MINUTES – KENDALL COUNTY ZONING BOARD OF APPEALS MEETING 111 WEST FOX STREET, Room 209 and 210 YORKVILLE, IL 60560 June 5, 2017 – 7:00 p.m.

CALL TO ORDER

At 7:05 p.m., Chair Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL

<u>Members Present:</u> Randy Mohr, Karen Clementi, Tom LeCuyer, Donna McKay and Dick Whitfield. <u>Members Absent:</u> Scott Cherry and Dick Thompson

<u>Staff Present:</u> Matthew Asselmeier, AICP, Senior Planner, Scott Koeppel Acting Interim Director of Planning, Building and Zoning, Michael Goers, PBZ Intern, and Matthew Prochaska, County Board Member

Public: Jeff Spang, Fox Township Supervisor, Steve Grobl, Gerald Clancy and Greg Johnson

MINUTES

Mr. Whitfield, seconded by Mr. LeCuyer, moved to approve the May 1, 2017 meeting minutes. With a voice vote of all ayes, the motion was approved.

PETITION

17-12	Gerald Clancy
Request:	Variance to Section 7.01.G.2.b of the Zoning Ordinance
Location:	9517 Finnie Road, Newark (Approximately 0.5 Miles Northeast of the Intersection of
	Finnie Road and Millington Road), Fox Township
<u>PIN(s):</u>	04-19-100-002
Purpose:	Request to Reduce the Front Yard Setback from 150 Feet to Approximately 60 Feet in
	Order to Construct an Accessory Structure (Garage); Property is Zoned A-1

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

Mr. Asselmeier summarized the petition and reviewed the Staff Report. He noted that Fox Township verbally requested that the decision on this petition be laid over because the Fox Township Board has not met to discuss this matter. Mr. Asselmeier suggested that the setback request be reduced to place the proposed garage in-line with the existing house, which is approximately eight-one point one feet (81.1') from the centerline of Finnie Road. In addition, the site plan should be changed by correcting the zoning of the property to the south of the subject property; the property is zoned A-1 not S-1. Also, the spelling of the last name of the owner of the property south of the subject property should be corrected.

Jeff Spang, Fox Township Supervisor, stated that he was sworn-in as Township Supervisor on May 15th and that the Fox Township Board has not had an opportunity to discuss this proposal. Accordingly, he would like the matter laid over until the Fox Township Board could meet. Their meeting is scheduled for June 12th.

Gerald Clancy, the petitioner, stated that the parcel is not wide enough to build a garage without encroaching into either the front or rear yard setback.

Chairman Mohr asked about the impact a delay would have on Mr. Clancy's construction plans. Mr. Clancy responded that he already ordered the material and scheduled the construction crew.

Ms. Clementi asked if there was any other location on the property that the proposed garage could be constructed. She also expressed concerns about preserving the scenic status of Finnie Road. Mr. Clancy responded that the well and septic field for the property were located on the north side of the house and that constructing the garage on his western parcel would place the garage a significant distance from the house.

Mr. Whitfield asked about the location of the driveway in relation to the adjoining property. Mr. Clancy stated there was plenty of room for the driveway.

Mr. Whitfield asked if the petitioner had any objection to backing the garage up to line up with the front of the house. Mr. Clancy stated that he had no objections to this suggestion.

Ms. McKay asked about the visual for backing out of the driveway. Mr. Clancy said that no obstructions exist, either for people backing onto Finnie Road or motorists on Finnie Road.

Ms. McKay asked if any improvements were planned for Finnie Road. Mr. Asselmeier stated that the County was not aware of any plans to widen Finnie Road.

Chairman Mohr asked if the petitioner planned another road cut. Mr. Clancy said that he would not put a second road cut onto the road. He would deepen the road cut on his property, if the garage is moved west.

Steve Grobl of Naperville, owner of the property south of the subject property, expressed concerns about the location of the driveway in relation to the property. The driveway would be eleven feet (11') from the property line. Mr. Grobl expressed concerns about the garage opening to the south. Mr. Grobl also believed that the well was located south of the house and that the petitioner had more land north of the house to build the proposed garage. The existing driveway would be vacated.

Jeff Spang asked if the doors would open south, per the drawing. Mr. Clancy clarified that the vehicle doors would open towards the street (east) and the man door would open towards the house (north).

Mr. Clancy said that the existing parking area would be removed.

Ms. McKay asked if having four cars parked on the pad was normal. Mr. Clancy said that fewer cars are normally parked on the pad. Once the garage is built, there will not be surplus cars parked on the pad.

There being no further questions or comments, Mr. Asselmeier noted that the applicant's green cards and certificate of publication are on file.

Chairman Mohr adjourned the public hearing on this matter at 7:25 p.m.

Chairman Mohr asked if the applicant had to re-submit if the matter was laid over. Mr. Asselmeier responded that the Board was not bound to make a decision this evening; they could issue a ruling at a future date and time.

Ms. Clementi asked if any neighbors or anyone else submitted comments. Mr. Asselmeier stated no additional written comments were received.

Restrictions on the variance would be added when the Board considers it final vote.

The findings of facts are based off of both the original application and the testimony provided at the public hearing.

Chairman Mohr asked for a motion to approve the findings of fact. The consensus of the Board was to wait on approving the findings of fact until a later date. Ms. McKay made a motion, seconded by Ms. Clementi to lay over the approving the findings of fact and granting a final ruling on the requested variance for one (1) month. By a voice vote, the motion passed unanimously.

The consensus of the Board was to cancel the July 3, 2017 meeting. Chairman Mohr said that he would call a special meeting on July 10, 2017 at 7:30 p.m. to take final action on the requested variance.

The Board's discussion of Petition 17-12 ended at 7:40 p.m. and the Board started discussion of Petition 17-13 at 7:40 p.m.

PETITION

17-13	Greg and Shelley Johnson
Request:	Variance to Section 8.08.E.1 of the Zoning Ordinance
Location:	66 Quinsey Lane, Yorkville (Approximately Approximately 1000 Feet East of the T-
	Intersection of Quinsey Road and E. Spring Street), Bristol Township
<u>PIN(s):</u>	02-34-151-010
Purpose:	Request to Reduce the Front Yard Setback from 50 Feet to Approximately 26 Feet in
	Order to Construct an Accessory Structure (Garage); Property is Zoned R-3

Mr. Asselmeier summarized the petition and reviewed the Staff Report. The petitioners previously received approval for the existing garage in 1998. They would like to construct another garage at the same setback line as the existing garage. The proposed garage is located at the northwest corner of their property and is approximately sixty-two feet (62') north of the septic field. Quinsey Lane is a private road.

Chairman Mohr asked if this property was the final property on Quinsey Lane. Mr. Asselmeier responded that approximately six (6) homes were located on Quinsey Lane east of the subject property.

Greg Johnson, the petitioner, said he was in attendance to answer any question the Board may have.

Ms. Clementi asked if the petitioner intended to use the proposed garage for business purposes. Mr. Johnson said that the garage would not be used for any commercial enterprise; it would be used for storage and for parking his truck out of the weather.

There being no further questions or comments, Mr. Asselmeier noted that the applicant's green cards and certificate of publication are on file.

At 7:46 p.m., Chairman Mohr closed the public hearing on the variance request related to 66 Quinsey Lane.

Chairman Mohr presented the Findings of Fact as proposed by Staff and outlined in Section 13.04.A.3 of the Zoning Ordinance and requested a vote on each finding.

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. True, the size of the property, the proximity to the Fox River and adjoining floodplain, and the placement of the well, septic tank and septic field 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 only other R-3 zoned properties that experience the same conditions would be properties of a similar size and located near a waterway. The majority of R-3 zoned properties in Kendall County are not of a similar size and are not located near a waterway.

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 create the parcel configuration 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. True, the construction of the proposed garage will not be detrimental to the public welfare or injurious to other properties.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. True, the proposed accessory structure will not block light or air from adjacent properties. The proposed structure is intended for private, residential use and not a commercial enterprise. Quinsey Lane is a private street and the proposed structure and use will not cause an increase in traffic on Quinsey Lane or the public streets used to access Quinsey Lane. The proposed variance will not diminish property values in the area. Provided the garage is constructed to code, no increase of fire or public safety is anticipated by this proposal.

