

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

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

AGENDA

July 10, 2017 – 7:30 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 June 5, 2017 Zoning Board of Appeals Hearing
(Pages 2-50)

PETITIONS:

1. **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) PIN 04-19-100-002, Fox Township
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 (Pages 7-29 and 51-58)

2. **17-14- Kendall County Zoning Board of Appeals**
Request: Text Amendment to Section 13.01.B.9 of the Kendall County Zoning Ordinance
Purpose: Amendment Would Set Guidelines for the Calling of Meetings on Items that Require a Public Hearing and for the Calling of Meetings on Items that do not Require a Public Hearing as Defined by State Law. (Pages 59-66)

3. **17-15- Kendall County Zoning Board of Appeals**
Request: Text Amendment to Section 13.01.B.11 of the Kendall County Zoning Ordinance
Purpose: Amendment Would Reduce the Number of Votes Required for the Zoning Board of Appeals to Reverse any Order, Requirements, Decision or Determination of the Zoning Administrator, or to Decide in Favor of the Applicant any Matter upon which It Is Authorized by the Ordinance to Render Decisions from Four to Three on Boards Consisting of Five Members and from Five to Four on Boards Consisting of Seven Members. (Pages 67-70)

4. **17-16- Kendall County Zoning Board of Appeals**
Request: Text Amendment to Section 13.06.D of the Kendall County Zoning Ordinance
Purpose: Amendment Would Reduce the Number of Votes Required for the Zoning Board of Appeals to Reverse or Affirm, Wholly or Partly, or May Modify the Order, Requirement, Decision, or Determination of the Zoning Administrator from Four to Three on Boards Consisting of Five Members and from Five to Four on Boards Consisting of Seven Members. (Pages 67-70)

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on July 31, 2017

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

**MINUTES – UNOFFICIAL UNTIL APPROVED
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

Members Present: Randy Mohr, Karen Clementi, Tom LeCuyer, Donna McKay and Dick Whitfield.

Members Absent: Scott Cherry and Dick Thompson

Staff Present: 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

PIN(s): 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

PIN(s):

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 Whitfield
Nays (0): None
Absent (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

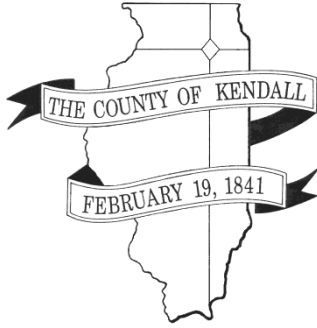
ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

17-12

**Gerald Clancy
Variance**

Front Yard Setback for Accessory Structure

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 USE Agricultural

ZONING A-1 Agricultural District

LRMP	Current Land Use	Agricultural/Farmstead
	Future Land Use	Agricultural
	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

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

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 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)/ Rural Estate Residential (Max 0.45 du/acre) East Side of the Fox River	A-1
West	Agricultural	A-1	Agricultural	A-1

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.**

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

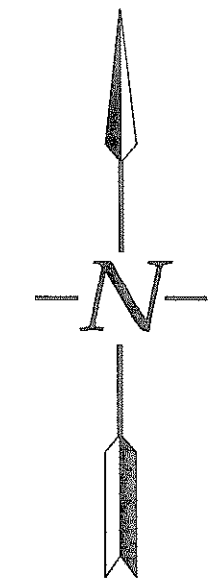
1. Site Plan
2. Garage Elevations
3. Site Location
4. Site Location Looking South
5. Site Location Looking North
6. Finnie Road Looking South
7. Finnie Road Looking North
8. Petitioner's Findings of Fact

TOPOGRAPHIC SURVEY/ZONING

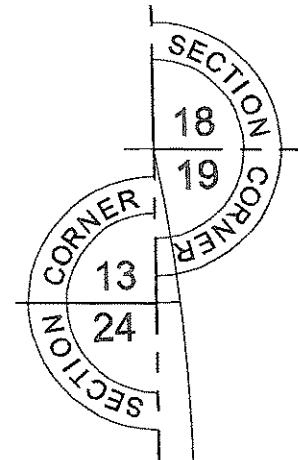
OF

PARCEL ONE:
 THAT PART OF THE WEST HALF OF SECTION 19, TOWNSHIP 36 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 19, THENCE SOUTH 01 DEGREES 09 MINUTES 49 SECONDS EAST 1,719.71 FEET ON THE WEST LINE OF SAID SECTION 19; THENCE SOUTH 76 DEGREES 08 MINUTES 00 SECONDS EAST 2,188.18 FEET ON AN OLD ESTABLISHED FENCE LINE TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 76 DEGREES 08 MINUTES 00 SECONDS EAST 237.94 FEET ON SAID FENCE LINE TO THE CENTERLINE OF FINNIE ROAD; THENCE SOUTH 25 DEGREES 33 MINUTES 13 SECONDS WEST 667.60 FEET ALONG SAID CENTER LINE; THENCE NORTH 72 DEGREES 19 MINUTES 19 SECONDS WEST 185.29 FEET; THENCE NORTH 21 DEGREES 10 MINUTES 04 SECONDS EAST 646.79 FEET TO THE POINT OF BEGINNING, ALL BEING SITUATED IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PARCEL TWO:
 THAT PART OF THE WEST HALF OF SECTION 19, TOWNSHIP 36 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 19, THENCE SOUTH 01 DEGREES 09 MINUTES 49 SECONDS EAST 1,719.71 FEET ON THE WEST LINE OF SAID SECTION 19; THENCE SOUTH 76 DEGREES 08 MINUTES 00 SECONDS EAST 2,188.18 FEET ON AN OLD ESTABLISHED FENCE LINE TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 76 DEGREES 08 MINUTES 00 SECONDS WEST 205.88 FEET ON SAID FENCE LINE; THENCE SOUTH 21 DEGREES 10 MINUTES 04 SECONDS WEST 633.07 FEET; THENCE SOUTH 72 DEGREES 19 MINUTES 19 SECONDS EAST 204.59 FEET; THENCE NORTH 21 DEGREES 10 MINUTES 04 SECONDS EAST 646.79 FEET TO THE POINT OF BEGINNING, ALL BEING SITUATED IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.



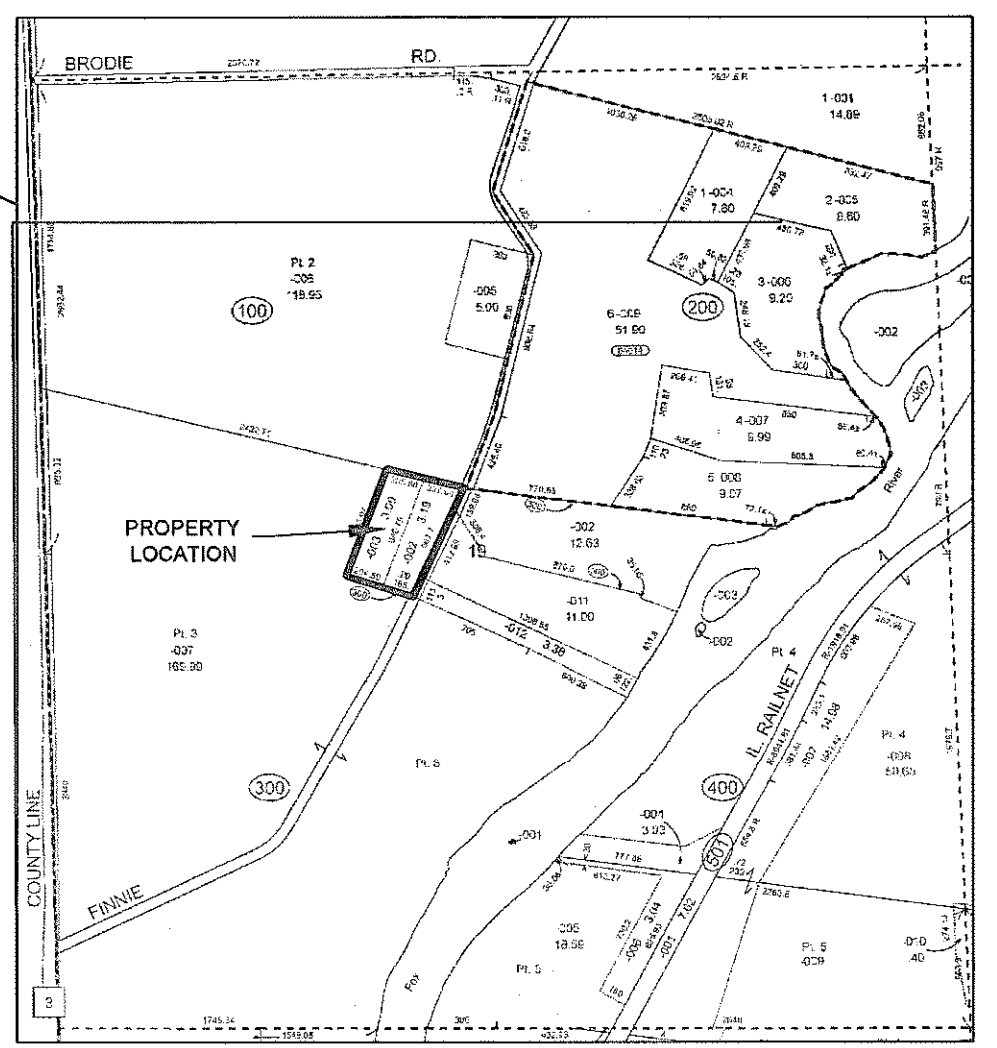
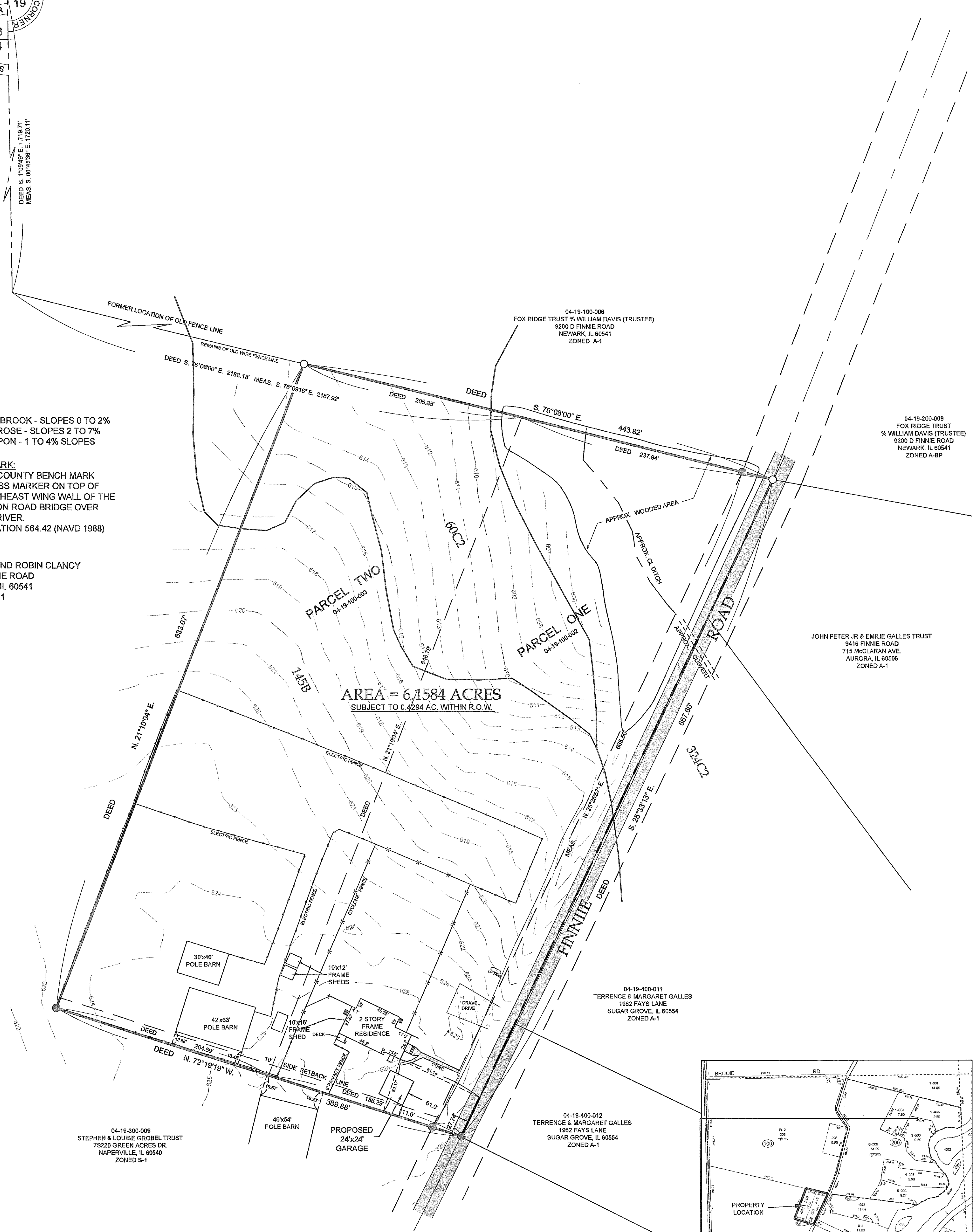
Scale: 1" = 50'



