunity to review this request. The Fox Township Board meets on June 12th.

FINDINGS OF FACT
The petitioner’s findings of fact are included as Attachment 8.

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in italics. Staff has provided findings in bold below based on the recommendation:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. Given the current layout of buildings on the property and the location of the well, septic tank and septic field, the petitioner could not construct a garage near the house on the north side of the house. If the petitioner constructed the garage to the south of the house outside of the setback, the petitioner would have to reconfigure the privacy fence.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This statement is partially true. The existing house was constructed prior to modern zoning which impacts the location of the proposed garage. However, other agriculturally zoned properties could have farm houses constructed prior to modern zoning regulations and could request a similar variance.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. True, the current owner was not involved with the platting of the existing parcels, the construction of the existing home, or the installation of the well and septic system.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The granting of the variation will not be detrimental to the public welfare. Finnie Road is a straight road on slightly rolling topography in this area. The proposed garage will not negatively impact motorists on Finnie Road. If constructed as proposed, the proposed garage will not be injurious to other properties in the neighborhood.

That 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. The property to the east is heavily wooded, with tall trees. The proposed garage will not block an adequate supply of light and air from reaching adjacent properties. The proposed garage is planned for residential use only, not a commercial use. Accordingly, the proposed garage will not cause additional traffic on Finnie Road. If constructed as proposed, the proposed garage will not increase the danger of fire in the area. The proposed garage will not block lines-of-sight for motorists. The proposed garage will not diminish or impair property values in the area.
RECOMMENDATION
Staff has no objections to the approval of the variance request for the construction of a garage as described in the attached documents to be located approximately sixty (60) feet from the centerline of Finnie Road. The Board may wish to consider reducing the setback request from approximately ninety (90) feet to approximately seventy (70) which would place the garage in line with the front of the house for aesthetic purposes.

Prior to the recording of the site plan, the petitioner shall correct the zoning notation and the spelling of the last name of the property to the south of the subject property, identified by parcel ID number 04-19-300-009; the property is zoned A-1 not S-1 and the property owner’s last name is spelled Grobl.

The variance shall only apply to that portion of the property indicated as Parcel 1 as described on the legal description shown in Attachment 1.

ATTACHMENTS
1. Site Plan
2. Garage Elevations
3. Site Location
4. Site Location Looking South
5. Site Location Looking North
6. Finnie Road Looking South
7. Finnie Road Looking North
8. Petitioner’s Findings of Fact
DIY Pole Barns & Supplies  
9232 Hogpath Road  Arcanum, OH 45304  
Business: 937-547-9100  Fax: 937-547-9122  
Sales Associate: John Wise

**Building Specifications**

- Building Width: 24'  
- Building Length: 24'  
- Building Height: 10'  
- Eave Overhang: 12 in.  
- Gable Overhang: 0 in.  
- Pitch of Roof: 4 in/12  
- Style of Building: Post Frame

**Customer Information**

- Customer Name: Jerry Clancy  
- Customer Address: 9517 Finnie Rd Newark, IL 60541  
- Customer Phone: [Redacted]  
- Estimate Number: 11490  
- Date of Estimate: 4/24/2017  
- This quote is good for 30 days.

Note: The reports, elevations, diagrams, and drawings included in this estimate are not architectural blueprints. The builder is responsible for structural integrity, proper usage of materials, and adhering to local building codes. Always be sure to verify the materials and drawing packet with your local building inspector, engineer, or architect. Every effort has been made to create accurate and detailed drawings and reports. However, due to the number of combinations of materials that can be used, there exists the possibility for errors. This packet is an estimate and should be reviewed by the builder before starting the project. Symrun Systems, Inc. accepts no responsibility for engineering, building code violations, or the structural integrity of the building.