Mr. Whitfield, seconded by Mr. LeCuyer, made a motion to approve the findings of fact as presented. By a voice vote, the motion was approved unanimously.

Mr. Whitfield, seconded by Ms. Clementi, made a motion to approve the variance as requested. The votes were as follows:

Ayes (5):Mohr, Clementi, LeCuyer, McKay and WhitfieldNays (0):NoneAbsent (2):Cherry and Thompson

The motion passed.

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

The Board's discussion of Petition 17-13 ended at 7:47 p.m.

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

16-22 JA Schleining LLC d/b/a Jets Towing and Services; Map Amendment at 790 Eldamain Road was approved by the County Board.

16-26 John and Sharon Pagel Living Trust; Map Amendment at 2380 Burkhart Drive was approved by the County Board.

Ms. Clementi asked for an update on Kingmoor Lane. Mr. Asselmeier stated that the Illinois Department of Transportation (IDOT) is working on reconfiguring the infiltration pond. They (IDOT) do not want to relocate Kingmoor Lane greater than five hundred feet (500').

NEW BUSINESS/OLD BUSINESS

None

PUBLIC COMMENT

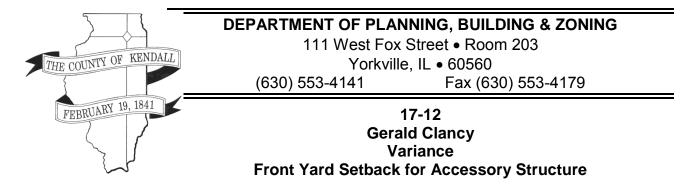
None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Ms. McKay, seconded by Mr. LeCuyer made a motion to adjourn. By voice vote, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 8:20 p.m.

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

Exhibits 1. Staff Report on Petition 17-12 Dated May 26, 2017 2. Staff Report on Petition 17-13 Dated May 15, 2017



INTRODUCTION

The petitioner, Gerald Clancy, is requesting a variance to the required front yard setback for accessory structures to locate one (1) 576 square foot, two (2) door garage approximately sixty (60) feet from the centerline of Finnie Road. This structure would encroach into the required front yard setback of one hundred fifty (150) feet by approximately ninety (90) feet. The survey is included as Attachment 1. The elevations of the proposed garage are included as Attachment 2.

The survey (Attachment 1) shows two (2) parcels, Parcel One and Parcel Two. The petitioner would like to place the proposed garage placed on Parcel One, the eastern parcel. While the information for Parcel Two is included on the survey, the petitioner's application and the legal description that printed in the newspaper only included information for Parcel One.

SITE INFORMATION

PETITIONER Gerald Clancy

- ADDRESS 9517 Finnie Road, Newark
- LOCATION Approximately 0.5 Miles Northeast of the Finnie Road/Millington Road Interchange on the West Side of Finnie Road



TOWNSHIP Fox

PARCEL # 04-19-100-002

LOT SIZE 3.19 acres

EXITING LAND Agricultural USE

ZONING A-1 Agricultural District

LRMP	Current	Agricultural/Farmstead
	Land Use	
	Future	Agricultural
	Land Use	
	Roads	Finnie Road is a Township Road classified as Scenic Route
	Trails	A Multi-Use Trail is planned along the East Side of Finnie Road
	Floodplain/ Wetlands	None

Request for a variance to the required front yard setback for the construction of one REQUESTED (1) 576 square foot accessory structure (2 car garage). ACTION

APPLICABLE § 7.01 G.2.b - A-1 Agricultural District - Site and Structure Requirements -REGULATIONS 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.

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Agricultural/ Farmstead	A-1 and A-1 Building Permit	Agricultural	A-1 and A-1 Building Permit
South	Agricultural/ Farmstead	A-1 and A-1 SU	Agricultural/ Countryside Residential (Max 0.33 du/acre)	A-1 and A-1 SU
East	Agricultural/Farmstead	A-1, R-3	Countryside Residential (Max 0.33 du/acre)/	A-1
			Rural Estate Residential (Max 0.45 du/acre) East Side of the Fox River	
West	Agricultural	A-1	Agricultural	A-1

SURROUNDING LAND USE

GENERAL

The existing house is approximately eighty-one (81) feet from the center of Finnie Road. The petitioner also has three (3) sheds and two (2) pole barns on the property.

Finnie Road in front of the property is straight, but is slightly rolling.

Per Attachment 2, the car doors for the garage would face south; the man door would face east towards Finnie Road.

Per the petitioner, the existing well, septic tank septic field is located on the north side of the house.

Pictures of the property are included as Attachments 3-7.

Fox Township

Fox Township was mailed information about the petition on May 11th. On May 23rd, the Fox Township Supervisor informed Staff that he would request a layover of this request to allow the Fox Township Board an opportunity to review this request. The Fox Township Board meets on June 12th.

FINDINGS OF FACT

The petitioner's findings of fact are included as Attachment 8.

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. Given the current layout of buildings on the property and the location of the well, septic tank and septic field, the petitioner could not construct a garage near the house on the north side of the house. If the petitioner constructed the garage to the south of the house outside of the setback, the petitioner would have to reconfigure the privacy fence.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This statement is partially true. The existing house was constructed prior to modern zoning which impacts the location of the proposed garage. However, other agriculturally zoned properties could have farm houses constructed prior to modern zoning regulations and could request a similar variance.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. True, the current owner was not involved with the platting of the existing parcels, the construction of the existing home, or the installation of the well and septic system.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The granting of the variation will not be detrimental to the public welfare. Finnie Road is a straight road on slightly rolling topography in this area. The proposed garage will not negatively impact motorists on Finnie Road. If constructed as proposed, the proposed garage will not be injurious to other properties in the neighborhood.

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 property to the east is heavily wooded, with tall trees. The proposed garage will not block an adequate supply of light and air from reaching adjacent properties. The proposed garage is planned for residential use only, not a commercial use. Accordingly, the proposed garage will not cause additional traffic on Finnie Road. If constructed as proposed, the proposed garage will not increase the danger of fire in the area. The proposed garage will not block lines-of-sight for motorists. The proposed garage will not diminish or impair property values in the area.

