CALL TO ORDER – ZONING BOARD OF APPEALS

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield (will be absent in April)

MINUTES: Approval of minutes from the March 31, 2014 Zoning Board of Appeals meeting

PETITIONS:
1. 14-05 Scott Cosentino
Request Variances
Location 2490 Creek Road, Plano
Purpose Request a variance to build an addition that will be located 28’ from the side property line and 83’ from the centerline of Creek Road to match the existing home. The petitioner is seeking a 22’ variance and 67’ variance respectively.

2. 14-08 Zaranti/ DJK Custom Homes
Request Variances
Location Formally 2566 Wolf Road, Oswego
Purpose Request a variance to build a barn and farmstand that will exceed the 600 square feet that is permitted. The petitioners propose to have a 3,600 square foot building including two lean-tos. The building is 2,160 square feet and there are two 720 square lean-tos. The inside of the building will mostly be used for storage. They are also seeking to have parking in the front yard setback to consist of gravel.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD- None

NEW BUSINESS
Presentation of the Groundwater Study for Water Supply Planning in Kendall County, Illinois- Presentation on May 27th from 2-4pm in the Village of Oswego Board Room

OLD BUSINESS
Vote on changes to the By-laws- last month made the motion to vote this month

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on June 2, 2014
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
March 31, 2014 – 7:00 p.m.

CALL TO ORDER
At 7:03 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: Planning & Zoning Manager- Angela Zubko
Absent: None
In the audience: None

A quorum was present to conduct business.

MINUTES
Karen Clementi motioned to approve the January 27, 2014 ZBA meeting minutes. Scott Cherry seconded the motion. All were in favor and minutes were approved.

PETITIONS
#14-04 John Enlow – Variance
Planner Zubko stated the property is located at 208 Tuma Road about 0.8 miles south of Veteran’s Parkway (Route 34). The petitioner is requesting a variance to build an accessory structure (detached garage) that will be in the front yard setback. The regulation is a minimum of 50’ front yard setback in the R-3 District and the petitioners will be at 40’, requesting a 10’ variance. The property was platted in 1927 and part of the Fox River Gardens Subdivision. The property is 1.29 acres and as you can see from the aerial in the packet a few other properties directly east of this site already do not meet the 50’ setback. They are at about 32 and 40 feet. Also the petitioner will meet the 20’ height requirement and be 5’ from the south property line.

The reason the petitioners would like the variance is to preserve two 100++ old oak trees. Staff recommends approval of the variance.

Chairman Mohr opened the meeting for public testimony.

Ms. Clementi asked why they could not put it further back on the lot. Planner Zubko stated due to the trees and septic location and the petitioner would like to utilize the existing driveway.

With no testimony made, Chairman Mohr closed the testimony and reviewed the Findings of Fact for a variance, they were approved as follows:
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 petitioners are trying to preserve two 100++ year old oak trees.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties surrounding him already exceed the standard regulations but were built before the regulations existed.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The petitioners did not plant those trees.

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 requested variance should not affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood as they are similar.

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 proposed location of the accessory structure will not impair an adequate supply of light and air to adjacent properties and will not increase congestion on the roadways.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Donna McKay to approve the variance with staff’s findings of fact. With a roll call vote all were in favor and the variance was passed.

REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES- None

NEW BUSINESS

OLD BUSINESS
Vote on changes to the By-laws regarding the notification process- Planner Zubko stated this was put on hold last meeting to add something about notifications if there is a lack of a quorum, she has changed to text to show that modification. Mr. Thompson asked a few questions about public interest. Mr. Mohr wanted to change the word hearing to meeting on page 7 as the group does not feel a public hearing is needed on our own by-laws. Dick Whitfield made a motion to vote on these changes at the next meeting, Scott Cherry seconded the motion. This will be voted on at the next meeting.