SOILS:
 145B - SAYBROOK - SLOPES 0 TO 2%
 60C2 - LA ROSE - SLOPES 2 TO 7%
 324C2 - RIPON - 1 TO 4% SLOPES

BENCH MARK:
 KENDALL COUNTY BENCH MARK #330, BRASS MARKER ON TOP OF THE SOUTHEAST WING WALL OF THE MILLINGTON ROAD BRIDGE OVER THE FOX RIVER.
 ELEVATION 564.42 (NAVD 1988)

OWNER:
 GERALD AND ROBIN CLANCY
 9517 FINNIE ROAD
 NEWARK, IL 60541
 ZONED A-1



LOCATION MAP

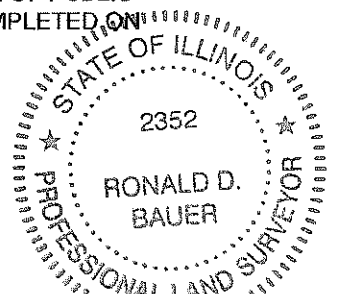
SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
) SS
 COUNTY OF KENDALL)

THIS IS TO CERTIFY TO THE CLIENT, GERALD AND ROBIN CLANCY, THAT I, RONALD D. BAUER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR IN AFORESAID COUNTY AND STATE, HAVE COMPLETED A TOPOGRAPHIC SURVEY ON THE GROUND OF THE PROPERTY HEREON DESCRIBED. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A TOPOGRAPHIC SURVEY AND THAT THE PLAT HEREON DRAWN REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY. THIS SURVEY 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. NO ATTEMPT HAS BEEN MADE TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE OF PUBLIC UTILITIES OR STORM WATER RUNOFF EITHER ONTO OR OFF FROM THE SITE. THE FINAL FIELD WORK WAS COMPLETED ON THE 7th DAY OF MAY, 2017.

GIVEN UNDER MY HAND AND SEAL AT PLANO, ILLINOIS THIS 9th DAY OF MAY, 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 SET FORTH 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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CONSULTING, INC**

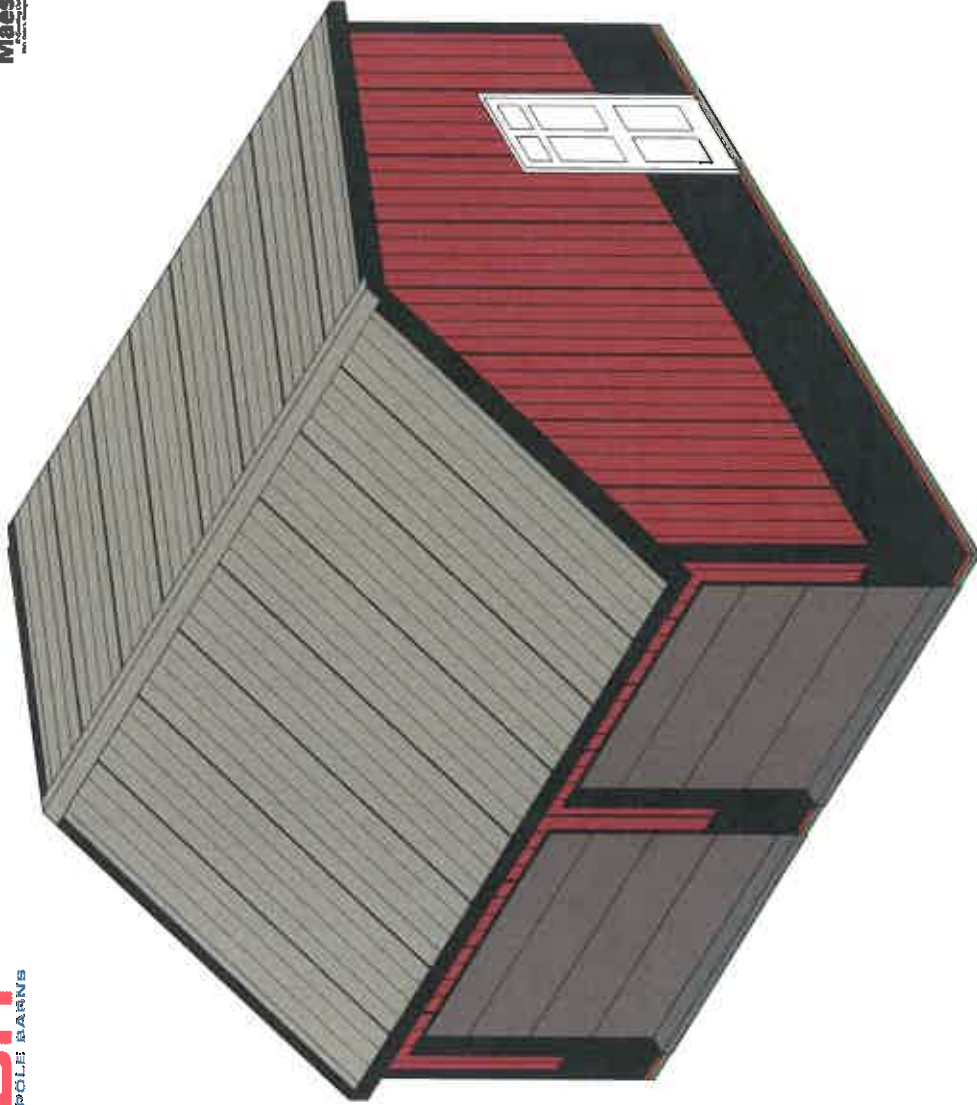
4 W MAIN STREET
PLANO, IL 60545
(630) 552-7452

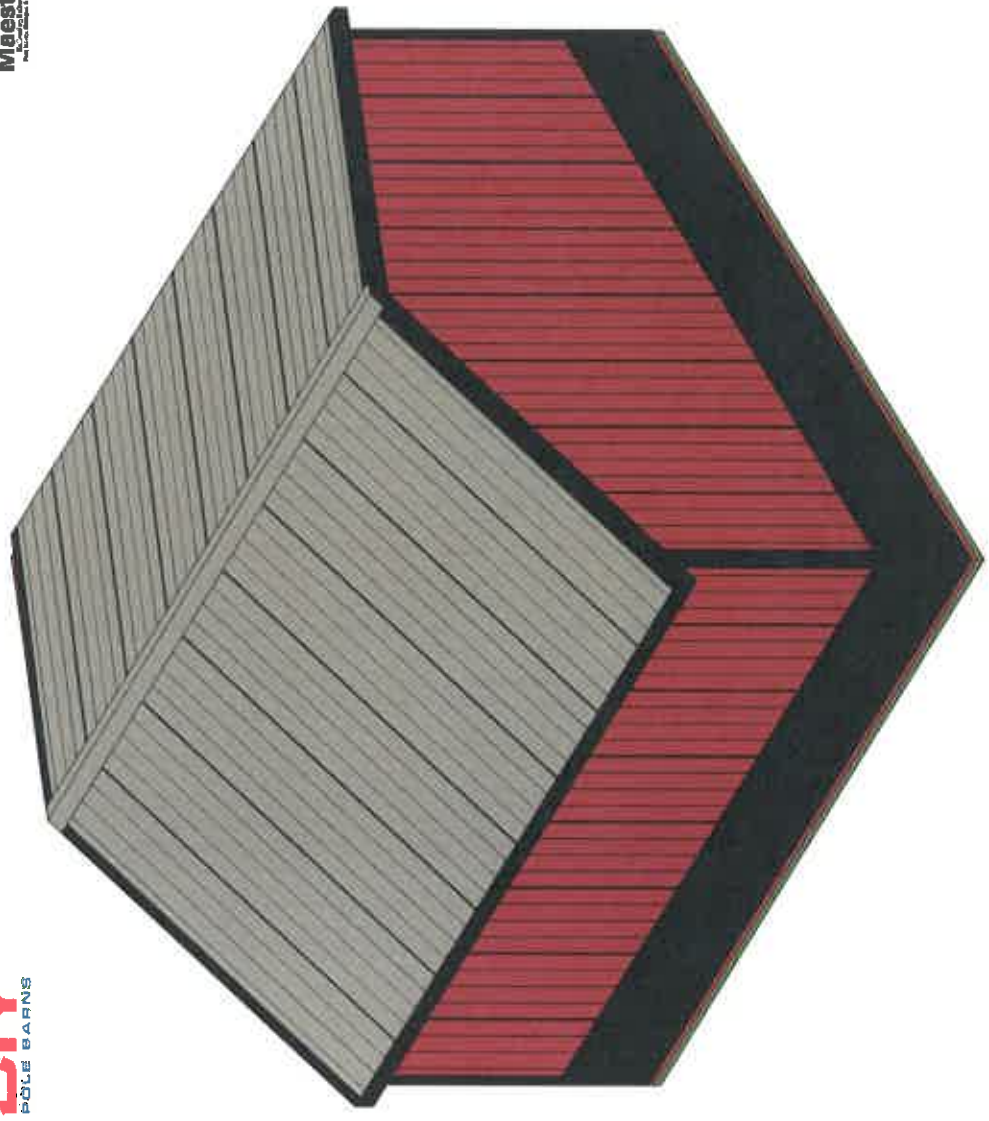
DESIGN FIRM #
184-004475
www.rb-associates.net