ZBA Memo – Prepared by Matt Asselmeier – May 26, 2017

RECOMMENDATION

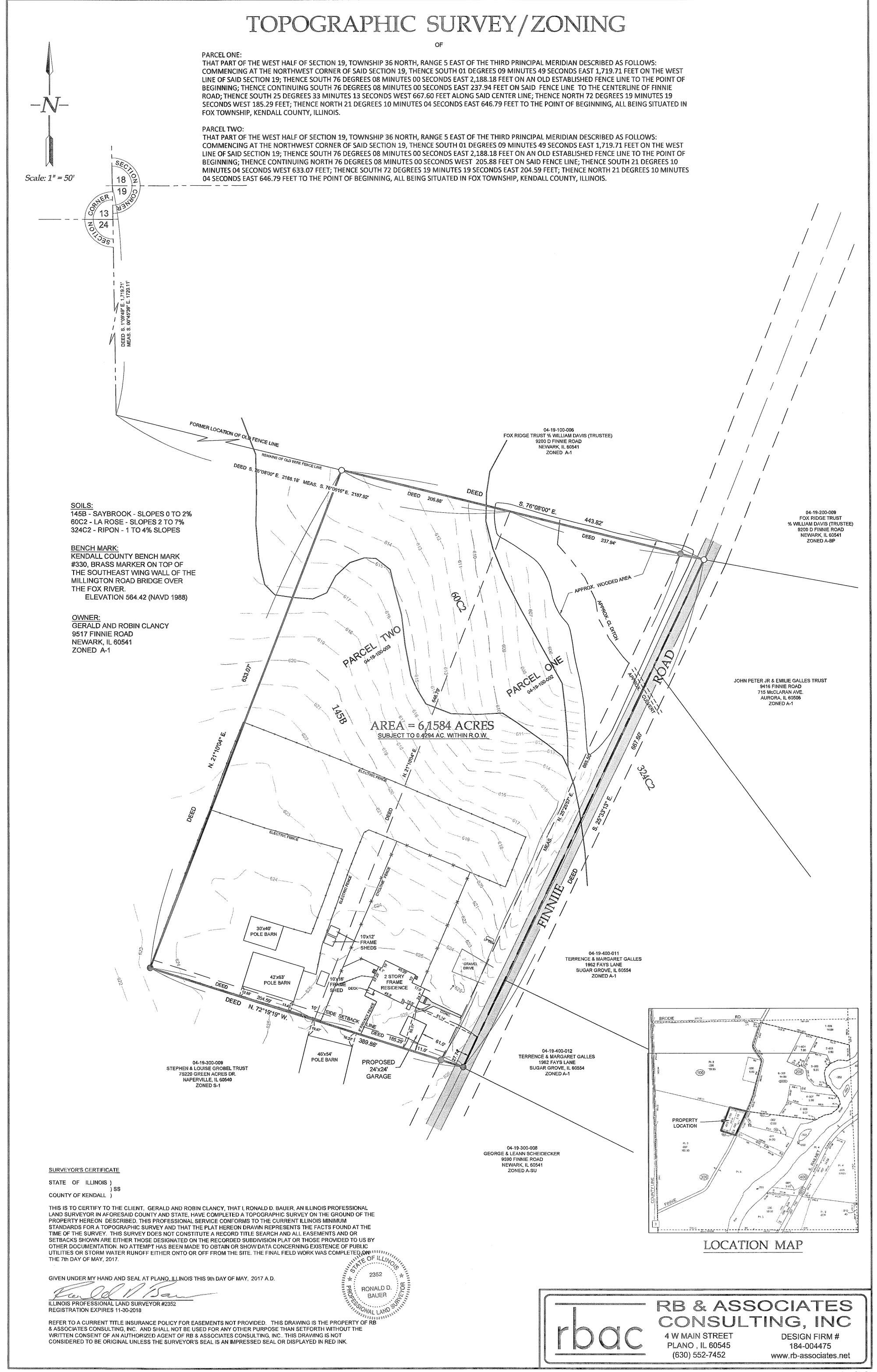
Staff has no objections to the approval of the variance request for the construction of a garage as described in the attached documents to be located approximately sixty (60) feet from the centerline of Finnie Road. The Board may wish to consider reducing the setback request from approximately ninety (90) feet to approximately seventy (70) which would place the garage in line with the front of the house for aesthetic purposes.

Prior to the recording of the site plan, the petitioner shall correct the zoning notation and the spelling of the last name of the property to the south of the subject property, identified by parcel ID number 04-19-300-009; the property is zoned A-1 not S-1 and the property owner's last name is spelled Grobl.

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

ATTACHMENTS

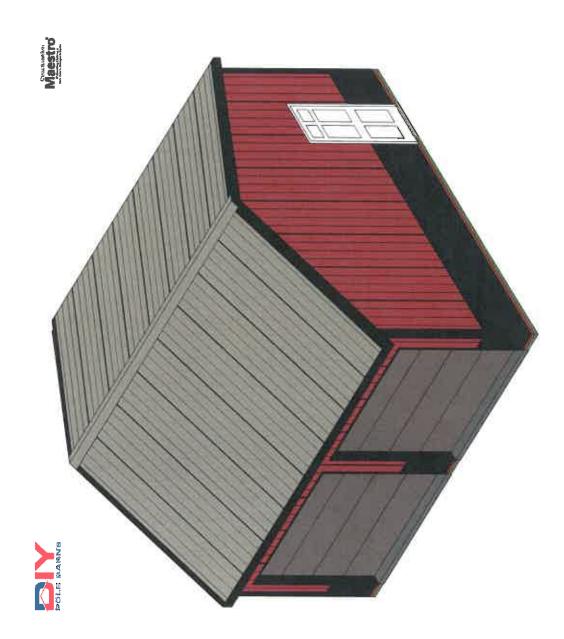
- 1. Site Plan
- 2. Garage Elevations
- 3. Site Location
- 4. Site Location Looking South
- 5. Site Location Looking North
- 6. Finnie Road Looking South
- 7. Finnie Road Looking North
- 8. Petitioner's Findings of Fact

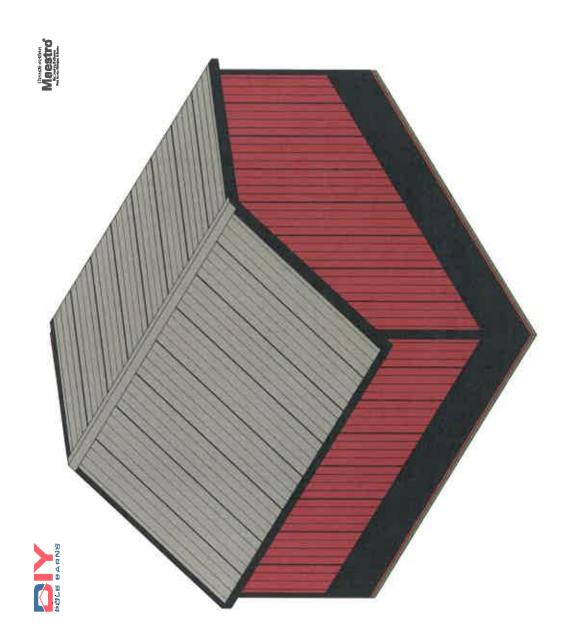


DWG # 2017-15154-001 C (TOPO)

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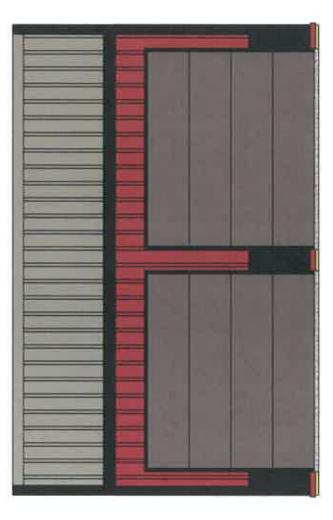