PUBLIC COMMENT- There were no members in the audience that wanted to comment.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS- Next meeting will be on April 28, 2014
Karen Clementi made a motion to adjourn the ZBA meeting, Tom LeCuyer seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:16 p.m.
DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 203
Yorkville, IL • 60560
(630) 553-4141          Fax (630) 553-4179

14-05
Scott Cosentino
VARIANCES- Front & Side Yard Setback

SITE INFORMATION
PETITIONER Scott Cosentino
ADDRESS 2490 Creek Road, Plano
LOCATION About 0.75 miles north of Frazier Road on the east side of Creek Road
TOWNSHIP Little Rock
PARCEL # 01-17-200-002
LOT SIZE 0.61 acres
EXITING LAND USE Single Family Home
ZONING A-1 Agricultural

<table>
<thead>
<tr>
<th>LRMP</th>
<th>Land Use</th>
<th>County: Rural Estate Residential (Max. 0.45 d.u./acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Creek Road is classified as a scenic route</td>
<td></td>
</tr>
<tr>
<td>Trails</td>
<td>A trail is proposed on the east side of Creek Road</td>
<td></td>
</tr>
<tr>
<td>Floodplain/Wetlands</td>
<td>There are Floodways on this property; no wetlands</td>
<td></td>
</tr>
</tbody>
</table>

REQUESTED ACTION
Request for a variance to build two additions that will be located 28' from the side property line and 83' from the centerline of Creek Road to match the existing home front elevation. The petitioner is seeking a 22' variance and 67' variance respectively.

APPLICABLE REGULATIONS §7.01.H.2.a (A-1 Setbacks: Principal building setbacks) §13.04 (Variations)

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential</td>
<td>A-1</td>
<td>Rural Estate</td>
<td>A-1</td>
</tr>
<tr>
<td>South</td>
<td>Residential</td>
<td>A-1</td>
<td>Rural Estate</td>
<td>A-1</td>
</tr>
<tr>
<td>East</td>
<td>Hinsdale Nursery</td>
<td>A-1</td>
<td>Rural Estate</td>
<td>Little Rock Creek; A-1</td>
</tr>
<tr>
<td>West</td>
<td>Hinsdale Nursery</td>
<td>A-1</td>
<td>Agricultural</td>
<td>A-1</td>
</tr>
</tbody>
</table>

REQUESTED ACTION
GENERAL Request for a variance to build two additions that will be located 28' from the side property line and 83' from the centerline of Creek Road to match the existing home front elevation. The petitioner is seeking a 22' variance and 67' variance respectively.
The hardship in this case is the floodway. The Little Rock Creek has not been studied, therefore it is considered Zone A and FEMA is not quite sure where it floods. It has been determined on this property the 100 year base flood elevation (BFE) is 660.6' based on a previous Letter of Map Amendment submitted in 2008. The top of foundation for this house is 662.59', about 2' above the 100 year BFE. The proposed addition will not be in the floodway as well.

Blue represents the Floodway

ROADWAY Creek Road is classified as a scenic route which typically requires a 150' setback from the centerline of the roadway, since this house already exist and the proposed additions to not encroach into the setback any further staff recommends the variance to the front yard setback.

TRAIL A trail is shown on the east side of Creek Road. A trail easement will not be requested at this time as it would be hard to get an easement from other properties on the east side of the roadway due to the homes already being close to the front property line.

ENGINEERING COMMENTS Our engineer has one remaining comment with regards to the contours and drainage route: There is an existing drainage route going through the footprint of the proposed addition. Please depict proposed grade indicating the re-routing of surface flows. The existing drainage route is marked up on the survey for clarifications purposes. Directing water towards a house or foundation is not recommended. Minor grading can be depicted with contour modifications as indicated on the attached markup. Please depict revised grading.

FINDINGS OF FACT § 13.04.2 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are as follows:

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 petitioners do not want to build in a floodway.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties surrounding this property might have the same type of variance request in the future but only in this small section of the County.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The petitioners did not build the
house and currently are out of the floodway.

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 requested variances should not affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood as they are similar.

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 proposed locations of the additions will not impair an adequate supply of light and air to adjacent properties and will not increase congestion on the roadways.

RECOMMENDATION

Staff would recommend approval of the variances to build two additions that will be located 28' from the side property line and 83' from the centerline of Creek Road to match the existing home front elevation. The petitioner is seeking a 22' variance and 67' variance respectively with the following condition:
1. The plat be revised to match the engineer's comments.

