KENDALL COUNTY
ZONING BOARD OF APPEALS
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

January 5, 2015 – 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 December 8, 2014, 2014 Zoning Board of Appeals meeting

PETITIONS:

1. 14-38 Joe Nash
   Request Variance
   Location 150 Longbeach Road, Montgomery
   Purpose Request for a variance to permit a 7’ solid fence in the side & rear yard.

2. 14-41 Greg Randa
   Request Variance
   Location 55 Charles Street (55 Rickard Drive), Oswego
   Purpose Request for a variance to construct an attached garage that will be located in the 50’ setback to the dedicated right of way of Charles Street. The structure will be located 28’ from the property line, requesting a 22’ variance.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD-
Petition 14-35 Daron & Kimberly Spicher: Village of Plattville approved on 12.15.14
Petition 14-33 Bee Keeping text amendment- going to PBZ on 1.12.15

NEW BUSINESS/ OLD BUSINESS

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS: Next meeting on February 2, 2015
CALL TO ORDER
At 7:00 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Randy Mohr (Chairman), Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay (Vice-Chair), Dick Thompson & Dick Whitfield
Also present was: Planning & Zoning Manager- Angela Zubko & County Administrator Jeff Wilkins
Absent: None
In the audience: Bryan Harl, Rick Jansen, Daron Spicher and son and Bridget Carlsen

A quorum was present to conduct business.

MINUTES
Karen Clementi motioned to approve the October 27, 2014 ZBA meeting minutes as written. Dick Whitfield seconded the motion. All were in favor and minutes were approved.

Chairman Mohr swore in anyone interested in talking at this meeting.

PETITIONS
#14-32 Bryan & Lindsey Harl- Variance
Planner Zubko stated the property is located at 3416 Route 47 on the east side of Route 47 about 0.1 miles north of Kennedy Road. We heard this petition last month and the day after we approved it we realized it is really 68’ from the centerline of the roadway, not 68’ from the property line requesting an 82’ variance. Staff would recommend approval of the variance.

Chairman Mohr opened the meeting for public testimony.

Mr. Rick Jansen introduced himself and stated he lives west of Route 47. His only question is if this is built will it affect the Route 47 widening location? Planner Zubko stated not at all, IDOT would have no problem relocating it if needed and this is of course if the Route 47 widening happens. There was also a brief discussion on the permitted number of buildings on this lot.

With no further testimony made, Chairman Mohr closed the testimony.

The Findings of Fact were reviewed for a variance, they were approved as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The shape of the property is such that the proposed area is the most feasible and visually appealing area for the proposed building. The area to the east of the main structure is exceptionally narrow, making placement unfeasible. Further north on the property is a flood plain area, is low lying, and offers no access via a driveway to access the structure. A gravel or paved drive through the east or west side of the
main structure to access the building if it were placed to the north would also subtract from the visual appeal of the property.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Many A-1 zoned properties have a more rectangular shape, making a building as proposed more feasible in more than one area of the property. The shape of the property, the location of the low lying areas prone to flooding, and the aesthetics of the property deem placement of the proposed building best suited to the proposed location.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The property was purchased on August 25th, 2014 long after the house was built (1978).

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 approval of the variance will not be detrimental to the public welfare, or substantially injurious to the neighborhood. The property is heavily wooded and special use has been taken to ensure the majority of the trees remain, which will surround the proposed building.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed building is a tasteful, aesthetically pleasing building designed to increase the functionality of the property. The building will be used to store vehicles, and a boat; which would otherwise be parked on the property. Careful planning has been completed to place the proposed building in an area where mature trees will surround the building. Light and air supply will not be impaired to adjacent properties. Entries and exits to all surrounding properties, including the property in question, will be unaffected. Public streets and traffic will not be affected.

With no further discussion Karen Clementi made a motion, seconded by Dick Whitfield to approve the findings of fact as written and approve the variance. With a roll call vote of 6-1 were in favor and the variance was approved. Mr. Mohr voted no stating he feels the building is just too close to the roadway.

