

**KENDALL COUNTY
ZONING BOARD OF APPEALS
PUBLIC HEARING**

111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

February 27, 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 October 3, 2016 Zoning Board of Appeals Hearing

PETITIONS:

1. **16-26 John and Sharon Pagel Living Trust (Petitioner Requests a Layover to May 2017)**
Request: Rezoning from R-1 to R-3
Location: 2380 Douglas Road (Northeast Corner of Douglas Road and Burkhart Drive)
PIN 03-15-251-009, Oswego Township
Purpose: Request to Rezone to Allow Petitioner to Subdivide the Property
2. **17-01 – Mike and Cherie Bond**
Request: Variance to Zoning Ordinance Section 7.01.G.2.b (A-1 Agricultural District – Site and Structure Requirements – Setbacks – Accessory Structures) Reducing the Front Yard Setback from 150 feet to 119.14 feet
Location: 232 Creek Road, Plano, (Southeast Corner of Galena Road and Creek Road)
PIN 01-05-176-005, Little Rock Township
Purpose: Petitioners Desire to Construct a Three Stall Horse Barn (1152 Square Feet in Size) within the Front Yard Setback

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

NEW BUSINESS/ OLD BUSINESS

PUBLIC COMMENT

ANNOUNCEMENT

1. The Plan Commission of the City of Plano will hold a public hearing on their proposed Comprehensive Plan Update on March 6, 2017, at 7:00 p.m., at Plano City Hall.

ADJOURN ZONING BOARD OF APPEALS- Next meeting on April 3, 2017

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
OCTOBER 3, 2016 – 7:00 p.m.

CALL TO ORDER

At 7:00 p.m., Chair Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL

Members present: Randy Mohr, Karen Clementi, Tom LeCuyer, and Dick Thompson.

Members absent: Donna McKay, Scott Cherry, and Dick Whitfield.

Staff present: Pete Iosue, AICP, Teska Associates, Inc.

Public: Mel Traharne (Traharne Family Farm), Scott and Jenny Cosentino, Anthony Perro, Larry Nelson and Doug Nelson (petitioner).

MINUTES

Mr. LeCuyer, seconded by Mr. Thompson, moved to approve the August 29, 2016 meeting minutes. With a voice vote of all ayes, the motion was approved.

PETITIONS

16-25 The Bluffs, Inc. d/b/a Cider Creek (Larry Nelson)

Request: Variances related to Special Use – Banquet Hall, Seasonal Festival.

Location: 15888 Frazier Road, Plano

Purpose: A-1 Special Use to allow a banquet hall, a nano-brewery, a micro-distillery, a year-round seasonal festival with petting zoo, and production and sale of sweet cider.

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

Pete Iosue summarized the petition and reviewed the staff report.

Larry Nelson (petitioner) presented a summary of the project. Mr. Whitfield and Mr. Mohr clarified that cider processing would not be conducted for outside customers, and selling would occur primarily on-site but may involve bringing in more apples if/when necessary.

Questions from the audience (Scott Cosentino and Anthony Perro) were focused on the potential increase in traffic, the sale of alcohol, screening of the property, noise, hours of operation, and the proximity to existing residential uses.

Ms. Clementi questioned the proposed noise limits as compared to the current County ordinance.

Chairman Mohr closed the public hearing.

Chairman Mohr reviewed the Findings of Fact as pertaining to the variance requests:

1. *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.* While the subject property is not on an existing collector road, both Frazer Road and Creek Road are well maintained Township Roads which frequently accommodate truck traffic from the nearby Hillside Nursery. The subject property is planned for commercial use on the County's Future Land Use Plan. The property owner has already installed a significant landscape buffer along both Frazier Road and Creek Road. This dense planting will help maintain the agricultural character of the area while allowing parking within the required 100' agricultural setback.
2. *That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.* True. This is a unique combination of uses, and is not likely to be replicated in other areas of the County.
3. *That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.* The code requirements for a location on a collector road, a 100' parking setback, and maximum 1,000 square foot retail store were not created by the applicant.
4. *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 surrounding area is primarily agricultural, and many of the proposed uses (apple orchard, cider mill) are also agricultural in nature. Appropriate conditions have been included to ensure limits to noise and lighting to protect the public welfare. The nearest home is approximately one-half mile from the proposed buildings.
5. *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 Little Rock/Fox Township Fire Protection District has reviewed and approved the proposed special use, as has the Little Rock Township Road Commissioner.

All of the Findings of Fact were approved by a vote of 4-0, except for Finding #5 which was approved 3-

1. Ms. Clementi disagreed with the traffic counts as presented by the petitioner.

Mr. LeCuyer motioned to approve the variances as requested, seconded by Ms. Clementi. The motion to approve the requested variances was approved 4-0.

REVIEW PETITIONS THAT WENT TO COUNTY BOARD

None

NEW BUSINESS/OLD BUSINESS

Mr. Iosue highlighted potential petitions that may be before the Board at the next meeting.

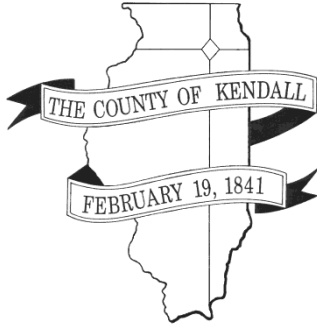
PUBLIC COMMENT

None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Chairman Mohr requested a motion to adjourn the Zoning Board of Appeals meeting. Mr. LeCuyer made a motion to adjourn. Ms. Clementi seconded the motion. With a voice vote of all ayes, the motion carried. Chairman Mohr adjourned the Zoning Board of Appeals meeting at approximately 8:00 p.m.

** Minutes prepared by Pete Iosue, Teska Associates, Inc.*



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

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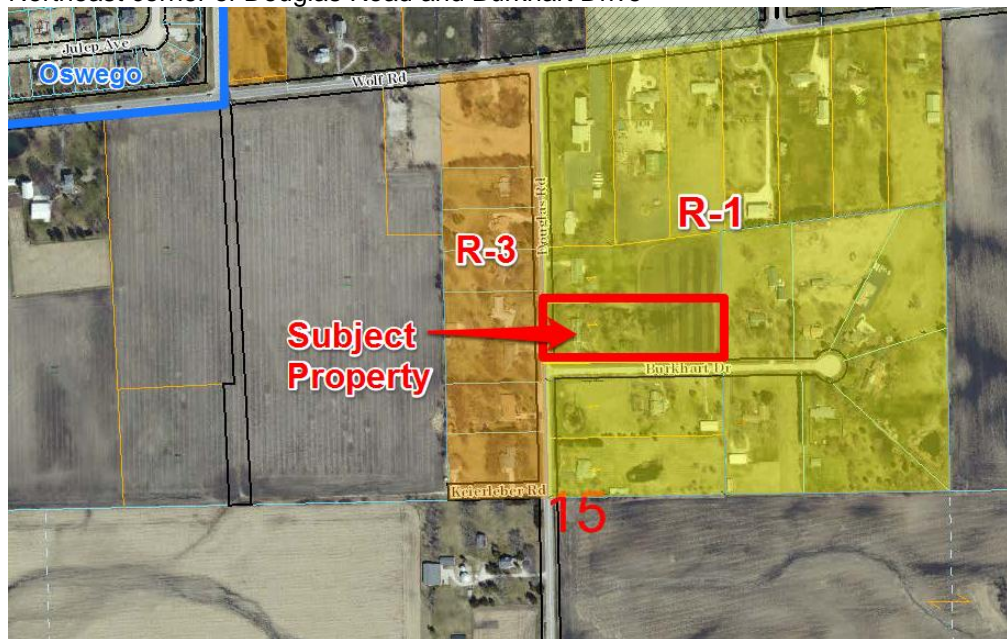
Petition 16-26 Pagel Zoning Map Amendment R-1(One-Family Residence) to R-3 (One-Family Residence)

SITE INFORMATION

PETITIONER John & Sharon Pagel Living Trust

ADDRESS 2380 Douglas Road, Oswego

LOCATION Northeast corner of Douglas Road and Burkhardt Drive



TOWNSHIP Oswego

PARCEL # 03-15-251-009

LOT SIZE 3.2 acres

EXITING LAND USE Vacant

ZONING R-1 (One-Family Residence)

LRMP

Land Use	Suburban Residential (Max 1.00 du/ac)
Roads	Douglas Road is a Major Collector
Trails	None

Floodplain/ Wetlands	None
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REQUESTED ACTION Zoning Map Amendment to rezoned from R-1 to R-3
 APPLICABLE REGULATIONS Section 13.07 – Amendments

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Single-Family	R-1	Suburban Residential	R-1; Ag-SU, Oswego
South	Single-Family	R-1	Suburban Residential	R-1; Ag
East	Single-Family	R-1	Suburban Residential	R-1; Ag
West	Single-Family	R-3	Suburban Residential	R-3; Ag

PHYSICAL DATA

ENDANGERED SPECIES REPORT

No record of endangered species was found and IDNR terminated the consultation.