SOUTH SIDE-EAVE SIDE 2 ELEVATION

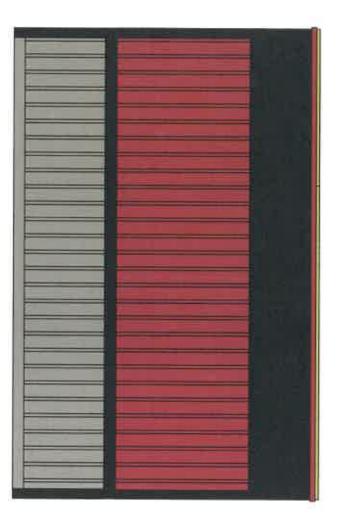






NORTH SIDE-EAVE SIDE 1 ELEVATION







EAST SIDE-GABLE SIDE 2 ELEVATION



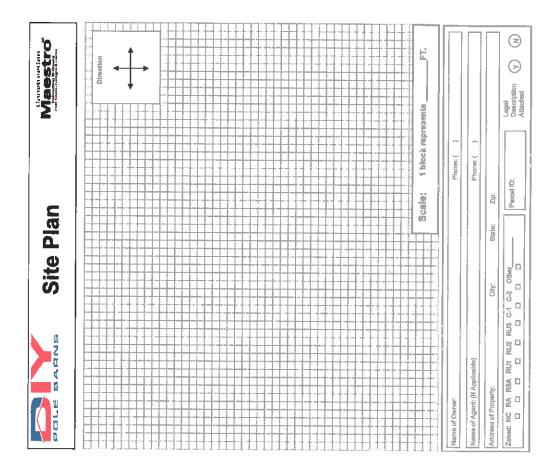




WEST SIDE-GABLE SIDE 1 ELEVATION



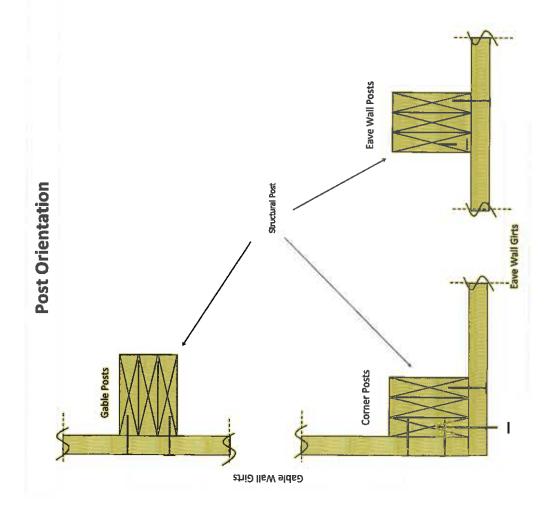


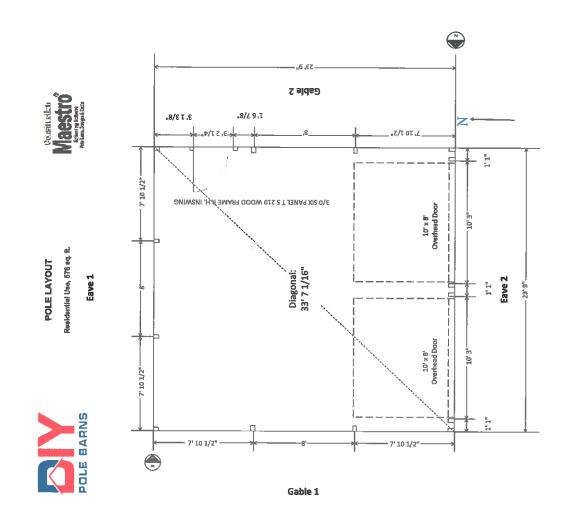


With Overhang Work Flow

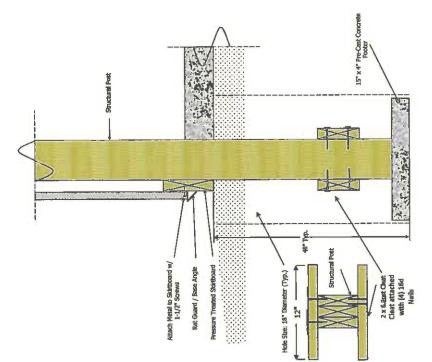
Order	Work Flow
	Level Pad Sources better beside and defined
N M	Punch Holes
4	Install Footers
ഹ	Set Posts
9	Install Skirtboards
7	Install highest wallgirt that can be reached with a ladder
80	Install rest of wall girts
ი	Install truss carrier
10	Install wall bracing 2x4x16 on one eave wall
11	Install Truss Blocking
12	Install Trusses (ensuring building squarness)
13	Install purlins
14	Instali Truss Bracing
15	Install diagonal bracing
16	Frame out openings
17	Install windows and walkdoors
18	Install Ratguard
19	Install F & J trim
20	Instal! soffit
21	Install fascia
22	Install Roof Edge
23	Install roof panels
24	Install roof outside corners (rack trim)
25	Install Ridge Vent
26	Install Ridge Cap
27	Trim around Openings
28	Install Siding
29	Install Overhead Doors or Sliding Doors

.









Attachment 3-Site Location

Approximate Building Location

Attachment 4-Site Location Looking South

Attachment 5-Site Location Looking North

Attachment 6-Finnie Road Looking South

Attachment 7-Finnie Road Looking North

1

Attachment 8

Please fill out the following findings of fact to the best of your capabilities. § 13.04 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall take into consideration the extent to which the following conditions have been established by the evidence:

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.

DUG TO THE SHAPE OF THE LOT THE SEPTECFIELD HAD TO go ON ONE SIDE OF THE HOUSE ONLY LEAVING THE OTHER SIDE FOR THIS STRUCTURE

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

THE GISTING HOUSE WAS BUILT BEFOR MODERN ZONINJ WHICH LIMITS THE LOCATION OF GARAGES ON THE LOT.

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

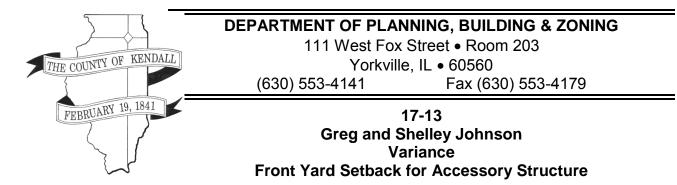
THE PRESENT OWNER DIDNOT CONSTRUCT THE HOUSE 110 YEARS AGO. AND WAS NOT INVOLVED IN THE CREATION OF THE LOT AS IT CRISTES TODAY

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.

Which the property is localed. TING GRANTINJOK THE UNRIATION WILL pot MATCHIElly be DETREMAENTAL TO THE PUBLIC WELFARE OR SUBSTAN TIALLY IN JOURIOUS TO OTHER PROPERTY OR INPROVEMENTS IN THE NEIGHBORHOODS 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.

THE UNG ISTICA WILL NOT DO ANY OF THE ABOUT



INTRODUCTION

The petitioners, Greg and Shelley Johnson, would like to construct a 30 foot X 32 foot detached garage on the north side of their property. The proposed structure would be 26 feet from the front property line and 14.5 feet from the west property line. A 24 foot variance from the front property line is required in order for the petitioners to construct the requested garage. A copy of the site plan is included as Attachment 1.

An existing garage, house and shed are located on the property. The petitioners obtained a variance in 1999 (Petition 9936) from the front yard setback requirements in order to construct the existing garage. The proposed garage would be constructed at the same setback as the existing garage.

A copy of the petitioner's application, including their proposed findings of fact, is included as Attachment 2.

SITE INFORMATION

PETITIONER Greg and Shelley Johnson

- ADDRESS 66 Quinsey Lane, Yorkville
- LOCATION Approximately 1000 Feet East of the T-Intersection of Quinsey Road and E. Spring Street



TOWNSHIP Bristol

PARCEL # 02-34-151-010

- LOT SIZE 0.46 acres
- EXITING LAND Single-Family Residential USE
 - ZONING R-3 One Family Residential

LRMP	Current Land Use	Single Family Residential
	Future Land Use	Suburban Residential (max 1.00 du/acre)
	Roads	Quinsey Lane is a gravel, private road
	Trails	None
	Floodplain/ Wetlands	Yes-Fox River

REQUESTED ACTION	Request for a variance to the required front yard setback for the construction of one (1) 30 foot X 32 foot garage.
APPI ICABI F	8 8 08 F 1 – R-3 One Family Residence District – Yard Areas – Front Yard – Fifty

APPLICABLE § 8.08 E.1 – R-3 One Family Residence District – Yard Areas – Front Yard – Fifty REGULATIONS Foot (50') Front Yard Setback Required.

§13.04 – Variation Procedures and Requirements

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Agricultural/ Wooded	R-1	Suburban Residential	R-1 and Yorkville Residential
South	Single Family and Fox River	A-1 (South of the Fox River)	Suburban Residential	Fox River and A-1
East	Single Family Residential	R-3	Suburban Residential	R-3, A-1 and Yorkville Residential
West	Single Family Residential	R-3	Suburban Residential	R-3, R-2, A-1 and Yorkville Residential

SURROUNDING LAND USE

GENERAL INFORMATION

Pictures of the subject property are included as Attachment 3-9. The proposed garage would face east, towards the existing garage. The plants shown in Attachment 3 and 7 would be removed.

A copy of the Kendall County Health Department's evaluation of the property is included as Attachment 10. As shown on the drawing on page 2, the well is located near the house. The septic tank is located near the proposed new addition to the house and the septic field is approximately 62 feet from the proposed garage.

As shown on Attachments 8 and 9, many of the neighboring properties have accessory structures at or near the same distance from the roadway as the petitioners.

