AGENDA

August 28, 2017 – 7:00 p.m.

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

MINUTES: Approval of Minutes from the July 31, 2017 Zoning Board of Appeals Hearing (Pages 2-28)

PETITION:
1. 17-21- Tom McNelis (Pages 29-63)
   Request: Map Amendment Rezoning Subject Property from A-1 to R-1
   PIN: 04-15-200-023
   Location: 14000 Block of Budd Road Approximately 0.98 Miles from Millbrook Road on the North Side of Budd Road in Fox Township
   Purpose: Petitioner would like the Ability to Construct a Single-Family Home on the Property.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
1. 17-14 Call of Meetings Amendment
2. 17-15 Vote Requirements on Any Decision

NEW BUSINESS/ OLD BUSINESS
1. Presentation of By-Laws Amendment-Amendment to Article VIII, Section 2 by Reducing the Number of Votes Required 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 from Five (5) to Four (4). (Pages 64-70)

2. Presentation of By-Laws Amendment-Amendment to Article IX, Section 2 by Requiring the Concurrent Vote of Four (4) Members of the Board to Recommend Approval of any Zoning Map or Text Amendment to the County Board. (Pages 64-70)

PUBLIC COMMENT

ANNOUNCEMENT

ADJOURN ZONING BOARD OF APPEALS: Next meeting on October 2, 2017

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.
CALL TO ORDER  
At 7:03 p.m., Chair Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members Present: Scott Cherry, Randy Mohr, Karen Clementi, Tom LeCuyer and Donna McKay  
Members Absent: Dick Thompson and Dick Whitfield  
Staff Present: Matthew Asselmeier, AICP, Senior Planner  
Public: Dan Kramer and Robert Davidson

MINUTES
Mr. Cherry, seconded by Ms. Clementi, moved to approve the July 10, 2017 special meeting minutes. With a voice vote of all ayes, the motion was approved.

PETITION
17-17  Joshua and Annie McElroy  
Request: Variance to Section 7.01.G.2.b of the Zoning Ordinance  
Location: 12881 River Road, Plano (Approximately 1030 Feet East of the T-Intersection of Blackhawk Road and River Road on the North Side of River Road), Little Rock Township  
PIN(s): 01-36-100-023  
Purpose: Request to Reduce the Side Yard Setback from 50 Feet to Approximately 31 Feet in Order to Construct an Addition to the West Side of the House (Requires a Variance of 19 Feet); Property is Zoned A-1

Mr. Asselmeier summarized the petition and reviewed the Staff Report. He noted that the legal notice in the newspaper stated the variance request was for a twenty-nine feet (29’) variance, but the petitioners are requesting a smaller variance. Mr. Asselmeier noted that the location of the well and septic field combined with the topography of the land caused the petitioner to select the west side of the house as the location of the addition. The petitioners have an agreement with their neighbors to use the driveway to the west; the petitioners’ driveway is located east of the house. Neither Little Rock Township nor the City of Plano expressed concerns regarding this proposal.

Chairman Mohr asked where the nearest house was located. Mr. Asselmeier stated that a house was located west of the subject property, but it was beyond the fifty foot (50’) side yard setback on the adjoining parcel. If approved, the setback for the subject property would be thirty-one feet (31’); the neighboring house could be as close as eighty feet (80’) of the subject property.

Ms. McKay asked who owned the driveway to the west of the subject property. Mr. Asselmeier said the neighbor to the northwest owned the driveway.
Ms. Clementi asked if Staff received any phone calls regarding this petition. Mr. Asselmeier stated two (2) phone calls were received and their questions were general in nature.

Mr. Cherry questioned the location of the construction flags. Mr. Asselmeier said that the flags were located at the west end of the addition. The barn shown in Attachment 5 stays.

Mr. LeCuyer made a motion, seconded by Mr. Cherry to open the public hearing. With a voice vote of all ayes, the motion was approved. Chairman Mohr opened the public hearing at 7:11 p.m. and swore in all members of the public that wished to speak about the variance.

Dan Kramer, attorney for the petitioner, stated that the closest home was the McNelis homestead. The Little Rock Township Assessor lives next door and she expressed support for the proposal.

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 7:14 p.m.

Chairman Mohr presented the Findings of Fact as proposed by Staff and outlined in Section 13.04.A.3 of the 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. True, the location of the house on the property in relation to the existing septic field and well limits the placement of the proposed addition. Placing the addition in front of the house could create front yard setback issues, negatively impacts the aesthetic appearance of the property and functionally would not meet the needs of the petitioners.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is partially true. Other properties zoned A-1 could have similar configurations (i.e. location of the home closer to the road with a field in the rear, location of well and septic, drainage course, etc.) limiting the location of potential additions and causing encroachments in the setback. The number of properties sharing similar characteristics is unknown.

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 construct the existing house or install the existing 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. True, the construction of the proposed addition will not be detrimental to the public welfare or injurious to other properties. The addition will improve the property value of the petitioners’ property. In addition, ample space still exists between the petitioners’ property and their neighbors to west for public safety vehicles and equipment to access.
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 addition will not block light or air from adjacent properties. The proposed addition will be used for housing family members and will not cause an increase in congestion on public streets. The proposed variance will not diminish property values in the area. Provided the addition is constructed to the building code, no increase of fire or public safety concerns is anticipated by this proposal. Motorists turning from the private driveway onto the River Road will not experience any impediments to lines-of-sight caused by the construction of the proposed addition.

Mr. LeCuyer, seconded by Mr. Cherry, made a motion to approve the findings of fact as presented.

The votes were as follows:

Ayes (5): Mohr, Cherry, Clementi, LeCuyer and McKay
Nays (0): None
Absent (2): Thompson and Whitfield

The motion passed.

Ms. Clementi, seconded by Ms. McKay, made a motion to approve the variance as requested subject to the following conditions:
1. The addition shall be of the same height and width as the existing home.
2. The addition shall have siding which matches the existing home.

The votes were as follows:

Ayes (5): Mohr, Cherry, Clementi, LeCuyer and McKay
Nays (0): None
Absent (2): Thompson and Whitfield

The motion passed.

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

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

None

**NEW BUSINESS/OLD BUSINESS**

Mr. Asselmeier stated that, pending the results of ZPAC and the Kendall County Regional Planning Commission, there will be one (1) map amendment on the August agenda.

Chairman Mohr asked if the distance requirement for a landscape waste composting business was the property line or the building line. Mr. Asselmeier said the distance was measured from the building line.

PBZ Chairman Robert Davidson discussed special use permits in agricultural zoned areas; he would like to see fewer special uses in agricultural areas and have the impacted properties zoned appropriately.
The corner of Illinois Route 47 and U.S. 52 is classified as agricultural in the Land Resource Management. Mr. Davidson would like to see the future land use map and agricultural special uses examined. Discussion occurred regarding development relation to the Prairie Parkway.

PUBLIC COMMENT
None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS
Ms. McKay, seconded by Mr. Cherry made a motion to adjourn. By voice vote of all ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 7:25 p.m.

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

Exhibits
1. Staff Report on Petition 17-17 Dated July 14, 2017
2. Green Cards and Certificate of Publication (Not Included with Report but on file in Planning, Building and Zoning Office)
INTRODUCTION
The petitioners, Joshua and Annie McElroy, would like to construct an approximately nine hundred eighty (980) square foot addition to the west side of their existing home to accommodate their children and Mr. McElroy’s parents; one (1) of whom requires medical care. The property is zoned A-1 (Agricultural) District.

A nineteen foot (19’) variance from the west side property line is required in order for the petitioners to construct the requested addition. If approved, the side yard setback would be reduced to thirty-one feet (31’) from fifty feet (50’). The existing house is approximately sixty-one feet (61’) feet from the west property line. A copy of the application, including the petitioners’ findings of fact is included as Attachment 1. A copy of the site plan is included as Attachment 2. A rendering of the proposed addition is included as Attachment 3.

The legal noticed published in the newspaper indicated that petitioners’ desired a twenty-nine foot (29’) variance; they are requesting a smaller variance.