### #14-35 Daron & Kimberly Spicher
Planner Angela Zubko did an overview of the request stating the property is located on the south side of Plattville Road, about 0.3 miles east of Ashley Road. The petitioners are looking to rezone 3 of their 10 acre property from A-1 agricultural to R-1 Single family. The petitioners have indicated they intend to construct a single-family dwelling unit on the 3 acre parcel if the map amendment request is approved. This is consistent with the Village of Plattville’s comp plan to be residential. The township decided they do not want to discuss this matter since it’s a county roadway and in the Village of Plattville. This property is in the Village of Plattville so it goes through our 3 meetings and then onto the Plattville Board instead of our County Board. All the committees recommended approval and an access variance was granted by the Highway Committee, there was an existing curb cut. Planner Zubko stated she has not heard from any neighbors or heard about any concerns.

Staff would recommend approval of the requested Map Amendment to rezone 3 acres of a 10 acre parcel from A-1 (Agricultural) to R-1 (One-Family Residence District) to build a home on their property.
Karen Clementi asked about how this process works since we’ve never had one before. Planner Zubko stated we are contracted by the Village of Plattville and Village of Millbrook to do all their zoning and building inspections.

Chairman Mohr opened the meeting for public testimony, with no testimony made, Chairman Mohr closed the testimony.

The Findings of Fact were reviewed for a map amendment, they were approved as follows:

**Existing uses of property within the general area of the property in question.** The existing 10 acres if farmed with Alfalfa hay crop. There is one pole building for machinery and crop storage. Properties on the east and west are 5 acres each; the east has a house site with approximately 2 acres of crop. The west is a property with a pole building and some landscape trucks. To the north and south are crops.

**The Zoning classification of property within the general area of the property in question.** The zoning classifications within the general area are currently A-1 with R-4 to the east about 0.5 miles.

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

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

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **Adding a residential home in the area is consistent with the Community Development master plan in Plattville.**

With no further discussion Tom LeCuyer made a motion, seconded by Donna McKay to approve the findings of fact as written and approve the rezoning. With a roll call vote of 7-0, all were in favor and the map amendment was approved. This will move onto the Village of Plattville’s board next.

**#14-36 Bridget Carlson**

Planner Zubko stated the property is located at 9950 Lisbon Road on the east side of Lisbon Road, about 0.02 miles north of Walker Road. The property is just under 1 acre and zoned A-1 agricultural. The property is only 165’ wide. The petitioner is requesting a variance to construct an accessory structure that will be located in the 150’ setback to the centerline of the roadway. The structure will be located 83’ from the current centerline of the roadway, requesting a 67’ variance. This structure will be used for personal use only for professional dog training. She will be training her dogs to compete in dog shows. This property is on Lisbon

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Road which someday might be part of the Eldamain extension. The Highway Department would like the structure to be as far back as possible due to possibly widening in the future which is why it shows 80’ on the site plan. 83’ is as far back as possible due to an existing shed and the rule of a 10’ separation of buildings. Also to note the house north of this property is about 75’ from the centerline of the roadway so most likely during the widening they would not want to acquire any homes. The estimation is about 60’ from the centerline might be needed if the road is widened. The Highway Department is fine with the 83’ setback. Staff would recommend approval of the variance.

Chairman Mohr opened the meeting for public testimony.

Bridget Carlsen introduced herself and said she trains so her dogs have to perform well in order to get work. The show arenas are 40’ x 50’ but she made it a little bigger to store all the equipment. There was a brief discussion on the location of the septic system and the reasoning why this is being placed where it is. There was also a brief discussion that the home to the north is about 75’ from the centerline and there is a shed south of this property much closer to the property line.

With no further testimony made, Chairman Mohr closed the testimony.