ATTACHMENTS
1. Letter from Barbara Yundt
2. Topographic Survey
3. Addition Layout
4. Engineer's comment plat- see above description
03-18-14

Kendall County Building & Zoning
111 Fox St
Yorkville, IL 60560

To whom it concerns:

I have talked to Mr. & Mrs. Scott Cosentino and they have informed me of their plans. I have no problems or issues with the addition they are planning on building and the distance to the lot lines.

Sincerely,

Barbara Yundt
2524 Creek Rd.
Plano, IL 60545
DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 203
Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

14-08
Zaranti/ DJK Custom Homes, Inc.
VARIANCES- Parking in the front yard setback & size of farm stand

SITE INFORMATION
PETITIONER: Zaranti/ DJK Custom Homes, Inc.
ADDRESS: Formally 2566 Wolf Road, Oswego
LOCATION: At the southwest corner of Douglas Road and Wolf Road
TOWNSHIP: Oswego
PARCEL #: 03-15-127-001
LOT SIZE: 5.5 acres

EXITING LAND USE: Recently demolished the existing single family home and barn, some of the land is currently being farmed.

ZONING: A-1 Agricultural and R-3 Single Family Residential- rezoned R-3 after 1974 Countywide Zoning

LRMP
<table>
<thead>
<tr>
<th>Land Use</th>
<th>County: Suburban Residential (1du/acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Wolf Road is classified as a major collector</td>
</tr>
<tr>
<td>Trails</td>
<td>The Oswegoland Park District shows a trail on the south side of Wolf Road</td>
</tr>
</tbody>
</table>

REQUESTED ACTION: Request for a variance build a barn/farm stand that will exceed the 600 square feet that is permitted. The petitioners propose to have a 3,600 square foot building including two lean-tos. The building will be 2,160 square feet and there will be two 720 square lean-tos. The inside of the building will mostly be used for storage. They are also seeking to have parking in the front yard setback to consist of gravel.

APPLICABLE REGULATIONS
§7.01.C.16 (A-1 Agricultural: Permitted Uses- Farm stands)
§11.02.F (Parking Design & Maintenance)
§13.04 (Variations)

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential/ horse barn</td>
<td>A-1</td>
<td>Suburban Residential</td>
<td>A-1 &amp; Oswego</td>
</tr>
<tr>
<td>South</td>
<td>Residential/ farm land</td>
<td>R-3/ A-1</td>
<td>Suburban Residential</td>
<td>R-3 &amp; A-1</td>
</tr>
<tr>
<td>East</td>
<td>Church</td>
<td>R-1</td>
<td>Suburban Residential</td>
<td>R-1 &amp; A-1</td>
</tr>
<tr>
<td>West</td>
<td>Farm land</td>
<td>A-1</td>
<td>Suburban Residential</td>
<td>A-1 &amp; Oswego</td>
</tr>
</tbody>
</table>

REQUESTED ACTION
GENERAL: Request for a variance build a barn/farm stand that will exceed the 600 square feet
that is permitted. The petitioners propose to have a 3,600 square foot building including two lean-tos. The building will be 2,160 square feet and there will be two 720 square lean-tos. The inside of the building will mostly be used for storage. They are also seeking to have parking in the front yard setback to consist of gravel.

Section 7.01.C.16 states: Roadside stands, with not more than six hundred (600) square feet of gross floor area, including outdoor display, and set back at least ninety (90) feet from the center line of all adjacent roads, and with off-street parking for a minimum of five (5) cars, or one space for each fifty (50) square feet of structure, whichever is greater. Sales shall be limited to only those products grown or produced on the premises. Sales only permitted from March 15 through November 15.

There is more than enough parking provided and staff is comfortable with the request for the parking lot to be gravel and in the front yard setback. The parking lot is proposed to be 72’ from the centerline of the roadway, the regulations are 150’ from the centerline of the roadway. This side of the property is zoned agricultural so staff would recommend approving this request.