SITE INFORMATION
PETITIONER Joshua and Annie McElroy
ADDRESS 12881 River Road, Plano
LOCATION Approximately 1030 Feet East of the T-Intersection of Blackhawk Road and River Road on the North Side of River Road
TOWNSHIP  Little Rock
PARCEL #  01-36-100-023
LOT SIZE  13.9 +/- Acres
EXITING LAND USE  Agricultural/Farmstead
ZONING  A-1 Agricultural

<table>
<thead>
<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>Agricultural/Farmstead</td>
<td>Countryside Residential (max 0.33 du/acre)</td>
<td>River Road, Minor Collector</td>
<td>Yes (Little Rock Township Did Not Request a Dedication)</td>
<td>Yes-Rob Roy Creek (Not Impacted by Proposal)</td>
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REQUESTED ACTION  Request for a variance to the required side yard setback in order to construct an approximately nine hundred eighty (980) square foot addition to the home

§13.04 – Variation Procedures and Requirements

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>
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<tbody>
<tr>
<td>North</td>
<td>Agricultural/Wooded</td>
<td>R-3 and RPD-2</td>
<td>Rural Residential (max. 0.60 du/acre)</td>
<td>A-1 and R-1</td>
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<td>South</td>
<td>Single Family Residential</td>
<td>R-3 and R-1</td>
<td>Countryside Residential (max 0.33 du/acre)</td>
<td>A-1, R-1, R-3, RPD-2 and R-3 PUD</td>
</tr>
<tr>
<td>East</td>
<td>Forest Preserve and Agricultural</td>
<td>A-1</td>
<td>Countryside Residential (max 0.33 du/acre) and Forest Preserve</td>
<td>A-1, R-1 and R-3 Yorkville Residential</td>
</tr>
<tr>
<td>West</td>
<td>Single Family Residential and Farmsteads</td>
<td>A-1</td>
<td>Countryside Residential (max 0.33 du/acre)</td>
<td>A-1, R-1, R-3, A-1 BP, RPD-2 and City of Plano Residential</td>
</tr>
</tbody>
</table>

GENERAL INFORMATION
Pictures of the subject property are included as Attachments 4-7 and Attachments 9 and 10. The proposed
addition would be located on the west side of the existing house and would be the same height as the existing house. The siding of the addition would match the siding of the house.

In addition to the house, three (3) accessory structures (farm related barns) are located on the property.

According to the information provided by the petitioners, the existing septic field is located on the east side of the existing house. The existing well is located on the north side of the existing house. Based on the topographic information provided in Attachment 2, the property drains to the north. For these reasons, the petitioners selected the west side of the house as the location of the addition.

The private driveway located west of the property belongs to a neighboring property owner; the private driveway is used to access the property located to the northwest of the petitioners’ property. The petitioners use a driveway on the east side of the house to access their property. They also have an agreement with the owner to use the private driveway on the west side of the property.

As shown in Attachments 7 and 8, the private driveway is lower than the petitioners’ yard and plantings exist on the west end of the petitioners’ property. Attachment 9 shows the west side of the petitioners’ home from the private driveway. The proposed addition will not obstruct the view of motorists turning out of the private driveway onto the River Road.

LITTLE ROCK TOWNSHIP
The Little Rock Township Board reviewed this proposal at their June 14th meeting and unanimously approved the proposed variance.

CITY OF PLANO
The City of Plano submitted a letter expressing no opposition to this request; see Attachment 11.

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 location of the house on the property in relation to the existing septic field and well limits the placement of the proposed addition. Placing the addition in front of the house could create front yard setback issues, negatively impacts the aesthetic appearance of the property and functionally would not meet the needs of the petitioners.

- That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is partially true. Other properties zoned A-1 could have similar configurations (i.e. location of the home closer to the road with a field in the rear, location of well and septic, drainage course, etc.) limiting the location of potential additions and causing encroachments in the setback. The number of properties sharing similar characteristics is unknown.

- 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 construct the existing house or install the existing 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. True, the construction of the proposed addition will not be detrimental to the public welfare or injurious to other properties. The addition will improve the property value of the petitioners’ property. In addition, ample space still exists between the petitioners’ property and their neighbors to west for public safety vehicles and equipment to access.
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 addition will not block light or air from adjacent properties. The proposed addition will be used for housing family members and will not cause an increase in congestion on public streets. The proposed variance will not diminish property values in the area. Provided the addition is constructed to the building code, no increase of fire or public safety concerns is anticipated by this proposal. Motorists turning from the private driveway onto the River Road will not experience any impediments to lines-of-sight caused by the construction of the proposed addition.

RECOMMENDATION
Staff recommends approval of the variance request for the construction of an addition to the house as shown in Attachment 2 to be setback approximately thirty-one feet (31’) from the western property line requiring a variance of nineteen feet (19’) subject to the following conditions:

1. The addition shall be of the same height and width as the existing home.
2. The addition shall have siding which matches the existing home.

ATTACHMENTS
1. Application (Including Petitioners’ Findings of Fact)
2. Site Plan (Including Topographic Information)
3. Addition Sketch
4. Subject Property
5. Addition Location
6. West Side of House
7. West Side of Property
8. Private Driveway
9. Addition Location Viewed from Private Driveway
10. Aerial
11. July 13, 2017 Letter from the City of Plano
## DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Yorkville, IL • 60560
(630) 553-4141 • Fax (630) 553-4179

### APPLICATION

**PROJECT NAME** McElroy Variance  
**FILE #** 17-17

### NAME OF APPLICANT

Joshua L. McElroy & Annie J. McElroy

### CURRENT LANDOWNER/NAME(s)

Joshua L. McElroy & Annie J. McElroy

### SITE INFORMATION

<table>
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<tr>
<th>ACRES</th>
<th>SITE ADDRESS OR LOCATION</th>
<th>ASSESSOR’S ID NUMBER (PIN)</th>
</tr>
</thead>
<tbody>
<tr>
<td>13.9647 acres</td>
<td>12881 River Rd., Plano, IL 60545</td>
<td>01-36-100-023</td>
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</tbody>
</table>

### EXISTING LAND USE

<table>
<thead>
<tr>
<th>LAND CLASSIFICATION ON LRMP</th>
</tr>
</thead>
</table>
| Agricultural A-1  

### Single Family Home  

### A-1 Agricultural

### Agricultural

### REQUESTED ACTION (Check All That Apply):

- [ ] SPECIAL USE
- [ ] MAP AMENDMENT (Rezone to ___)
- [x] VARIANCE
- [ ] ADMINISTRATIVE VARIANCE A-1 CONDITIONAL USE for:
- [ ] SITE PLAN REVIEW RPD (___ Concept; ___ Preliminary; ___ Final)
- [ ] ADMINISTRATIVE APPEAL FINAL PLAT
- [ ] OTHER PLAT (Vacation, Dedication, etc.)
- [ ] AMENDMENT TO A SPECIAL USE (Major: ___ Minor: ___)

### PRIMARY CONTACT

<table>
<thead>
<tr>
<th>PRIMARY CONTACT MAILING ADDRESS</th>
<th>PRIMARY CONTACT EMAIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daniel J. Kramer</td>
<td>1107A S. Bridge Street, Yorkville</td>
</tr>
</tbody>
</table>

### PRIMARY CONTACT PHONE # | PRIMARY CONTACT FAX # | PRIMARY CONTACT OTHER # (Cell, etc.)

### ENGINEER CONTACT

<table>
<thead>
<tr>
<th>ENGINEER MAILING ADDRESS</th>
<th>ENGINEER EMAIL</th>
</tr>
</thead>
</table>

### ENGINEER PHONE # | ENGINEER FAX # | ENGINEER OTHER # (Cell, etc.)

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

[Signature]

### DATE

[Date]

---

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

Last Revised: 9.28.12
Special Use

Checklist Is Complete
Matt Asselmeier

From: Daniel J Kramer [mailto:]
Sent: Monday, June 05, 2017 9:29 AM
To: Matt Asselmeier
Subject: RE: McElroy Variance

Matt to verify the Variance request, We are asking for a variance of 29’ feet to permit a side yard of 31 feet. The addition which is 30’ foot in width to the side yard is added to the house which now sits a bit in excess of 61’ off of the side yard. Working on the topo issue. We may be able to pull off of County maps. Checking.

From: Matt Asselmeier
Sent: Wednesday, May 31, 2017 1:26 PM
To: Daniel J Kramer
Subject: RE: McElroy Variance

Dan:

Given that the variance request is for the construction of a new structure, the ZBA may have concerns about how the new addition will impact drainage. If we have a case similar to the Pagel rezoning, where neighbors voiced their concerns about drainage, and if we did not have the topographic information, that lack of information could create a delay in the approval process (which could require a reposting of notice). I favor having a more detailed application than running into delays after the approval process has started.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Daniel J Kramer
Sent: Wednesday, May 31, 2017 1:11 PM
To: Matt Asselmeier
Subject: Re: McElroy Variance

Matt I will have client bring in New check and we can trade. I out of town until Tuesday. I can get all of info to you by then, if possible. O would love to keep this months schedule. The only issue we would have would be topo. We have never been required to do that on a variance as opposed to a rezoning. Can you let me know about that. I think the confusion was on the remaining side us. Let me look at drawing when I am back so I am not monitoring you.