Jerry Clancy  
Estimate Number: 11490  
4/26/2017
<table>
<thead>
<tr>
<th>Order</th>
<th>Work Flow</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Level Pad</td>
</tr>
<tr>
<td>2</td>
<td>Square batten boards and string</td>
</tr>
<tr>
<td>3</td>
<td>Punch Holes</td>
</tr>
<tr>
<td>4</td>
<td>Install Footers</td>
</tr>
<tr>
<td>5</td>
<td>Set Posts</td>
</tr>
<tr>
<td>6</td>
<td>Install Skirtboards</td>
</tr>
<tr>
<td>7</td>
<td>Install highest wallgirt that can be reached with a ladder</td>
</tr>
<tr>
<td>8</td>
<td>Install rest of wall girts</td>
</tr>
<tr>
<td>9</td>
<td>Install truss carrier</td>
</tr>
<tr>
<td>10</td>
<td>Install wall bracing 2x4x16 on one eave wall</td>
</tr>
<tr>
<td>11</td>
<td>Install Truss Blocking</td>
</tr>
<tr>
<td>12</td>
<td>Install Trusses (ensuring building squarness)</td>
</tr>
<tr>
<td>13</td>
<td>Install purlins</td>
</tr>
<tr>
<td>14</td>
<td>Install Truss Bracing</td>
</tr>
<tr>
<td>15</td>
<td>Install diagonal bracing</td>
</tr>
<tr>
<td>16</td>
<td>Frame out openings</td>
</tr>
<tr>
<td>17</td>
<td>Install windows and walkdoors</td>
</tr>
<tr>
<td>18</td>
<td>Install Ratguard</td>
</tr>
<tr>
<td>19</td>
<td>Install F &amp; J trim</td>
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<td>20</td>
<td>Install soffit</td>
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<tr>
<td>21</td>
<td>Install Fascia</td>
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<tr>
<td>22</td>
<td>Install Roof Edge</td>
</tr>
<tr>
<td>23</td>
<td>Install roof panels</td>
</tr>
<tr>
<td>24</td>
<td>Install roof outside corners (rack trim)</td>
</tr>
<tr>
<td>25</td>
<td>Install Ridge Vent</td>
</tr>
<tr>
<td>26</td>
<td>Install Ridge Cap</td>
</tr>
<tr>
<td>27</td>
<td>Trim around Openings</td>
</tr>
<tr>
<td>28</td>
<td>Install Siding</td>
</tr>
<tr>
<td>29</td>
<td>Install Overhead Doors or Sliding Doors</td>
</tr>
</tbody>
</table>
Footing / Skirtboard Detail

Attach Retail to Skirtboard w/ 6-1/2" Screen

Retail Guard / Base Angle

Pressure Treated Skirtboard

2 x 6 Batt Cleat
Cleat attached with (4) 16d Nails

Hole Size: 5/8" Diameter (Typ.)

Structural Post

15" x 4" Pre-Cast Concrete Footing

Jerry Clancy
Estimate Number: 11490
4/16/2017
Please fill out the following findings of fact to the best of your capabilities. § 13.04 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall take into consideration the extent to which the following conditions have been established by the evidence:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.

DUE TO THE SHAPE OF THE LOT THE SEPTIC FIELD HAD TO GO ON ONE SIDE OF THE HOUSE ONLY LEAVING THE OTHER SIDE FOR THIS STRUCTURE

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.

THE CURRENT HOUSE WAS BUILT BEFORE MODERN ZONING WHICH LIMITS THE LOCATION OF GARAGES ON THE LOT.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

THE PRESENT OWNER DID NOT CONSTRUCT THE HOUSE 110 YEARS AGO AND WAS NOT INVOLVED IN THE CREATION OF THE LOT AS IT EXISTS TODAY

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.

THE GRANTING OF THE VARIATION WILL NOT MATERIALLY BE DETRIMENTAL TO THE PUBLIC WELFARE OR SUBSTANTIALLY INJURIOUS TO OTHER PROPERTY OR IMPROVEMENTS IN THE NEIGHBORHOODS IN WHICH THE PROPERTY IS LOCATED

That 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.

THE VARIATION WILL NOT DO ANY OF THE ABOVE
INTRODUCTION
The petitioners, Greg and Shelley Johnson, would like to construct a 30 foot X 32 foot detached garage on the north side of their property. The proposed structure would be 26 feet from the front property line and 14.5 feet from the west property line. A 24 foot variance from the front property line is required in order for the petitioners to construct the requested garage. A copy of the site plan is included as Attachment 1.