BRISTOL TOWNSHIP

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

FINDINGS OF FACT

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. True, the size of the property, the proximity to the Fox River and adjoining floodplain, and the placement of the well, septic tank and septic field 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 only other R-3 zoned properties that experience the same conditions would be properties of a similar size and located near a waterway. The majority of R-3 zoned properties in Kendall County are not of a similar size and are not located near a waterway.

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 create the parcel configuration 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. True, the construction of the proposed garage will not be detrimental to the public welfare or injurious to other properties.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. True, the proposed accessory structure will not block light or air from adjacent properties. The proposed structure is intended for private, residential use and not a commercial enterprise. Quinsey Lane is a private street and the proposed structure and use will not cause an increase in traffic on Quinsey Lane or the public streets used to access Quinsey Lane. The proposed variance will not diminish property values in the area. Provided the garage is constructed to code, no increase of fire or public safety is anticipated by this proposal.

RECOMMENDATION

Staff recommends approval of the variance request for the construction of an accessory garage as shown in Attachment 1 to be setback approximately 26' from the front property line.

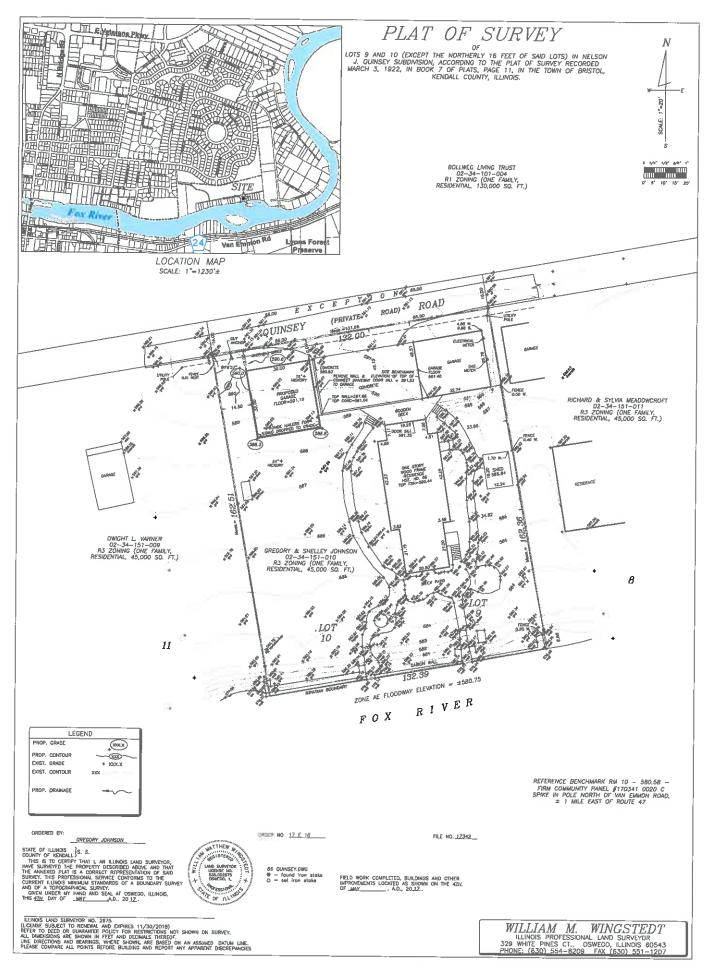
ATTACHMENTS

- 1. Site Plan
- 2. Application
- 3. Garage Location West
- 4. Garage Location East
- 5. Driveway Location West
- 6. Driveway East and Garage
- 7. Site Looking North

ZBA Memo – Prepared by Matt Asselmeier – May 15, 2017

- Quinsey Lane Looking East
 Quinsey Lane Looking West
 Health Department Report

Attachment 1



Attachment 2 Pg 1

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	DEPARTMENT OF PLANNING	
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	(630) 553-4141	
		Fax (630) 553-4179
	APPLICA	
(PROJECT NAME Johnson Garage	FILE # 17-13
í~	/~	
NAME OF APPLICANT		
Greg & Shelley Johnson		
CURRENT LANDOWNER/NAME(s)	
Same		
SITE INFORMATION ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PII
0.46	66 Quinsey Lane Yorkville, Illinois 60560	02-34-151-010
EXISTING LAND USE	CURRENT ZONING LAND CLA	SSIFICATION ON LRMP
Single family residence	R-3	
REQUESTED ACTION (Check All	That Apply):	
SPECIAL USE	MAP AMENDMENT (Rezone to)	
ADMINISTRATIVE VARIANC		
PRELIMINARY PLAT	RPD (Concept; Preliminary; Final) FINAL PLAT	ADMINISTRATIVE APPEAL OTHER PLAT (Vacation, Dedication,
AMENDMENT TO A SPECIAL	USE (Major;Minor)	
PRIMARY CONTACT Greg Johnson	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMA
_	66 Quinsey Lane, Yorkville IL 60560	
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.
	N/A	N/A
ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
William M. Wingstedt	329 White Pines Ct. Oswego, Illinois	60543 WWING@AOL.COM
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
630-554-8209		630-533-0338
I UNDERSTAND THAT BY S	IGNING THIS FORM, THAT THE PROPERT	Y IN QUESTION MAY BE VISITED BY
OUNT UNT REUND	COMINISSION MEMBERS THROUGHOUT T	
	ISTED ABOVE WILL BE SUBJECT TO ALL C	
CERTIFY THAT THE INFO	RMATION AND EXHIBITS SUBMITTED ARE	TRUE AND CORRECT TO THE
ABOVE SIGNATURES.	AND THAT I AM TO FILE THIS APPLICATIO	N AND ACT ON BEHALF OF THE
SIGNATURE OF APPLICAN	Τ	DATE
- Chan day		DATE
· · · · · · · · · · · · · · · · · · ·	FEE PAID:\$ 42 5,00	05.05.17.130
	CHECK #: 251	12
Deimana On the training		
Engineering Contact will receive a Engineering Contact will receive	all correspondence from County ve all correspondence from the County's Engi	
	s and the county's Engli	Consultants
Last Revised: 9.28.12 Special Use		
oposisi 000		Date Stamp Here If

Date Stamp Here If Checklist Is Complete

WARRANTY DEED
THE GRANTOR(S)
JAMES G. MORRIS, JR. and LISA A. MORRIS, husband and wife,
in the Town of Yorkville, County of Kendall, State of Illinois
for and in consideration of <u>TEN DOLLARS and other good and valuable</u> <u>consideration</u> in hand paid, CONVEY(S) and WARRANT(S) to GREGORY J. JOHNSON and SHELLEY A. JOHNSON, husband and wife, not as Joint Tenants or Tenants in Common, but as TENANTS BY THE ENTIRETY, 109. Union, Newark, Illinois 60541 <u>He</u> following
described Real Estate situated in the County of <u>Kendall</u> in the State of Illinois, to wit: (see reverse for legal description.) hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.* TO HAVE AND TO HOLD said premises natures/commence
Permanent Index Number (PIN):02-34-151-010
Address(es) of Real Estate: <u>66 Quinsey Lane, Yorkville, Illinois</u> 60560
Dated this 36th day of June 1996
JAMES G. MORRIS, JR. (SEAL)
(SEAL)(SEAL)
State of Illinois, County of Kendall ss. I, the undersigned, OFFICIAL SEAL CAROLYNA. HERRFN NOTARY PUBLIC, STATE OF HUNOIS MY COMMISSION EXPRISES 5 195
personally known to me to be the same persons whose namesubscribed to the foregoing instrument, appeared before meIMPRESSthis day in person, and acknowledged that they signed,SEALsealed and delivered the said instrument as theirHEREfree and voluntary act, for the uses and purposes thereinset forth, including the release and waiver of the rightof homestead.
Given under my hand and official seal, this $\frac{36}{26}$ day of fune 1996
Commission expires May 1 1999 Notary Public

Attachment 2 Pg 3

LEGAL DESCRIPTION

of premises commonly known as _____66 Quinsey Lane

Yorkville, Illinois 60560

Permanent Index Number (PIN): 02-34-151-010

LOTS 9 AND 10 (EXCEPT THE NORTHERLY 16 FEET OF SAID LOTS) OF NELSON J. QUINSEY'S SUBDIVISION, ACCORDING TO THE PLAT OF SURVEY RECORDED MARCH 3, 1922 IN BOOK 7 OF PLATS, PAGE 11, IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS.