Get Outlook for Android
Independent Executor's Deed

ILLINOIS

THIS DEED between THE GRANTOR(S), THE ESTATE OF RICHARD D. KLEINMAIER, DECEASED, BRENT HAAG, AS INDEPENDENT EXECUTOR of the City of PLANO, County of KENDALL, and the State of Illinois, as Independent Executor(s) of the ESTATE OF RICHARD D. KLEINMAIER, DECEASED, and THE GRANTEE(s), Joshua L. McElroy and Anne Joy McElroy, Husband and Wife, as Tenants by the Entirety WHEREAS, Grantor(s) was/were duly appointed Independent Executor(s) of the Estate of RICHARD D. KLEINMAIER, Deceased, by the Circuit Court of KENDALL County, Illinois on 12/28/2015, in Case Number 2015 P 126 and has duly qualified as such Executor, and said Letters of Office are now in full force and effect NOW, THEREFORE, this DEED witnesseth, that Grantor(s) in exercise of the Power of Sale granted to said Executor in and by the Will of RICHARD D. KLEINMAIER, Deceased, and in consideration of the sum of $10,000 DOLLOARS and other good and valuable consideration in hand paid by Grantee(s), the receipt whereof is hereby acknowledged, does GRANT, SELL and CONVEY to (Name and Address of Grantee(s)) Joshua L. McElroy and Anne Joy McElroy, Husband and Wife, of 521 E 6TH STREET, SANDWICH, Illinois, 60548 the following described Real Estate, situated in the County of Kendall in the State of Illinois to wit (See page 2 for legal description attached here to and made part hereof) 

SUBJECT TO General taxes for 2016 and subsequent years, Covenants, conditions and restrictions of record and building lines and easements, if any,

Permanent Real Estate Index Number(s) 01-36-100-023-0000

Address(es) of Real Estate
12881 River Rd Plano Illinois 60545-9996

The date of this deed of conveyance is May 3, 2017

THE ESTATE OF RICHARD D. KLEINMAIER, DECEASED, BRENT HAAG, AS INDEPENDENT EXECUTOR

State of Illinois, County of Kendall SS 1, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that as Independent Executor(s) of the Estate of RICHARD D. KLEINMAIER, Deceased, personally known to me to be the same person(s) whose name(s) is(are) subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he/she(she) signed, sealed and delivered the said instrument as Independent Executor of the Estate of RICHARD D. KLEINMAIER, Deceased, for the uses and purposes therein set forth

Given under my hand and official seal May 3, 2017

Notary Public

© By FNTIC 2017
LEGAL DESCRIPTION

For the premises commonly known as

12881 River Rd
Plano, Illinois 60545-9596

Legal Description

THAT PART OF LOTS 4, 5 AND 6 OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN AS SHOWN ON A PLAT RECORDED IN BOOK 4 OF PLATS PAGE 16 DESCRIBED AS FOLLOWS COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 36, THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 36, 259.0 FEET, THENCE CONTINUING EAST ALONG SAID NORTH LINE 360.07 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING EAST ALONG SAID NORTH LINE, 377.15 FEET TO THE NORTHEAST CORNER OF SAID LOT 4, THENCE SOUTH 7 DEGREE 30' WEST ALONG THE EAST LINE OF SAID LOT 4, 40 CHAINS (277.20 FEET) TO A POINT OF BEND IN SAID EAST LINE, THENCE SOUTH 7 DEGREE 10' EAST ALONG EAST LINE OF SAID LOTS 4, 5 AND 6, 22.44 CHAINS (148.04 FEET) MORE OR LESS TO THE CENTERLINE OF RIVER ROAD, THENCE SOUTH 82 DEGREE 30' WEST ALONG SAID CENTERLINE 329.15 FEET TO A POINT LYING 30 FEET EAST OF THE SOUTHEAST CORNER OF A TRACT OF LAND DEEDED TO FRANCIS J. AND ESTHER MCNELIS RECORDED IN BOOK 166 OF DEEDS, PAGE 169. THENCE NORTH 9 DEGREE 30' WEST PARALLEL WITH AND 30 FEET EASTERLY OF THE EAST LINE OF SAID MCNELIS TRACT, 323.00 FEET, THENCE NORTH 0 DEGREE 42' 40" WEST 1528.63 FEET TO THE POINT OF BEGINNING IN THE TOWNSHIP OF LITTLE ROCK, IN KENDALL COUNTY, ILLINOIS.
STATE OF ILLINOIS

COUNTY OF KENDALL

Escrow No YK17007084-LD

Heirs at law and devisees of Richard D. Kleinmaier, deceased, being duly sworn on oath, states that resides at 12881 River Rd, Plaino, IL 60545 that the attached deed is not in violation of 765 ILCS 205/1 for one of the following reasons:

1. Said Act is not applicable as the grantors own no adjoining property to the premises described in said deed,

2. The division or subdivision of the land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access,

3. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access,

4. The sale or exchange of parcels of land between owners of adjoining and contiguous land,

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

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

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

8. Conveyances made to correct descriptions in prior conveyances,

9. The sale or exchange of parcels or tracts of land existing on the date of the amendatory Act into no more than two (2) parts and not involving any new streets or easements of access.

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED

Affiant further states that HE makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below

Heirs at law and devisees of Richard D. Kleinmaier, deceased

BY:__________

Printed 05 03 17 @ 09 32 AM by LD
IL-FT-FILL-01040-235246-YK17007084

201700006945 3/3
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 parcel is unique in that it is almost 14 acres but is zoned A-1 Agricultural District. The trend of development in the area is Estate and Low Density Single Family Residential homes. As the property and house currently sit, the Applicant can not expand the home to the east which is the wider side of the parcel due to the location of the septic and septic field which were in existence at the time he purchased the home. The western side of the property is clear and is bordered by the driveway to the west and roadway to the front. The proposed variance in no way effects or discommodates public health safety or any neighbors.

*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 conditions which the Variance is based upon are generally not applicable to other parties. The unique location of the existing home was in existence at the time Applicant purchased the property. He had no part in choosing the location of the home and needs to add the additional space since he and his wife plan to reside there with their 6 children.

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

The conditions which the Variance is based upon are generally not applicable to other parties. The unique location of the existing home was in existence at the time Applicant purchased the property. He had no part in choosing the location of the home and needs to add the additional space since he and his wife plan to reside there with their 6 children.

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

The Petitioners in no way picked the location of the home and are bound by the existing well on the west, septic on the east and of course public health regulations that require the proper separation between those two utilities serving the home.

*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 Variance will not only not be detrimental to the neighborhood and the continued use of the subject property as single family residential, but has the added bonus of providing additional assessed valuation not only to the applicable school district but all taxing bodies and increases the value of the home not only for the applicants but for the surrounding property owners.

*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 addition proposed to the home of 980 sq.ft. on a parcel of almost 14 acres in no way impairs again any of the public utilities, public health, public safety, or air space and increases the value of the home and a newer structure increases values of surrounding properties as well as tax assessments.
THAT PART OF LOTS 4, 5 AND 6 OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN AS SHOWN ON A PLAT RECORDED IN BOOK 4 OF PLATS PAGE 38 DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 36; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 36 250.0 FEET; THENCE CONTINUING EAST ALONG SAID NORTH LINE 360.07 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING EAST ALONG SAID NORTH LINE 371.15 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 7 DEGREES 30 MINUTES WEST ALONG THE EAST LINE OF SAID LOT 4, 4.20 CHAINS (277.20 FEET) TO A POINT OF BEGINNING IN SAID EAST LINE; THENCE SOUTH 7 DEGREES 1 DEGREES 10 MINUTES EAST ALONG THE EAST LINE OF SAID LOTS 4, 5 AND 6, 22.44 CHAINS (1481.94 FEET) MORE OR LESS TO THE CENTERLINE OF RIVER ROAD; THENCE SOUTH 82 DEGREES 30 MINUTES WEST ALONG SAID CENTERLINE, 328.15 FEET TO A POINT LYING 30 FEET EAST OF THE SOUTHEAST CORNER OF A TRACT OF LAND DEEDED TO FRANCIS J. AND ESTHER MONELIS RECORDED IN BOOK 166 OF DEEDS, PAGE 169; THENCE NORTH 4 DEGREES 30 MINUTES WEST PARALLEL WITH AND 30 FEET EASTERLY OF THE EAST LINE OF SAID MONELIS TRACT, 273.0 FEET; THENCE NORTH 60 DEGREES 42 MINUTES 40 SECONDS WEST 1528.05 FEET TO THE POINT OF BEGINNING IN THE TOWNSHIP OF LITTLE ROCK, IN KENDALL COUNTY, ILLINOIS.
July 13, 2017

Matt Asselmeier
Senior Planner
Kendall County Building & Zoning
111 W. Fox Street
Yorkville, IL 60560

Re: McElroy Variance Application

Dear Mr. Asselmeier:

Please be advised the City of Plano has reviewed the pertinent paperwork and has no objection to the above referenced application.

Sincerely,

[Signature]

Thomas J. Karpus, R.A., AIA
Director, Building, Planning, & Zoning
City of Plano, IL
INTRODUCTION
Tom McNelis submitted a petition requesting a map amendment for the subject property rezoning the property from A-1 Agricultural District to R-1 One-Family Residential District. The petitioner would like the ability to construct a home on the property, either for himself or for a successive owner. No specific construction plans for a proposed home exist.

The application material, including the petitioner's findings of fact and survey, are included as Attachment 1.

