CALL TO ORDER

ROLL CALL: County Board: PBZ Committee Member Gryder; County Highway: Fran Klaas; Engineering Consultant: Greg Chismark; County Health: Aaron Rybski; Forest Preserve: David Guritz; SWCD: Megan Andrews; Sheriff: Mike Peters; PBZ: Mike Hoffman (Teska Associates), Building Department: Brian Holdiman

APPROVAL OF AGENDA

MINUTES: Approval of minutes from the June 2, 2015 ZPAC meeting.

PETITIONS:

1. 15-11 Rhonda Miller/ Strong Tower of Refuge Ministries
   Request: Special Use to allow a place of worship in a B3 Zoning District
   Location: 81 Boulder Hill Pass, Montgomery (Boulder Hill)
   Purpose: To allow the ministry to lease space in the existing shopping center.

2. 15-12 Dan Koukol
   Request: Major Amendment to Special Use
   Location: 3485 Route 126 in Na-Au-Say Township, approximately ½ mile west of Schlapp Road
   Purpose: To allow outdoor display (trailers) to be located within front yard setback. Current condition of special use is they must be setback 40’. Request is zero setback.

3. 15-13 Gary Kritzberg
   Request: Variance from front yard setback for a garage
   Location: 1211 Game Farm Road, Yorkville
   Purpose: To construct a garage in the front yard setback to minimize tree loss and protect steep slopes

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD:
14-37 Home Occupations – Landscape Business – Denied by the County Board on June 16, 2015

PUBLIC COMMENT

OLD BUSINESS/ NEW BUSINESS
15-09 – Septic not permitted in open space/LRMP Update

ADJOURNMENT- Next meeting on August 4, 2015
Planning Consultant Mike Hoffman called the meeting to order at 9:00 a.m.

Present:
Scott Gryder – PBZ Member
Fran Klaas – County Highway Department
Brian Holdiman - Building Inspector
Mike Peters – Sheriff’s Office
Mike Hoffman – County Planning Consultant with Teska Associates, Inc.

Absent:
Megan Andrews – Soil & Water Conservation District
Greg Chismark – Wills Burke Kelsey
David Guritz - Forest Preserve
Aaron Rybski – Health Department

AGENDA
A motion was made by Scott Gryder, seconded by Fran Klaas to approve the agenda as written. All were in favor and the motion carried.

MINUTES
Fran Klaas made a motion, seconded by Scott Gryder, to approve the May 5, 2015 meeting minutes as written. The motion was approved 5-0.

PETITIONS

#15-10 Frank Schmaltz

Brian Holdiman noted that Mr. Schmaltz has requested a 22’ setback variance to allow a trailer he uses for work to continue to be parked in the front yard of his home at 25 Old Post Road in Boulder Hill. He noted that Mr. Schmaltz claims the trailer has been parked there since the 1980’s, but that he missed the opportunity to get an exemption in 2006 when the County updated their rules regarding RV and trailer parking. Mr. Schmaltz is coming forward with the request now because there was a complaint filed, and he has been placed in violation of the code. At the direction of the PBZ Committee he has filed the request. Scott Gryder confirmed that direction. Brian Holdiman also noted that, had Mr. Schmaltz requested an exemption in 2006 he would have been allowed to keep the trailer in the current location.

Mike Hoffman noted that the trailer is parked on gravel, and the variance request also includes allowing the trailer to remain on gravel. The ordinance requires the trailer to be on a paved surface. He referenced the pictures provided in the packet of what the trailer and gravel surface looks like today. No one expressed any concern for the placement on a gravel pad.

Brian Holdiman noted that given the topography of the property, it would be very difficult to move the trailer back to comply with the setback requirement. Without the variance, his only real option would be to store the trailer at an off-site location.

Fran Klaas asked that, if the variance were granted, would it remain with the property or would it just be for Mr. Schmaltz. Mike Hoffman suggested that normally the variance would stay on the property, but that the County can impose reasonable conditions on the approval. Mr. Klaas suggested that perhaps, in keeping with the spirit of the ordinance, a condition might be imposed that would grant the variance for Mr. Schmaltz but would expire if he sold the property. Committee members all suggested that seemed like a reasonable approach.