NATURAL RESOURCES INVENTORY

The Executive Summary is attached.

ACTION SUMMARY

OSWEGO TOWNSHIP

Expressed no concerns regarding this proposal.

VILLAGE OF OSWEGO

Expressed no issues regarding this proposal.

ZPAC

ZPAC reviewed this proposal on December 6, 2016. They expressed concerns regarding the potential of the proposed lot interfering with the existing septic field, setback issues on Douglas Road and right-of-way issues on Douglas Road. All of these concerns have been addressed. ZPAC unanimously recommended approval of this proposal.

RPC

RPC reviewed this proposal on January 25, 2017. Five members of the public expressed their concerns about the impact of the proposal on stormwater in the area and that stormwater was already a problem. The RPC unanimously recommended denial of the proposal on the grounds that the property would not be suitable for an additional house because of stormwater issues and because the trend in the general area is not for houses and uses allowed within the R-3 Zoning District.

MAP AMENEDMENT

The Pagels would like to split their existing 3.2-acre lot to allow for construction of an additional home. To meet zoning lot size requirements, this would require the proposed rezoning from R-1 (minimum 130,000 sq. ft.) to R-3 (minimum 45,000 sq.) lot. The result would be two lots of approximately 1.5 acres, both meeting all setback and lot area requirements. The county's Land Use Plan identifies this area as Suburban Residential, which suggests a minimum lot size of one acre.

The property to the north, south, and east are all zoned for larger R-1 lots, while the property to the west is zoned and developed as R-3 along Douglas Road. North of Wolf Road (approximately ¼ mile to the north) are single-family lots in Oswego of approximately 8,000 sq. ft.

The existing parcel extends to the centerline of Douglas Road. The Zoning Plat shows a reservation of a 33'

KCRPC Memo – Prepared by Mike Hoffman – Dec. 1, 2016, Revised by Matthew Asselmeier –

2/21/17

Page 2 of 3

area for the ½ roadway. The Highway Department expressed no concerns about this proposal.

BUILDING CODES

A building permit will be required for the construction of the proposed home.

STORMWATER MANAGEMENT

This proposal will not require a stormwater management permit.

FINDINGS OF FACT

§ 13.07.F of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant a map amendment. The findings of fact submitted with the application are included with exhibits. The petitioner & staff have answered as follows:

Existing uses of property within the general area of the property in question. There are rural residential county subdivisions and Village of Oswego municipal subdivisions within the general area.

The Zoning classification of property within the general area of the property in question. A mix of County R-1, R-2, and R-3 as well as Village of Oswego R-1 and R-2 Zoning classifications are in the area.

The suitability of the property in question for the uses permitted under the existing zoning classification. The petitioner desires to rezone the property in order to divide the parcel to construct a smaller home. At least one member of Kendall County Regional Planning Commission believed that the proposed rezoning would not improve (at best) or negatively impact (at worst) the stormwater management practices of the area because the property drains slowly.

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 the area is towards suburban residential growth. However, at least one member of the Kendall County Regional Planning Commission did not believe that the smaller lot size allowed by the proposed rezoning was consistent with the development trends in the area.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The proposed rezoning and construction of a residence would be consistent with the Land Resource Management Plan. However, at least one member of the Kendall County Regional Planning Commission expressed concerns about the precedent this rezoning would set for the area east of Douglas Road.

CONCLUSION

The rezoning of the subject property from R-1 to R-3 is consistent with the County's Land Use Plan.

ATTACHMENTS

1. Zoning Plat
2. Findings of Fact as Submitted by the Petitioner
3. Natural Resource Inventory Executive Summary
4. ZPAC Minutes of December 6, 2016
5. RPC Minutes of January 25, 2017
6. January 30, 2017 Letter Requesting a Layover until May.

DEVELOPER:

John and Sharon Pagel
2380 Douglas Road
Oswego, Illinois 60543

AREA TO BE REZONED:

143645 Sq.Ft. = 3.2972 Acres

PRESENT ZONING:

R-1 (Residential District)

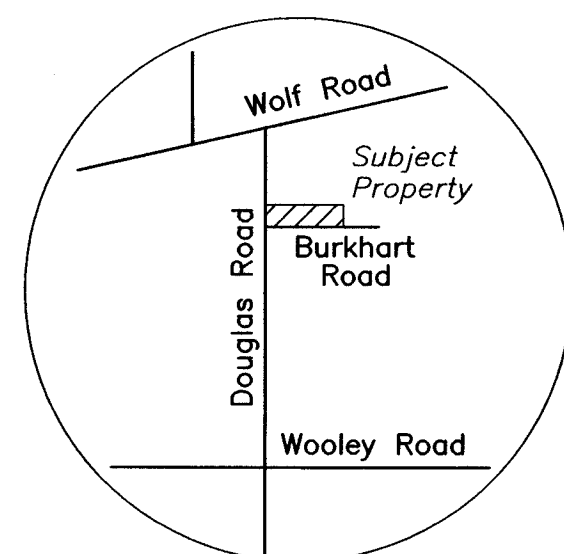
PROPOSED ZONING:

R-3 (Residential District)

P.I.N.

03-15-251-009

ZONING PLAT OF PART OF THE NORTH HALF OF SECTION 15, T37N-R8E, 3rd PM OSWEGO TOWNSHIP KENDALL COUNTY ILLINOIS



LOCATION SKETCH
Not to Scale

PIN 03-15-176-002
Ronald L. & Barbara I.
Vaurinek
R-3
Lot 3

PIN 03-15-176-003
John R. & Penelope B. Campbell
R-3
Lot 4

PIN 03-15-17-004
Paul M. & Betty J. Ivemeyer Trust
R-3
Lot 5

PIN 03-15-176-005
Elaine M. Nichols
R-3
Lot 6

SCALE
1"=50'