An existing garage, house and shed are located on the property. The petitioners obtained a variance in 1999 (Petition 9936) from the front yard setback requirements in order to construct the existing garage. The proposed garage would be constructed at the same setback as the existing garage.

A copy of the petitioner’s application, including their proposed findings of fact, is included as Attachment 2.

SITE INFORMATION

<table>
<thead>
<tr>
<th>PETITIONER</th>
<th>Greg and Shelley Johnson</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDRESS</td>
<td>66 Quinsey Lane, Yorkville</td>
</tr>
<tr>
<td>LOCATION</td>
<td>Approximately 1000 Feet East of the T-Intersection of Quinsey Road and E. Spring Street</td>
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17-13
Greg and Shelley Johnson
Variance
Front Yard Setback for Accessory Structure
TOWNSHIP  Bristol
PARCEL #   02-34-151-010
LOT SIZE  0.46 acres
EXITING LAND USE  Single-Family Residential
ZONING  R-3 One Family Residential

<table>
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<tr>
<th>LRMP</th>
<th>Current Land Use</th>
<th>Future Land Use</th>
<th>Roads</th>
<th>Trails</th>
<th>Floodplain/ Wetlands</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Single Family Residential</td>
<td>Suburban Residential (max 1.00 du/acre)</td>
<td>Quinsey Lane is a gravel, private road</td>
<td>None</td>
<td>Yes-Fox River</td>
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REQUESTED ACTION
Request for a variance to the required front yard setback for the construction of one (1) 30 foot X 32 foot garage.

APPLICABLE REGULATIONS
§ 8.08 E.1 – R-3 One Family Residence District – Yard Areas – Front Yard – Fifty Foot (50’) Front Yard Setback Required.

§13.04 – Variation Procedures and Requirements

<table>
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<tr>
<th>SURROUNDING LAND USE</th>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
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<td>North</td>
<td>Agricultural/ Wooded</td>
<td>R-1</td>
<td>Suburban Residential</td>
<td>R-1 and Yorkville Residential</td>
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<td>South</td>
<td>Single Family and Fox River</td>
<td>A-1 (South of the Fox River)</td>
<td>Suburban Residential</td>
<td>Fox River and A-1</td>
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<td>Suburban Residential</td>
<td>R-3, A-1 and Yorkville Residential</td>
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<td></td>
<td>West</td>
<td>Single Family Residential</td>
<td>R-3</td>
<td>Suburban Residential</td>
<td>R-3, R-2, A-1 and Yorkville Residential</td>
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GENERAL INFORMATION
Pictures of the subject property are included as Attachment 3-9. The proposed garage would face east, towards the existing garage. The plants shown in Attachment 3 and 7 would be removed.
A copy of the Kendall County Health Department’s evaluation of the property is included as Attachment 10. As shown on the drawing on page 2, the well is located near the house. The septic tank is located near the proposed new addition to the house and the septic field is approximately 62 feet from the proposed garage.

As shown on Attachments 8 and 9, many of the neighboring properties have accessory structures at or near the same distance from the roadway as the petitioners.

BRISTOL TOWNSHIP
To date, Bristol Township has not submitted any comments regarding this proposal.

FINDINGS OF FACT
§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in italics. Staff has provided findings in bold below based on the recommendation:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. True, the size of the property, the proximity to the Fox River and adjoining floodplain, and the placement of the well, septic tank and septic field severely limits the potential locations for the proposed structure on the petitioners’ property.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. True, the only other R-3 zoned properties that experience the same conditions would be properties of a similar size and located near a waterway. The majority of R-3 zoned properties in Kendall County are not of a similar size and are not located near a waterway.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. True, the petitioners did not create the flood area or create the parcel configuration that prevents them from constructing the proposed accessory structure in other locations on the property.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. True, the construction of the proposed garage will not be detrimental to the public welfare or injurious to other properties.

That 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. True, the proposed accessory structure will not block light or air from adjacent properties. The proposed structure is intended for private, residential use and not a commercial enterprise. Quinsey Lane is a private street and the proposed structure and use will not cause an increase in traffic on Quinsey Lane or the public streets used to access Quinsey Lane. The proposed variance will not diminish property values in the area. Provided the garage is constructed to code, no increase of fire or public safety is anticipated by this proposal.