Mike Hoffman recommended that the petition be moved forward with the condition that the variance be granted for Mr. Schmaltz, but would expire on the sale of the property. By voice vote all members agreed to send this
application on to the ZBA for a public hearing on June 29th, 2015.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD-
14-10 – Subdivision Control Regulations – Letter of Credit – Passed 5.19.15
14-37 Home Occupations – Landscape Business – Referred back to PBZ

Mike Hoffman explained that when this item went to the County Board, questions regarding how these new regulations would relate to existing provisions regarding trailer parking. After some discussion, the County Board decided to refer the item back to the PBZ Committee to review and refine the proposal. Staff is going to propose some alternatives to address the Board’s concerns and clarify the issue of how landscape businesses will be treated as a home occupation. Scott Gryder confirmed that was the Board’s direction.

PUBLIC COMMENT- There were no comments.

OLD BUSINESS/NEW BUSINESS

Mike Hoffman summarized the proposed changes to the LRMP, including a minor map change to show additional commercial land along Creek Road between Little Rock Road and Frasier Road, an update to the Trail Plan, and no change to the general approach of promoting conservation design for new residential development. He noted that at the annual LRMP meeting several years ago representatives from Kendall and Na-Au-Say Township had requested a change that would require one acre minimum lots with a reduction in common open space due to maintenance concerns. This issue was referred to the Ad Hoc Committee, which recommended a minor text amendment to the zoning code that would require all private septic systems to be on individual lots – thus not allowing back-up septic systems on common open space which is currently permitted within a Residential Planned Development. Ad Hoc had requested that feedback on this approach be solicited from all Townships. A letter has been sent to all Township Supervisors. To date, only Oswego Township has replied. Their suggestion was to go back to the minimum one acre lot requirement for all new development. Fran Klaas asked if having the back-up septic system in common open space had been a problem, and suggested contacting the County Health Department on the issue. Mr. Hoffman noted that to his knowledge it had not been a problem. Scott Gryder noted that a concern of going to the one acre minimum would be the potential for property owners to request small two or three lot subdivisions along existing roadways which could change the character of the area.

Mike Hoffman summarized the changes to the trails plan, including adding paths proposed by Plano. He also noted the plan should be changed to reflect installation of the trail by Plano and IDOT along Route 34 between Eldmain Road and just west of Big Rock Creek. Scott Gryder suggested confirming the plan with Plano, as he remembered them working on a trail along Abe Street near the High School. Mike Hoffman also noted that the Fox River Corridor Plan the County previously adopted does clearly show a trail connection across the Fox River using the old Millbrook Bridge to connect the Canoe Launch on the west side of the Fox River with the Forest Preserves on the east side of the river. Scott Gryder suggested that we make sure that David Guritz with the Forest Preserve District has a copy of this material. Mr. Hoffman confirmed that he will touch base with both Plano and Mr. Guritz.

Mike Hoffman noted that an upcoming petition will be for a special use for a church in the existing shopping center in Boulder Hill. He noted that they will be seeking a fee waiver from the PBZ Committee at their next meeting.

AJOURNMENT- Next meeting on June 2nd, 2015

With no further business to discuss Scott Gryder made a motion, seconded by Fran Klaas to adjourn the meeting at 9:16 a.m. The motion carried.

Submitted by,
Mike Hoffman, AICP, PLA
Teska Associates, Inc./ County Planning Consultant
SITE INFORMATION

PETITIONER  Strong Tower of Refuge Ministries- Pastor Rhonda Miller

ADDRESS  81 Boulder Hill Pass

LOCATION  East side of Boulder Hill Pass, Boulder Hill Marketplace

TOWNSHIP  Oswego

PARCEL #  03-05-401-003

SIZE  7.82 acres; 4800 square feet in strip mall

EXISTING LAND USE  Existing Businesses (Dollar General, Boulder Hill liquor store, Oswego Community Bank, Select Restaurant, orthodontist office and attorney’s office, River’s Edge Fellowship)

ZONING  7.82 Acres Zoned B-3 (Ordinance 56-300) Rezoned from farming to business

LRMP

<table>
<thead>
<tr>
<th>Land Use</th>
<th>County: Suburban Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Boulder Hill Pass is designated as a local roadway</td>
</tr>
<tr>
<td>Trails</td>
<td>None</td>
</tr>
<tr>
<td>Other</td>
<td>Wetlands &amp; Floodplain are NOT present on the property</td>
</tr>
</tbody>
</table>

REQUESTED ACTION  The Petitioner is requesting approval of a B-3 Special Use Permit to operate a place of worship including community outreach events.