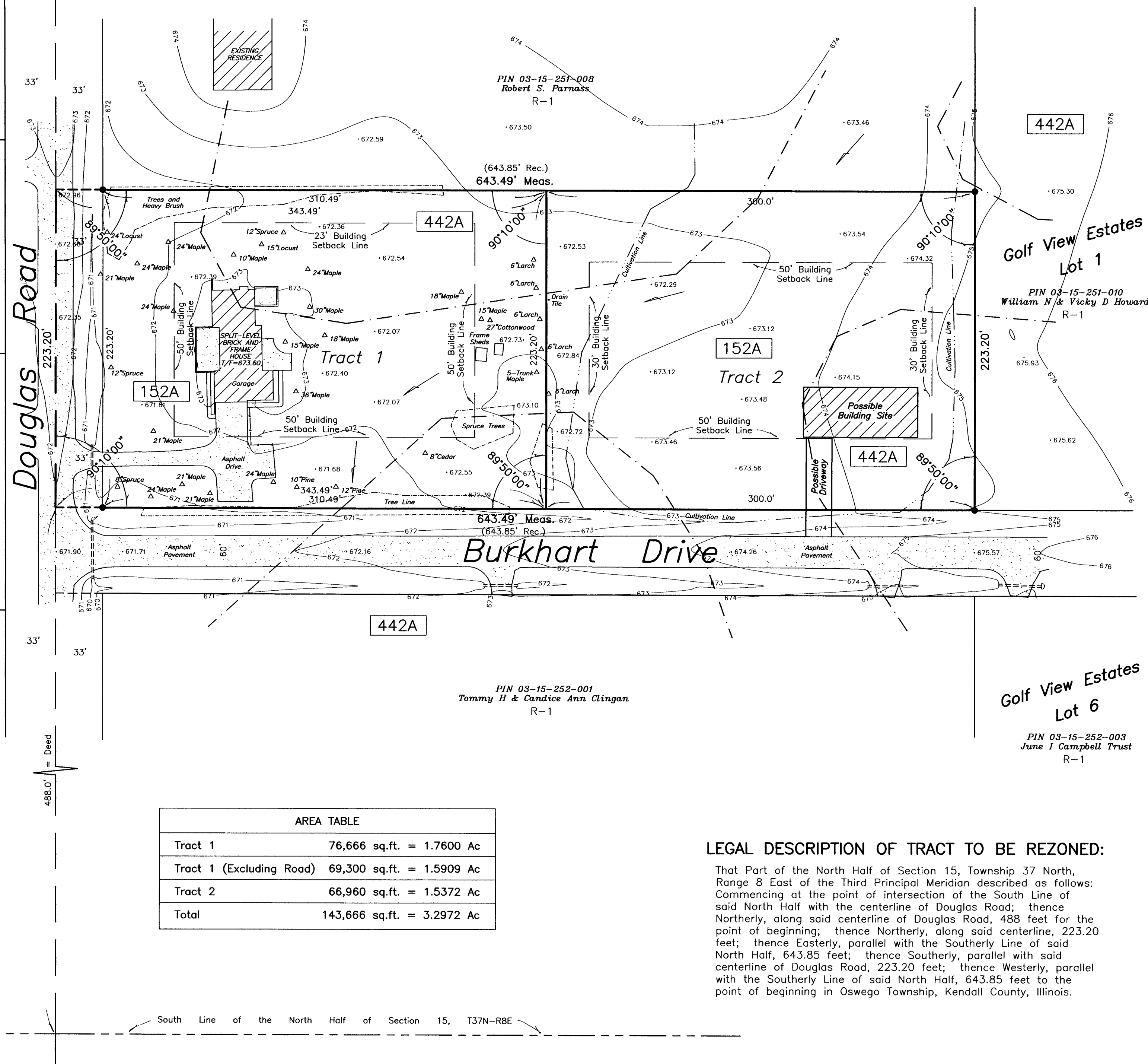
- Indicates Iron Stake Found
- Indicates Iron Stake Set
- Indicates Line of Fence
- - - Indicates Soils Boundary
- Indicates Direction of Drainage
- 672.40 Indicates Existing Spot Elevation
- 672 - Indicates Existing Contour Elevation

NOTE: This property is commonly known as 2380 Douglas Road.

Soil Type
(USDA/NRCS - Kendall County, 2015)

152A Drummer Silty Clay Loam, 0%-2% slopes
442A Mundelein Silt Loam, 0%-2% slopes

NOTE: The Subject Property is located in Zone X (areas determined to be outside the 0.2% annual chance floodplain) as depicted on FEMA Flood Insurance Rate Map Number 17093C0058G with an effective date of February 4, 2009.



1107B South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580

Phillip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

JOB NO. 16062
JOB NAME PAGEL
DWG FILE 16062

August 1, 2016

Attachment 2-Findings of Fact as Submitted by the Petitioner

Existing uses of property within the general area of the property in question. **Rural residential county subdivisions and Village of Oswego municipal subdivisions.**

The Zoning classification of property within the general area of the property in question. **A mix of County R-1, R-2, and R-3 as well as Village Oswego R-1 and R-2.**

The suitability of the property in question for the uses permitted under the existing zoning classification. **The area sought to be rezoned to permit the building of an additional residence to allow the Petitioner to downsize makes an economic and practical use of the land that sits idle and not farmed nor used for any utilitarian purpose.**

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 is towards suburban residential growth.**

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The proposed zoning and construction of residence would comply with all land use and setbacks with no variances; consistent with the Kendall County LRMP in that it is contiguous with other rural residential growth; and is located within contiguous growth area of the Village of Oswego.**

LAND USE OPINION:

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed development plans for Petitioner Sharon Pagel for the proposed Pagel project. This parcel is located in Section 15 of Oswego Township (T.37N.-R.8E. 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 a 98 out of a possible 100 points indicating the soils found on the project site are predominately prime farmland well suited for agricultural production. All of the soils identified onsite are designated as prime farmland.

For proposed land uses, soils can have potential limitations. This report indicates that for soils located on the parcel, 100% of the soils are very limited for dwellings with basements and shallow excavations; 63.6% of the soils are very limited for dwellings without basements, lawns/landscaping are rated as unsuitable for onsite sewage disposal systems. This information is based on the soil in an undisturbed state and does not replace the need for site specific soil testing. Based on the application submittal, soil testing has been completed onsite by a Certified Soil Classifier; this data compiled from onsite testing should be referenced during project design. 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 Waubonsie Creek subwatershed.

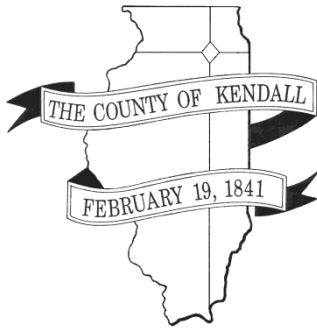
This development should include a soil erosion sediment control plan to be implemented during construction. Sediment may become a primary non-point source of pollution. Eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems 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. Compiled Statutes, Ch. 70, Par 405/22.02a).

Chair

Date



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

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Petition 16-26

Pagel Zoning Map Amendment

R-1(One-Family Residence) to R-3

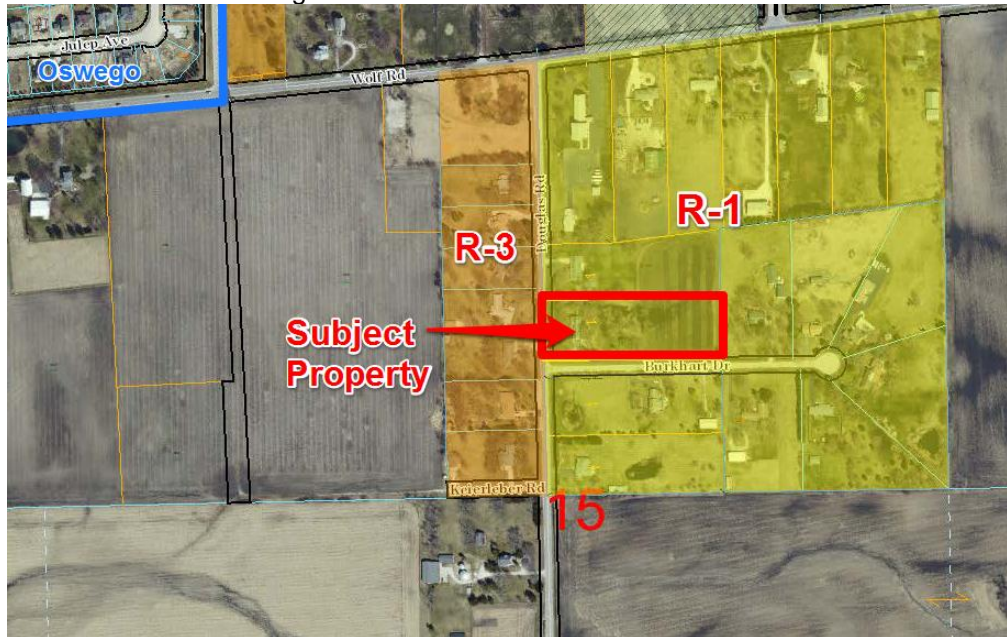
(One-Family Residence)

SITE INFORMATION

PETITIONER John & Sharon Pagel Living Trust

ADDRESS 2380 Douglas Road, Oswego

LOCATION Northeast corner of Douglas Road and Burkhardt Drive



TOWNSHIP Oswego

PARCEL # 03-15-251-009

LOT SIZE 3.2 acres

EXITING LAND USE Vacant

ZONING R-1 (One-Family Residence)

LRMP	Land Use	Suburban Residential (Max 1.00 du/ac)
	Roads	Douglas Road is a Major Collector
	Trails	None

Attachment 4-ZPAC Minutes December 6, 2016

Floodplain/ Wetlands	None
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REQUESTED ACTION Zoning Map Amendment to rezoned from R-1 to R-3
APPLICABLE REGULATIONS Section 13.07 – Amendments

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Single-Family	R-1	Suburban Residential	R-1; Ag-SU, Oswego
South	Single-Family	R-1	Suburban Residential	R-1; Ag
East	Single-Family	R-1	Suburban Residential	R-1; Ag
West	Single-Family	R-3	Suburban Residential	R-3; Ag

PHYSICAL DATA

ENDANGERED SPECIES REPORT

No record of endangered species was found and IDNR terminated the consultation.