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**TRAILS**

The Oswegoland Park Districts plan show a trail on the south side of Wolf Road. The Oswegoland Park District would like a 20 foot trail easement. 5’ on each side of a 10 foot wide trail. He suggested that it would be better if the easement went to the jurisdiction that maintains the road i.e. Oswego Township. We will await their comments with regards to this issue.

**ROADWAY**

Wolf is considered a major collector and has been discussed to be a 5 lane road in the future. Wolf Road is the Oswego Township’s jurisdiction. We will await their comments with regards to this issue.

**OSWEGO TOWNSHIP**

The Oswego Township has requested more time to review this variance request. Therefore staff requests to approve the variance pending the approval from the Oswego Township. The township meets the second Tuesday of each month so the next meeting will be May 13th.

**FINDINGS OF FACT**

§ 13.04.2 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are as follows:
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. There really is no hardship except for the size of the farm stand it would create a more efficient environment for buying produce.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other agricultural properties might want to have a larger farm stand but to date this has been the only requested variance.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. There really is no hardship except that 600 square feet is quite small for a farmstand and they prefer to have parking in the front to maximize the yard behind the barn for plants.

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 requested variance should not affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood. They might help the neighborhood by bringing in organic produce into the area.

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 farm stand will not impair an adequate supply of light and air to adjacent properties. It will increase the congestion on Wolf Road but the petitioner has adequate room for parking so no one will be on the ROW. This driveway is similar to others on Wolf Road.

RECOMMENDATION

The Oswego Township has requested more time to review this variance request. Therefore staff requests to approve the variances with the following conditions:

1. Approval from the Oswego Township and if requested by the township provide a trail easement and/or ROW dedication.

ATTACHMENTS

1. Plat of Survey
SAVE THE DATE!

Tuesday
May 27th
2pm-4pm

Presentation of the Groundwater Study for Water Supply Planning in Kendall County, Illinois

Location:
Village of Oswego
Village Board Room
1st floor
100 Parkers Mill
Oswego, IL 60543

For any questions please contact:
Kendall County Planning & Zoning Manager- Angela Zubko
AZubko@co.kendall.il.us or 630-553-4139
KENDALL COUNTY ZONING BOARD OF APPEALS AND
SPECIAL USE HEARING OFFICER
GENERAL RULES AND BY-LAWS

Article I Definitions
Section 1. "Board", "Zoning Board" shall mean the Kendall County Zoning Board of Appeals.

Section 2. "County Board," "Appointing Authority," or "Governing Body" shall mean the County Board of Kendall County, Illinois.

Section 3. "Hearing Officer" shall mean the Special Use Hearing Officer.

Article II General Provisions
Section 1. These rules are supplementary to the provisions of the Zoning Ordinance of the County of Kendall, Illinois as they relate to procedures of the Board of Appeals and the Hearing Officer.

Section 2. Any member who has any direct interest in a matter before the Board shall not vote thereon and shall not participate as a board member.

Section 3. Nothing herein shall be construed to give or grant to the Board the power or authority to alter or change the zoning ordinance including the zoning map, which authority is reserved to the governing body.

Section 4. The State's Attorney shall be consulted in cases where the powers of the Board are not clearly defined.

Section 5. The Office of the Board shall be located at Kendall County Planning, Building and Zoning Office, 111 West Fox Street-Room 203, Yorkville, Illinois, 60560.

Section 6. Each Zoning Board of Appeals member shall strive to attend each meeting of the Zoning Board of Appeals. Each member shall contact the Chairman, Zoning Administrator or Zoning Administrator Deputies, whenever he or she knows in advance that they will not be attending a Zoning Board meeting. Failure to attend three (3) or more meetings in a twelve (12) month period may be cited as a basis for removing the member from the Zoning Board.

Section 7. All members of the Zoning Board shall be residents of different townships.

Article III Officers and Duties
Section 1. The officers of the Board shall be a Chairman, an Acting Chairman, and a Secretary.

Section 2. The County Board shall appoint the Chairman of the Board. The Zoning Board shall elect from amongst its members the Acting Chairman when the Chairman is absent. The Zoning Board shall designate the Secretary who may, or may not, be a member of the Board.