APPLICABLE REGULATIONS  § 9.04.C (B-3 Special Uses Permitted: Places of Worship)

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Gas Station</td>
<td>B-3</td>
<td>Suburban Residential</td>
<td>B-3; Montgomery</td>
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<tr>
<td>South</td>
<td>Medical Office</td>
<td>B-3</td>
<td>Suburban Residential</td>
<td>R-3; R-6; R-7 &amp; Oswego</td>
</tr>
<tr>
<td>East</td>
<td>Oswegoland Park District, Dental Office &amp; Wedgewood Manor</td>
<td>B-1, B-3 &amp; R-7</td>
<td>Suburban Residential</td>
<td>B-1, R-6, R-7 &amp; Oswego</td>
</tr>
<tr>
<td>West</td>
<td>Train tracks</td>
<td>A-1; Montgomery</td>
<td>Suburban Residential</td>
<td>R-1SU, M-1, M-3 and Montgomery</td>
</tr>
</tbody>
</table>
PHYSICAL DATA
ENDANGERED SPECIES REPORT
No Endangered Species Report necessary since it’s an existing building.

NATURAL RESOURCES INVENTORY
An NRI is not necessary since it’s an existing building.

ACTION SUMMARY
OSWEGO TOWNSHIP
ZPAC 7.7.15
RPC 7.22.15
SUHO 7.27.15
The Township has not provided staff with any comments to date.

REQUESTED ACTION
The Petitioner is requesting approval of a B-3 Special Use Permit to operate a place of worship including community outreach events. If approved, Strong Tower would join the recently approved River’s Edge Ministry in the same shopping center.

GENERAL
Strong Tower of Refuge Ministries currently is located at 100 Rocky Way #15 in Montgomery, and is looking to relocate to the Boulder Hill Marketplace. Their ministry is focused on community outreach, and they plan to have services several days a week. They will also offer community workshops. Planned activities include a Tuesday night Bible Study, Thursday night workshop, and Sunday morning Worship Service.

This location is the far eastern end of the existing building, nearest to Boulder Hill Pass.
On the whole parcel there are about 44,500 square feet of retail/office area & about 3,000 square feet for a bank. The minimum parking requirements are 1 parking stall per 200 square feet of retail/bank which would calculate to a total of 238 parking stalls for the entire lot. Back in 2009, planner Angela Zubko counted about 236 parking stalls. Required parking for a Place of Worship is 1 space per 3 seats in the auditorium. We are not sure exactly what the capacity of the auditorium is, but a capacity of approximately 70 would be equivalent to the parking ratio noted above for retail. Given the mix of uses and peak time of demand, parking is not anticipated to be an issue with the proposed special use.

No new signage is proposed at this time. Staff would assume a building sign will be erected which will need to meet the sign size regulations and a building permit will be required.

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. The petitioner has answered as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. We believe the presence of Strong Tower of Refuge Ministries would help improve the public health, safety, comfort and general welfare of the Boulder Hill area.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent
uses and is compatible with the surrounding area and/or the County as a whole. Drawing more visitors to the shopping center will likely enhance traffic to other businesses like the nearby restaurant. The large existing parking lot should be able to handle increased use generated by Strong Tower Ministries operation. An occupied shopping center is typically better maintained, and generally enhances property values in the area.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. This is an existing shopping/professional center therefore all these considerations are already in place.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. The proposed use will comply with all County regulations.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. This special use permit will be consistent with the uses in the strip center.

RECOMMENDATION Staff is comfortable with this request with one condition:
1. The Special use runs with the tenant and not with the land.

ATTACHMENTS
1. Special use Description
May 12, 2015

Department of Building & Planning

Dear Planning Committee,

Strong Tower of Refuge Ministries was incorporated in 2003. We are a non for profit organization seeking a special use permit for our ministry in the city of Montgomery. Our ministry is geared towards outreach, where we will be having service several days a week, and providing workshop to help those in the community with various needs.

The services we want to offer our community will be held 81 boulder Hill Pass, in Montgomery II. Our Church will offer Tuesday night Bible study, Thursday night Workshop, and Sunday morning Worship Service, as well as other events. I would like to thank you in advance you’re your consideration.