576

 <p>DIY POLE BARNS</p>	<p>DIY Pole Barns & Supplies 9232 Hoggpath Road Arcanum, OH 45304 Business: 937-547-9100 Fax: 937-547-9122 Sales Associate: John Wise</p>														
<p style="text-align: center;">Building Specifications</p> <table border="0"> <tr> <td>Building Width</td> <td>24'</td> </tr> <tr> <td>Building Length</td> <td>24'</td> </tr> <tr> <td>Building Height</td> <td>10'</td> </tr> <tr> <td>Eave Overhang</td> <td>12 in.</td> </tr> <tr> <td>Gable Overhang</td> <td>0 in.</td> </tr> <tr> <td>Pitch of Roof</td> <td>4 in./12</td> </tr> <tr> <td>Style of Building</td> <td>Post Frame</td> </tr> </table>		Building Width	24'	Building Length	24'	Building Height	10'	Eave Overhang	12 in.	Gable Overhang	0 in.	Pitch of Roof	4 in./12	Style of Building	Post Frame
Building Width	24'														
Building Length	24'														
Building Height	10'														
Eave Overhang	12 in.														
Gable Overhang	0 in.														
Pitch of Roof	4 in./12														
Style of Building	Post Frame														
<table border="0"> <tr> <td>Customer Name</td> <td>Jerry Clancy</td> </tr> <tr> <td>Customer Address</td> <td>9517 Finnie Rd Newark, IL 60541</td> </tr> <tr> <td>Customer Phone</td> <td>[REDACTED]</td> </tr> <tr> <td>Estimate Number</td> <td>11490</td> </tr> <tr> <td>Date of Estimate</td> <td>4/24/2017</td> </tr> </table> <p style="text-align: right;">This quote is good for 30 days.</p>		Customer Name	Jerry Clancy	Customer Address	9517 Finnie Rd Newark, IL 60541	Customer Phone	[REDACTED]	Estimate Number	11490	Date of Estimate	4/24/2017				
Customer Name	Jerry Clancy														
Customer Address	9517 Finnie Rd Newark, IL 60541														
Customer Phone	[REDACTED]														
Estimate Number	11490														
Date of Estimate	4/24/2017														
<p style="text-align: center;">powered by Symon Systems, Inc. www.symon.com</p>															
<p><small>Note: The reports, elevations, diagrams, and drawings included in this estimate are not architectural blueprints. The builder is responsible for obtaining liability, proper usage of materials, and adhering to local building codes. Always be sure to verify the materials and drawing packet with your local building inspector, engineer, or architect. Every effort has been made to create accurate and detailed drawings and reports. However, due to the number of combinations of materials that can be used, there exists the possibility for errors. This packet is an estimate and should be reviewed by the builder before starting the project. Symon Systems, Inc. accepts no responsibility for engineering, building code violations, or the structural integrity of the building.</small></p>															

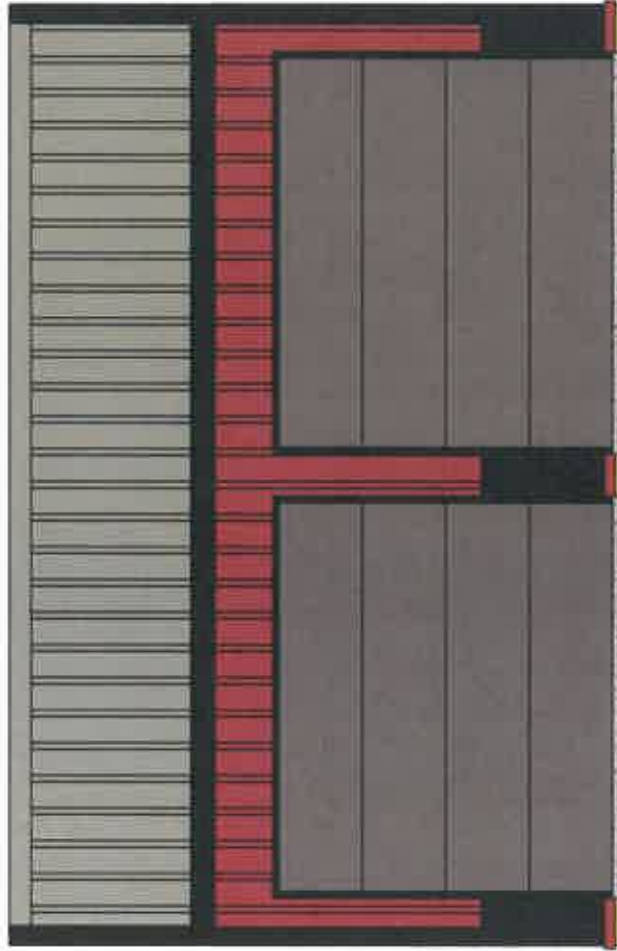
Jerry Clancy
 Estimate Number: 11490
 4/26/2017







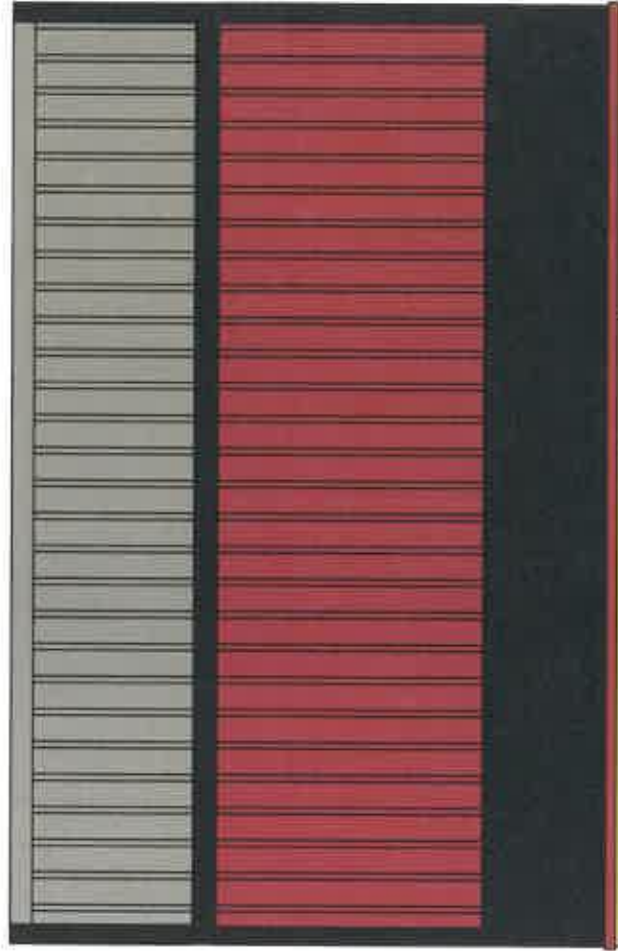
SOUTH SIDE-EAVE SIDE 2 ELEVATION



Jerry Clancy
Estimate Number: 11490
4/26/2017



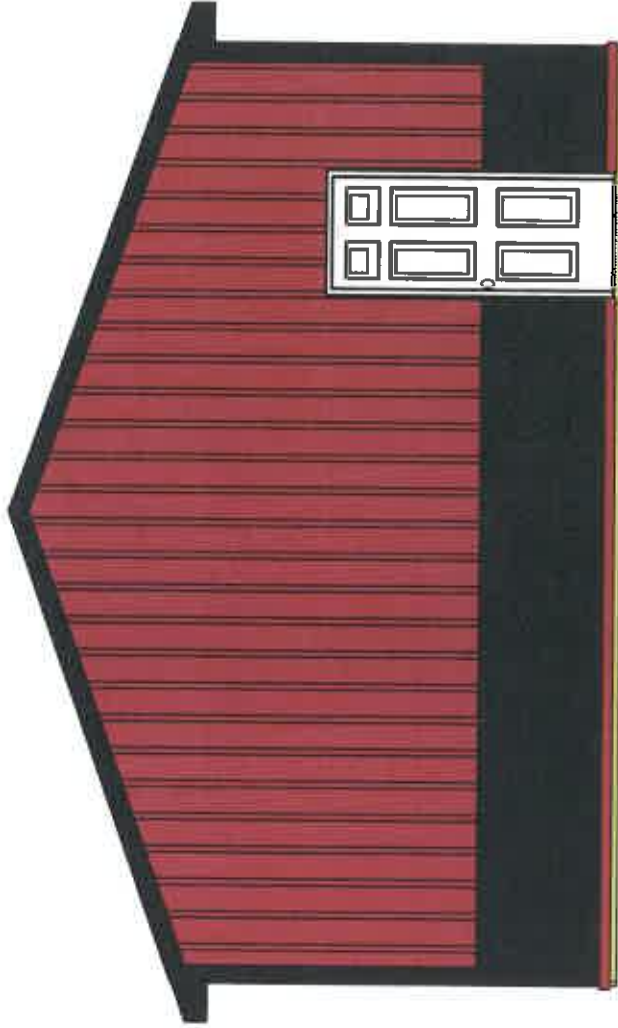
NORTH SIDE-EAVE SIDE 1 ELEVATION



Jerry Clancy
Estimate Number: 11490
4/26/2017



EAST SIDE-GABLE SIDE 2 ELEVATION




Jerry Clancy
Estimate Number: 11490
4/26/2017




WEST SIDE-GABLE SIDE 1 ELEVATION




Jerry Clancy
Estimate Number: 11490
4/26/2017



Site Plan



Direction



Scale: 1 block represents _____ Ft.

Name of Owner: _____ Phone: () _____

Name of Agent: (If Applicable) _____ Phone: () _____

Address of Property: _____ City: _____ State: _____ Zip: _____

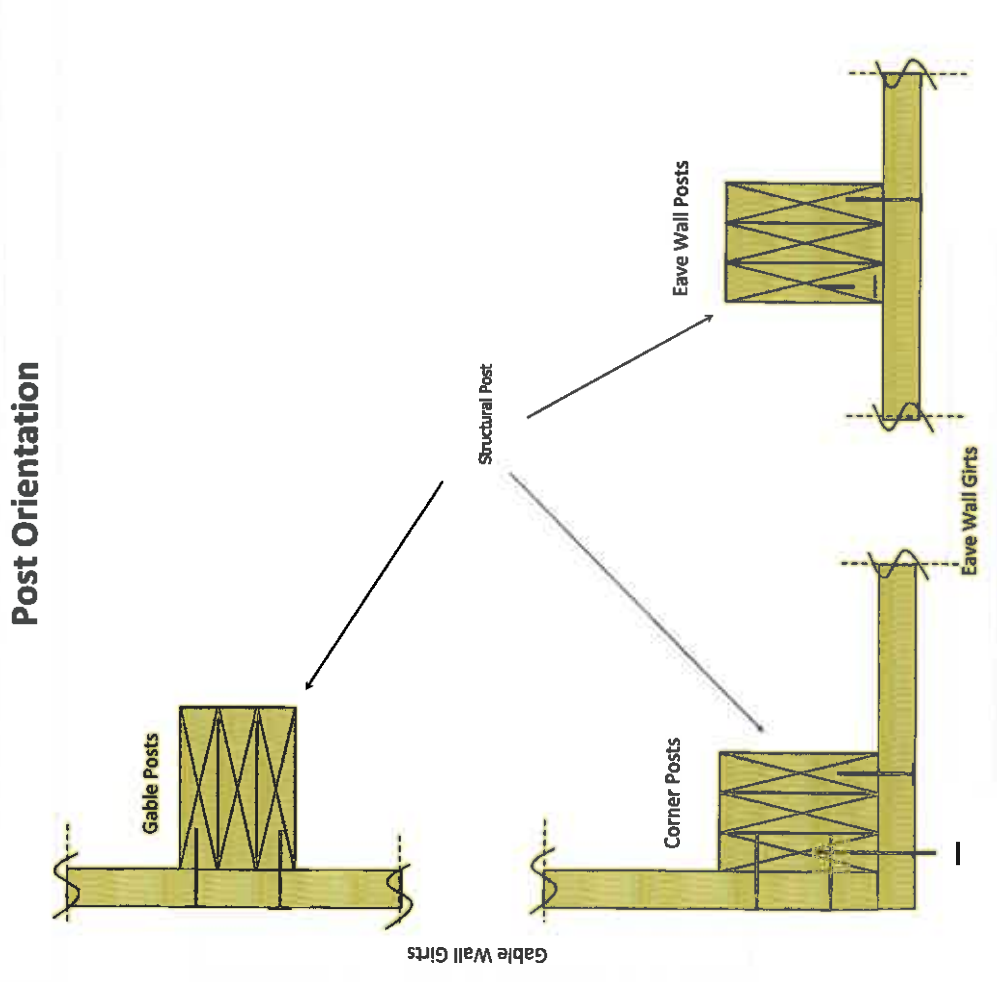
Zoned: NC RA RSA RU1 RU2 RU3 C-1 C-2 Other