The Findings of Fact were reviewed for a variance, they were approved as follows:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The entire lot is 165’ wide from the centerline of the roadway. To comply with a 150’ setback from the centerline of the roadway would be impossible.*

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. It really depends on when the house was built and roadways. For example the properties north and south of this property might also request a variance in the future. The house north was built in 1908.*

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The home was built in 1966 which is when I’m going to assume the lot was created as well, before any zoning restrictions existed.*

*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 approval of the variance will not be detrimental to the public welfare, or substantially injurious to the neighborhood. Locating the building north of the house will be less intrusive then south of the house due to the location of the home to the south. The home to the north is further away.*

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The proposed building will not impair an adequate supply of light and air to adjacent properties and the public streets and traffic will not be affected.*
With no further discussion Tom LeCuyer made a motion, seconded by Scott Cherry to approve the findings of fact as written and approve the variance. With a roll call vote of 7-0 all were in favor and the variance was approved.

**#14-33 Bee Keeping**

Planner Angela Zubko stated couple months ago the PBZ office was asked about allowing bee keeping in residential districts. This topic has been discussed a few times at the PBZ (Planning, Building and Zoning) Committee and the committee would like to see a text amendment to allow these in residential districts. Planner Zubko is of the opinion this is a bad idea and it is permitted in A-1 Agricultural districts now. Staff proposes the following text amendment per the direction of the PBZ Committee. She proposes it be a conditional use in the R-1, R-2 and R-3 Districts with the 14 conditions listed on the memo. The ZPAC Committee recommended approval with no changes and the Plan Commission just wanted to add one condition on the application to verify if there is an HOA or not and if there is they need approval from the HOA first, if there is no HOA they need to put that in writing and sign it so the County cannot be held responsible.

Ms. Clementi asked while in reviewing other counties if they mention liability insurance or is that not even our concern? Planner Zubko stated it’s not really our concern as it’s the same thing if anyone gets hurts doing anything on someone else’s property. Ms. Clementi asked if the neighbor is allergic. Planner Zubko stated there is a condition that if a neighbor objects the hives must be located further from their home and also there is the fly away barrier (solid fence with signage) which also should prevent accidents.

Donna McKay wanted to make sure if it is zoned A-1 none of these conditions apply, Planner Zubko stated that is correct.

Mr. Jeff Wilkins introduced himself and also explained he had the same hesitancy as Planner Zubko on this topic.

Since there is no one left in the audience Chairman Randy Mohr opened and closed public testimony.

With no further discussion Dick Whitfield made a motion, seconded by Donna McKay to approve the text amendment including the HOA approval. With a roll call vote of 6-1 in favor and the text amendment will be forwarded on. Karen Clementi voted no stating she is of the opinion it is a bad idea in residential districts.

**#14-37 Home Occupations- Landscape Business**

Planner Angela Zubko stated this will be continued till next month as the Plan Commission wanted to makes some changes to the text before forwarding it on.

**REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES- None**

**NEW BUSINESS/OLD BUSINESS** — Review and approve 2015 meeting dates- Dick Whitfield approved the 2015 meeting dates as presented, seconded by Scott Cherry. All were in favor and the meeting dates have been approved.

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

**ADJOURNMENT OF THE ZONING BOARD OF APPEALS-** Next meeting will be on January 5, 2015

Tom LeCuyer made a motion to adjourn the ZBA meeting, Scott Cherry seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:33 p.m.
Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager & Recording Secretary
DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 203
Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

14-38
JOE NASH
VARIANCE - Side & Rear Yard Fence Height

SITE INFORMATION
PETITIONER Joe Nash, Cathy Nash, Nash Properties LLC
ADDRESS 150 Longbeach Road, Montgomery
LOCATION Lot 164, Boulder Hill Unit 26; About 0.05 miles east of Winrock Road
TOWNSHIP Oswego
PARCEL # 03-04-430-018
LOT SIZE @ 5,000 square feet
EXITING LAND USE Single Family Home
ZONING R-7 General Residence District - Boulder Hill Subdivision Unit 26 (Platted in 1972)

LRMP

| Land Use | County: Suburban Residential |
| Roads    | Longbeach Road is classified as a local street |
| Trails   | None |

REQUESTED ACTION Request for a variance to allow a 7' fence in the side and rear yards. The maximum height permitted by the Zoning Ordinance is 6'.