Warm regards,

[Signature]
Pastor Rhonda Miller
SPECIAL USE MAJOR AMENDMENT (ORD 97-06)
Front Yard Setback for Trailer Sales

SITE INFORMATION

<table>
<thead>
<tr>
<th>PETITIONER</th>
<th>Dan Koukol</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADDRESS</td>
<td>3485 Route 126, Oswego</td>
</tr>
<tr>
<td>LOCATION</td>
<td>On Route 126, approximately ½ mile west of Schlapp Road</td>
</tr>
<tr>
<td>TOWNSHIP</td>
<td>Na-Au-Say</td>
</tr>
<tr>
<td>PARCEL #</td>
<td>06-16-100-002 (south 18.6 acres) - partial</td>
</tr>
<tr>
<td></td>
<td>06-09-300-002 (north 80 acres) – partial</td>
</tr>
<tr>
<td>LOT SIZE</td>
<td>98.6 Acres for both parcels, but Special Use is only for 5 acres in the southeast corner of these tracts</td>
</tr>
<tr>
<td>EXITING LAND USE</td>
<td>DK Trailer &amp; Tractor</td>
</tr>
<tr>
<td>ZONING</td>
<td>AG Special Use for Agricultural Farm Sales and Service Business</td>
</tr>
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</table>

LRMP

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Rural Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>No new roads suggested on this parcel, Route 126 is classified as an Arterial Road</td>
</tr>
<tr>
<td>Trails</td>
<td>Trail proposed along north side of Route 126</td>
</tr>
</tbody>
</table>

REQUESTED ACTION

Request for elimination of the 40’ setback from the Route 126 right-of-way and side property line for the current sales display.

APPLICABLE REGULATIONS

Ordinance 97-06 – Special Use, Condition 3, which requires the 40’ setback for sales displays.
§11.05.A.1.b (Parking and Storage of Recreational vehicles, Recreational Trailers, Trailers and Mobile Homes.
§9.03.D.8 which regulates permanent outdoor displays in business districts.

SURROUNDING LAND USE

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<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
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<tbody>
<tr>
<td>North</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Rural Residential</td>
<td>A-1</td>
</tr>
<tr>
<td>South</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Rural Residential</td>
<td>A-1</td>
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<tr>
<td>East</td>
<td>ServPro of Kendall Co.</td>
<td>A-1 (SU)</td>
<td>Rural Residential</td>
<td>A-1</td>
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<tr>
<td>West</td>
<td>Agricultural</td>
<td>A-1</td>
<td>Rural Residential</td>
<td>A-1</td>
</tr>
</tbody>
</table>

REQUESTED ACTION

Request for elimination of the required setback for display of trailers and farm equipment parking/sales from Route 126. According to Mr. Koukol, the setback was original required as a home was proposed to be built across the street. However, that home was never constructed. He would like to better utilize his property.
and increase the visibility of his outdoor trailer/equipment display by moving it closer to the roadway. The request is to allow trailers to be located at the property line, with zero setback. A fence is currently located on the property line and encloses the property.

Normally in an A-1 District, the front setback is 100’ from a dedicated road right-of-way. However, this setback was reduced with the special use given the nature of the business and need for visibility of equipment for sale. Section 11.05.A.1.b. prohibits trailers in a front yard. This section of the zoning ordinance was added in 2006. The Special Use for Agricultural Farm Sales and Service business was granted in March of 1997. Prior to the 2006 amendment, the zoning ordinance did not specifically address trailer parking or storage. While this 100’ setback would apply to any building to be constructed, this specific special use reduces the trailer setback to 40’.

In the business district section of the zoning code, Section 9.03.D.8. has specific conditions for the design and location of permanent outdoor displays. Of relevance to this case is the provision that such displays “shall be located at least 10 feet from any property line, shall not use required parking spaces, and shall not encroach into any required vision triangle areas.” While this standard does not directly apply to this site as the underlying zoning here is Agricultural, the use is similar to what might be found in a business district. Therefore, applying a similar standard for this site is recommended by staff.

*Location Map*
Staff is waiting on comments from the Township. § 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use (or in this case a Major Amendment to the Special Use). These findings should be related to the requested amendment to the special use to allow the sales display closer to Route 126. Staff has answered as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. A fence currently exists along the property line. Allowing the outdoor sales display to be within 10' of the right-of-way would be consistent with other permitted businesses in the County, and would still provide for appropriate visibility along the drive-way.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. Per the applicant, the setback for outdoor display was imposed original to provide separation from a planned home on the south side of Route 126. However, plans for that have since been dropped. A reduced setback should have no impact on adjacent agricultural uses or the adjacent ServPro of Kendall County restoration business.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. A gravel pad is already in place to accommodate the proposed outdoor display. All other facilities are already in place.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Hearing Officer. All other provisions of Ordinance 97-06 approving this Special Use shall remain in effect, as well as all other provisions of the Agricultural District unless modified in Ord. 97-06 or in this amendment to that ordinance.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. Since the Special Use is already in place, this criteria is not relevant to the amendment.