Parcel ID: _____ Legal Description Attached Y N

Jerry Clancy
 Estimate Number: 11490
 4/26/2017

With Overhang Work Flow

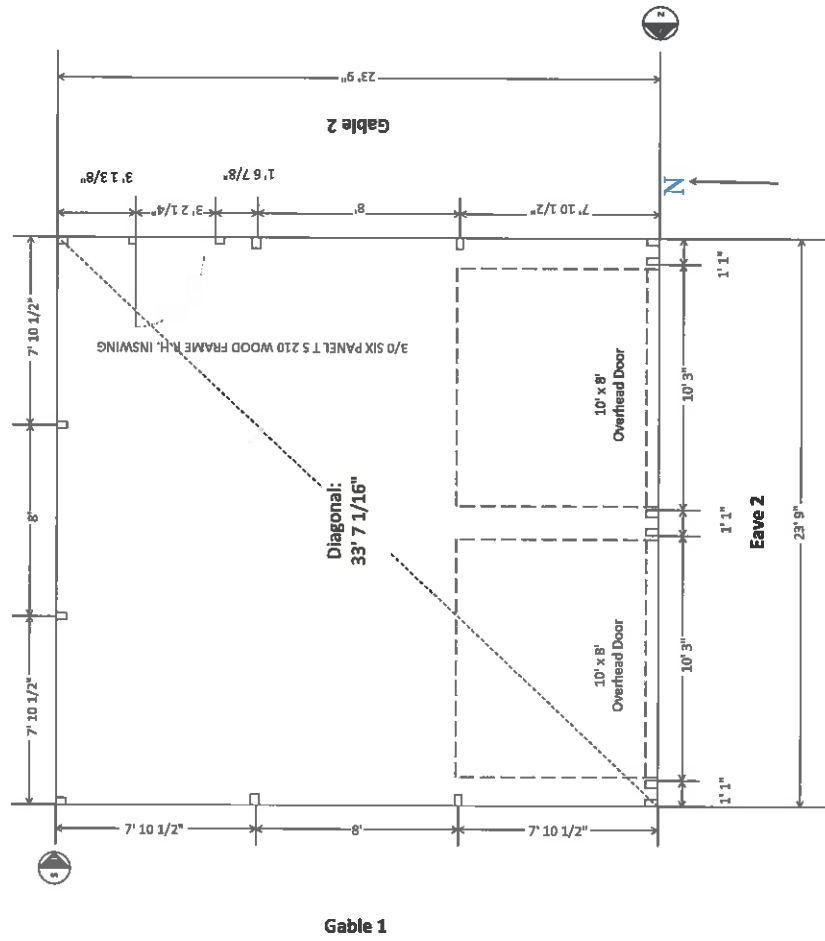
Order	Work Flow
1	Level Pad
2	Square batten boards and string
3	Punch Holes
4	Install Footers
5	Set Posts
6	Install Skirtboards
7	Install highest wallgirt that can be reached with a ladder
8	Install rest of wall girts
9	Install truss carrier
10	Install wall bracing 2x4x16 on one eave wall
11	Install Truss Blocking
12	Install Trusses (ensuring building squariness)
13	Install purlins
14	Install Truss Bracing
15	Install diagonal bracing
16	Frame out openings
17	Install windows and walkdoors
18	Install Ratguard
19	Install F & J trim
20	Install 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



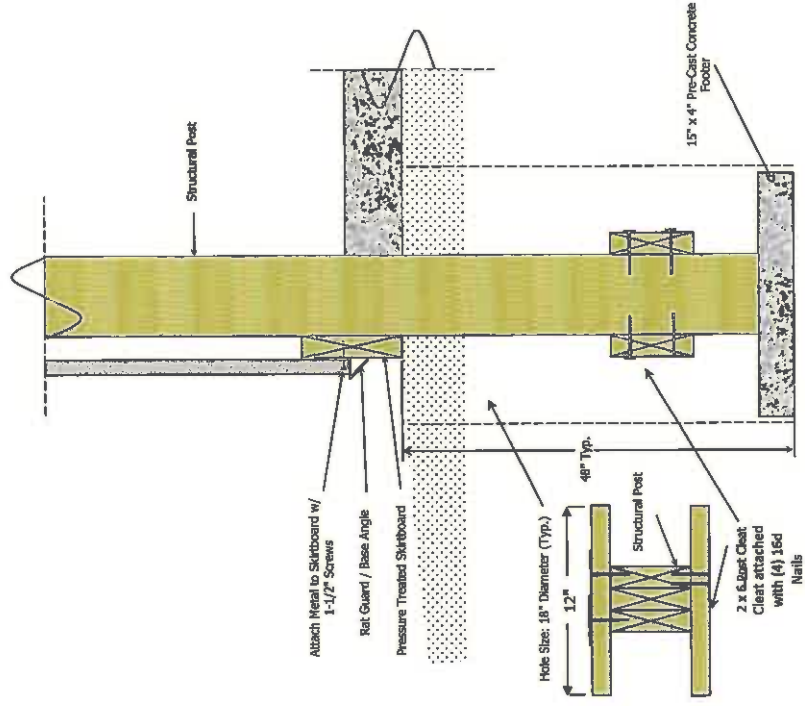
Jerry Clancy
Estimate Number: 11490
4/26/2017



POLE LAYOUT
Residential Use, 576 sq. ft.
Eave 1



DIY
POLE BARN
Footling / Skirtoard Detail



Jerry Clancy
Estimate Number: 11490
4/26/2017



Approximate Building Location

Attachment 4-Site
Location Looking South





Attachment 6-Finnie
Road Looking South





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.

DUE TO THE SHAPE OF THE LOT THE SEPTIC FIELD 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 FISHING HOUSE WAS BUILT BEFORE MODERN ZONING 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.

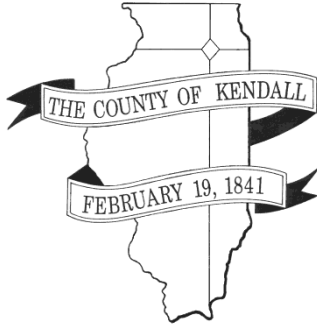
THE PRESENT OWNER DID NOT CONSTRUCT THE HOUSE 110 YEARS AGO. AND WAS NOT INVOLVED IN THE CREATION OF THE LOT AS IT EXISTS TODAY

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.

THE GRANTING OF THE VARIATION WILL NOT MATERIALLY BE DETRIMENTAL TO THE PUBLIC WELFARE OR SUBSTANTIALLY INJURIOUS TO OTHER PROPERTY OR IMPROVEMENTS 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 VARIATION WILL NOT DO ANY OF THE ABOVE



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

17-13

**Greg and Shelley Johnson
Variance**

Front Yard Setback for Accessory Structure

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 USE Single-Family Residential

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.

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

§13.04 – Variation Procedures and Requirements

SURROUNDING LAND USE

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

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.

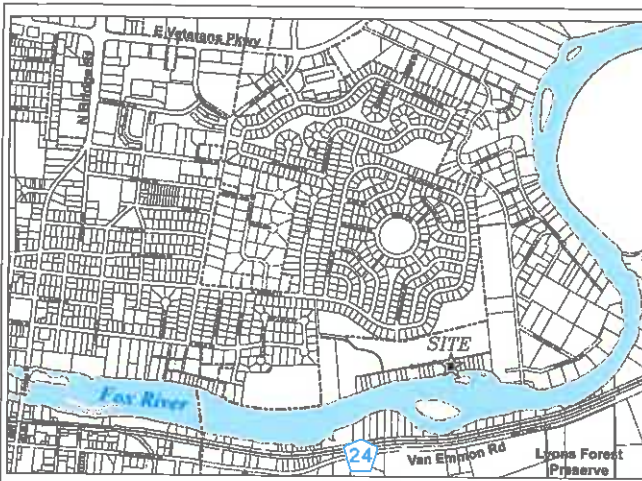
RECOMMENDATION

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

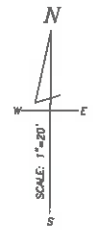
8. Quinsey Lane Looking East
9. Quinsey Lane Looking West
10. Health Department Report



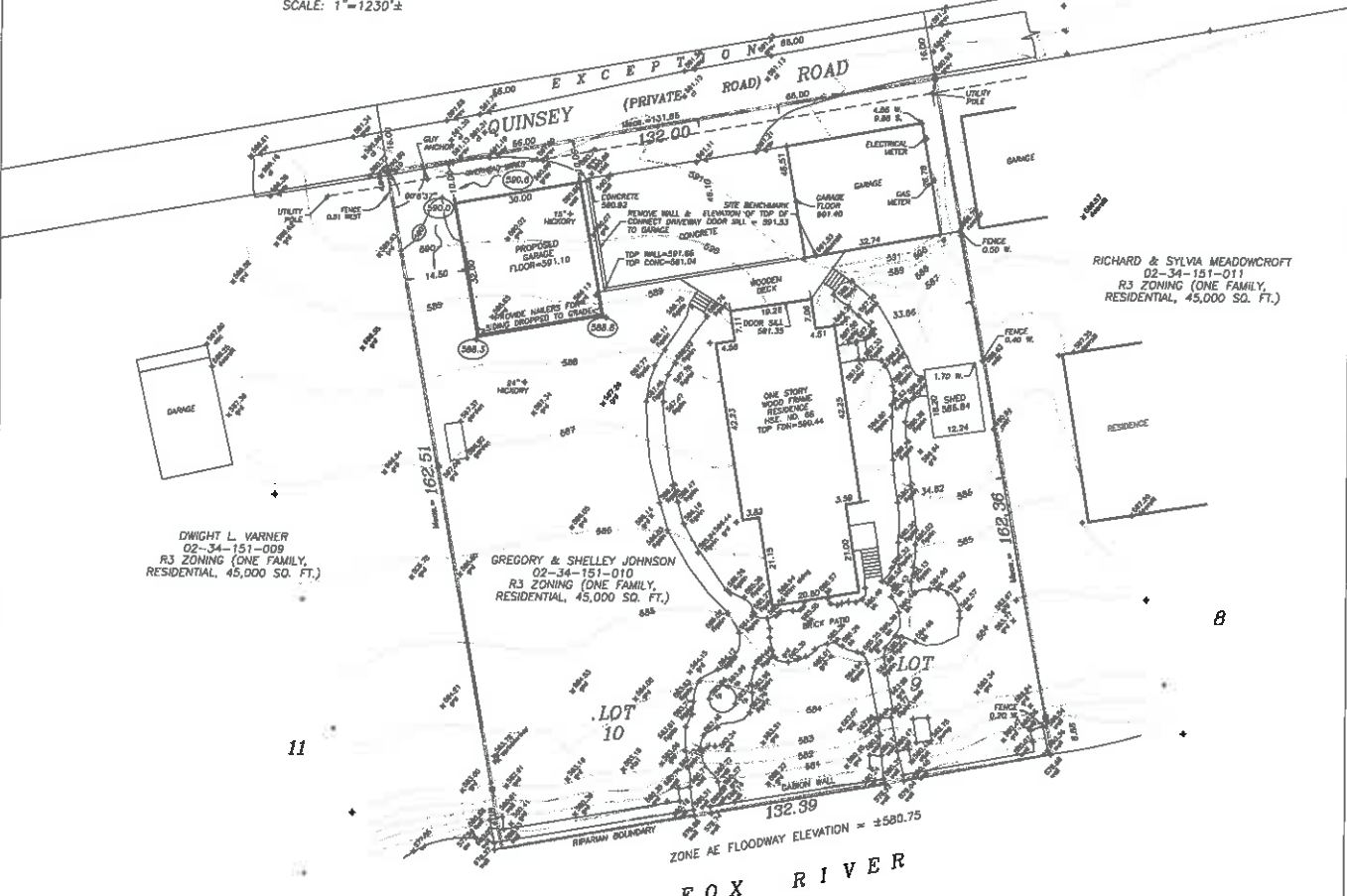
LOCATION MAP
SCALE: 1"=1230'±

PLAT OF SURVEY

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



BOLLWEG LIVING TRUST
02-34-101-004
R1 ZONING (ONE FAMILY,
RESIDENTIAL, 130,000 SQ. FT.)