NATURAL RESOURCES INVENTORY

An Executive Summary will be issued per the Kendall County Soil & Water Conservation District

ACTION SUMMARY

OSWEGO TOWNSHIP

Request submitted to Oswego Township, no response as of 12/1/16

VILLAGE OF OSWEGO

Request submitted to the Village of Oswego, no response as of 12/1/16

MAP AMENEDMENT

The Pagel's would like to split their existing 3.2-acre lot to allow for construction of an additional home. To meet zoning lot size requirements, this would require the proposed rezoning from R-1 (minimum 130,000 sq. ft.) to R-3 (minimum 45,000 sq.) lot. The result would be two lots of approximately 1.5 acres, both meeting all setback and lot area requirements. The county's Land Use Plan identifies this area as Suburban Residential, which suggests a minimum lot size of one acre.

The property to the north, south, and east is all zoned for larger R-1 lots, while the property to the west is zoned and developed as R-3 along Douglas Road. North of Wolf Road (approximately ¼ mile to the north) are single-family lots in Oswego of approximately 8,000 sq. ft.

The existing parcel extends to the centerline of Douglas Road. The Zoning Plat shows a reservation of a 33' area for the ½ roadway. Given that Douglas Road is designated as a major collector, we will defer to the Highway Department as to the appropriate right-of-way, but would suggest it appropriate to consider a right-of-way dedication in conjunction with this rezoning effort.

BUILDING CODES

A building permit will be required for the construction of the proposed home

STORMWATER MANAGEMENT

This proposal will not require a stormwater management permit.

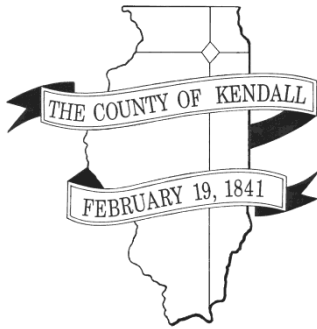
CONCLUSION

Attachment 4-ZPAC Minutes December 6, 2016

The rezoning of the subject property from R-1 to R-3 is consistent with the County's Land Use Plan. We do recommend dedication of appropriate right-of-way for Douglas Road.

ATTACHMENTS

1. Zoning Plat



DEPARTMENT OF PLANNING, BUILDING & ZONING

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Petition 16-26

Pagel Zoning Map Amendment

R-1(One-Family Residence) to R-3

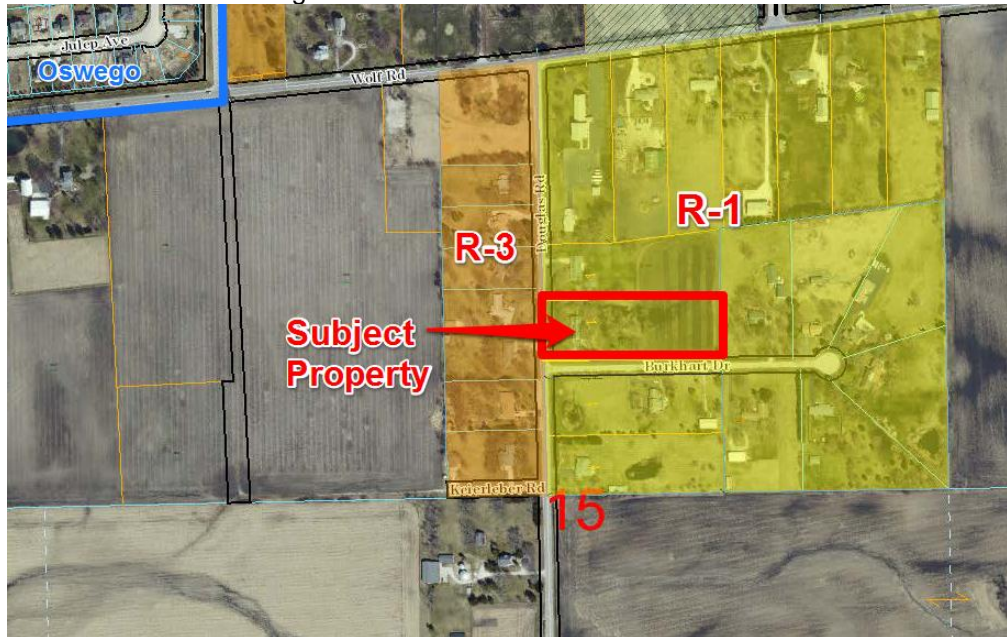
(One-Family Residence)

SITE INFORMATION

PETITIONER John & Sharon Pagel Living Trust

ADDRESS 2380 Douglas Road, Oswego

LOCATION Northeast corner of Douglas Road and Burkhardt Drive



TOWNSHIP Oswego

PARCEL # 03-15-251-009

LOT SIZE 3.2 acres

EXITING LAND USE Vacant

ZONING R-1 (One-Family Residence)

LRMP	Land Use	Suburban Residential (Max 1.00 du/ac)
	Roads	Douglas Road is a Major Collector

Attachment 5-RPC Minutes of January 25, 2017

Trails	None
Floodplain/ Wetlands	None

REQUESTED ACTION Zoning Map Amendment to rezoned from R-1 to R-3
 APPLICABLE REGULATIONS Section 13.07 – Amendments

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
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South	Single-Family	R-1	Suburban Residential	R-1; Ag
East	Single-Family	R-1	Suburban Residential	R-1; Ag
West	Single-Family	R-3	Suburban Residential	R-3; Ag

PHYSICAL DATA

ENDANGERED SPECIES REPORT

No record of endangered species was found and IDNR terminated the consultation.

NATURAL RESOURCES INVENTORY

The Executive Summary is attached.

ACTION SUMMARY

OSWEGO TOWNSHIP

Expressed no concerns regarding this proposal.

VILLAGE OF OSWEGO

Expressed no issues regarding this proposal.

ZPAC

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The existing parcel extends to the centerline of Douglas Road. The Zoning Plat shows a reservation of a 33' area for the ½ roadway. Given that Douglas Road is designated as a major collector, we will defer to the Highway Department as to the appropriate right-of-way, but would suggest it appropriate to consider a right-KCRPC Memo – Prepared by Mike Hoffman – Dec. 1, 2016, Revised by Matthew Asselmeier –

Attachment 5-RPC Minutes of January 25, 2017

of-way dedication in conjunction with this rezoning effort.

BUILDING CODES

A building permit will be required for the construction of the proposed home.

STORMWATER MANAGEMENT

This proposal will not require a stormwater management permit.

CONCLUSION

The rezoning of the subject property from R-1 to R-3 is consistent with the County's Land Use Plan.

ATTACHMENTS

1. Zoning Plat
2. Findings of Fact as Submitted by the Petitioner
3. Natural Resource Inventory Executive Summary
4. ZPAC Minutes of December 6, 2016

LAW OFFICES
OF

Daniel J. Kramer

DANIEL J. KRAMER

1107A SOUTH BRIDGE STREET
YORKVILLE, ILLINOIS 60560
(630) 553-9500
Fax: (630) 553-5764

**KELLY A. HELLAND
D.J. KRAMER**

January 30, 2017

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

VIA: Fax (553-4179) and E-Mail (Masselmeier@co.kendall.il.us)

Re: Kendall County Petition 16-26 John and Sharon Pagel Living Trust

Dear Mr. Asselmeier:

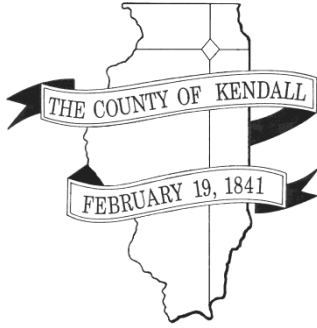
Please be advised that my client would hereby request the above referenced Petition be continued to the May Zoning Board of Appeals meeting for public hearing. In reviewing the comments from the public and the Zoning Board of Appeals my client believes it would be advantageous to provide evidence of any water accumulation on the property or in the vicinity of the proposed rezoning. We believe that by May 2017 any snow accumulation will have melted and the rainier portion of the spring will have occurred.