RECOMMENDATION
Staff recommends approval of the variance request for the construction of an accessory garage as shown in Attachment 1 to be setback approximately 26’ from the front property line.

ATTACHMENTS
1. Site Plan
2. Application
3. Garage Location West
4. Garage Location East
5. Driveway Location West
6. Driveway East and Garage
7. Site Looking North
8. Quinsey Lane Looking East
9. Quinsey Lane Looking West
10. Health Department Report
### Attachment 2 Pg 1

**DEPARTMENT OF PLANNING, BUILDING & ZONING**
111 West Fox Street • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

**APPLICATION**

**PROJECT NAME**: Johnson Garage
**FILE #**: 17-13

<table>
<thead>
<tr>
<th>NAME OF APPLICANT</th>
<th>Greg &amp; Shelley Johnson</th>
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<tr>
<td>CURRENT LANDOWNER/NAME(s)</td>
<td>Same</td>
</tr>
<tr>
<td>SITE INFORMATION</td>
<td>SITE ADDRESS OR LOCATION</td>
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<tr>
<td>ACRES 0.46</td>
<td>66 Quinsey Lane Yorkville, Illinois 60560</td>
</tr>
<tr>
<td>EXISTING LAND USE</td>
<td>CURRENT ZONING</td>
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<td>Single family residence</td>
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**REQUESTED ACTION** (Check All That Apply):

- [ ] SPECIAL USE
- [ ] MAP AMENDMENT (Rezone to ___)
- [X] VARIANCE
- [ ] ADMINISTRATIVE VARIANCE
  - A-1 CONDITIONAL USE for: 
- [ ] SITE PLAN REVIEW
- [ ] TEXT AMENDMENT
  - PRELIMINARY PLAT
  - FINAL PLAT
- [ ] ADMINISTRATIVE APPEAL
  - OTHER PLAT (Vacation, Dedication, etc.)
- [ ] AMENDMENT TO A SPECIAL USE (___ Major, ___ Minor)

**PRIMARY CONTACT**

<table>
<thead>
<tr>
<th>Name</th>
<th>PRIMARY CONTACT MAILING ADDRESS</th>
<th>PRIMARY CONTACT EMAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greg Johnson</td>
<td>66 Quinsey Lane, Yorkville IL 60560</td>
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**PRIMARY CONTACT PHONE #**

<table>
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<th>PRIMARY CONTACT OTHER #(Cell, etc.)</th>
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**ENGINEER CONTACT**

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<th>Name</th>
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<th>ENGINEER EMAIL</th>
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</thead>
<tbody>
<tr>
<td>William M. Wingstedt</td>
<td>329 White Pines Ct. Oswego, Illinois 60543</td>
<td><a href="mailto:WWING@AOL.COM">WWING@AOL.COM</a></td>
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**ENGINEER PHONE #**

<table>
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<tr>
<th>630-554-8209</th>
<th>ENGINEER FAX #</th>
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</tr>
</thead>
<tbody>
<tr>
<td>630-533-0338</td>
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<td></td>
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</table>

I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.

I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.

**SIGNATURE OF APPLICANT**

<table>
<thead>
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<th>FEE PAID: $ 4,567.00</th>
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<tbody>
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<td>CHECK #: 123</td>
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**DATE**: 05.05.17

---

1Primary Contact will receive all correspondence from County
2Engineering Contact will receive all correspondence from the County's Engineering Consultants

Last Revised: 9.28.12
Special Use

Date Stamp Here If Checklist Is Complete
WARRANTY DEED

THE GRANTOR(S)
JAMES G. MORRIS, JR. and
LISA A. MORRIS, husband and
wife,

in the Town of Yorkville,
County of Kendall, State of
Illinois

for and in consideration of Ten Dollars and other good and valuable
consideration in hand paid, and SHELLEY A. JOHNSON
and wife, not as Joint Tenants or Tenants in Common,
but as TENANTS BY THE ENTIRETY,
109 Union, Newark, Illinois 60541

the following described Real Estate situated in the County of Kendall in the
State of Illinois, to wit: (see reverse for legal description.) hereby
releasing and waiving all rights under and by virtue of the Homestead
Exemption Laws of the State of Illinois. TO HAVE AND TO HOLD said premises
not as tenancy in common, but as Joint Tenants, forever.