DWIGHT L. VARNER
02-34-151-009
R3 ZONING (ONE FAMILY,
RESIDENTIAL, 45,000 SQ. FT.)

GREGORY & SHELLEY JOHNSON
02-34-151-010
R3 ZONING (ONE FAMILY,
RESIDENTIAL, 45,000 SQ. FT.)

RICHARD & SYLVIA MEADOWCROFT
02-34-151-011
R3 ZONING (ONE FAMILY,
RESIDENTIAL, 45,000 SQ. FT.)

LEGEND	
PROP. GRADE	
PROP. CONTOUR	
EXIST. GRADE	
EXIST. CONTOUR	
PROP. DRAINAGE	

REFERENCE BENCHMARK RM 10 - 580.58 -
FIRM COMMUNITY PANEL #170341 0020 C
SPIKE IN POLE NORTH OF VAN EMMON ROAD,
± 1 MILE EAST OF ROUTE 47

ORDERED BY: GREGORY JOHNSON

ORDER NO. 17.E.18

FILE NO. 12342

STATE OF ILLINOIS } S. S.
COUNTY OF KENDALL }
THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR,
HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT
THE ANNEKED PLAT IS A CORRECT REPRESENTATION OF SAID
SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE
CURRENT ILLINOIS MINIMUM STANDARDS OF A BOUNDARY SURVEY
AND OF A TOPOGRAPHICAL SURVEY.
GIVEN UNDER MY HAND AND SEAL AT OSWEGO, ILLINOIS,
THIS 4TH DAY OF MAY, A.D., 2012.



66 QUINSEY.DWG
● = found iron stake
○ = set iron stake

FIELD WORK COMPLETED, BUILDINGS AND OTHER
IMPROVEMENTS LOCATED AS SHOWN ON THE 4111
OF MAY, A.D., 2012.

ILLINOIS LAND SURVEYOR NO. 2875
(LICENSE SUBJECT TO RENEWAL AND EXPIRES 11/30/2018)
REFER TO DEED OR GUARANTEE POLICY FOR RESTRICTIONS NOT SHOWN ON SURVEY.
ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
LINE DIRECTIONS AND BEARINGS, WHERE SHOWN, ARE BASED ON AN ASSUMED DATUM LINE.
PLEASE COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY APPARENT DISCREPANCIES

WILLIAM M. WINGSTEDT
ILLINOIS PROFESSIONAL LAND SURVEYOR
329 WHITE PINES CT., OSWEGO, ILLINOIS 60543
PHONE: (630) 554-8209 FAX (630) 551-1207

DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME Johnson Garage FILE #: 17-13

NAME OF APPLICANT Greg & Shelley Johnson		
CURRENT LANDOWNER/NAME(s) Same		
SITE INFORMATION ACRES 0.46	SITE ADDRESS OR LOCATION 66 Quinsey Lane Yorkville, Illinois 60560	ASSESSOR'S ID NUMBER (PIN) 02-34-151-010
EXISTING LAND USE Single family residence	CURRENT ZONING R-3	LAND CLASSIFICATION ON LRMP
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input checked="" type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> PRELIMINARY PLAT etc.)	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> OTHER PLAT (Vacation, Dedication,
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT Greg Johnson	PRIMARY CONTACT MAILING ADDRESS 66 Quinsey Lane, Yorkville IL 60560	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # N/A	PRIMARY CONTACT OTHER #(Cell, etc.) N/A
ENGINEER CONTACT William M. Wingstedt	ENGINEER MAILING ADDRESS 329 White Pines Ct. Oswego, Illinois 60543	ENGINEER EMAIL WWING@AOL.COM
ENGINEER PHONE # 630-554-8209	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.) 630-533-0338
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [REDACTED]		DATE 05.05.17

FEE PAID: \$ 425.00
 CHECK #: 251



¹Primary Contact will receive all correspondence from County
²Engineering Contact will receive all correspondence from the County's Engineering Consultants

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 TEN DOLLARS and other good and valuable
consideration 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

the following
described Real Estate situated in the County of Kendall 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
~~not as tenants by the entirety, but as joint tenants, forever.~~

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

Address(es) of Real Estate: 66 Quinsey Lane, Yorkville, Illinois 60560

Dated this 26th day of June 1996

 (SEAL)  (SEAL)
JAMES G. MORRIS, JR. LISA A. MORRIS

(SEAL) _____ (SEAL)

State of Illinois, County of Kendall ss. I, the undersigned,
Notary Public in and for said County, in the
State aforesaid, DO HEREBY CERTIFY that
JAMES G. MORRIS, JR. and LISA A. MORRIS, his wife

OFFICIAL SEAL
CAROLYN A. HERRIN
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 5/1/99

personally known to me to be the same persons whose name
subscribed to the foregoing instrument, appeared before me
this day in person, and acknowledged that they signed,
sealed and delivered the said instrument as their
free and voluntary act, for the uses and purposes therein
set forth, including the release and waiver of the right
of homestead.

IMPRESS
SEAL
HERE

Given under my hand and official seal, this 26 day of June 1996

Commission expires May 1 1999 
Notary Public

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

MAIL TO:

GREGORY JOHNSON
66 QUINSEY LANE
YORKVILLE, IL 60560

SEND SUBSEQUENT TAX BILLS TO:

GREGORY J. JOHNSON + Shelley A. Johnson
66 Quinsey Lane
Yorkville, Illinois 60560

AFFIDAVIT - METES AND BOUNDS

STATE OF ILLINOIS)
COUNTY OF KEUDY) SS

RECORDER'S STAMP

JAMES G. MORRIS, JR. , being duly sworn on oath, states that he/she resides at 66 Quinsey Lane, Yorkville, Illinois 60560. That the attached deed is not in violation of Section 205/1 of Chapter 765 of the Illinois Compiled Statutes for one of the following reasons: (circle one)

1. The division or subdivision of land is into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access.
2. The division is of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.
3. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.
4. The conveyance is of parcels of land or interests therein for use as a right of way for railroads or other public utility facilities, which does not involve any new streets or easements of access.
5. The conveyance is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.
6. The conveyance is of land for highway or other public purposes or grants of conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
7. The conveyance is made to correct descriptions in prior conveyances.
8. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.
9. The sale is of a single lot of less than five acres from a larger tract, the dimensions and configuration of said larger tract having been determined by the dimensions and configuration of said larger tract on October 1, 1973, and no sale, prior to this sale, of any lot or lots from said larger tract having taken place since October 1, 1973, and a survey of said single lot having been made by a registered land surveyor.
10. The conveyance is of land described in the same manner as title was taken by the grantor(s).

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.

SUBSCRIBED AND SWORN TO BEFOR ME

this 26 day of June
19 96 .


AFFIANT
JAMES G. MORRIS, JR.


Notary Public

OFFICIAL SEAL
CAROLYN A. HERREN
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES 5/1/99

This form furnished to our attorney ~~customers by~~

First American Title Insurance Company

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 sight 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 3-Garage
Location West

Garage Post
Location

Garage Post
Location

Plants Will Be Removed



Attachment 4-Garage Location East



Attachment 5-Driveway Location West

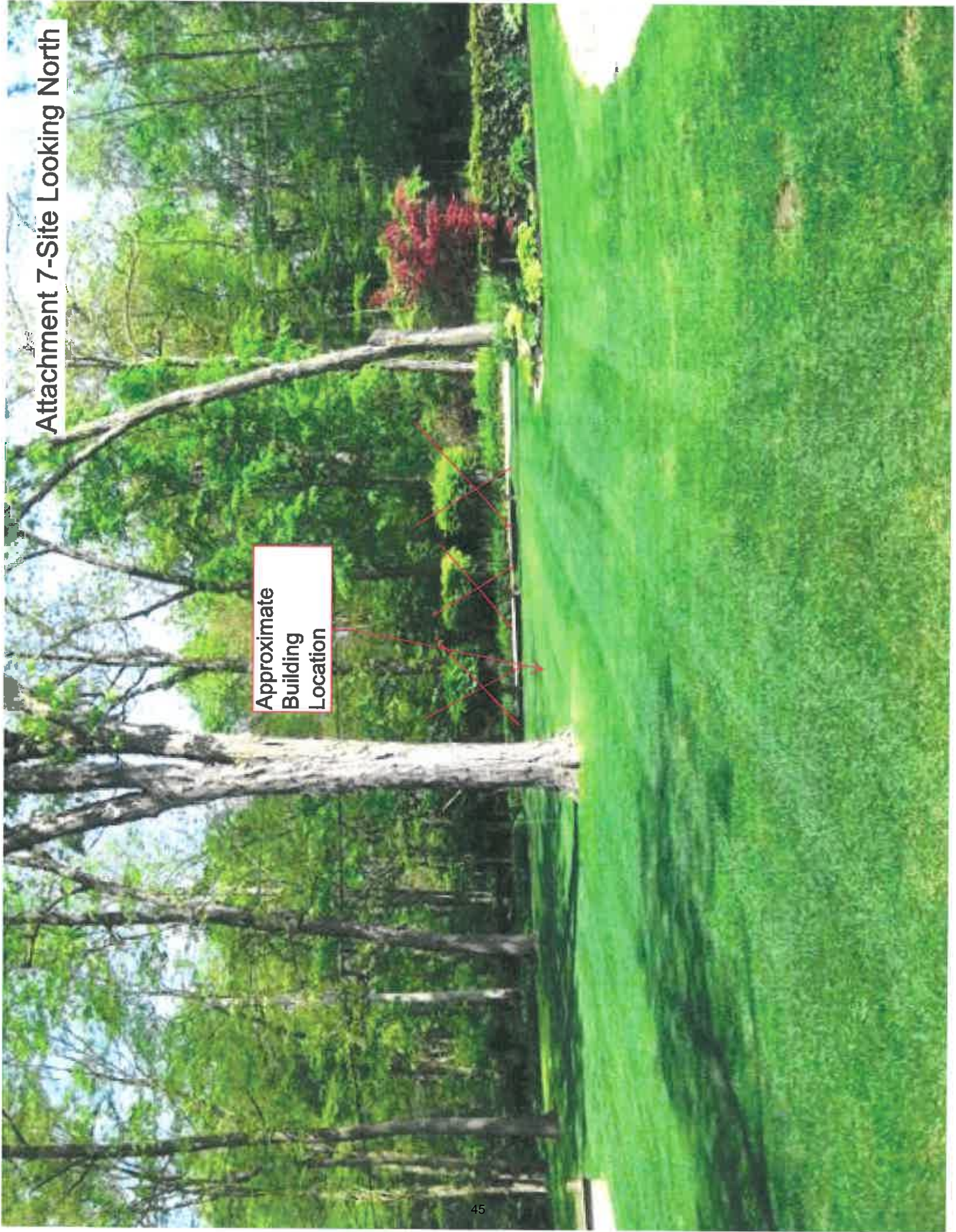


Attachment 6-Driveway East and Garage



Attachment 7-Site Looking North

**Approximate
Building
Location**



Attachment 8-Quinsey Lane Looking East



Attachment 9-Quinsey Lane Looking West





KENDALL COUNTY HEALTH DEPARTMENT
 Environmental Health Services
 149 East 10th Street
 Yorkville, IL 62458
 www.kendallhealth.org

FOR OFFICE USE ONLY
 3/21/17
 17-010
 TODD DREFCINSKI
 4/13/17
 SE BED
 4/13/17
 12635
 SK

BUILDING PROJECT SITE EVALUATION REQUEST - \$50.00

State and local policies require the codes require that specific setback distances be maintained in order to protect onsite wastewater treatment systems and/or water wells. In order to verify that required setback distances exist on a property, a building project site evaluation must be conducted. Please complete the form and submit it to the Kendall County Health Department (KCHD). Provide a single plat of survey or a detailed drawing showing the location of all structures and lot features, placement of new construction and distance to all property lines for your building project. KCHD may conduct a site visit to verify that required setbacks are maintained prior to approving a project.