SITE INFORMATION

<table>
<thead>
<tr>
<th>PETITIONER</th>
<th>Tom McNelis</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDRESS</td>
<td>No Address Number Assigned; Located in the 14000 Block of Budd Road</td>
</tr>
<tr>
<td>LOCATION</td>
<td>Approximately 0.98 Miles East of Millbrook Road on the North Side of Budd Road (See Attachment 2 for Aerial)</td>
</tr>
<tr>
<td>TOWNSHIP</td>
<td>Fox</td>
</tr>
<tr>
<td>PARCEL #</td>
<td>04-15-200-023</td>
</tr>
<tr>
<td>LOT SIZE</td>
<td>3.86 +/- acres</td>
</tr>
<tr>
<td>EXITING LAND USE</td>
<td>Agricultural</td>
</tr>
<tr>
<td>ZONING</td>
<td>A-1 Agricultural District</td>
</tr>
<tr>
<td>LRMP</td>
<td></td>
</tr>
<tr>
<td>Land Use</td>
<td>County: Rural Estate Residential (max 0.45 du/acre) Village of Millbrook: Low Density Residential (max 0.65 du/acre)</td>
</tr>
<tr>
<td>Roads</td>
<td>Budd Road is Local Road</td>
</tr>
<tr>
<td>Trails</td>
<td>No trails are planned along this portion of Budd Road</td>
</tr>
<tr>
<td>Floodplain/ Wetlands</td>
<td>No Floodplains or Wetlands are located on the property</td>
</tr>
<tr>
<td>REQUESTED ACTION</td>
<td>Map Amendment Rezoning the Property from A-1 Agricultural District to R-1 One-Family Residential District</td>
</tr>
<tr>
<td>APPLICABLE REGULATIONS</td>
<td>Section 13.07 – Map Amendment Procedures</td>
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</table>
SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Zoning</th>
<th>Land Resource Management Plan</th>
<th>Zoning within ½ Mile</th>
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<tbody>
<tr>
<td>North</td>
<td>Agricultural/Farmstead</td>
<td>A-1 (Agricultural)</td>
<td>Rural Estate Residential (County)</td>
<td>A-1 and A-1 BP (County)</td>
</tr>
<tr>
<td>South</td>
<td>Agricultural</td>
<td>A-1 (Agricultural)</td>
<td>Countryside Residential (County)</td>
<td>A-1 and A-1 SU (County)</td>
</tr>
<tr>
<td>East</td>
<td>Countryside Residential</td>
<td>A-1 (Agricultural)</td>
<td>Countryside Residential (County)</td>
<td>A-1 (County)</td>
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<tr>
<td>West</td>
<td>Rural Estate and Countryside Residential</td>
<td>A-1 (Agricultural)</td>
<td>Rural Estate Residential and Countryside Residential (County)</td>
<td>A-1 (County)</td>
</tr>
</tbody>
</table>

Rural Estate is max 0.45 du/acre
Countryside Residential is max 0.33 du/acre

PHYSICAL DATA

ENDANGERED SPECIES REPORT
EcoCAT Application submitted on 7.14.17; waiting for results.

NATURAL RESOURCES INVENTORY
Application was submitted 6.19.17. The LESA Score was 178 indicating a low level of protection (See Attachment 8).

ACTION SUMMARY

FOX TOWNSHIP
Petition information was sent to Fox Township on 7.17.17. Fox Township submitted questions shown on Attachment 9. Fox Township expressed no objection to the proposal (See Attachment 13)

VILLAGE OF MILLBROOK
Petition information was sent to the Village of Millbrook on 7.17.17. The Village of Millbrook expressed no opposition to this proposal (See Attachment 10).

UNITED CITY OF YORKVILLE
Though the subject property is not within their planning jurisdiction, the Planning Commission of the United City of Yorkville reviewed this proposal at their meeting on 8.9.17 and expressed no objections to the proposal (See Attachment 12). The City Council of the United City of Yorkville reviewed this proposal at their meeting on 8.22.17 and expressed no objections (See Attachment 14).

ZPAC
ZPAC reviewed this proposal on 8.1.17. They unanimously recommended approval of the proposal (See Attachment 11).

KENDALL COUNTY REGIONAL PLANNING COMMISSION
The Kendall County Regional Planning Commission reviewed this proposal at their 8.23.17 meeting. The Planning Commission suggested that the property should be awarded an A-1 Conditional Use Permit for housing in the agricultural district instead of a map amendment. The Kendall County Planning Commission unanimously recommended approval of the conditional use permit; no Commissioner object to the idea of constructing a house on the property.

Section 7.01.E.1.k lists the requirements for a conditional use permit in the A-1 District. The subject property meets the acreage, septic, unwarranted expansion of use and unchanging of character of...
neighborhood requirements for a conditional use permit. However, it is the opinion of the Staff that the property does not meet the requirements of Sub-Section iv which states:

“That the site for the proposed use must be incompatible with agricultural use that may be evidenced by establishment of one or more of the following criteria:

1) Existing woodland coverage of a substantial portion of the site containing trees in excess of 6" in diameter measured at breast height; (this is not true)

2) Soils which have a land evaluation ranking from the Kendall County Soil & Water Conservation District of seventy-five (75) or less; (this is not true; LESA Score is 178)

3) Excessive slopes; (this is not true)

4) Other physical features which serve as barriers to farm operations such as streams, rock outcroppings and property configuration in relationship to wetlands, flood-prone areas or buildings (no physical features serve as barriers to farm operations; the petitioner could argue that the size of the lot is too small for farm operation).”

GENERAL INFORMATION
The petitioner desires the map amendment in order to have the ability to construct a house on the property at some point in the future. The subject property does not have an allocation for the construction of a home and does not possess forty (40) acres. Therefore, a map amendment is required in order to construct a home onsite.

The petitioner does not believe that the property is large enough for farming. Pictures of the property are included as Attachments 3-7.

Existing homes are located to the north, east and west of the subject property. The Land Resource Management Plan calls for this area to be residential in the future. For these reasons, Staff does not believe that the approval of this request would constitute spot zoning.

Since submitting the application, the petitioner placed the subject property on the market for sale.

BUILDING CODES
Any new homes or accessory structures would be required to meet applicable building codes.

ACCESS
The property fronts Budd Road. Pending comments from Fox Township, Staff has no concerns regarding the ability of Budd Road to support a proposed home at this location.

ODORS
No new odors are foreseen.

LIGHTING
Any new lighting would be for residential use only. Staff does not foresee any concerns regarding lighting.

SCREENING
No fencing or buffer is presently planned for the property. Any new fences or plantings would be for a residential use. Any new fences would have to follow applicable regulations.

STORMWATER
Staff is not aware of any stormwater concerns.

UTILITIES
Electricity is near the property. A new well and septic system would have to obtain applicable permits.

FINDINGS OF FACT
Existing uses of property within the general area of the property in question. The area is a mix of agricultural, farmstead, rural estate residential and countryside residential.

The Zoning classification of property within the general area of the property in question. All of the adjacent properties are zoned A-1. Some of these properties have special use permits and/or ZBA Memo – Prepared by Matt Asselmeier – August 24, 2017
agricultural building permits.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is too small for most agricultural uses. Homes are located on adjoining properties and the subject property lacks an agricultural housing allocation which prevents the construction of a home on the property.

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 proposed amendment fits the development of the area and benefits the petitioner by giving him the opportunity to sell the property for a residential purpose instead of a purely agricultural use.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed amendment is consistent with the Land Resource Management Plan.

RECOMMENDATION
Staff recommends approval of the proposed map amendment.

ATTACHMENTS
1. Application Materials (Including the Petitioner’s Findings of Fact and Survey)
2. Aerial
3. Looking East
4. Looking North
5. Looking Northwest
6. Looking West
7. Looking South
8. NRI Summary
9. 7.26.17 Fox Township Correspondence
10. 7.31.17 Millbrook Email
11. 8.1.17 ZPAC Minutes
12. 8.9.17 Yorkville Email
13. 8.15.17 Fox Township Email
14. 8.22.17 Yorkville Email
15. 8.23.17 KCRPC Minutes
**DEPARTMENT OF PLANNING, BUILDING & ZONING**
111 West Fox Street • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

**APPLICATION**

**PROJECT NAME** McNealis Map Amendment **FILE #: 17-21**

<table>
<thead>
<tr>
<th>NAME OF APPLICANT</th>
<th>Tom McNelis</th>
</tr>
</thead>
<tbody>
<tr>
<td>CURRENT LANDOWNER/NAMES</td>
<td>Tom McNelis</td>
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<th>SITE INFORMATION</th>
<th>ACRES</th>
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<tr>
<td>SITE ADDRESS OR LOCATION</td>
<td>Budd Rd Yorkville</td>
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<td>ASSESSOR'S ID NUMBER (PIN)</td>
<td>04-15-200-023</td>
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<td>EXISTING LAND USE</td>
<td>Vacant Residential</td>
<td></td>
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<tr>
<td>CURRENT ZONING</td>
<td>Residential</td>
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</tr>
<tr>
<td>LAND CLASSIFICATION ON LRMP</td>
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<td></td>
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REQUESTED ACTION (Check All That Apply):

- [x] MAP AMENDMENT (Rezone to ___)  
- __ VARIANCE  
- ___ A-1 CONDITIONAL USE for: ___  
- ___ SITE PLAN REVIEW  
- ___ PRELIMINARY PLAT ___ FINAL PLAT  
- ___ ADMINISTRATIVE APPEAL  
- ___ OTHER PLAT (Vacation, Dedication, etc.)