I will be in attendance at tonight's meeting and request for a continuance of the same in person.
Very truly yours,

Kelly A. Helland

Kelly A. Helland
Attorney at Law

KAH/lgc



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

17-01

**Mike and Cherie Bond
Variance**

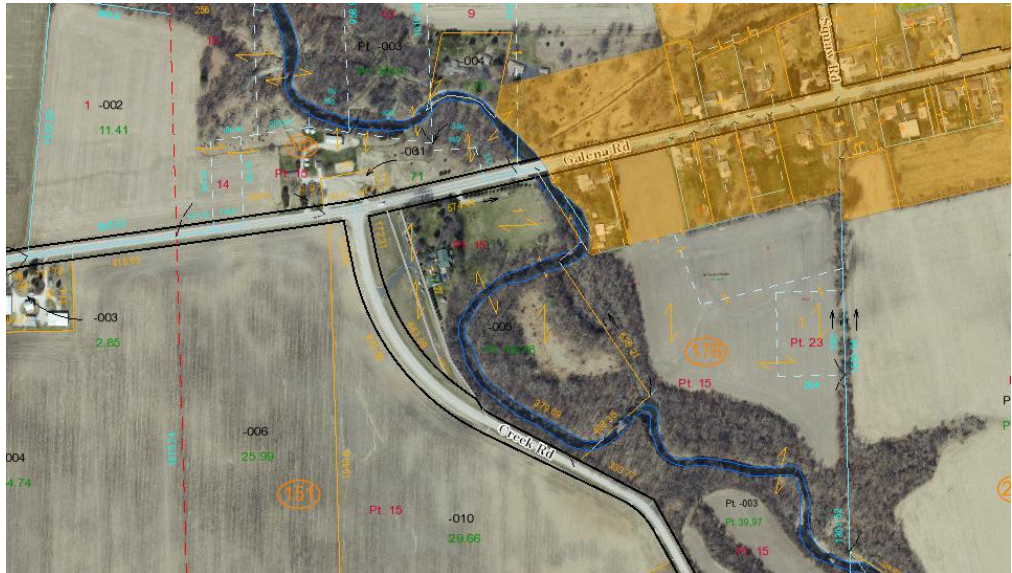
Front Yard Setback for Accessory Structure

SITE INFORMATION

PETITIONER Mike and Cherie Bond

ADDRESS 232 Creek Road, Plano

LOCATION Southeast corner of Galena Road and Creek Road



TOWNSHIP Little Rock

PARCEL # 01-05-176-005

LOT SIZE 16.78 acres

EXITING LAND
USE Agricultural

ZONING A-1 Agricultural District

LRMP	Current Land Use	Agricultural
	Future Land Use	Planned Rural Estate Residential (Max. Density 0.45 DU/Ac)
	Roads	Creek Road is a Township Road classified as Scenic Route
	Trails	A Multi-Use Trail is planned along Creek Road
	Floodplain/Wetlands	Yes-Little Rock Creek

REQUESTED ACTION Request for a variance to the required front yard setback for the construction of one (1) 1152 square foot accessory structure (3 stall horse barn).

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

§13.04 – Variation procedures and requirements

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Agricultural/ Farmstead	A-1	Planned Rural Estate Residential	A-1
South	Agricultural/ Farmstead	A-1	Countryside Residential	A-1
East	Agricultural/ Residential	A-1, R-3	Planned Rural Estate Residential	R-3, R-1
West	Agricultural/	A-1	Agricultural	A-1

GENERAL

The petitioners, Mike and Cherie Bond, are requesting a variance to the required front yard setback for accessory structures to locate one (1) 1152 square foot, three (3) stall horse barn approximately 119.14 feet from the centerline of Creek Road. This will encroach into the required front yard setback of 150 feet by approximately thirty (30) feet.

Little Rock Creek runs through the property and makes it impossible for the petitioners to construct the proposed barn on the southern end of their property. Creek Road previously ran through property now owned by the petitioners; the utility easement and power poles still exist on the property.

The sketch of the location of the barn on the property and the description of the barn are included as attachments. Electricity will be run to the barn. Water and sewer will not be run to the barn; the existing well and septic field will not be impacted by the proposed construction. Midwest Dirt will skim the topsoil for the construction of the barn; the petitioners plan to spread the dirt of their hayfield. Community Disposal will pick up the horse manure on a bi-weekly basis from a small dumpster.

Little Rock Township

To date, Little Rock Township has not submitted any comments regarding this proposal.

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 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. **A large percentage of the petitioners' property is located within the flood zone of Little Rock Creek, which severely limits the potential locations for the proposed structure on the petitioners' property.**

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **True, the creek cutting through the property creates a unique case.**

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

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **Provided that the proposed barn is constructed in the location and to the dimension provided in documents attached to this report and provided that the horses are properly cared for, the granting of this variation will not negatively impact the public welfare or be injurious to other properties in the area.**

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **The proposed barn is for an agricultural use and meets all other required setback distances. The location is a sufficient distance away from public roadway intersections and will not interfere with lines of sight on Creek Road. Provided the barn is constructed to all applicable building codes, no threat exists to public health and safety by the granting of this variance.**

RECOMMENDATION

Staff recommends approval of the variance request for the construction of a horse barn as described in the attached documents to be located approximately 119.14 feet from the centerline of Creek Road.

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

ATTACHMENTS

1. Zoning Sketch
2. 232 Creek Road Picture Zoomed Out
3. 232 Creek Road Zoomed In (Variance Applicable Area)
4. 232 Creek Road Flood Area (Flood Area Shown in Yellow)
5. 232 Creek Road Barn Description
6. Barn Location Looking South
7. Approximate Barn Location Looking East
8. Barn Location in Relation to House
9. Barn Location in Relation to Driveway