KCHD may probe to verify the location of onsite wastewater treatment system (OWTS) components. Prior to probing, the KCHD will contact the state underground utility locating service (JULIE) to locate all public utilities on the property. It is the property owner's responsibility to locate and mark all the property's "private utilities", including but not limited to the water well and the OWTS as well as electric, gas or water lines to buildings on the property. JULIE and the KCHD recommend that the property owner or contractor mark the area where the building project will occur with white paint and/or flags.

OWNER'S NAME & BUILDING PROJECT ADDRESS

NAME: GREG + SHELLEY JOHNSON
 ADDRESS: 66 QUINSEY LANE
 CITY: YORKVILLE
 INCORPORATED: ILL.

PHONE: [REDACTED]
 FAX: N/A
 E-MAIL: [REDACTED]
 PARCEL #: 02-34-151-010

SIGNATURE OF PROPERTY OWNER

14 MARCH 2017
 DATE

PROJECT DETAILS, PLEASE MARK ALL THAT APPLY

- Accessory building
- Building addition
- Deck
- Driveway
- Farm building
- Garage
- In-ground irrigation system
- Patio
- Pool, above ground
- Pool, in-ground
- Other

Common setbacks to septic tank

- Property driveway - 5'
- Property line - 5'
- Water supply line and/or pressure line - 10'
- In-ground swimming pool - 25'
- Above-ground swimming pool - 5'
- Water well - 50'

Common setbacks to septic field

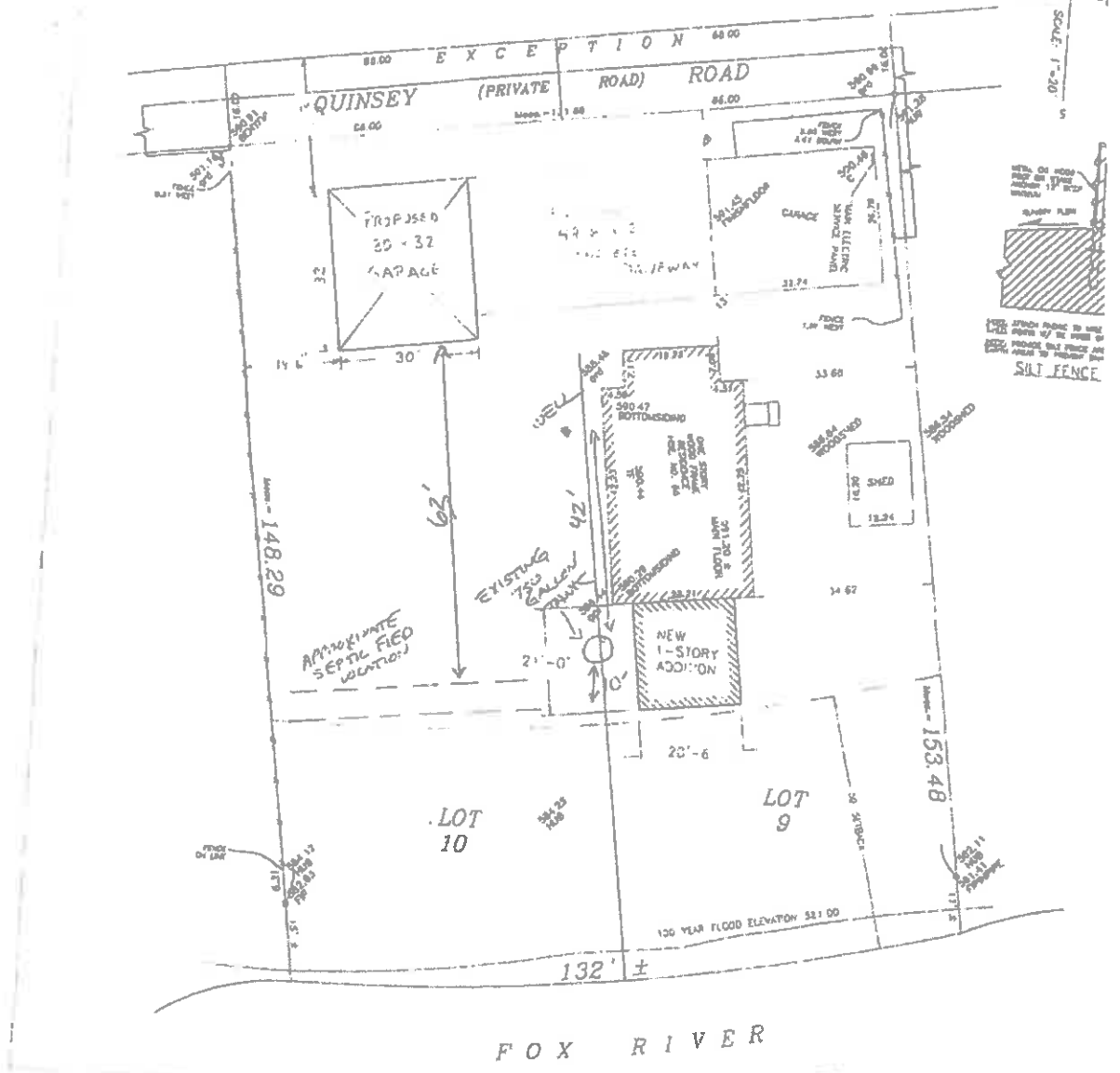
- Property driveway - 5'
- Property line - 5'
- Water supply line and/or pressure line - 10'
- In-ground swimming pool - 25'
- Above-ground swimming pool - 5'
- Water well - 75'

Common setbacks to water wells

- Clear water logging drains - 10'
- Pile crow spaces or basements - 10'
- Water and steam systems - 25'
- Septic tank - 50'
- Septic field - 75'
- Electric or gas confinement - 5'
- Water well - 75'
- Water well - 200'

PLAT OF SURVEY

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



* UNDESIGNED GARAGE 26 FEET SOUTH OF THE NORTH LOT LINE AND 14 FEET 6 INCHES FROM THE WEST LOT LINE

THIS PAGE IS FOR OFFICE USE ONLY

INSPECTION NOTES: SITE EVALUATION #. 17-016

3/21/17 - NO RECORDS LOCATED. CALLED OWNER - REQUESTING IF CAN BACK

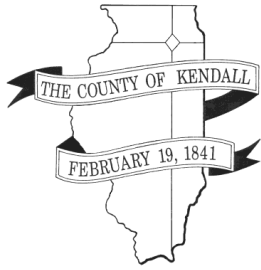
4/12/17 - SEPTIC TANK (750 GALLONS) IS 42' FROM THE WELL HEAD
SEPTIC LINES LOCATED - 2 LINES - 63' FROM SOUTH WALL
ON PROPOSED ERMAGE. SEPTIC LINES ARE SE-60' IN
LENGTH BASED ON PROBING + BEST ESTIMATE:

RELATED SEPTIC PERMIT RECORDS: _____

RELATED WELL PERMIT RECORDS: _____

PERMIT RECORDS PROVIDED TO PROPERTY OWNER: YES NO (NONE LOCATED)

J.U.L.I.E. NOTIFIED ON: 4/10/17 ORIGINAL J.U.L.I.E. DIG #: A100 3074



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: June 28, 2017
Re: Petition 17-12 Variance Request at 9517 Finnie Road

At the June 5, 2017 hearing, the Zoning Board of Appeals decided to wait until Fox Township had an opportunity to review the variance request at 9517 Finnie Road before issuing a decision. Fox Township reviewed the petition at their June 12, 2017 meeting and approved the petition provided that:

1. The garage was not placed closer to Finnie Road than the existing house;
2. The vehicle doors faced Finnie Road (east); and
3. The existing driveway be removed upon completion of garage.

After the Fox Township Board meeting, the petitioner revised his proposal requesting that the rear (west) end of the garage line up with the rear (west) end of the house. This would reduce the variance request to thirty-seven feet (37') and set the garage back from the center of Finnie Road approximately one hundred thirteen feet (113'). The original request was for a variance of approximately ninety feet (90') with the garage set back from the center of Finnie Road approximately sixty feet (60'). Fox Township expressed no objections to this amendment. The surveyor that prepared the survey also did not express objections the petitioner altering the survey.

The proposed variance ordinance reflecting the amendment submitted by the petitioner is enclosed for your review. The Zoning Board of Appeals would need to approve the findings of fact before taking action on the variance request.

If you have any questions, please let me know.

MHA

Encs: Proposed Variance Ordinance
6-28-17 Email from Jeff Spang
6-13-17 Email from Jeff Spang
6-15-17 Email from Ron Bauer
Unapproved Record of Decision for Petition 17-12 (Included with June 5 ZBA Minutes)

State of Illinois
County of Kendall

Zoning Petition
#17-12

**GRANTING A VARIANCE FOR
9517 Finnie Road, Fox Township**

WHEREAS, Gerald Clancy filed a petition for a variance within the A-1 Agricultural Zoning District for a 3.19 acre property located approximately 0.5 Miles Northeast of the Finnie Road/Millington Road Interchange on the West Side of Finnie Road, also known as 9517 Finnie Road (PIN# 04-19-100-002), in Fox Township; and

WHEREAS, Section 7.01.G.2.b (A-1 Agricultural District – Site and Structure Requirements – Setbacks – Accessory Structures) of the Zoning Ordinance requires a front yard setback to be a minimum of 100’ from the a dedicated road right-of-way or 150’ from the center line of an adjacent roadway, whichever is greater; and

WHEREAS, said petition is to allow the construction of one (1) 576 square foot accessory structure (2 car garage) that will be located at its closest point 113.0’ from the center line of Finnie Road, requiring an 37.0’ variance; and

WHEREAS, said property is legally described as:

THAT PART OF THE WEST HALF OF SECTION 19, TOWNSHIP 36 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 19, THEN SOUTH 01 DEGREE 09 MINUTES 49 SECONDS EAST 1719.71 FEET ON THE WEST LINE OF SECTION 19; THENCE SOUTH 76 DEGREES 08 MINUTES 00 SECONDS EAST 2188.18 FEET ON AN OLD ESTABLISHED FENCE LINE TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 76 DEGREES 08 MINUTES 00 SECONDS EAST 237.94 FEET ON SAID FENCE LINE TO THE CENTERLINE OF FINNIE ROAD; THENCE SOUTH 25 DEGREES 33 MINUTES 13 SECONDS WEST 667.70 FEET ALONG SAID CENTERLINE; THENCE NORTH 72 DEGREES 19 MINUTES 19 SECONDS WEST 185.29 FEET; THENCE NORTH 21 DEGREES 10 MINUTES 04 SECONDS EAST 646.79 FEET TO THE POINT OF BEGINNING, ALL BEING SITUATED IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact in accordance with Section 13.04.A.3 of the Zoning Ordinance, with a public hearing before the Zoning Board of Appeals on June 5, 2017 and approval by the Zoning Board of Appeals on July 10, 2017; and

WHEREAS, the findings of fact were approved as follows:

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

WHEREAS, this variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns; and

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Zoning Board of Appeals hereby grants approval of a variance to allow the construction of one (1) 576 square foot accessory structure (2 car garage) that will be located at its closest point 113.0' from the center line of Finnie Road, requiring an 37.0' variance; in accordance with the submitted Zoning Sketch included as "Exhibit A" attached hereto and incorporated herein subject to the following conditions:

1. The driveway in existence on the date of the approval of this variance shall be abandoned upon completion of the construction of the accessory structure mentioned in this ordinance.
2. The accessory structure allowed by this ordinance shall have the vehicle doors facing Finnie Road.