<table>
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<th>AMENDMENT TO A SPECIAL USE</th>
<th>Major: ___ Minor: ___</th>
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<table>
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<th>PRIMARY CONTACT</th>
<th>Tom McNelis</th>
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<td>PRIMARY CONTACT PHONE #</td>
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<tr>
<td>PRIMARY CONTACT OTHER # (Cell, etc.)</td>
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<td>ENGINEER FAX #</td>
<td>[redacted]</td>
</tr>
<tr>
<td>ENGINEER OTHER # (Cell, etc.)</td>
<td>[redacted]</td>
</tr>
</tbody>
</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.

<table>
<thead>
<tr>
<th>SIGNATURE OF APPLICANT</th>
<th>[redacted]</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE</td>
<td>7/13/17</td>
</tr>
<tr>
<td>FEE PAID:</td>
<td>$100.00</td>
</tr>
<tr>
<td>CHECK #:</td>
<td>[redacted]</td>
</tr>
</tbody>
</table>

1Primary Contact will receive all correspondence from County
2Engineering Contact will receive all correspondence from the County’s Engineering Consultant
Please fill out the following findings of fact to the best of your capabilities. § 13.07.F of the Zoning Ordinance lists the Finding of Fact criteria the Zoning Board of Appeals must answer in order to make a recommendation to the County Board on any map amendment request. They are as follows:

**Existing uses of property within the general area of the property in question.**

- **Vacant Residential**
- **Property Is Surrounded By Residential Properties On 4 Sides With 298' Frontage On Budd Rd.**
- The Zoning classification of property within the general area of the property in question. **Appears To A1 And R1**

**The suitability of the property in question for the uses permitted under the existing zoning classification.**

- **Not Being Farmed. Not Suitable For Aq.**

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.

- **New Homes Have Been Built For Residential Use Only Examples Kinzel And Seego**

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

- **At The Time Of Purchase Youkville Designated This Parcel As 1-2 Acre Residential. The Trend In This Area Has Been Residential.**
I would like to Rezone The Property from A1 to R1 in order to sell the property so that someone can construct a home on the site.

07/12/2017
LEGAL DESCRIPTION:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 16, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT
THE NORTHEAST CORNER OF SAID SECTION 16; THENCE EASTERLY ALONG THE NORTH
LINE OF SECTION 14 OF SAID TOWNSHIP 330.03 FEET; THENCE SOUTH 00 DEGREES 22
MINUTES 19 SECONDS EAST 274.56 FEET TO THE CENTERLINE OF BUDD ROAD; THENCE
NORTH 89 DEGREES 26 MINUTES 38 SECONDS WEST ALONG SAID CENTERLINE 539.64
FEET TO AN ANGLE IN SAID CENTERLINE; THENCE SOUTH 21 DEGREES 06 MINUTES 41
SECONDS WEST ALONG SAID CENTERLINE 497.25 FEET TO A POINT HEREAFTER
REFERRED TO AS POINT "A"; THENCE SOUTH 31 DEGREES 06 MINUTES 41 SECONDS
WEST ALONG SAID CENTERLINE, 399.77 FEET TO AN ANGLE IN SAID CENTERLINE;
THENCE SOUTH 56 DEGREES 07 MINUTES 56 SECONDS WEST ALONG SAID CENTERLINE
147.01 FEET FOR A POINT OF BEGINNING; THENCE SOUTH 56 DEGREES 07 MINUTES 56
SECONDS WEST ALONG SAID CENTERLINE 209.74 FEET TO AN ANGLE IN SAID
CENTERLINE; THENCE SOUTH 63 DEGREES 46 MINUTES 31 SECONDS WEST ALONG SAID
CENTERLINE 88.38 FEET; THENCE NORTH 04 DEGREES 53 MINUTES 20 SECONDS WEST
305.0 FEET; THENCE NORTH 07 DEGREES 00 MINUTES 29 SECONDS WEST 150.0 FEET;
THENCE NORTH 02 DEGREES 29 MINUTES 31 SECONDS EAST 312.16 FEET TO A LINE
DRAWN NORTH 89 DEGREES 26 MINUTES 38 SECONDS WEST FROM POINT AFORESAID;
THENCE SOUTH 89 DEGREES 26 MINUTES 38 SECONDS EAST, 408.03 FEET TO A LINE
DRAWN NORTH 04 DEGREES 53 MINUTES 29 SECONDS WEST FROM THE POINT OF
BEGINNING; THENCE SOUTH 04 DEGREES 53 MINUTES 29 SECONDS EAST, 426.73 FEET
TO THE POINT OF BEGINNING IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.
QUIT CLAIM DEED
JOINT TENANCY
Statutory (Illinois)
(Individual to Individual)

CAUTION: Consult a lawyer before using or acting under this form. Neither the publisher nor the seller of this form makes any warranty with respect thereto, including any warranty merchantability or fitness for a particular purpose.

THE GRANTOR(S) Barbara J. Hick, Formerly Known As Barbara J. McNelis
1659 Lexington Dr.

of the City of Montgomery County of Kendall State of Illinois for the consideration of Seventeen Thousand, 00/100 Dollars, and other good and valuable considerations in hand paid, CONVEY(S) _______ and QUIT CLAIM(S) _______ to Thomas J. McNelis

not in Tenancy in Common, but in JOINT TENANCY, all interest in the following described Real Estate situated in Kendall County, Illinois, commonly known as Budd Rd. 04.15.200.023, legally described as:

(Street Address)

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 in tenancy in common, but in joint tenancy forever.

Permanent Real Estate Index Number(s): 04.15.200.023
Address(es) of Real Estate: Budd Rd. Yorkville, IL

DATED this: ______ day of _______ 20___

Please print or type name(s) below signature(s): Barbara J. Hick

(State of Illinois, County of Kendall)

IMPRESS SEAL HERE

ss. I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Barbara J. Hick personally known to me to be the same person whose name subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument as 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 18 day of June 2001
Commission expires 7-30-2001

This instrument was prepared by Tom McNelis

MAIL TO:
{Redacted}
(City, State and Zip)

OR
RECORDE'S OFFICE BOX NO.

STATE OF ILLINOIS
KENDALL COUNTY
REAL ESTATE TRANSFER TAX
JUL 18 01
FP451015

COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
$8.50

Quit Claim Deed

To

Barbara T. Neil

To

Thomas J. Neil

Joint Tenancy,
Individual to Individual

George E. Cole
LEGAL FORMS
LEGAL DESCRIPTION:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 45, TOWNSHIP 36 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT
THE NORTHEAST CORNER OF SAID SECTION 45; THEN EASTERLY ALONG THE NORTH
LINE OF SECTION 14 OF SAID TOWNSHIP 330.0 FEET; THEN SOUTH 00 DEGREES 22
MINUTES 19 SECONDS EAST 274.65 FEET TO THE CENTERLINE OF BUDD ROAD; THEN
SOUTH 89 DEGREES 26 MINUTES 38 SECONDS WEST ALONG SAID CENTERLINE 539.64
FEET TO AN ANGLE IN SAID CENTERLINE; THEN SOUTH 21 DEGREES 06 MINUTES 41
SECONDS WEST ALONG SAID CENTERLINE 49.18 FEET TO A POINT REFERRED TO AS
POINT "A"; THEN SOUTH 31 DEGREES 06 MINUTES 41 SECONDS
WEST ALONG SAID CENTERLINE, 386.77 FEET TO AN ANGLE IN SAID CENTERLINE;
THEN SOUTH 66 DEGREES 07 MINUTES 56 SECONDS WEST ALONG SAID CENTERLINE
147.01 FEET FOR A POINT OF BEGINNING; THEN SOUTH 66 DEGREES 07 MINUTES 56
SECONDS WEST ALONG SAID CENTERLINE 209.74 FEET TO AN ANGLE IN SAID
CENTERLINE; THEN SOUTH 66 DEGREES 46 MINUTES 31 SECONDS WEST ALONG SAID
CENTERLINE 86.28 FEET; THEN NORTH 04 DEGREES 53 MINUTES 29 SECONDS WEST
305.0 FEET; THEN NORTH 97 DEGREES 00 MINUTES 29 SECONDS WEST 180.0 FEET;
THEN NORTH 02 DEGREES 20 MINUTES 01 SECONDS EAST 212.16 FEET TO A LINE
DRAWN NORTH 89 DEGREES 26 MINUTES 36 SECONDS WEST FROM POINT A, REFERRED
TO AS POINT "B"; THEN SOUTH 89 DEGREES 26 MINUTES 36 SECONDS EAST, 408.03
FEET TO A LINE
DRAWN NORTH 04 DEGREES 53 MINUTES 29 SECONDS WEST FROM THE POINT OF
BEGINNING; THEN SOUTH 04 DEGREES 53 MINUTES 29 SECONDS EAST, 426.73 FEET
TO THE POINT OF BEGINNING IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.
KENDALL COUNTY
DISCLOSURE OF BENEFICIARIES FORM

1. Applicant: Tom McNelis

2. Nature of Benefit Sought

3. Nature of Applicant: (Please check one)
   - Natural Person
   - Corporation
   - Land Trust/Trustee
   - Trust/Trustee
   - Partnership
   - Joint Venture

4. If applicant is an entity other than described in Section 3, briefly state the nature and characteristics of the applicant:
   N/A

5. If your answer to Section 3 you have checked letter b, c, d, e, or f, identify by name and address each person or entity who is a 5% shareholder in case of a corporation, a beneficiary in the case of a trust or land trust, a joint venture in the case of a joint venture, or who otherwise has proprietary interest, interest in profits and losses or right to control such entity:

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>INTEREST</th>
</tr>
</thead>
<tbody>
<tr>
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<td>N/A</td>
</tr>
</tbody>
</table>

6. Name, address, and capacity of person making this disclosure on behalf of the applicant:
   N/A

   VERIFICATION

   I, ____________________________, being first duly sworn under oath that I am the person making this disclosure on behalf of the applicant, that I am duly authorized to make the disclosure, that I have read the above and foregoing Disclosure of Beneficiaries, and that the statements contained therein are true in both substance and fact.