Permanent Index Number (PIN): 02-34-151-010

Address(es) of Real Estate: 66 Quinsey Lane, Yorkville, Illinois 60560

Dated this 26th day of June 1996

JAMES G. MORRIS, JR. (SEAL)   LISA A. MORRIS (SEAL)

(SEAL)   (SEAL)

State of Illinois, County of Kendall ss. I, the undersigned,
Notary Public in and for said County, in the
State aforesaid, DO HEREBY CERTIFY that
JAMES G. MORRIS, JR. and LISA A. MORRIS, his wife
personally known to me to be the same persons whose name
subscribed to the foregoing instrument, appeared before me
this day in person, and acknowledged that they signed,
sealed and delivered the said instrument as their
free and voluntary act, for the uses and purposes therein
set forth, including the release and waiver of the right of
homestead.

Given under my hand and official seal, this 26 day of June 1996

Commission expires May 1, 1999
Notary Public
LEGAL DESCRIPTION

of premises commonly known as 66 Quinsey Lane

Yorkville, Illinois 60560

Permanent Index Number (PIN): 02-34-151-010

LOTS 9 AND 10 (EXCEPT THE NORTHERLY 16 FEET OF SAID LOTS) OF NELSON J. QUINSEY'S SUBDIVISION, ACCORDING TO THE PLAT OF SURVEY RECORDED MARCH 3, 1922 IN BOOK 7 OF PLATS, PAGE 11, IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

Subject to building lines, easements, covenants, conditions and restrictions of record, if any.

This instrument was prepared by: Anthony Zombolas  15 Spinning Wheel Road
Hinsdale, Illinois 60521

SEND SUBSEQUENT TAX BILLS TO:

GREGORY J. JOHNSON + SHELLEY JOHNSON
66 Quinsey Lane
Yorkville, Illinois 60560

MAIL TO:

GREGORY JOHNSON
66 Quinsey Lane
Yorkville, IL 60560
STATE OF ILLINOIS)  
COUNTY OF  

JAMES G. MORRIS, JR., being duly sworn on oath, 
states that he/she resides at 66 Quinsey Lane, Yorkville, Illinois 60560. 
That the attached deed is not in violation of Section 205/1 of Chapter 765 
of the Illinois Compiled Statutes for one of the following reasons: (circle one) 

1. The division or subdivision of land is into parcels or tracts of five 
   acres or more in size which does not involve any new streets or easements of 
   access. 

2. The division is of lots or blocks of less than one acre in any recorded 
   subdivision which does not involve any new streets or easements of access. 

3. The sale or exchange of parcels of land is between owners of adjoining 
   and contiguous land. 

4. The conveyance is of parcels of land or interests therein for use as a 
   right of way for railroads or other public utility facilities, which does 
   not involve any new streets or easements of access. 

5. The conveyance is of land owned by a railroad or other public utility 
   which does not involve any new streets or easements of access. 

6. The conveyance is of land for highway or other public purposes or grants 
   of conveyances relating to the dedication of land for public use or 
   instruments relating to the vacation of land impressed with a public use. 

7. The conveyance is made to correct descriptions in prior conveyances. 

8. The sale or exchange is of parcels or tracts of land following the 
   division into no more than two parts of a particular parcel or tract of land 
   existing on July 17, 1959 and not involving any new streets or easements of 
   access. 

9. The sale is of a single lot of less than five acres from a larger tract, 
   the dimensions and configuration of said larger tract having been determined 
   by the dimensions and configuration of said larger tract on October 1, 1973, 
   and no sale, prior to this sale, of any lot or lots from said larger tract 
   having taken place since October 1, 1973, and a survey of said single lot 
   having been made by a registered land surveyor. 

10. The conveyance is of land described in the same manner as title was 
    taken by the grantor(s).
AFFIANT further states that he/she makes this affidavit for the purpose of inducing the Recorder of KENDALL County, State of Illinois, to accept the attached deed for recording.

SUBSCRIBED AND SWORN TO BEFORE ME

this 24th day of June, 1996.