Subject to building lines, easements, covenants, conditions and restrictions of record, if any.

This instrument was prepared by: Anthony Zombolas 15 Spinning Wheel Road Hinsdale, Illinois 60521

SEND SUBSEQUENT TAX BILLS TO: <u>GREGORY</u> JOHNSON GREGORY J. JOHNSON + Skelley A. <u>66</u> QUINSEY LANE 66 QUINSEY LANE 70h MSON YORKUILLE, IL 60560 YORKUILLE, IL 60560

MAIL TO:

Attachment 2 Pg 4

AFFIDAVIT - METES AND BOUNDS	
STATE OF ILLINOIS)	
COUNTY OF KEUDALY	
RECO	RDER'S STANP
JAMES G. MORRIS, JR.	ing duly sworn on oath,
states that he/she resides at 66 Quinsey Lane, Yorkvill That the attached deed is not in voilation of Section of the Illinois Compiled Statutes for one of the fol	e, Illinois 60560 on 205/1 of Chapter 765
 The division or subdivision of land is into parc acres or more in size which does not involve any new access. 	els ør tracts of five streets or easements of
2. The division is of lots or blocks of less than o subdivision which does not involve any new streets o	one acre in any recorded or easements of access.
3. The sale or exchange of parcels of land is betwe and contiguous land.	en owners of adjoining
4. The conveyance is of parcels of land or interest right of way for railroads or other public utility f not involve any new streets or easements of access.	s therein for use as a acilities, which does
5. The conveyance is of land owned by a railroad or which does not involve any new streets or easements	other public utility of access.
6. The conveyance is of land for highway or other p of conveyances relating to the dedication of land fo instruments relating to the vacation of land impress	r public use or
7. The conveyance is made to correct descriptions i	n prior conveyances.
8. The sale or excange is of parcels or tracts of l division into no more than two parts of a particular existing on July 17, 1959 and not involving any new access.	parcel or tract of land
9. The sale is of a single lot of less than five ac the dimensions and configuration of said larger trac by the dimensions and configuration of said larger t and no sale, prior to this sale, of any lot or lots having taken place since October 1, 1973, and a surv having been made by a registered land surveyor.	t having been determined ract on October 1, 1973, from said larger tract
(10) The conveyance is of land described in the same taken by the grantor(s).	manner as title was

AFFIANT further states that he/she makes this affidavit for the purpose of inducing the Recorder of KENDALL County, State of Illinois, to accept the attached deed for recording.

this <u>Z</u> day of <u>Junc</u> 19 <u>96</u>.

JAMES G. MORRIS, JR.

Novary Public **OFFICIAL SEAL** CAROLYN A. HERREN NOTARY PUBLIC, STATE OF ILLINOIS This form furnished to our attorney customers by

First American Title Insurance Company

Attachment 2 Pg 6

Please fill out the following findings of fact to the best of your capabilities. § 13.04 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall take into consideration the extent to which the following conditions have been established by the evidence:

The applicants, Greg & Shelley Johnson, wish to construct a detached garage in the northwest portion of their property, 66 Quinsey Lane, Yorkville - Lots 9 & 10 of Nelson J Quinsey subdivision. The applicants are requesting an exception of twenty-four feet to the fifty foot setback outlined under 8.08.E.1 of the Kendall County zoning ordinance.

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.

The proximity of the water well, septic system, existing structures, road easement and floodplain of the southern boundary result in a practical difficulty if a strict adherence of the regulations were carried out. Please reference Kendall County Health Department site evaluation SE 17-016 and Plat of Survey.

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

The circumstances of this variation request are unique to the property and in general will not apply to other parcels of similar zoning classification.

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

The physical conditions, Quinsey Lane, Fox River, dwelling, water well and septic system existed before the applicants purchased the parcel.

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.

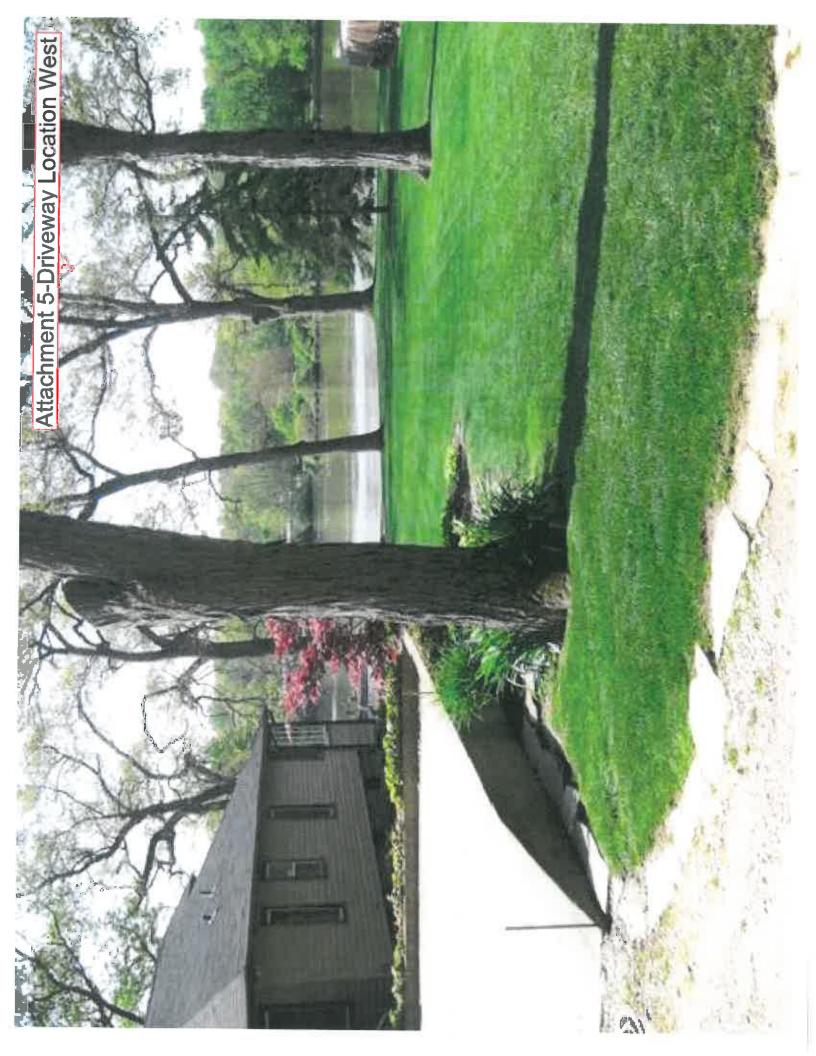
The proposed structure is approximately 925 feet from the nearest intersection and will not impede the line of site of pedestrians or vehicles while traveling Quinsey Lane. Drainage of adjacent property will not be impacted. Please reference Kendall County Health Department site evaluation SE 17-016 and Plat of Survey.