IN WITNESS OF, this ordinance has been enacted on July 25, 2017.

Mailed to and Prepared by:
Matthew H. Asselmeier
111 West Fox Street Rm. 203
Yorkville, IL 60560

SEAL

Subscribed and sworn to before me
this 25th day of July, 2017.

Matthew H. Asselmeier, AICP
Senior Planner

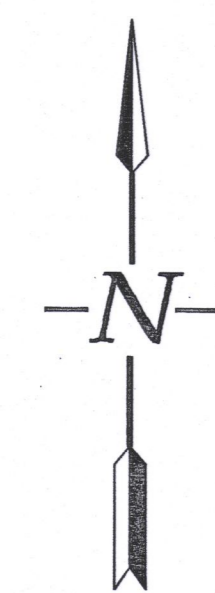
Notary Public

TOPOGRAPHIC SURVEY/ZONING

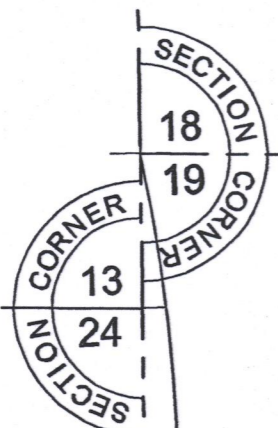
OF

PARCEL ONE:
 THAT PART OF THE WEST HALF OF SECTION 19, TOWNSHIP 36 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 19, THENCE SOUTH 01 DEGREES 09 MINUTES 49 SECONDS EAST 1,719.71 FEET ON THE WEST LINE OF SAID SECTION 19; THENCE SOUTH 76 DEGREES 08 MINUTES 00 SECONDS EAST 2,188.18 FEET ON AN OLD ESTABLISHED FENCE LINE TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 76 DEGREES 08 MINUTES 00 SECONDS EAST 237.94 FEET ON SAID FENCE LINE TO THE CENTERLINE OF FINNIE ROAD; THENCE SOUTH 25 DEGREES 33 MINUTES 13 SECONDS WEST 667.60 FEET ALONG SAID CENTER LINE; THENCE NORTH 72 DEGREES 19 MINUTES 19 SECONDS WEST 185.29 FEET; THENCE NORTH 21 DEGREES 10 MINUTES 04 SECONDS EAST 646.79 FEET TO THE POINT OF BEGINNING, ALL BEING SITUATED IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.

PARCEL TWO:
 THAT PART OF THE WEST HALF OF SECTION 19, TOWNSHIP 36 NORTH, RANGE 5 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 19, THENCE SOUTH 01 DEGREES 09 MINUTES 49 SECONDS EAST 1,719.71 FEET ON THE WEST LINE OF SAID SECTION 19; THENCE SOUTH 76 DEGREES 08 MINUTES 00 SECONDS EAST 2,188.18 FEET ON AN OLD ESTABLISHED FENCE LINE TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 76 DEGREES 08 MINUTES 00 SECONDS WEST 205.88 FEET ON SAID FENCE LINE; THENCE SOUTH 21 DEGREES 10 MINUTES 04 SECONDS WEST 633.07 FEET; THENCE SOUTH 72 DEGREES 19 MINUTES 19 SECONDS EAST 204.59 FEET; THENCE NORTH 21 DEGREES 10 MINUTES 04 SECONDS EAST 646.79 FEET TO THE POINT OF BEGINNING, ALL BEING SITUATED IN FOX TOWNSHIP, KENDALL COUNTY, ILLINOIS.



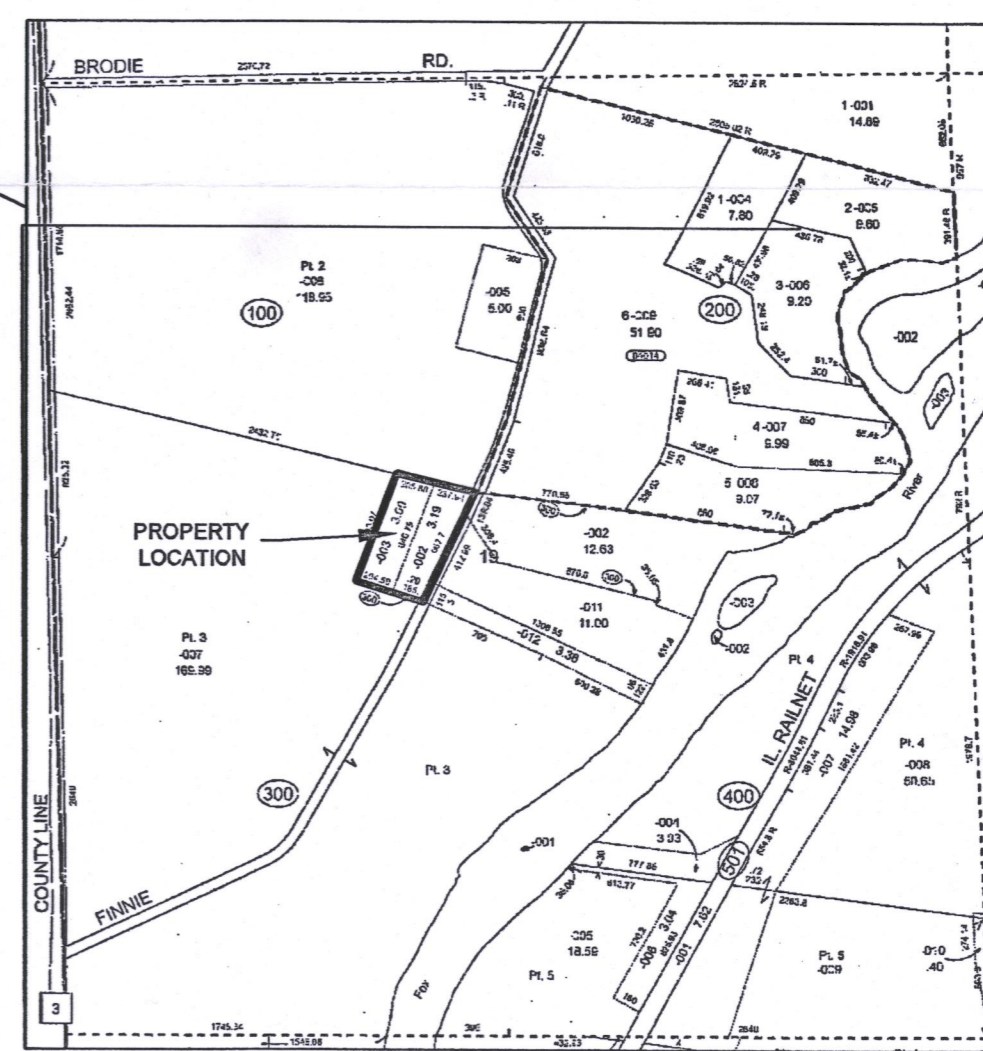
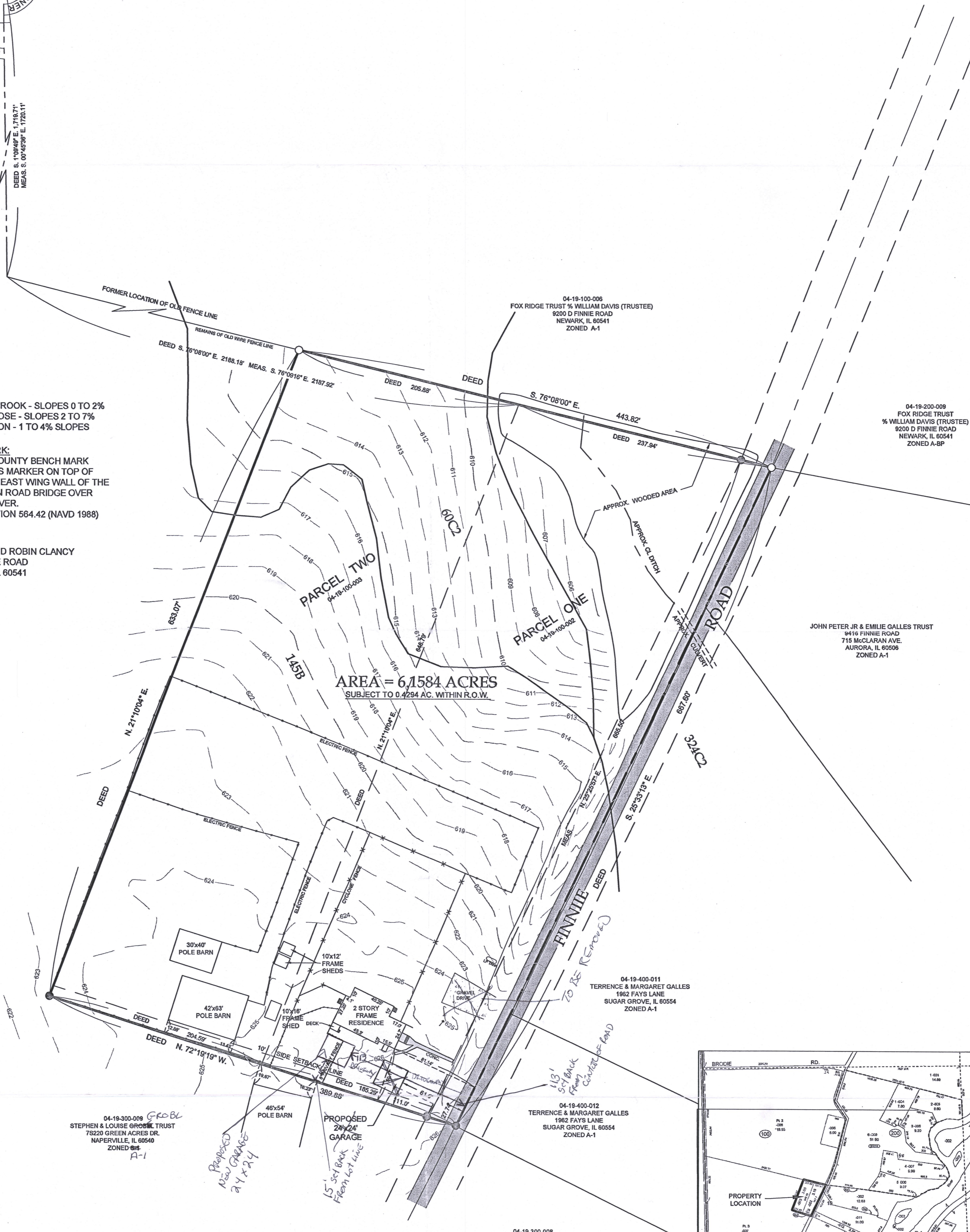
Scale: 1" = 50'



SOILS:
 145B - SAYBROOK - SLOPES 0 TO 2%
 60C2 - LA ROSE - SLOPES 2 TO 7%
 324C2 - RIPON - 1 TO 4% SLOPES

BENCH MARK:
 KENDALL COUNTY BENCH MARK #330, BRASS MARKER ON TOP OF THE SOUTHEAST WING WALL OF THE MILLINGTON ROAD BRIDGE OVER THE FOX RIVER.
 ELEVATION 564.42 (NAVD 1988)

OWNER:
 GERALD AND ROBIN CLANCY
 9517 FINNIE ROAD
 NEWARK, IL 60541
 ZONED A-1



LOCATION MAP

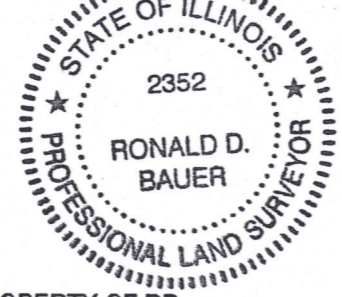
SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF KENDALL)

THIS IS TO CERTIFY TO THE CLIENT, GERALD AND ROBIN CLANCY, THAT I, RONALD D. BAUER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR IN AFORESAID COUNTY AND STATE, HAVE COMPLETED A TOPOGRAPHIC SURVEY ON THE GROUND OF THE PROPERTY HEREON DESCRIBED. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A TOPOGRAPHIC SURVEY AND THAT THE PLAT HEREON DRAWN REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY. THIS SURVEY 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. NO ATTEMPT HAS BEEN MADE TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE OF PUBLIC UTILITIES OR STORM WATER RUNOFF EITHER ONTO OR OFF FROM THE SITE. THE FINAL FIELD WORK WAS COMPLETED ON THE 7th DAY OF MAY, 2017.