ZONING SKETCH

01-05-102-001 & 01-05-101-003
FRANCIS J. JR. DEWEY TR 2 &
CYNTHIA WESTBROOK TR 1
CURRENT ZONING = A-1

01-05-176-005
MICHAEL & CHERIE BOND
CURRENT ZONING A-1

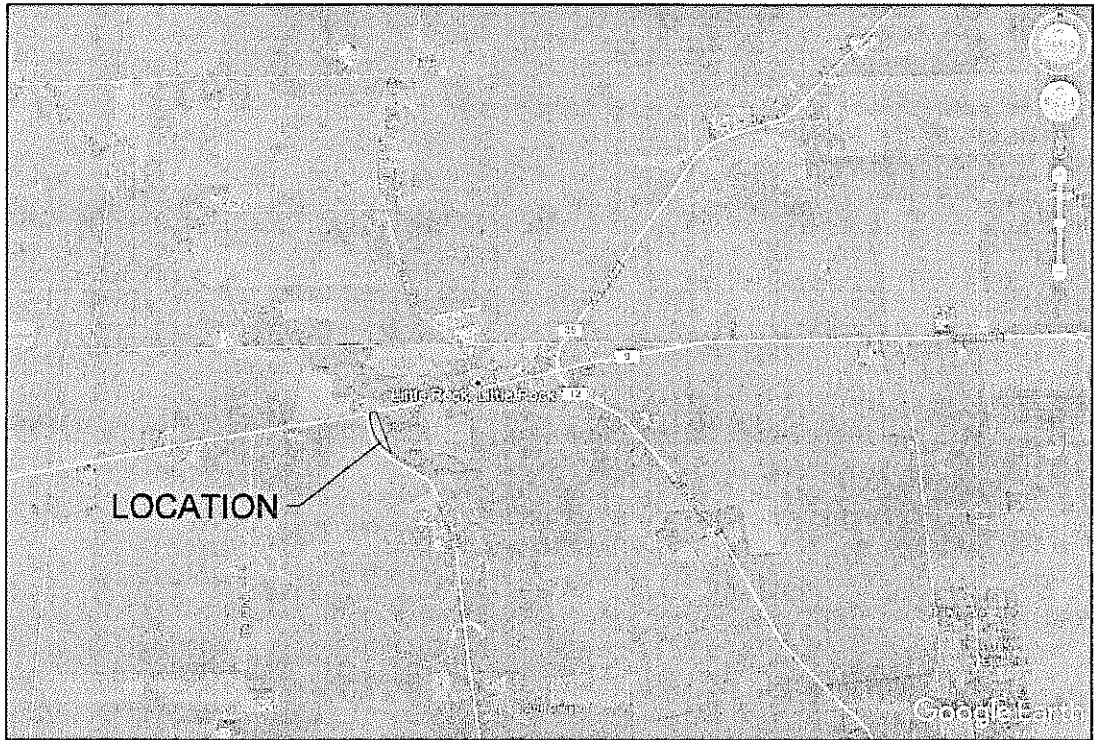
LEGAL DESCRIPTION

THAT PART OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT THE CENTER OF SAID SECTION 5; THENCE NORTH 88 DEGREES 45 MINUTES 00 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 468.16 FEET TO A POINT ON THE CENTER LINE OF CREEK ROAD; THENCE NORTH 27 DEGREES 08 MINUTES 27 SECONDS WEST ALONG SAID CENTER LINE, A DISTANCE OF 695.69 FEET; THENCE NORTH 60 DEGREES 57 MINUTES 04 SECONDS WEST ALONG SAID CENTER LINE, A DISTANCE OF 713.46 FEET; THENCE NORTH 15 DEGREES 15 MINUTES 48 SECONDS WEST, A DISTANCE OF 68.21 FEET FOR THE POINT OF BEGINNING; THENCE NORTH 33 DEGREES 34 MINUTES 02 SECONDS WEST, A DISTANCE OF 187.38 FEET; THENCE NORTH 18 DEGREES 14 MINUTES 51 SECONDS WEST, A DISTANCE OF 654.87 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF GALENA ROAD; THENCE SOUTH 78 DEGREES 40 MINUTES 52 SECONDS WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 106.60 FEET, TO A POINT OF CURVE IN SAID SOUTHERLY RIGHT OF WAY LINE; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 2399.92 FEET; THENCE WESTERLY ALONG SAID CURVE A DISTANCE OF 15.61 FEET TO A POINT WHOSE CHORD BEARS SOUTH 80 DEGREES 03 MINUTES 42 SECONDS WEST, 15.61 FEET TO THE EASTERLY RIGHT OF WAY LINE OF THE NEW ALIGNMENT FOR CREEK ROAD; THENCE SOUTH 09 DEGREES 45 MINUTES 07 SECONDS EAST, A DISTANCE OF 172.39 FEET; THENCE SOUTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY BEING ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 850.00 FEET, A DISTANCE OF 729.87 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWNSHIP OF LITTLE ROCK, KENDALL COUNTY, ILLINOIS.

BENCH MARK:
KENDALL COUNTY BENCH MARK 605, PLATE IN TOP OF WALL OF GALENA ROAD BRIDGE OVER THE LITTLE ROCK CREEK.
ELEVATION 700.14

BASE FLOOD ELEVATION:
THE LITTLE ROCK CREEK HAS NOT BEEN STUDIED IN THIS AREA, THE ESTIMATED FLOOD LEVAL AT THE BRIDGE IS 696.0

OWNER-DEVELOPER
MICHAEL AND CHERIE BOND
232 CREEK ROAD
PLANO, ILLINOIS 60545



LOCATION MAP

SURVEYOR'S CERTIFICATE

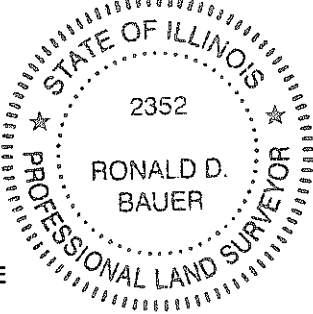
STATE OF ILLINOIS)
COUNTY OF KENDALL)

THIS IS TO CERTIFY TO THE CLIENT, MIKE AND CHERIE BOND, THAT I, RONALD D. BAUER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR IN AFORESAID COUNTY AND STATE, HAVE COMPLETED THIS ZONING SKETCH OF THE PROPERTY HEREON DESCRIBED. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A SITE PLAN AND THAT THE PLAT HEREON DRAWN REPRESENTS THE FACTS FOUND AT THAT TIME. THIS SITE PLAN DOES NOT CONSTITUTE A RECORD TITLE SEARCH AND ALL EASEMENTS AND OR SETBACKS SHOWN ARE EITHER THOSE DESIGNATED ON THE RECORDED SUBDIVISION PLAT OR THOSE PROVIDED TO US BY OTHER DOCUMENTATION.

GIVEN UNDER MY HAND AND SEAL AT PLANO, ILLINOIS THIS 3rd DAY OF FEBRUARY, 2017 A.D.

Ronald D. Bauer
ILLINOIS PROFESSIONAL LAND SURVEYOR #2352
REGISTRATION EXPIRES 11-30-2018

REFER TO A CURRENT TITLE INSURANCE POLICY FOR EASEMENTS NOT PROVIDED. THIS DRAWING IS THE PROPERTY OF RB & ASSOCIATES CONSULTING, INC. AND SHALL NOT BE USED FOR ANY OTHER PURPOSE THAN SETFORTH WITHOUT THE WRITTEN CONSENT OF AN AUTHORIZED AGENT OF RB & ASSOCIATES CONSULTING, INC.. THIS DRAWING IS NOT CONSIDERED TO BE ORIGINAL UNLESS THE SURVEYOR'S SEAL IS AN IMPRESSED SEAL OR DISPLAYED IN RED INK.