APPLICABLE REGULATIONS §4.14.A.3 (Fence Regulations: Solid fence requirements)
§8.12.G (R-7 Setbacks: Rear yard)
§13.04 (Variations)

SURROUNDING LAND USE

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<th>Adjacent Zoning</th>
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REQUESTED ACTION GENERAL Request for a variance to allow a 7' fence in the side and rear yards. The maximum height permitted by the Zoning Ordinance is 6'.
FINDINGS OF FACT

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

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The fence in the back was already there when the petitioners purchased the house and they would like a taller fence to keep the neighbors' dogs and children out.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Other properties surrounding could request the same variance.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The fence in the back already existed; the fence between the two homes was just built. The hardship is the neighbors' kids and dogs.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood as they are similar. The neighbor to the east would be most impacted and they have not voiced any concerns to date.

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 fence height will not impair and adequate supply of light and air to adjacent properties, or increase the congestion in the public streets or endanger the public safety or diminish property values.

RECOMMENDATION

Staff would recommend approval of the variance to allow a 7' fence in the side and rear yards.

ATTACHMENTS
1. Owner's letter
2. Picture of fence
We recently purchased the property located at 150 Longbeach Rd - Montgomery. The fence in the back was the original, built with the house. The yards slope down into the backyards. We built a new fence that divides the yard 7' high due to one neighbor that has very large dogs that could look over the fence. The other neighbor has several children that would climb on the fence. All surrounding neighbors are looking at the good side of the fence. The fence is a bit higher, but it is new and not an eyesore. The neighbors are pleased with the quality and workmanship of the new fence. Thank you for your time and consideration.

A. Bush Shush
SITE INFORMATION

PETITIONER     Randa Family Trust
ADDRESS         55 E. Charles Street, Oswego (driveway on Rickard Drive)
LOCATION        Lot 27, Lynwood Extension 3; About 0.11 miles north of Route 34
TOWNSHIP        Bristol
PARCEL #        02-14-429-004
LOT SIZE        @ 45,816 square feet (1.05 acres)
EXITING LAND USE Single Family Home
ZONING          R-3 Single Family Residence District- Lynwood Subdivision Extension 3
                 (Platted in 1960)
LRMP            | Land Use | County: Suburban Residential
                 | Roads    | Charles & Rickard are classified as local streets
                 | Trails   | None

REQUESTED ACTION Request for a variance to construct an attached garage that will be located in
the 50’ side/front setback from the Charles road right-of-way. The structure
will be located 28’ from the property line, requesting a 22’ variance.

APPLICABLE    §8.08.E.1 (R-3 Setbacks: Front yard)
REGULATIONS   §13.04 (Variations)

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REQUESTED ACTION
GENERAL Request for a variance to construct an attached garage that will be located in the
50’ side/front setback from the Charles road right-of-way. The structure will
be located 28’ from the property line, requesting a 22’ variance.
FINDINGS OF FACT

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

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The petitioners are adding an attached garage and converting their existing garage into a family room. In order to utilize the existing driveway it would need to be located on the south side of the home. Staff also thinks that to the north of the home is the location of the well and septic system.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Since Charles Street (east) has been 'abandoned' per the township highway department and determined to be used for a drainage easement, the owner
wishes to excuse the Charles street 50’ setback requirement.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The current owners did not construct the driveway or relocate the driveway. The garage would need to be on the south side of the home in order to utilize the existing (recently moved) driveway.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance will help improve the appearance of the home and allow vehicles to be parked inside.

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. As the two car garage is mostly behind the dwelling, we firmly believe the impact will be minimal to any surrounding home owners.

RECOMMENDATION

Staff would recommend approval of the variance to construct an attached garage that will be located 28’ from the property line, requesting a 22’ variance.

ATTACHMENTS

1. Plat of Survey