   Subscribed and sworn to before me this _______ day of ________________________, A.D. ________

   (seal) ____________________________________________

   Notary Public
NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Tom McNelis
Contact Person: Tom McNelis

Address:
City, State, Zip: 
Phone Number: 
Email: 

Please select: How would you like to receive a copy of the NRI Report? Email, Mail

Site Location & Proposed Use
Township Name: Fox Township, Section(s) 15
Parcel Index Number(s): 04-15-200-023
Project or Subdivision Name: 
Number of Acres: 3.86
Current Use of Site: Vacant Residential
Proposed Use: Improved Residential
Proposed Number of Lots: 1
Proposed Number of Structures: New Home(s)
Proposed Water Supply: Well
Proposed type of Wastewater Treatment: Septic
Proposed type of Storm Water Management:

Type of Request
□ Change in Zoning from ___ to ___
□ Variance (Please describe fully on separate page)
□ Special Use Permit (Please describe fully on separate page)

Name of County or Municipality the request is being filed with: Kendall

In addition to this completed application form, please including the following to ensure proper processing:

□ Plat of Survey/Site Plan – showing location, legal description and property measurements
□ Concept Plan - showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.
□ If available: topography map, field title map, copy of soil boring and/or wetland studies
□ NRI fee (Please make checks payable to Kendall County SWCD)

The NRI fees, as of July 1, 2010, are as follows:

Full Report: $375.00 for five acres and under, plus $18.00 per acre for each additional acre or any fraction thereof over five.

Executive Summary Report: $300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under $375.00
Additional Acres at $18.00 each

Total NRI Fee $300.00

NOTE: Applications are due by the 1st of each month to be on that month's SWCD Board Meeting Agenda. Once a completed application is submitted, please allow 30 days for inspection, evaluation and processing of this report.

I (We) understand the filing of this application allows the authorized representative of the Kendall County Soil and Water Conservation District (SWCD) to visit and conduct an evaluation of the site described above. The completed NRI report expiration date will be 3 years after the date reported.

[Signature] 19 Jan 2017

Petitioner or Authorized Agent Date

This report will be issued on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, handicap or marital status.

FOR OFFICE USE ONLY
NRI# 1705 Date initially rec’d 6/14/17 Date all rec’d — — Board Meeting 7/10/17
Fee Due $300.00 Fee Paid $300.00 — — Refund Due — —
Check — — Over/Under Payment — —
Kendall County Land Evaluation and Site Assessment (LESA):

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **LAND EVALUATION (LE)** – The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.

- **SITE ASSESSMENT (SA)** – The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Kendall County LESA Committee is responsible for this portion of the LESA system.

### Table 4a: Land Evaluation Computation

<table>
<thead>
<tr>
<th>Soil Type</th>
<th>Value Group</th>
<th>Relative Value</th>
<th>Acres</th>
<th>Product (Relative Value x Acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>14G</td>
<td>2</td>
<td>94</td>
<td>2.6</td>
<td>244.4</td>
</tr>
<tr>
<td>193G</td>
<td>4</td>
<td>79</td>
<td>1.2</td>
<td>94.8</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>LE Score</strong></td>
<td><strong>3.8</strong></td>
<td></td>
<td><strong>339.2</strong></td>
</tr>
</tbody>
</table>

The Land Evaluation score for this site is **89**, indicating that this site is predominately prime farmland well suited for agricultural production.

### Table 4b: Site Assessment Computation

<table>
<thead>
<tr>
<th>A. Agricultural Land Uses</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)</td>
<td>20</td>
</tr>
<tr>
<td>2. Current land use adjacent to site. (30-20-15-10-0)</td>
<td>30</td>
</tr>
<tr>
<td>3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)</td>
<td>0</td>
</tr>
<tr>
<td>4. Size of site. (30-15-10-0)</td>
<td>0</td>
</tr>
</tbody>
</table>

**B. Compatibility / Impact on Uses**

1. Distance from city or village limits. (20-10-0) | 10 |
2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0) | 0 |

**C. Existence of Infrastructure**

1. Availability of public sewage system. (10-8-6-0) | 10 |
2. Availability of public water system. (10-8-6-0) | 10 |

The Site Assessment Score is **89**

**Land Evaluation Value: 89 + Site Assessment Value: 89 = LESA Score: 178**

<table>
<thead>
<tr>
<th>LESA SCORE</th>
<th>LEVEL OF PROTECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-200</td>
<td>Low</td>
</tr>
<tr>
<td>201-225</td>
<td>Medium</td>
</tr>
<tr>
<td>226-250</td>
<td>High</td>
</tr>
<tr>
<td>251-300</td>
<td>Very High</td>
</tr>
</tbody>
</table>

The LESA Score for this site is **178** which indicates a low level of protection for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County.
LAND USE OPINION:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Tom McNeilis for the proposed R-1 Rezoning project. This parcel is located in Section 15 of Fox Township (T.36N., R.6E. of the 3rd Principal Meridian) in Kendall County. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board has the following opinions and recommendations.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored an 89 out of a possible 100 points indicating the soils found on the project site are predominately prime farmland well suited for agricultural production. Of the soils identified onsite, both (145B and 193B) are designated as prime farmland.

For proposed land uses, soils can have potential limitations. This report indicates that for soils located on the parcel, 30% of the soils are very limited for dwellings with basements. This information is based on the soil in an undisturbed state and does not replace the need for site specific soil testing. Some soil reclamation, special design, or maintenance may be required to obtain suitable soil conditions to support development with significant limitations. Additionally, if the scope of the project includes the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Fox River Watershed and Hollenback Creek subwatershed.

This development should include a soil erosion sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense project uses it may be necessary to have a drainage tile survey completed on the parcel to locate any subsurface drainage tile if suspected onsite. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure the Land Developers take into full consideration the limitations of that land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Complied Statutes, Ch. 70, Par 405/22.02a).
Jeff:

There is no building permit available for this property if it remains A-1, which is why the petitioner is asking for R-1 zoning.

The minimum lot size in the R-1 is the same as the A-1, 2.98 acres +/- (130,000 square feet). As such, the property could not be subdivided without several variances to the Zoning Ordinance (which are unlikely).

The R-1 is the closest the County has to “Estate Zoning” because the largest minimum lot size of a residential zoning district in Kendall County is the minimum lot size of the R-1 District.

If you have any other questions, please let me know.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

Matt,

Just a question or two about the McNelis Budd Road rezone request.

Is there a building permit available on this property?

Can this property be subdivided into more than one buildable lot?

Is there a more suitable zoning class than R-1 such as an Estate zoning?

Thank you in advance for your comments.

Jeff Spang
Fox Township Supervisor.
And on a different topic, the Village of Millbrook has no objection to the zoning change to Mr. McNelis' property on Budd Road for Petition 17-21.

Thank you,
Jackie

******************************************************************************
Jackie Kowalski
Litigation Paralegal
Borla, North & Associates, P.C.
630-969-3903
630-969-3931 (fax)

"Like" us on Facebook
Senior Planner Matt Asselmeier called the meeting to order at 9:01 a.m.

Present:
Megan Andrews – Soil and Water Conservation District
Jason Langston – Sheriff's Office
Aaron Rybski – Health Department
David Guritz – Forest Preserve
Greg Chismark – WBK Engineering, LLC
Don Clayton – GIS
Brian Holdiman – PBZ Department
Matt Asselmeier – PBZ Department

Absent:
Fran Klaas – Highway Department
Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair

Audience: Tom McNelis and Robert Schneider

AGENDA
Mr. Asselmeier asked that Petition 17-21 be moved up to after the approval of the minutes.

Ms. Andrews made a motion, seconded by Mr. Langston, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

MINUTES
Ms. Andrews made a motion, seconded by Mr. Langston, to approve the July 11, 2017 meeting minutes. With a voice vote of all ayes the motion carried.

PETITIONS

17-21 Tom McNelis – Map Amendment Rezoning Property Identified by PIN 04-15-200-003 from A-1 to R-1. 14000 Block of Budd Road Approximately 0.98 Miles from Millbrook Road on the North Side of Budd Road in Fox Township
Mr. Asselmeier provided a summary of this proposed map amendment. The petitioner desires the rezoning in order to construct a house on the property at some point in the future. The property does not have a housing allocation. The properties to the north, east and west have houses. Any new structures would have to obtain the necessary building permits; permits for well and septic would also have to be secured before a house is constructed. The Village of Millbrook expressed no concerns regarding this proposal; Fox Township has not submitted any comments.