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232 Creek Road Zoomed Out



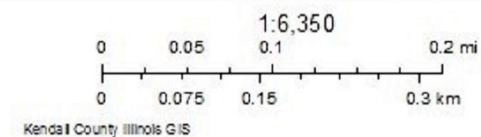
February 9, 2017

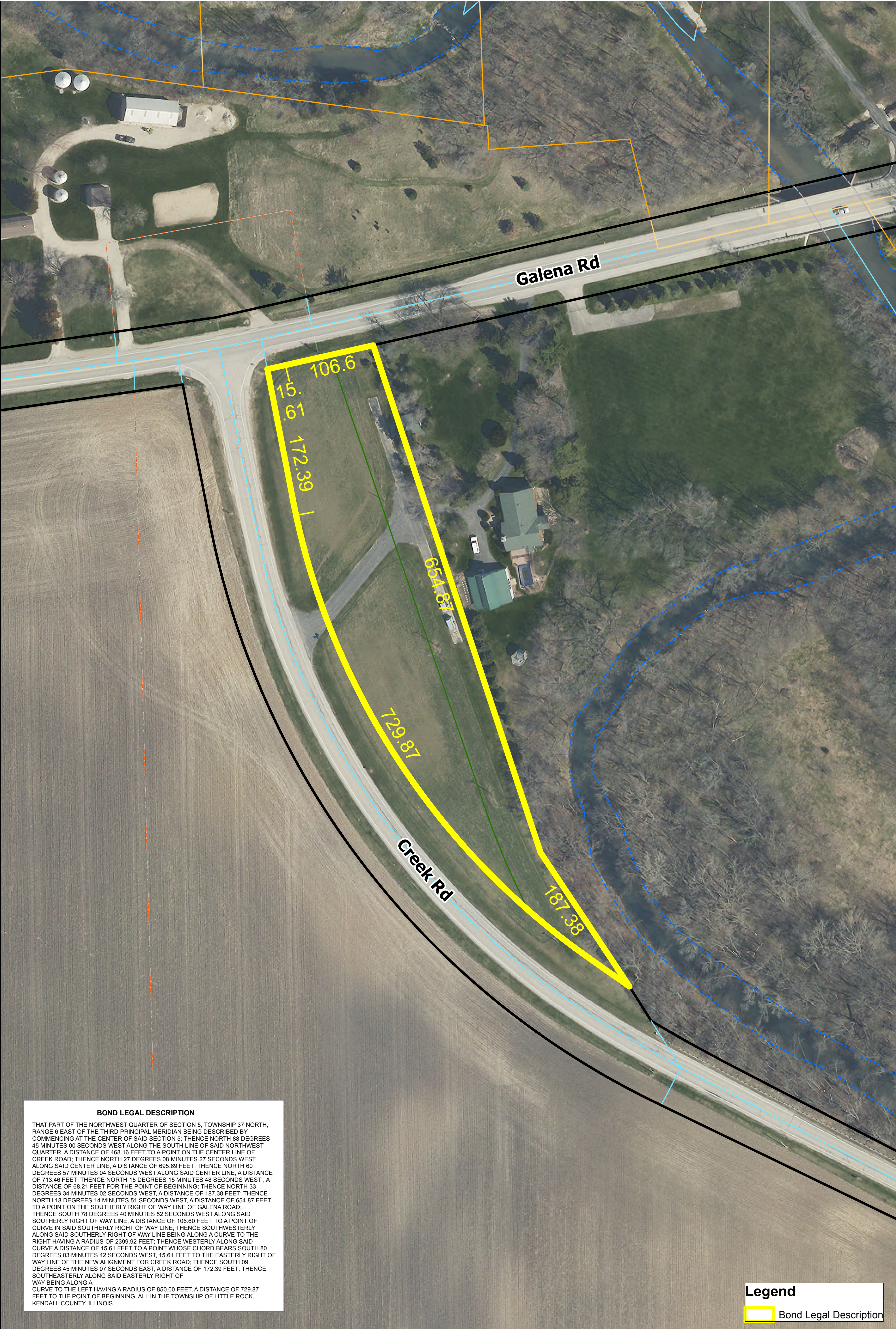
Agricultural

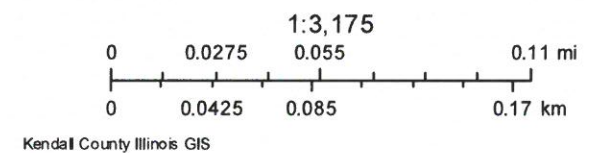
Agricultural-Building Permit

Agricultural-Special Use

Agricultural-Special Use-Planned Unit Development







Attachment 5 Barn Description

12/12/2016

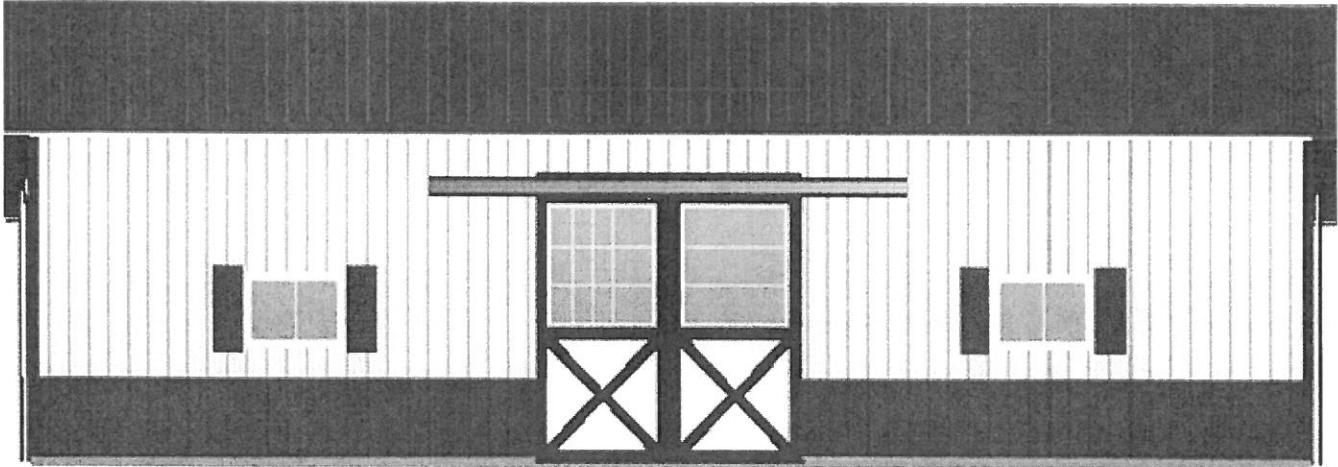
BOND, CHERIE AND MIKE

Doc ID: 6083220161212174427



P.O. Box 930220
Verona, WI 53593-0220
Phone: (608) 845-9700
Fax: (608) 845-7070

Cleary/Owner Project Contract - Erected



West Side Wall 1 on Building 1

Note: These colors are as close to the actual colors as permitted by printing. Actual metal samples must be reviewed with your Sales Specialist. Colors vary depending upon position and angles.

Exterior Finishes

- Side Wall 1 on Building 1
 - Siding: Grand Rib 3 Plus
 - Wainscot: Grand Rib 3 Plus (Height is 3'-4" above the 100' mark)
 - Wainscot Filler Strips: None
 - Eave Filler Strips: None
 - Treated Plank Filler Strips: None

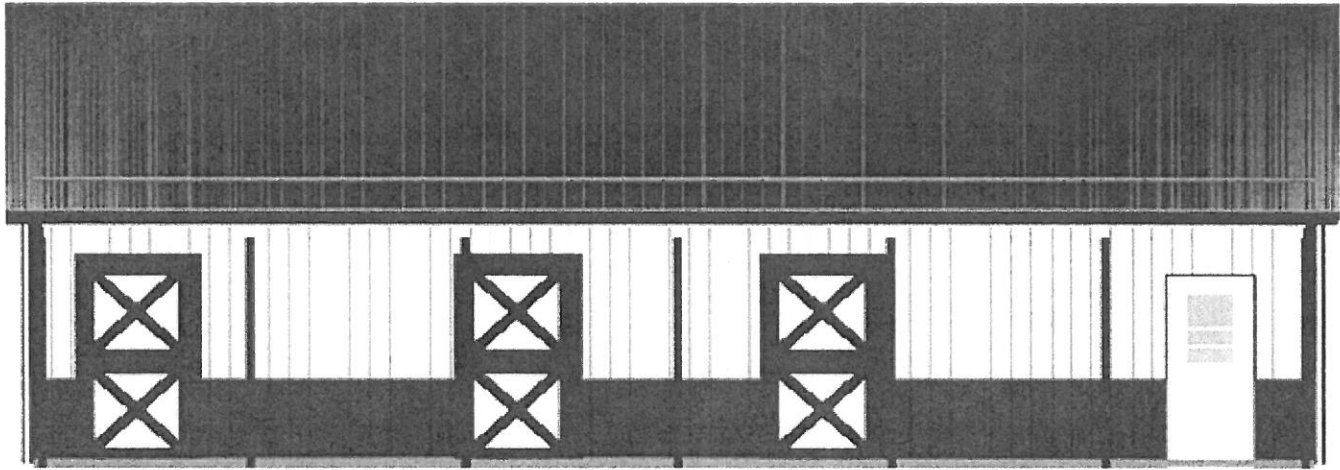
Ventilation

- Side Wall 1 on Building 1
 - Overhang: 18" Aluminum soffit (Sidewall) with vented soffit
 - Bird Screening for the interior to prevent birds from nesting in overhang.

Accessories

- Side Wall 1 on Building 1
 - Sliding Door(s):
 - Plyco Champion Slide Door Slide Door, Split Panel.
 - Slide: Both
 - Opening Height: 10' 0"
 - Width: 10' 0"
 - Standard (see drawing)
 - Distance from left edge of wall to left edge: 19' 0"
 - Distance from 100'+0" mark to bottom of door plus: 2"
 - Note: Finished floor elevation will reduce slide door height opening.
 - Window(s):

Cleary/Owner Project Contract - Erected



East Side Wall 2 on Building 1

Note: These colors are as close to the actual colors as permitted by printing. Actual metal samples must be reviewed with your Sales Specialist. Colors vary depending upon position and angles.

Exterior Finishes

Side Wall 2 on Building 1

Siding: Grand Rib 3 Plus

Wainscot: Grand Rib 3 Plus (Height is 3'-4" above the 100' mark)

Wainscot Filler Strips: None

Eave Filler Strips: None

Treated Plank Filler Strips: None

Ventilation

Side Wall 2 on Building 1

Overhang: None

Accessories

Side Wall 2 on Building 1

Dutch Door(s):

Plyco Pre-Assembled Dutch Door with Black Equis Latch
Magnetic door catch included.

Distance from left edge of wall to left edge: 1' 11 1/4"

Distance from 100'+0" mark to bottom of door plus: 4"

Plyco Pre-Assembled Dutch Door with Black Equis Latch
Magnetic door catch included.