Section 3. The Chairman shall supervise the affairs of the Board of Appeals. He shall preside at all meetings of the Board, shall appoint such committees and sub-committees as may be necessary to carry out the purposes of the Board, and shall provide for the oath to be administered to all witnesses in cases before the Board. The Chairman shall be an ex-officio member of all committees and sub-committees so appointed.

Section 4. The Acting Chairman, in the absence or disability of the Chairman, shall perform all the duties and exercise all the powers of the Chairman.

Section 5. The Secretary shall record and maintain permanent minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize accurately the testimony of those appearing before the Board or keep a verbatim transcript of all hearings; shall record the names and addresses of all persons appearing before the Board; Shall, subject to the Board and Chairman, conduct the correspondence of the Board and have published in a local newspaper public notices of meetings or hearings as required by law and these rules of procedures; shall file said minutes and records in the office of the Board which minutes and records shall be a public record, and shall be the custodian of the files of this Board and keep all records.

Section 6. The County Board shall appoint the Special Use Hearing Officer who may or may not be a member of the Zoning Board.

Article IV Order of Business

Section 1. All meetings of the Board shall proceed as follows:

a. Roll call
b. Approval of Minutes
c. Petitions on agenda and requests for continuances. Continuances may be granted at the discretion of the Board in any case for good cause shown and to any interested party who has entered his appearance.

d. Hearing of petitions on agenda.

e. New Business
Article V Procedure for Types of Applications

Section 1. All requests for Zoning map amendments, special uses, appeals and variations shall be submitted on forms prescribed by the Board to the secretary. Upon receipt of the properly filed application and proof of receipt of fee, the secretary of the Board shall assign a case number. Applications shall be assigned for a hearing by the chairman of the Zoning Board.

Article VI Notice for Hearings

Section 1. In instances which Kendall County Board is the petitioner, the Secretary of the Board shall provide for a public notice to be published at least once in a newspaper published in the County not more than thirty (30) days nor less than fifteen (15) days before the hearing. Said notice shall provide a brief statement of the nature of the petition and all other information as required by State Statute. Said notice shall be delivered to all parties, if any, as required by State Statute.

Section 2. In instances in which the property petitioned is located in an Agricultural District, the petitioner shall notify all property owners, as determined by County tax records, within five hundred (500) feet of the overall parent parcel. The petitioner shall provide proof of notification of said property owners to the Secretary.

Section 3. In all other instances, the petitioner shall provide proof of notification and publication as required by Kendall County Ordinance and State Statute to the Secretary.

Article VII Procedures on Hearings

Section 1. At the time of the hearing, the applicant may appear in his own behalf or be represented by counsel or agent.

Section 2. All witnesses shall testify under oath.

Section 3. Evidence shall be presented in the following order:
a) The applicant or his representative may make a statement outlining the nature of his request prior to introducing evidence.
b) Board and/or objectors cross-examine applicant's witnesses.
c) Objectors present evidence.
d) Board and/or applicant cross-examine objector's evidence.
e) Rebuttal by applicant.
f) Evidence solicited by Board.

Section 4. The Board shall not be bound by the strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or other evidence.

Section 5. An applicant or objector, or his agent or attorney, may submit a list of the persons favoring or opposing the application. Such list will be accepted as an exhibit if it contains nothing more than a brief statement of the position of the persons favoring or opposing the appeal or application, together with the signature of the persons subscribing to such statement.

Section 6. The Chairman shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board.

Section 7. Upon approval of a majority of the Board, a joint hearing of the Zoning Board of Appeals and the Special Use Hearing Officer may convene.

Section 8. Failure of Applicant to Appear

(1) The Chairman may entertain a motion from the Board to dismiss the case for want of prosecution. In the absence of a motion by the Board, the chair shall rule.

(2) In cases which are dismissed for want of prosecution, the applicant will be furnished written notice by the Zoning Administrator or Zoning Administrator Deputies.

(3) The applicant shall have seven (7) days from date of notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chairman for good cause shown, and upon payment of a minimum fee of $150 dollars, plus court reporter fees.

