

KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
February 27, 2017 – 7:00 p.m.

CALL TO ORDER

Due to the absence of Chairman Mohr, the call for nominations for Act Chairperson was opened. Mr. Whitfield nominated Ms. Clementi to be Acting Chairwoman, seconded by Mr. LeCuyer. There were no other nominations. With a voice vote of all ayes, the motion carried.

At 7:01 p.m., Acting Chairwoman Clementi called the Zoning Board of Appeals meeting to order.

ROLL CALL

Members present: Karen Clementi, Tom LeCuyer, Dick Thompson, and Dick Whitfield
Members absent: Randy Mohr (Chairman), Donna McKay, and Scott Cherry
Staff present: Matthew H Asselmeier, AICP, Senior Planner
Public: Patrick Bond (Representing Mike and Cherie Bond) and Bob Davidson

MINUTES

Mr. Thompson made a motion, seconded by Mr. LeCuyer, to approve the October 3, 2016, meeting minutes. With a voice vote of all ayes, the motion carried.

PETITIONS

16-26 John and Sharon Pagel Living Trust

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

Due to concerns regarding stormwater issues raised at the January 25, 2017, Regional Planning Commission meeting, the petitioner requests a layover to May 2017.

Mr. LeCuyer made a motion to layover the petition until May 2017. Mr. Whitfield seconded. With a voice vote of all ayes, the motion carried.

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

The petitioners, Mike and Cherie Bond, are requesting a variance to the required front yard setback for accessory structures to locate an accessory building (a horse barn) one hundred nineteen point one four feet (119.14') from the centerline of Creek Road on the northwest corner of their property. This will encroach into the required front yard setback of one hundred fifty feet (150') by just over thirty feet (30'). A large portion of the petitioners' property is in the flood zone for Little Rock Creek and the petitioners have few options for constructing the barn on their property.

Staff recommends approval of the variance request.

Patrick Bond, Attorney for the petitioners was duly sworn. Mr. Bond stated that the floodway greatly encumbered the ability of the petitioners to site the barn on the property. He argued that the proposal will not impact anyone else.

Mr. Whitfield asked if Little Rock Township submitted any comments. Mr. Asselmeier stated that no comments from the township have been received.

Acting Chairwomen Clementi asked if PBZ received any calls or letters. Mr. Asselmeier reported that no letters were received and a few calls requesting clarification on the proposal had been received.

Mr. Davidson asked about the location of the house and septic field in relation to the proposed barn. The house was existing and the proposed barn would not impact the septic field.

Mr. LeCuyer made a motion to approve the findings of fact with the amendment that the reference to the horses being properly care for be removed from the fourth finding of fact. Mr. Whitfield seconded. The findings of fact 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. **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 the application, 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.**

By a voice vote of all ayes, the findings of fact were approved.

Mr. LeCuyer made a motion to approve the variance on the condition that the variance applied only to the construction of the horse barn as proposed by the petitioners. Mr. Whitfield seconded the motion.

Acting Chairwoman Clementi called for a vote. Mr. Asselmeier called the roll: Ms. Clementi – Yes, Mr. LeCuyer – Yes, Mr. Thompson – Yes, Mr. Whitfield – Yes. The motion carried 4-0.

REVIEW PETITIONS THAT WENT TO COUNTY BOARD None

NEW BUSINESS/OLD BUSINESS

Acting Chairwoman Clementi asked about cases coming to the Board next month.

Mr. Asselmeier reported that the petitioner's attorney for the gun range on Church Road would likely ask for an additional extension.

The request for rezoning and variances at 790 Eldamain Road was postponed at the Regional Planning Commission meeting on February 22, 2017. The petitioner and Staff will finalize parking and fencing requirements before the matter is sent to the Zoning Board of Appeals. Bristol Township will meet regarding 790 Eldamain Road on March 1, 2017.

The Pagel rezoning proposal was postponed until May because of drainage concerns at the property.

As part of the U.S. 34 widening project, IDOT needed to relocate Kingmoor Lane because of the location of a portion of the stormwater infrastructure. The Zoning Ordinance said private drives cannot be longer than 500 feet; the relocated Kingmoor Lane would be longer than 500 feet. To date, no variance application has been submitted.

PUBLIC COMMENT

Discussion occurred regarding 790 Eldamain Road.

ANNOUNCEMENT

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.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Mr. Whitfield made a motion to adjourn the Zoning Board of Appeals meeting, Mr. LeCuyer seconded the motion. With a voice vote of all ayes, the motion carried. Acting Chairwoman Clementi adjourned the Zoning Board of Appeals meeting at 7:42 p.m.

Respectfully Submitted,
Matthew H. Asselmeier, AICP
Senior Planner