Staff would recommend approval of the major amendment to the existing Special Use (Ordinance 97-06) to reduce the setback from Route 126 right-of-way and side property line for outdoor sales display from 40' to 10'. This 10’ setback will be consistent with provisions regulating similar businesses in the B-2 and B-3 districts, provide some buffer along the edge of the property, and provide appropriate intersection visibility.

**ATTACHMENTS**
1. Letter from Petitioner
2. Ordinance 97-06 Approving Special Use.
Dear Brian Holdiman  
Mike Hoffman  
Kendall County Zoning

I am asking for the set back change. We originally offered the extra 40ft, because a home was going to be built across from the yard. Property across street changed hands and never built a home. I need to be able to use this 40ft area for selling product. Do to highway speeds business has changed. Thank you for your time on this subject.

[Signature]
6/15/15
ORDINANCE 97-06

GRANTING A SPECIAL USE PERMIT
KOUKOL TRACK
3485-A Route 126

WHEREAS, the County Board, Zoning Board of Appeals, Regional Planning Commission have held all required meetings and Public Hearing and considered the application of Phillip, Betty & Dan Koukol, filed as Special Use Petition #9630, requesting to be allowed to operate a farm equipment sales and service business on the following described property:

That part of the Southwest Corner of Section 9 and that part of the Northwest Quarter of Section 16, Township 36 North, Range 8 East of the Third Principal Meridian described as follows: Beginning at the Northeast Corner of said Northwest Quarter; thence South 01°40'39" East, along the East Line of said Northwest Quarter, 466.05 feet to the centerline of Illinois State Route No. 126; thence South 80°28'31" West along said centerline, 320.0 feet; thence North 01°40'39" West, parallel with said East Line, 708.83 feet; thence North 88°19'21" East, perpendicular to the last described course, 317.23 feet to the East Line of said Southwest Quarter of Section 9; thence South 01°36'40" East, along said East Line, 199.09 feet to the point of beginning in Na-Au-Say Township, Kendall County, Illinois and containing 5.000 acres.

NOW THEREFORE, BE IT ORDAINED that the County Board does hereby approve the amended zoning from A-1 to A-1 Special Use in order to allow the Petitioner to operate an Agricultural Farm Sales and Service business on the property herein described and that said Special Use Permit hereby issued shall include the following terms and conditions:

1. That the Site Drawing of Phillip D. Young, Land Surveyor, dated October 28, 1996 is approved and incorporated as part of this Special Use Permit and made a part hereof as Exhibit "A".

2. The Zoning Administrator shall decide whether any proposed construction of a new building or other expansion of the business shall require a revised Special Use Permit.
3. A 40 foot setback from the Route 126 right-of-way and side property line is required for the current sales display.

4. A screening plan of landscaping and fencing along the east edge of the property shall be submitted for a approval to the Zoning Administrator within a month of the granting of this ordinance.

5. The Special Use Permit shall be limited to repair and sale of farm and lawn equipment.

6. Operating hours are limited to 7:00 a.m. to 6:00 p.m. on Monday through Saturday.

7. All inoperable equipment and parts shall be stored inside existing buildings. Only operable, for sale farm and lawn equipment may be stored and displayed outside.

8. Said Special Use Permit shall be subject to an annual review by the Zoning Administrator.

9. The owner has volunteered a covenant stating that the Special Use Permit shall not be transferred beyond the current owner.

IN WITNESS WHEREOF, this Ordinance has been enacted the 18th day of March, 1997.

Chairman, County Board of Kendall County, Illinois

ATTEST:
County Clerk
ZONING PLAT OF
PART OF THE SOUTHWEST QUARTER OF SECTION 9, T36N–R8E, 3rd PM and
PART OF THE NORTHWEST QUARTER OF SECTION 16, T36N–R8E, 3rd PM
NA–AU–SAY TOWNSHIP KENDALL COUNTY ILLINOIS

October 28, 1996

Area: 5.000 Acres
(4.709 Acres Excluding Road)

Present Zoning: A-1
Proposed Zoning: A-1 SU

Owner: Dan Koukol
1890 Collins Road
Oswego, Illinois 60543

Legal Description of Tract to be Devoted:
The part of the Southwesterly corner of Section 9 and the part of the Northwest corner of Section 16, Township 36 North, Range 8 East, Kendall County, Illinois, bounded on the Northeast by the Southwesterly corner of Section 9, Township 36 North, Range 8 East, Kendall County, Illinois, bounded on the South by the Northwesterly corner of Section 16, Township 36 North, Range 8 East, Kendall County, Illinois, bounded on the West by the Northeast corner of Section 9, Township 36 North, Range 8 East, Kendall County, Illinois, bounded on the North by the Northwest corner of Section 16, Township 36 North, Range 8 East, Kendall County, Illinois. Said tract to include any and all of the above described property owned by the owner.