The home allowed on the property could only be for one (1) single-family home.

Mr. Holdiman stated the setbacks are fifty feet (50') from the side property lines, fifty feet (50') from the rear property line and one hundred fifty feet (150') from the centerline of Budd Road.

Ms. Andrews said the NRI Report was approved previously.

Mr. McNelis noted that residential uses were located on the west, east and north of the property.

There were no questions from the Committee to the applicant.

Mr. Rybski made a motion, seconded by Mr. Guritz, to forward the petition onto the Plan Commission with a favorable recommendation.
By a voice vote, the motion passed unanimously.

This matter will go before the Kendall County Regional Planning Commission on August 23rd.

Mr. Asselmeier asked that Petition 17-22 be moved ahead of Petition 17-19. Without objection, the agenda was amended.

17-22 Stor-Mor, Inc. – Major Amendment to Special Use Permit Granted by Ordinance 2016-15 Allowing an Enclosed Self Storage Facility and an Outdoor Storage Facility at 1317 Route 31 (PINs: 03-07-278-011, 03-07-278-010 and 03-07-278-009) in Oswego Township

Mr. Asselmeier provided a summary of this proposed amendment to the special use permit. The petitioner would like to construct one (1) one thousand, six hundred fifty (1,650) square foot building, construct one (1) four thousand, three hundred (4,300) square foot building, reduce the number of vehicles stored onsite from twenty-nine (29) to sixteen (16) and amend the landscaping plan by removing the proposed vegetation south of the proposed four thousand, three hundred (4,300) square foot building. Oswego Township expressed no opposition to this proposal; the Village of Montgomery has not submitted any comments.

The proposed new buildings would be used for the same purpose as the existing storage buildings.

Mr. Holdiman stated that the intent of the screening was for outdoor storage therefore he had no objections to the petitioner's screening proposal.

Mr. Holdiman asked if the Oswego Fire Protection District approved not having sprinklers in the buildings, similar to the other buildings. Mr. Schneider said he has not asked about these specific buildings, but no problems existed in the past. Mr. Holdiman advised Mr. Schneider to confirm this information with the Oswego Fire Protection District.

Mr. Rybski asked if the buildings were served by public utilities. Mr. Asselmeier said yes. Mr. Schneider added that the office was the only building that had plumbing.

The petitioner currently has stormwater information under review. Mr. Schneider said that he was not increasing impervious surface. The detention pond shown on the site plan already exists.

Mr. Schneider asked, if he did an expansion in the future, would he need to go through the same process. Mr. Asselmeier said that he would need a major amendment to the special use permit because the site plan is approved as part of the special use permit.

Mr. Holdiman made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation.

By a voice vote, the motion passed unanimously.

This matter will go before the Kendall County Regional Planning Commission on August 23rd.

17-19 Pulte Group Representing Dave Hamman – Renew Special Use Permit Granted by Ordinance 2004-43 Allowing the Placement of a Commercial Off-Premise Advertising Structure (Billboard) on the Parcel Identified by PIN 03-01-127-006 and Revoking the Special Use Permit for the Placement of a Commercial Off-Premise Advertising Structure (Billboard) on the Parcel Identified by PIN 03-01-127-004, Northeast Corner of U.S. 34 and Hafenrichter (Farnsworth) in Oswego Township

Mr. Asselmeier provided a summary of this proposed special use permit. He stated that the special use permit required the sign to be renewed every three (3) years; the sign was approved in 2004. Oswego Township expressed no opposition to this request. The City of Aurora has not submitted any comments. The location of the sign in relation to the property line must be determined; it needs to be ten feet (10’) off of the property line. A building permit would be required because the sign was moved from its original location.

Mr. Rybski made a motion, seconded by Mr. Langston, to forward the petition onto the Plan Commission with a favorable recommendation.
By a voice vote, the motion passed unanimously.

This matter will go before the Kendall County Regional Planning Commission on August 23rd.

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

None

**UPDATES OF PETITIONS**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

None

**PUBLIC COMMENT**

None

**ADJOURNMENT**

Mr. Guritz made a motion, seconded by Mr. Langston, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:30 a.m., adjourned.
Matt Asselmeier

From: Krysti Barksdale-Noble [knoble@yorkville.il.us]
Sent: Wednesday, August 09, 2017 7:46 PM
To: Matt Asselmeier
Cc: Jason Engberg; Bart Olson
Subject: RE: Map Amendment Petition 17-21

Matt,

This item was discussed at tonight’s Planning and Zoning Commission meeting and there were no objections expressed. I will forward the favorable recommendation to the City Council at the August 22nd meeting and update you on the final outcome.

Best Regards,

Krysti J. Barksdale-Noble, AICP
Community Development Director
United City of Yorkville
800 Game Farm Road
Yorkville, Illinois 60560
Direct: (630) 553-8573
Fax: (630) 553-3436
Cell: (630) 742-7808
www.yorkville.il.us

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Wednesday, July 19, 2017 3:47 PM
To: Krysti Barksdale-Noble
Cc: Jason Engberg; Bart Olson
Subject: RE: Map Amendment Petition 17-21

Krysti:

Thanks for letting me know.

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Krysti Barksdale-Noble [mailto:knoble@yorkville.il.us]
Sent: Wednesday, July 19, 2017 2:31 PM
To: Matt Asselmeier
Cc: Jason Engberg; Bart Olson
Subject: RE: Map Amendment Petition 17-21
Matt Asselmeier

From: Fox Township [foxtownshipsupervisor@gmail.com]
Sent: Tuesday, August 15, 2017 11:57 AM
To: Matt Asselmeier
Subject: McNelis Re-Zoning

Matt,
The Fox Township Board of Trustees discussed the proposed McNelis Re-Zoning petition at last nights meeting. We found no objection to the proposal. Thank you for the information you provided.

Jeff Spang
Fox Township Supervisor
Good Evening Matt,
The City Council heard this petition at tonight’s meeting and have no objections to the request. I have attached staff’s memo for your reference. Let me know if you have any questions.

Best Regards,

Krysti J. Barksdale-Noble, AICP
Community Development Director
United City of Yorkville
800 Game Farm Road
Yorkville, Illinois 60560
Direct: (630) 553-8573
Fax: (630) 553-3436
Cell: (630) 742-7808
www.yorkville.il.us

Krysti:
Thanks for letting me know.

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Krysti Barksdale-Noble [mailto:knoble@yorkville.il.us]
Sent: Wednesday, July 19, 2017 2:31 PM
To: Matt Asselmeier
Cc: Jason Engberg; Bart Olson
Subject: RE: Map Amendment Petition 17-21
Chairman Ashton called the meeting to order at 7:00 p.m.

ROLL CALL
Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Larry Nelson, Ruben Rodriguez, John Shaw, Claire Wilson (arrived at 7:01 p.m.) and Budd Wormley
Members Absent: Angela Zubko
Staff Present: Matthew H. Asselmeier, Senior Planner
In the Audience: Robert Davidson, Patrick Cook, Tom McNelis, Janet Seego, Karla Stoedter, Robert Schneider, Alzlisa Torre, Erika Dickens and Vicki Schnabel

APPROVAL OF AGENDA
Mr. Nelson made a motion, seconded by Mr. Wormley, to approve the agenda as presented. With a voice vote of all ayes, the motion carried.

Claire Wilson arrived at this time.

APPROVAL OF MINUTES
Mr. Wormley made a motion, seconded by Mr. Shaw, to approve the July 26, 2017 minutes. With a voice vote of all ayes, the motion carried.

PETITIONS
17-19 Pulte Group Representing Dave Hamman
Mr. Asselmeier summarized the request. The Pulte Group would like to renew the special use permit for a billboard at the property identified by parcel identification number 03-01-127-006 and revoke the special use permit for a billboard on the property identified by parcel identification number 03-01-127-004. This proposal applies to the sign advertising the Pulte Development. The proposal does not include the big billboard on the property 03-01-127-004. Staff is still searching for the ordinance that allowed that billboard. The existing special use permit required the sign to be renewed every three (3) years. The sign was moved to get into compliance with the Kendall County signage regulations; the Pulte Group is required to get a building permit because the sign was relocated.

Oswego Township expressed no opposition to this proposal. The City of Aurora has not submitted comments on this proposal. ZPAC unanimously recommended approval of the proposal provided that the placement requirements of the Zoning Ordinance were met.

Patrick Cook, representing Pulte Group, stated that he was in attendance to answer questions.

Ms. Wilson asked if the Planning, Building and Zoning Department received any feedback or objections. Mr. Asselmeier stated that they received general questions, but no objections to the proposal.
Chairman Ashton asked Mr. Cook if he agreed with the restrictions proposed by Staff. Mr. Cook said that he agreed with the proposed restrictions.

Mr. Nelson made a motion to recommend approval of the petition as presented with the restrictions proposed by Staff, seconded by Mr. Wormley.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson and Wormley (8)
No – None (0)
Absent – Zubko (1)

The motion passed. This proposal will go to the Special Use Hearing Officer on August 28, 2017 at 7:00 p.m.