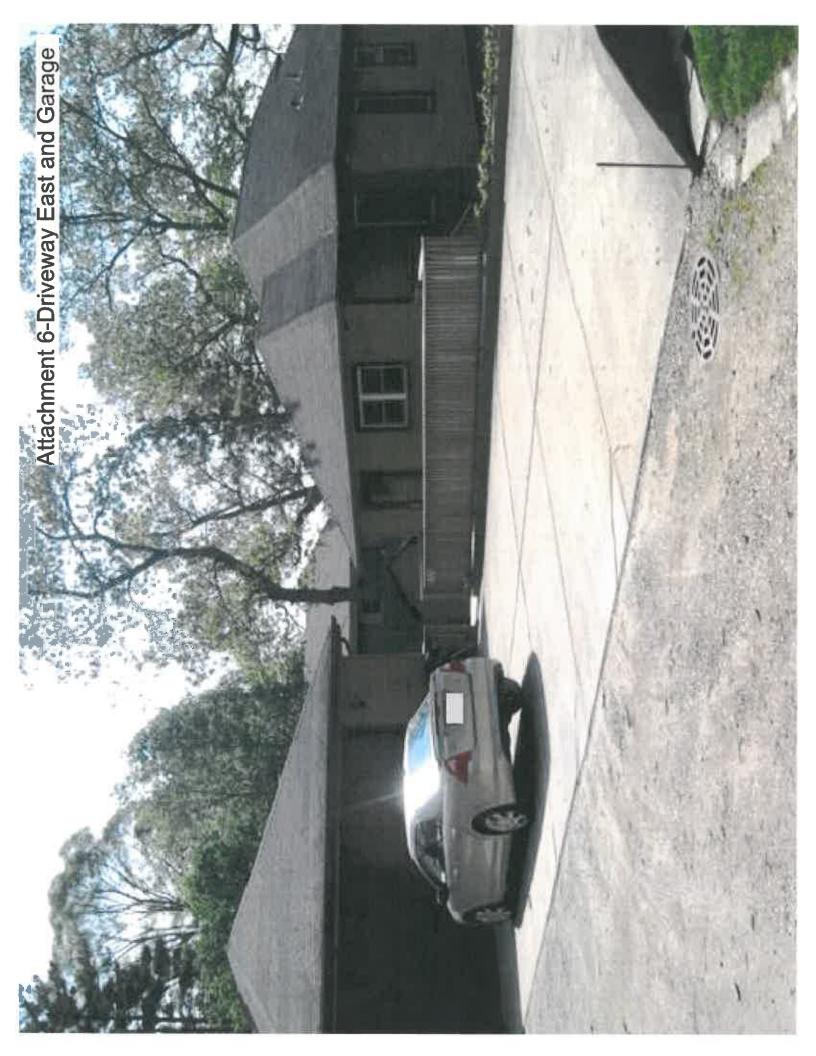
That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.

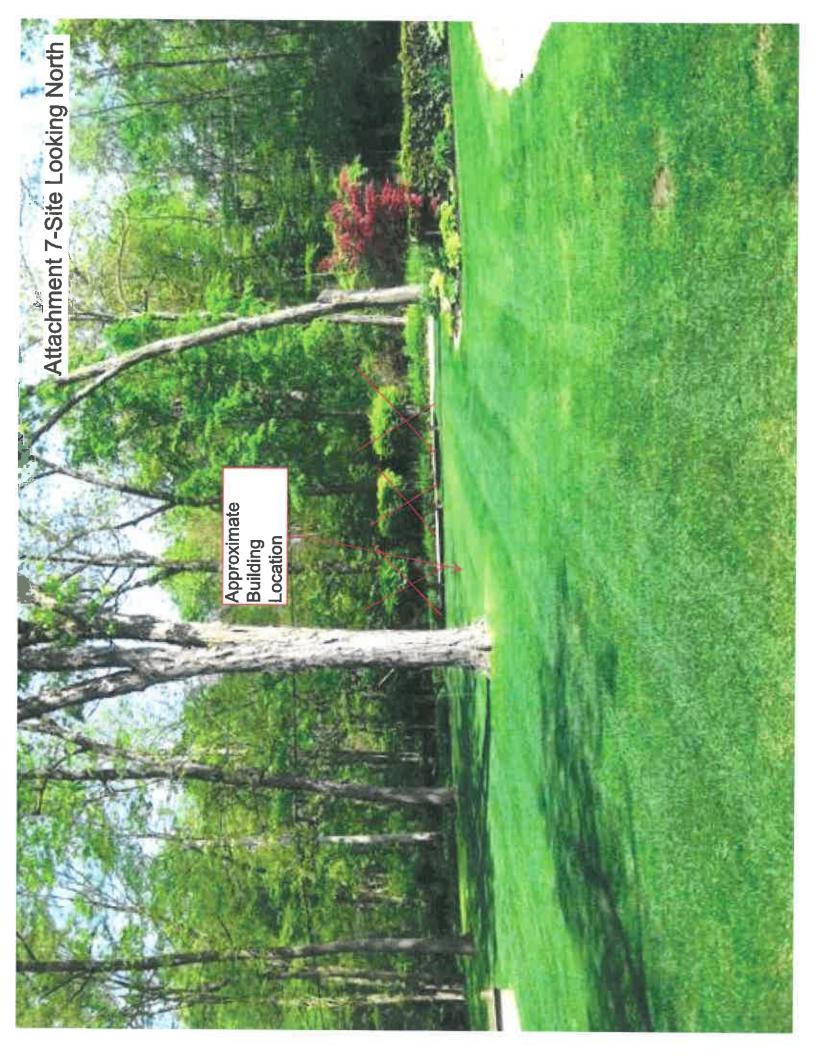
There will be no discernable impact of light or air to adjacent property from the proposed structure due to its location. No increase in congestion, risk of fire or impairment of property value should occur as the structure will be built in compliance with all Kendall County building codes. Building materials, including exterior siding, windows and shingles will be the same as or similar in color and texture to all existing structures.