JAMES G. MORRIS, JR.

Affiant

NOTARY PUBLIC

OFFICIAL SEAL
CAROLYN A. HERREN
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 5/1/98

This form furnished to our attorney customers by

First American Title Insurance Company
Please fill out the following findings of fact to the best of your capabilities. § 13.04 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall take into consideration the extent to which the following conditions have been established by the evidence:

The applicants, Greg & Shelley Johnson, wish to construct a detached garage in the northwest portion of their property, 66 Quinsey Lane, Yorkville - Lots 9 & 10 of Nelson J Quinsey subdivision. The applicants are requesting an exception of twenty-four feet to the fifty foot setback outlined under 8.08.E.1 of the Kendall County zoning ordinance.

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.

The proximity of the water well, septic system, existing structures, road easement and floodplain of the southern boundary result in a practical difficulty if strict adherence of the regulations were carried out. Please reference Kendall County Health Department site evaluation SE 17-016 and Plat of Survey.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.

The circumstances of this variation request are unique to the property and in general will not apply to other parcels of similar zoning classification.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

The physical conditions, Quinsey Lane, Fox River, dwelling, water well and septic system existed before the applicants purchased the parcel.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.

The proposed structure is approximately 925 feet from the nearest intersection and will not impede the line of site of pedestrians or vehicles while traveling Quinsey Lane. Drainage of adjacent property will not be impacted. Please reference Kendall County Health Department site evaluation SE 17-016 and Plat of Survey.

That 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.

There will be no discernable impact of light or air to adjacent property from the proposed structure due to its location. No increase in congestion, risk of fire or impairment of property value should occur as the structure will be built in compliance with all Kendall County building codes. Building materials, including exterior siding, windows and shingles will be the same as or similar in color and texture to all existing structures.
KENDALL COUNTY HEALTH DEPARTMENT
Environmental Health Services

BUILDING PROJECT SITE EVALUATION REQUEST — $50.00

State and describe the project or project site details that specific setback distances or environmentally sound methods are required to comply with any building code, land use or environmental regulations. The Kendall County Health Department (KCHD) provides a single plat of survey or a detailed drawing showing the location of all structure and features, property line, streets, and utilities to assist in the planning and review process. KCHD may require the property owner to provide the location of all on-site wastewater treatment system (OWTS) components. Prior to placing the OWTS, the OWTS is located on the property. It is the property owner's responsibility to locate and mark all the property's utilities, including but not limited to, the water well and the OWTS, as well as the public utilities lines to the building on the property. The KCHD recommends that the property owner or contractor mark the area where the building project will occur with a white paint or VHS tag.

OWNER'S NAME & BUILDING PROJECT ADDRESS

NAME: GREG & SHELLEY JOHNSON
ADDRESS: 60 QUINSEY LANE
CITY: YORKVILLE
PARCEL #: 02-34-151-010

DATE: MARCH 2017

PROJECT DETAILS, PLEASE MARK ALL THAT APPLY

- Accessory building
- Building addition
- Deck
- Driveway
- Farm building
- Garage
- In-ground irrigation system
- Fossil
- Fossil above ground
- Fossil in ground
- Others

Common setbacks to septic system

Property line - 15
Fossil line - 25
In-ground irrigation system - 25
Deck area or porches - 25

Common setbacks to water wells

Garage - 15
Fossil - 15
In-ground irrigation system - 25
Deck area or porches - 25

Common setbacks to septic field

Property line - 10
Fossil line - 25
In-ground irrigation system - 25
Deck area or porches - 25
INSPECTION NOTES:

3/21/17 - No records located. Called owner requesting it come back.

4/12/17 - Septic tank (75G gallon) is 42' from the well head.
Septic lines located - 2 lines - 63' from south wall.
One proposed location - septic lines are 60' in length based on plan but best estimate.

RELATED SEPTIC PERMIT RECORDS:

RELATED WELL PERMIT RECORDS:

PERMIT RECORDS PROVIDED TO PROPERTY OWNER:  

J.U.L.I.E. NOTIFIED ON:  4/12/17   

ORIGINAL J.U.L.I.E. DIG #:  A10030746