17-21 Tom McNelis

Mr. Asselmeier summarized the request. The petitioner desires to rezone the property from A-1 to R-1 in order to be able to construct a house on the property in the future. No timeline exists for constructing a house and the property is for sale. The property is less than forty (40) acres and does not have a housing allocation; a house cannot be constructed on the property at the present time.

Fox Township expressed no opposition to the proposal. The Village of Millbrook expressed no opposition to the proposal. The United City of Yorkville expressed no opposition to the proposal. ZPAC unanimously recommended approval of the proposal.

Mr. Nelson suggested that the property obtain a conditional use permit because the lot is irregularly shaped and not farmable instead of rezoning the property to R-1. All of the adjoining properties are zoned A-1. Mr. McNelis said that he did not have a preference to the zoning; he liked the A-1 zoning. He wanted the ability to construct a house on the property. No Commissioner expressed opposition to the construction of a house on the property. Staff will work with the petitioner to determine the next steps in the process.

Janet Seego, Oswego, asked if the property sold, would the new owner have the same rights to construct a house. Chairman Ashton responded yes. No timeframe would be placed on the construction of the home.

Karla Stoedter, Budd Road, asked if more than one (1) home could be built on the property. Mr. Asselmeier responded that it was virtually impossible to construct another home on the property. If an additional home was proposed, the proposal would require review by various boards before approval.

Mr. Nelson made a motion to recommend that a conditional use permit be awarded for the construction of house instead of rezoning the property to R-1, seconded by Mr. Bledsoe.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson and Wormley (8)
No – None (0)
Absent – Zubko (1)

The motion passed. Mr. Asselmeier said that he would inform Mr. Mc Nelis of the next steps. If the proposal requires a public hearing, this public hearing will be at the Zoning Board of Appeals on August 28, 2017 at 7:00 p.m.

17-22 Stor Mor, Inc.

Mr. Asselmeier summarized the request. Stor Mor, Inc., represented by Robert Schneider, requested four (4) amendments to their special use permit. The petitioner would like to construct one (1) 1,650 square foot
building, one (1) 4,300 square foot building, reduce the number of vehicles stored onsite from twenty-nine (29) to sixteen (16) and amend the landscaping plan by removing the proposed vegetation south of the proposed 4,300 square foot building. In addition the restrictions listed in the proposal, Staff requested that a condition be added to the special use permit revoking the special use permit portion of Ordinance 76-6 which granted a special use permit for storage on the northern portion of the property.

Oswego Township had no objections to the proposal. The Village of Montgomery has not submitted any comments on the proposal. ZPAC requested that the petitioner confirm with the Oswego Fire Protection District that sprinklers would not be required in the new building; ZPAC unanimously recommended approval of the proposal.

Robert Schneider, petitioner, stated he constructed the new building proposed in 2016. He would like to substitute some of the RV parking spots in favor of the new, proposed buildings. The building proposed in 2016 was constructed. Mr. Schneider considered the rear of the proposed new building to be screening.

Mr. Nelson asked if the new building constructed in 2016 was constructed without sprinklers. Mr. Schneider said that the new building did not have sprinklers and no utilities run to the building.

Mr. Wormley asked if the retention pond was wet or dry. Mr. Schneider responded that the retention pond is in existence and it is dry.

Ms. Wilson asked for clarification regarding the screening requirement. Mr. Asselmeier said that the restriction was listed as amended because the petitioner is proposing a landscaping plan that differs from the landscaping plan approved in 2016.

Mr. Schneider stated that residential uses were located on three (3) sides of the property.

Ms. Wilson asked if residents or neighbors submitted objections to the proposal. Mr. Asselmeier said that he received general questions about the proposal, but no objections.

Alzlisa Torre, Oswego, requested to see the aerial of the property and how the proposal will impact her property. Mr. Schneider showed Ms. Torre the aerial of the property and explained the proposed structures and vegetation locations in relation to her property. Ms. Torre’s property is located north of the proposal and none of the proposed buildings, vegetation or lights will impact her property because they are located on the opposite of the property. The property will be fenced.

Mr. Schneider indicated that he did not plan to make additional changes to the site plan in the near future.

Erika Dickens, Oswego, asked about the vegetation on the north side of the property. Mr. Schneider said that he might trim vegetation, but all of the proposed buildings and vegetation work will be on the opposite side of the property.

Mr. Schneider said that his office is located on the property and invited neighbors to come in and discuss any concerns they may have.

Mr. Schneider hopes to start work this fall.

Ms. Wilson asked if an onsite manager was available twenty-four (24) hours a day. Mr. Schneider said that an onsite manager lived in an apartment on the property.
Ms. Wilson made a motion to recommend approval of the petition as presented including the conditions recommended by Staff, seconded by Mr. Bledsoe.

Yes – Ashton, Bledsoe, Casey, Nelson, Rodriguez, Shaw, Wilson and Wormley (8)
No – None (0)
Absent – Zubko (1)

The motion passed. This proposal will go to the Special Use Hearing Officer on August 28, 2017 at 7:00 p.m.

OLD BUSINESS
None

NEW BUSINESS

Discussion of Special Uses within the A-1 Zoning District
Mr. Asselmeier read his memo on the subject. He provided a map of the A-1 zoned properties in Kendall County and the list of special uses currently listed in the A-1 zoning district.

Mr. Davidson suggested the uses listed in the A-1 district should be evaluated. He believed that the land along the major highways should be evaluated for different uses. In particular, he believed that the land along Route 47 in Lisbon Township should be reclassified as commercial because of the widening of Route 47.

Mr. Shaw advised that the widening of Route 47 throughout all of Kendall County will not occur in the near future due to the State’s financial situation.

Mr. Nelson agreed that the maps should be updated.

Discussion occurred regarding stakeholder meetings. Chairman Ashton advised having meetings with Lisbon Township, the Village of Lisbon and the Village of Plattville. Draft maps should be prepared and taken to stakeholder meetings.

The consensus of the Commission was that the issue of land use along Route 47 in southern Kendall County should be examined.

Discussion of Amending the Future Land Use Map for Properties Located Along Route 47 in Kendall and Lisbon Townships
Mr. Asselmeier read his memo on the subject.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
Mr. Asselmeier reported that Petition 17-14 failed at the County Board. Petitions 17-15 and 17-20 both passed at the County Board. Petition 17-16 was tabled at the Planning, Building and Zoning Committee.

CITIZENS TO BE HEARD/ PUBLIC COMMENT
Vicki Schnabel, Yorkville, stated that her family is moving because of the banquet facility located across the street from her property. She favored distance requirements between businesses and residences in the A-1 district. She also expressed concerns about the noise restrictions placed on the banquet facility; the restrictions were too weak. Her family hears people talking next door, the music from next door and the bass from music.

Chairman Ashton asked if they received decibel readings at the property. Ms. Schnabel said that her family has not called the Sheriff’s Department.

Ms. Schnabel said that the berm and trees were inadequate to protect neighbors from noise and lights arising from the banquet facility.
from the banquet facility or to preserve their privacy. Mr. Davidson explained that the height and width of the berm were not defined. Also, the type, number and location of trees were also not defined in the special use permit for the banquet facility across from her property.

Chairman Ashton asked if Ms. Schnabel had any suggestions for the noise ordinance.

Chairman Ashton asked about the procedure for handling noise complaints. Mr. Asselmeier responded that the Sheriff’s Department would prepare a report outlining the violation. The report would be forwarded to the Planning, Building and Zoning Committee to see if the Committee wanted to forward the complaint to the State’s Attorney’s Office. If a special use permit holder was guilty of violating the noise provisions in their special use permit, the County Board could revoke the special use permit.

Discussion occurred regarding having lower decibel requirements on future special use permits.

Mr. Davidson reported that the Planning, Building and Zoning Department researched machines for recording for decibels. Mr. Asselmeier stated that the company with the technology has not developed a waterproof device. The devices also did not have battery backup; there were electricity access issues.

Chairman Ashton gave Ms. Schnabel his phone number and the information from the Ad-Hoc Zoning Ordinance Committee regarding the noise regulations.

Chairman Ashton discussed the process of creating mining regulations.

**OTHER BUSINESS/ANNOUNCEMENTS**

Mr. Asselmeier reminded Commissioners that he emailed Plan Commission training information to them. This training is offered through the Illinois Chapter of the American Planning Association. If they would like to participate, they should contact the Planning, Building and Zoning Department.

Discussion occurred regarding the State’s Attorney’s opinion regarding forest preserve districts and zoning regulations. Ms. Wilson said she would do additional research on the topic.

**ADJOURNMENT**

Ms. Wilson made a motion, seconded by Mr. Shaw, to adjourn. With a voice vote of all ayes, the motion carried. The Kendall County Regional Plan Commission meeting adjourned at 8:46 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP
Senior Planner
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
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
f. Old Business
g. Public Comment
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) four (4) 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 A concurring vote of four (4) members of a seven (7) member 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 Monday, August 28, 2017, the foregoing rules and regulations are hereby adopted by the Board of Appeals of Kendall County on Monday, October 2, 2017.
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<th>Randy Mohr, Chairman</th>
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<td>Karen Clementi, Member</td>
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