(4) In all cases reinstated in above described manner, the case will be docketed and re-advertised in the usual manner prescribed for new cases.

Section 9. Failure of a quorum of the Board. In the event the Zoning Board of Appeals fails to have a quorum for any reason, resulting in the rescheduling of the petition, any expenses regarding public notices (in the paper and neighbors) will be at the expense of the County.

Article VIII Decisions on Variations and Appeals

Section 1. The Board shall conduct its vote in public session at the meeting in which evidence is concluded, unless the Board considers additional time for deliberation necessary, in which case final decisions or recommendations
shall be made within 30 days from the date of the hearing at a public session.

Section 2. A concurring vote of five (5) members of a seven (7) member Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or Zoning Administrator Deputies, or to grant any variation in the ordinance or to recommend any variation or modification in the ordinance to the County Board.

Section 3. All decisions of the board shall be made at a public hearing by motion made, seconded, and the Secretary polling the membership by a roll call vote. The motion which decides the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board. If conditions are imposed in the granting of a variation such conditions shall be included in the motion.

Section 4. The transcript of the case shall be acknowledged as to accuracy by the Chairman and the Secretary and shall be a part of the public record of the Board.

Section 5. Notice of the decision of the Board shall be given to the applicant, the Zoning Administrator or Zoning Administrator Deputies, and other interested parties as soon as possible after the decision is reached.

Section 6. After all present members cast a vote, any member casting a dissenting vote shall have an opportunity to state the reason for such vote for the record.

Article IX Recommendations on Zoning Map Amendments and Text Amendments

Section 1. The Board shall conduct its vote in public session at the meeting in which evidence is concluded, unless the Board considers additional time for deliberation necessary, in which case final decisions or recommendations shall be made within 30 days from the date of the hearing at a public session.

Section 2. A majority vote of the Board shall be necessary to recommend approval of any zoning map amendment or text amendment to the County Board.

Section 3. All recommendations of the board shall be made at a public hearing by motion made, seconded, and the Secretary polling the membership by a roll call vote. The motion which recommends a decision of the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board.

Section 4. The transcript of the case shall be acknowledged as to accuracy by the
Chairman and the Secretary and shall be a part of the public record of the Board.

Section 5. Notice of the recommendation of the Board shall be given to the applicant, the Zoning Administrator or Zoning Administrator Deputies, and other interested parties as soon as possible after the decision is reached.

Section 6. After all present members cast a vote, any member casting a dissenting vote shall have an opportunity to state the reason for such vote for the record. Such recorded statements will be for the benefit of the County Board when a case is discussed by the County Board.

Article X Recommendations on Special Uses
Section 1. The Hearing Officer shall conduct his/her findings of fact in public session at the meeting in which evidence is concluded, unless the Hearing Officer considers additional time for deliberation necessary, in which case final decisions or recommendations shall be made within 30 days from the date of the hearing at a public session.

Section 2. All recommendations of the hearing officer shall be made at a public hearing. The motion which recommends a decision of the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board.

Section 3. The transcript of the case shall be acknowledged as to accuracy by the Chairman and the Secretary and shall be a part of the public record of the Board.

Section 4. Notice of the findings of fact made by the Hearing Officer and any recommendations of the Hearing Officer shall be given to the applicant, the Zoning Administrator or Zoning Administrator Deputies, and other interested parties as soon as possible.

Article X Records
Section 1. A file of materials and decisions relating to each case shall be kept by the secretary as part of the records of the Board.

Section 2. All records of the Board shall be a public record.

Article XI Amendment of Rules
Section 1. These rules may be amended by an affirmative majority vote of all members of the Board.

Section 2. The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.
Having been presented at a public meeting on March 31, 2014, the foregoing rules and regulations are hereby adopted by the Board of Appeals of Kendall County on Monday, April 28, 2014.

Randy Mohr, Chairman

Dick Thompson, Member

Tom LeCuyer, Member

Donna McKay, Member

Scott Cherry, Member

Karen Clementi, Member

Dick Whitfield, Member