Distance from left edge of wall to left edge: 16' 2 1/4"

Distance from 100'+0" mark to bottom of door plus: 4"

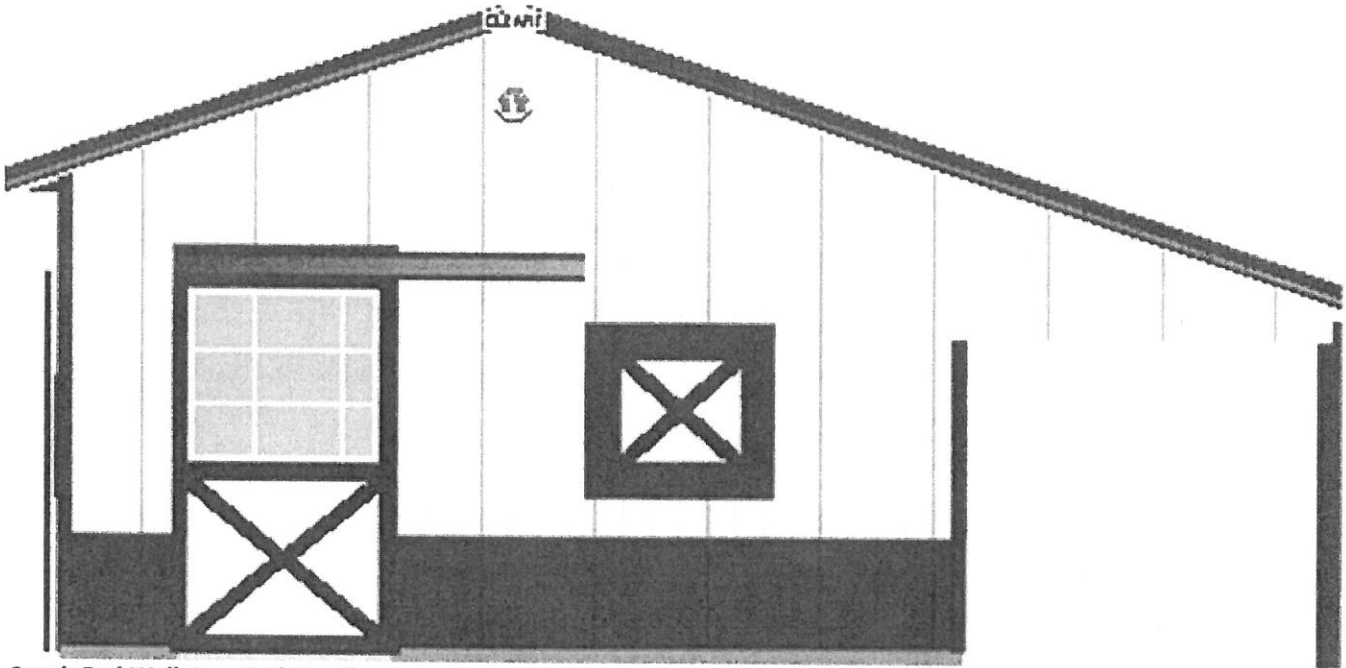
Plyco Pre-Assembled Dutch Door with Black Equis Latch
Magnetic door catch included.

Distance from left edge of wall to left edge: 27' 8 1/4"

Distance from 100'+0" mark to bottom of door plus: 4"

Walk Door(s):

Cleary/Owner Project Contract - Erected



South End Wall 1 on Building 1

Note: These colors are as close to the actual colors as permitted by printing. Actual metal samples must be reviewed with your Sales Specialist. Colors vary depending upon position and angles.

Exterior Finishes

- End Wall 1 on Building 1
- Siding: Grand Rib 3 Plus
- Wainscot: Grand Rib 3 Plus (Height is 3'-4" above the 100' mark)
- Wainscot Filler Strips: None
- Gable Filler Strips: Gable filler strips not included.
- Treated Plank Filler Strips: None

Ventilation

- End Wall 1 on Building 1
- Overhang: 12" Aluminum soffit (Endwall) with non-vented soffit

Accessories

- End Wall 1 on Building 1
- Bale Door(s):
 - Plyco Pre-Assembled Bale Door w/ 4" barrel bolt Latch
 - Distance from left edge of wall to left edge: 14' 5"
 - Distance from 100'+0" mark to bottom of door plus: 0"
- Sliding Door(s):



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Plyco Champion Slide Door Slide Door, Solid Panel.

Slide: Right

Opening Height: 10' 0"

Width: 6' 0"

Standard (see drawing)

Distance from left edge of wall to left edge: 3' 0"

Distance from 100'+0" mark to bottom of door plus: 2"

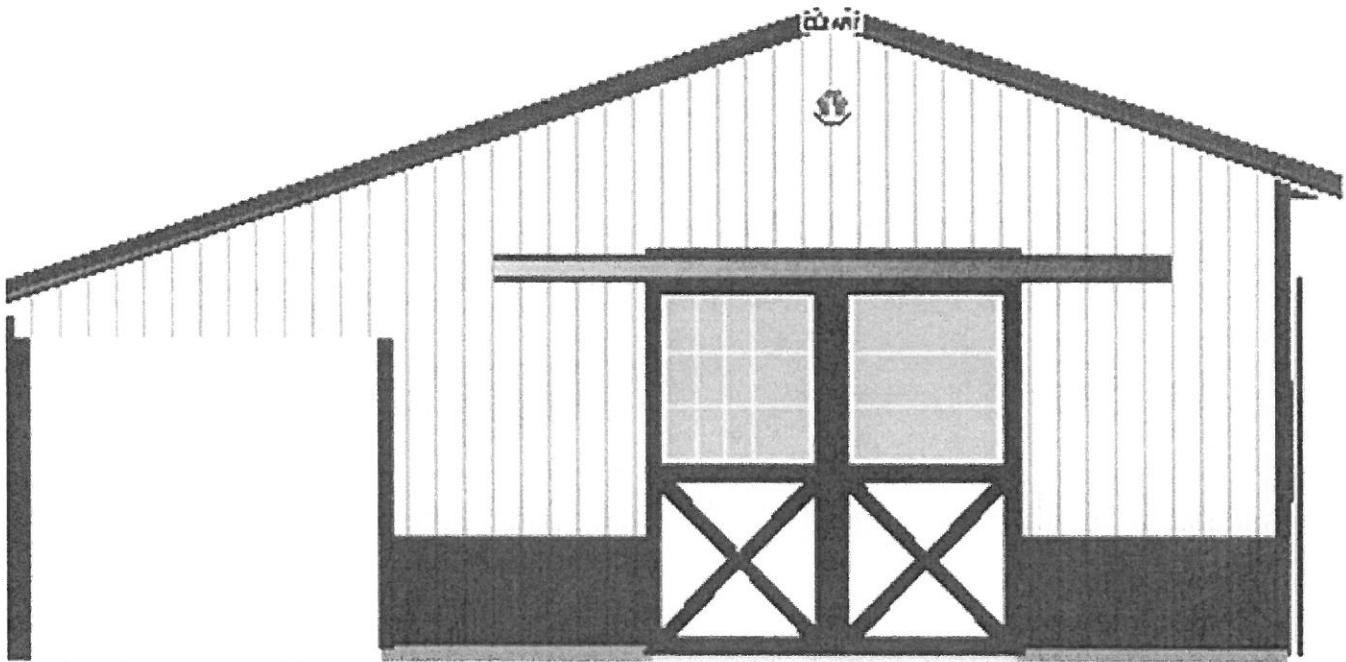
Note: Finished floor elevation will reduce slide door height opening.

Interior Finishes / Insulation

End Wall 1 on Building 1

Condensation Control: None

Insulation: None



North End Wall 2 on Building 1

Note: These colors are as close to the actual colors as permitted by printing. Actual metal samples must be reviewed with your Sales Specialist. Colors vary depending upon position and angles.

Exterior Finishes

End Wall 2 on Building 1

Siding: Grand Rib 3 Plus

Wainscot: Grand Rib 3 Plus (Height is 3'-4" above the 100' mark)

Wainscot Filler Strips: None

Gable Filler Strips: Gable filler strips not included.

Treated Plank Filler Strips: None

Ventilation

End Wall 2 on Building 1

C-500
v12/10

built with pride before the  *is applied*®

Attachment 6-Barn Location Looking South



Attachment 7-Approximate Barn Location Looking East



Attachment 8-Barn Location in Relation to House



Attachment 9-Barn Location in Relation to Driveway