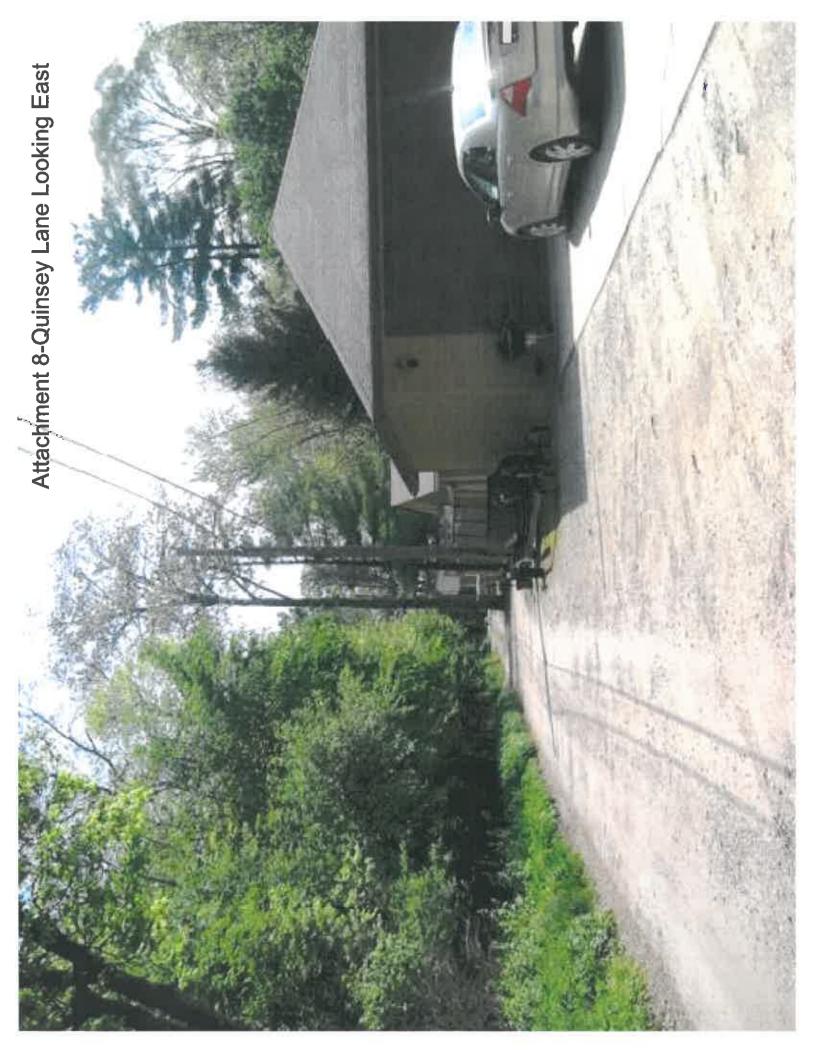


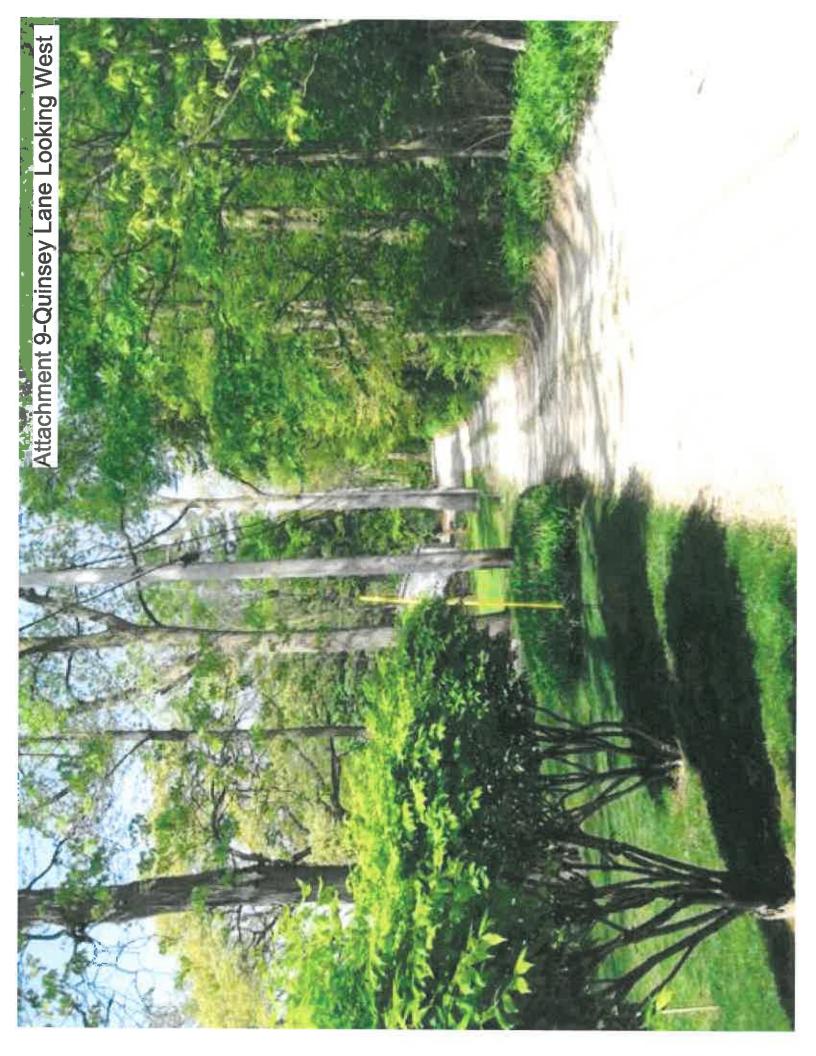










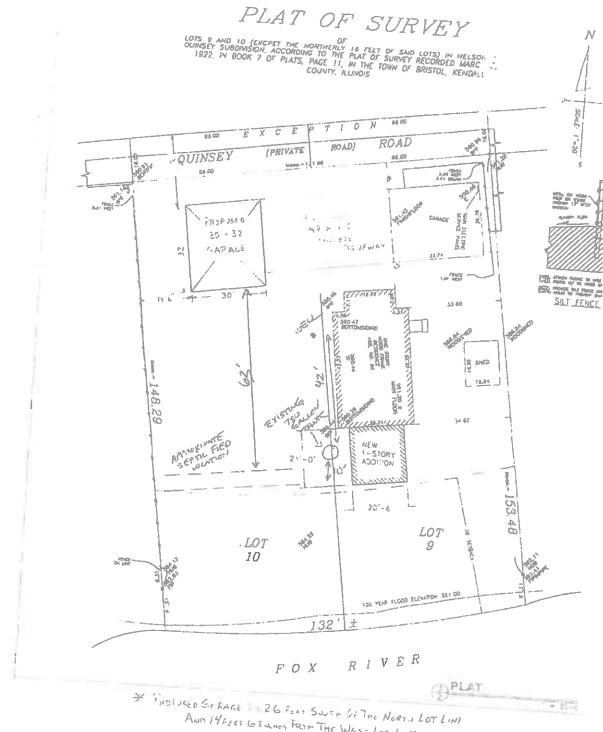


Attachment 10, Page 1

KENDALL COUNTY Environmental Rec Har and for years www.kendollhealth	In Services ACAR 21 ZUTA 11/1	121/17 4/13/17 7-016 SE BED TODD DREFCINSELI N 4/13/17 N 4/13/17 N 12/035	
BUILDING PROJECT SITE EVALUATION REQUEST - 550 00			
State and inculput the Provides Insite wastewater treatment by tem in the your before proceed as ter- fine Kendoli County Hoolth Deportment showing the location of destructives	rody no their specific setbock distances of out on water wells in code no verity valuation must be concocled. Picase on ("KCHD") – Provide a single plat of and lot to duries, procument of new co in the new conduct a site visitio ve	s be maintained in order to example that require a set use actions even in complete the term and submit in the survey or a defailed drawing public term and allowing	
KChD may probe to verify the location of onsite wastewater treatment system (LOWISL) components. Prior to probing the KCHD will contact the state underground utility tocating service (LUULLEL) to locate all public utilities on the property. It is the property owner's responsibility to locate and mark all the property's "privat, utilities", including but not limited to the water well and the OWIS as well as electric, gas or water lines to build has on the property. JULLE and the KCHD recommend that the property control contractor mark the area where the building project will occur with while point and/or lings.			
OWNER'S NAME & BUILDING PROJECT ADDRESS			
ADDRESS 66 QUINSEY LANE FAX: N/A			
CITY: YORKVILLE E-MAIL SHOWED BEING			
SIGNATURE OF PROPERTY OWNER			
PROJECT DETAILS, PLEASE MARK ALL THAT APPLY			
 Accessory building Building addition 	Common selbacks to seplic tonk	Common selbacks to water wells	
0 Deck	Froperly alive ing - 5	Ciedrin ofer focung drums - 15	
D Driveway	Froperly line = 51 Woter supply the unspriptersult	Pits crox spaces or basement, - 10 Vote at to stleam lostern - 25	
O form building	In ground twemming policy 25	Teplit foni - 50' Septic field - 75	
Garage	ABARA STOULD SWALL BO SUCH A	i és hvora latima clamfinemente 51	
D In ground imgotion system	, s v, v v , je ,	Mic Ure pries - 15 Michael a sciple - 200	
D Polio	<u>Common setbor ks to septic field</u>		
0 Fool, obove ground	I want to be a second to	N an Ever app	
C Foot in ground	200 (0.0) (0.0) (0.0)	trans en g	
D Dine	10 20 10 10 10 10	τε μη ε Ο μ	

the second second

Attachment 10, Page 2



AND 14 FEET GENERS FROM THE WEST LOT LINE

Attachment 10, Page 3

THIS PAGE IS FOR OFFICE USE ONLY

SHE EVALUATION #. 17-016 INSPECTION NOTES: 3/21/17 - NE REGARDS LOCATOR . CALVER OWNER- REQUESTING A CAN Bach 4/12/17 - SEPTIL TOME (750 ENVIN) IS 4/2 FROM THE WER HEAD SEPTIC LINES LOCATED - 2 LINES - 63' FRUM SUUTH WALL ON PROPERTO GAMAGE, SEPTIL LINES ME SE-60' IN LENGTH BASNO ON PUBLICY - BETT DETIMATE: RELATED SEPTIC PERMIT RECORDS: RELATED WELL PERMIT RECORDS: (NONE LOCATED) PERMIT RECORDS PROVIDED TO PROPERTY OWNER: LIYES 2010 J.U.L.I.E. NOTIFIED ON: 4/10/17 ORIGINAL J.U.LI.E. DIG #: A100 3076