Location Sketch (not to scale)
**SITE INFORMATION**

**PETITIONER**
Gary Kritzberg

**ADDRESS**
1211 Game Farm Road, Yorkville

**LOCATION**
1211 Game Farm Road, Yorkville

**TOWNSHIP**
Bristol

**PARCEL #**
02-29-276-010

**LOT SIZE**
3.675 acres

**EXITING LAND USE**
Single Family Home

**ZONING**
A-1 Agricultural District

<table>
<thead>
<tr>
<th>LRMP</th>
<th>Land Use</th>
<th>Suburban Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Game Farm Road is currently under construction, with a 3 lane cross section planned in front of this home</td>
<td></td>
</tr>
<tr>
<td>Trails</td>
<td>Trail was recently constructed on the east side of Game Farm Road</td>
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</table>
REQUESTED ACTION
Request for a variance to allow a garage within the front yard setback. Required setback is 50’, request is to reduce the setback to 17’ to accommodate the garage (exact amount of variation needs to be verified – it is possible Yorkville acquired additional right-of-way during the current effort to up-grade Game Farm Road and staff is in the process of verifying the location of the appropriate property line to measure the setback from).

APPLICABLE REGULATIONS
Section 5.15B – Development of Non-Conforming Lots – notes that the R2 setback requirements apply to single family homes in the A-1 District if they were constructed prior to the adoption of the ordinance – which is the case for this property.

Section 8.07.E. – R2 Yard Areas, which requires a 50’ front yard.
Section 13.04 – Variation procedures and requirements

SURROUNDING LAND USE

<table>
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</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single Family Residential</td>
<td>A-1</td>
<td>Suburban Residential with</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Natural Resource Overlay</td>
</tr>
<tr>
<td>South</td>
<td>Single Family Residential</td>
<td>A-1 and R3</td>
<td>Suburban Residential</td>
</tr>
<tr>
<td>East</td>
<td>3 Single Family Residential Homes, RR</td>
<td>R2 and Office in Yorkville</td>
<td>Urbanized Area (Yorkville)</td>
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<tr>
<td></td>
<td>Drywall &amp; Painting, Hillside Nursing &amp; Rehab</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>Open Space (Blackberry Creek Flood Plain)</td>
<td>A-1</td>
<td>Suburban Residential with</td>
</tr>
<tr>
<td></td>
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<td>Natural Resource Overlay</td>
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</table>

GENERAL
The normal building setback in the A-1 District is 100’ from the right-of-way. However, Section 5.15B of the zoning ordinance notes that “a lot which was established in an agricultural district by recorded deed or is part of an approved plat of subdivision, or was otherwise legally established on or before the adoption of this amendatory ordinance, may be used for single family residence purposes provided that the yard requirements of the R-2 District are complied with. That is the case here, so the 50’ front setback in the R-2 District is the relevant setback.

While a large property, steep slopes and flood plain (Blackberry Creek) on the north and west sides of the property make much of the lot inappropriate for development. There are two possible locations on the property where staff has discussed locating the garage to avoid the need for a variance. The first is on the south end of the property (labeled “A” on the air photo), where the existing vegetable garden is located. However, the property owner plans to rezone and subdivide off an additional single family lot in this area in the future. We are not sure if this proposed zoning/subdivision will be done with Yorkville or with Kendall County. The second option discussed is just south and east of the existing attached garage (labeled “B” on the attached exhibit), near where the existing parking pad is located. Photographs of this area are included below. The concern the owner has with this location is it would require removal of a couple of nice trees, and the relocation of other existing landscape improvements (perennials and shrubs).

Staff plans to reach out to Yorkville for comment and input on this proposal, as this property is surrounded by the City and may in the future become incorporated. However, we have not yet had a chance to do so as of the writing of this staff report. As such, we have not yet completed our review and recommendation.
Site Air Photo with Topography

Site Photographs of Existing Parking Pad and Extensive Landscaping at Southwest Corner of Garage – image on the left is looking from in front of existing attached garage to the southwest – image to the right is looking west along the south driveway
BRISTOL TWP. Staff is waiting to hear if they have any comments.

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.

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

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

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

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.

ATTACHMENTS

1. Plat of Survey