GIVEN UNDER MY HAND AND SEAL AT PLANO, ILLINOIS THIS 9th DAY OF MAY, 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 SET FORTH 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.

RB & ASSOCIATES CONSULTING, INC
 4 W MAIN STREET
 PLANO, IL 60545
 (630) 552-7452

DESIGN FIRM #
 184-004475
 www.rb-associates.net

Matt Asselmeier

From: Fox Township [foxtownshipsupervisor@gmail.com]
Sent: Wednesday, June 28, 2017 7:27 AM
To: Matt Asselmeier
Subject: Re: Unapproved Record of Decision for Clancy Variance Request

Matt,

Clancy gave me a call and asked of our opinion on moving the garage back further on the lot. His intention was to not obstruct the view from the house window. I believe Fox Township is fine with that change. As long as the location is further from Finney Road and no closer to the lot line to the south, Fox Township will not object.

Thank You,
Jeff Spang
Fox Township Supervisor



Virus-free. www.avast.com

On Mon, Jun 26, 2017 at 8:08 AM, Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Jeff:

Clancy submitted an amendment to his variance request; he would like the west end of the garage to line-up with the west end of the house. Do you have any objections to this request?

Thanks,

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: [630-553-4139](tel:630-553-4139)

Fax: [630-553-4179](tel:630-553-4179)

Matt Asselmeier

From: Fox Township [foxtownshipsupervisor@gmail.com]
Sent: Tuesday, June 13, 2017 3:47 PM
To: Matt Asselmeier
Subject: Re: Unapproved Record of Decision for Clancy Variance Request

Matt,

Fox Township met last night and discussed the Clancy Variance request. The township board was unanimous in it's support for the variance with the pre-stated amendments. Re-stated, we would like to see the garage no closer to Finnie Road than the front of the Clancy residence. Also, the garage should be oriented to face Finnie Road and the old driveway removed once the new driveway is completed. Thank you for your help in allowing Fox Township to be heard.

Jeff Spang,
Fox Township Supervisor.

On Fri, Jun 9, 2017 at 1:23 PM, Matt Asselmeier <masselmeier@co.kendall.il.us> wrote:

Jeff:

Attached please the unapproved record of decision of the Clancy variance request.

If you have any questions, please let me know.

Thanks,

Matthew H. Asselmeier, AICP

Senior Planner

Kendall County Planning, Building & Zoning

111 West Fox Street

Yorkville, IL 60560-1498

PH: [630-553-4139](tel:630-553-4139)

Fax: [630-553-4179](tel:630-553-4179)

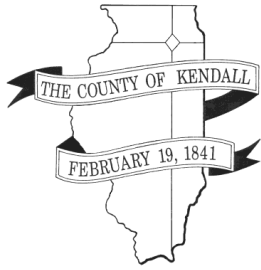
Matt Asselmeier

From: Ron Bauer [REDACTED]
Sent: Thursday, June 15, 2017 3:44 PM
To: Matt Asselmeier
Subject: Re: Jerry Clancy

I just had a telephone conversation with Jerry and I do not have any problem with him modifying the location of the proposed garage as he explained to me. You have my permission to use the drawing as he (my client) submitted.

Ron Bauer PLS
President

RB & Associates Consulting, Inc.
4 West Main Street, Suite 201
Plano, Illinois 60545
Tel: [REDACTED]
Cell: [REDACTED]
Fax: [REDACTED]
email: [REDACTED]
website: www.rb-associates.net



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals
From: Matthew H. Asselmeier, AICP, Senior Planner
Date: June 29, 2017
Re: 17-14 Proposed Amendment to Section 13.01.B.9 Pertaining to Call of Meetings

At their May 1, 2017, the Kendall County Zoning Board of Appeals authorized Staff to submit an application for a text amendment to the following section of the Kendall County Zoning Ordinance.

Section 13.01.B.9 of the Zoning Ordinance currently states:

“All meetings (emphasis added) of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. There shall be at least fifteen days but not more than thirty days notice of the time and place of such meetings published in a paper of general circulation in Kendall County; said notice to contain a statement of the particular purpose of such meeting and a legal description of the location of the property or properties under consideration at such meeting. All meetings of the Board shall be open to the public.”

55 ILCS 5/5-12 states that when a hearing is required before the Zoning Board of Appeals, notice must given at least fifteen days to thirty days by publication in a newspaper of general circulation.

An occasion may arise when the Zoning Board of Appeals may wish to meet on a matter when a public hearing is not necessary. For example, the Zoning Board of Appeals may want to hold a joint meeting with the Regional Planning Commission to discuss an issue. This joint meeting would not necessitate a public hearing.

A text amendment to the Zoning Ordinance could more clearly separate the meeting notification requirements of public hearings from other meetings. Matters requiring a public hearing would have to meet the fifteen to thirty day notice requirements while matters not requiring a public hearing would have to meet the requirement of the Open Meetings Act (posting notice and agenda forty-eight hours in advance).

ZPAC reviewed this proposal at their June 6, 2017 meeting and unanimously recommended approval of the proposed amendment.

The Kendall County Regional Planning Commission reviewed this proposal at their June 28, 2017 meeting and unanimously recommended approval of the proposed amendment.

A copy of a draft text amendment is enclosed.

MHA

ENC

ORDINANCE # 2017-_____

**AMENDMENT TO SECTION 13.01.B.9 OF THE KENDALL COUNTY ZONING ORDINANCE
PERTAINING TO THE CALL OF MEETINGS OF THE KENDALL COUNTY ZONING BOARD OF
APPEALS**

WHEREAS, the Kendall County Zoning Board of Appeals requested an amendment to Section 13.01.B.9 of the Kendall County Zoning Ordinance related to the calling of meetings; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, 55 ILCS 5/5-12009 defines the notification requirements for hearings of Zoning Boards of Appeal on variance applications; and

WHEREAS, 55 ILCS 5/5-12009.5 defines the notification requirements for hearings of Zoning Boards of Appeal on special use applications; and

WHEREAS, 55 ILCS 5/5-12011 defines the notification requirements for hearings of Zoning Boards of Appeal on any order, requirement, decision or determination made by an administrative official charged with the enforcement of a zoning ordinance; and

WHEREAS, 55 ILCS 5/5-12014 defines the notification requirements for hearings of Zoning Boards of Appeal on text amendment and map amendment applications; and

WHEREAS, 5 ILCS 120 defines the notification requirements for meetings of public bodies within the State of Illinois; and

WHEREAS, all administrative procedures required prior to passing amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on XXXX X, 2017; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 13.01.B.9 of the Kendall County Zoning Ordinance by deleting the existing language and replacing it with the following:

“13.01.B.9 a. All meetings of the Board of Appeals on matters requiring a public hearing as defined by State law shall be held at the call of the Chairman and at such other times as the Board may determine. There shall be at least fifteen days but not more than thirty days notice of the time and place of such meetings published in a paper of general circulation in Kendall County; said notice to contain a statement of the particular purpose of such meeting and a legal description of the location of the property or properties under consideration at such meeting.

13.01.B.9.b All meetings of the Board of Appeals on matters not requiring a public hearing as defined by State law shall be held at the call of the Chairman and at such other times as the Board may determine provided that the requirements of the Illinois Open Meetings Act are fulfilled prior to the start of the meeting.

ZBA Memo
June 29, 2017

13.01.B.9.c All meetings of the Board of Appeals, regardless of the topic of the meeting, shall be open to the public.”

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this XXth day of XXXX, 2017.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
June 6, 2017 – Meeting Minutes**

Senior Planner Matt Asselmeier called the meeting to order at 9:01 a.m.

Present:

Fran Klaas – Highway Department
Jason Langston – Sheriff's Office
Aaron Rybski – Health Department
David Guritz – Forest Preserve (Arrived at 9:06)
Brian Holdiman – PBZ Department
Matt Asselmeier – PBZ Department

Absent:

Megan Andrews – Soil & Water Conservation District
Greg Chismark – WBK Engineering, LLC
Robert Davidson – PBZ Committee Chair

Audience: Scott Koeppel – Acting Interim Director of PBZ

AGENDA

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as proposed. With a voice vote of all ayes the motion carried.

MINUTES

Mr. Rybski requested that word “regulations” be changed to “fee schedule” on page 2, second paragraph, second line. Mr. Rybski made a motion, seconded by Mr. Langston, to approve the May 2, 2017 meeting minutes as amended. With a voice vote of all ayes the motion carried.

PETITIONS

17-14 Kendall County Zoning Board of Appeals – Text Amendment to Section 13.01.B.9 of the Kendall County Zoning Ordinance

Mr. Asselmeier provided a summary of this proposed text amendment. This proposal would separate the requirements for public notice for hearings and for items that do not require hearings.

Mr. Rybski asked the reason for this text amendment. Mr. Asselmeier stated this proposal would allow the Zoning Board of Appeals to have meetings with other boards without having to give fifteen (15) days notice. The Zoning Board of Appeals would still have to fulfill the posting requirements of the Open Meetings Act.

Mr. Klaas asked if the State's Attorney has reviewed this proposal. Mr. Asselmeier stated that the State's Attorney's Office is aware of the other petitions on the agenda and will be asked to review this proposal in the future.

Mr. Klaas made a motion, seconded by Mr. Guritz, to forward the petition onto the Plan Commission with a favorable recommendation.

By a voice vote, the motion passed unanimously.

17-15 Kendall County Zoning Board of Appeals – Text Amendment to Section 13.01.B.11 of the Kendall County Zoning Ordinance

Mr. Asselmeier provided a summary of this proposed text amendment. This proposal would reduce the number of votes required for the Zoning Board of Appeals to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by the ordinance to render decisions from four to three on boards consisting of five members and from five to four on boards consisting of seven members and bring our ordinance in-line with State law.

Mr. Guritz made a motion, seconded by Mr. Rybski, to forward the petition onto the Plan Commission with a favorable recommendation.

By a voice vote, the motion passed unanimously.

17-16 Kendall County Zoning Board of Appeals – Text Amendment to Section 13.06.D of the Kendall County Zoning Ordinance

Mr. Asselmeier provided a summary of this proposed text amendment. This proposal would reduce the number of votes required for the Zoning Board of Appeals to reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator from four to three on boards consisting of five members and from five to four on boards consisting of seven members.

Mr. Guritz made a motion, seconded by Mr. Klaas, to forward the petition onto the Plan Commission with a favorable recommendation.

By a voice vote, the motion passed unanimously.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that the rezoning of 790 Eldamain Road (Jet's Towing) from A-1 to M-1 was approved by the County Board. Mr. Klaas asked if any restrictions or conditions were placed on the rezoning. Mr. Asselmeier responded that State law prevents the County from placing conditions on rezoning. The owners of 790 Eldamain Road would have to follow all of the requirements of the M-1 District.

Mr. Asselmeier reported that the rezoning of 2380 Burkhardt Drive (Pagel property) was approved by the County Board.

Mr. Rybski asked about the special use permit request for Semper Fi at 1996 Cannonball Trail. Mr. Asselmeier reported that the public hearing before the Special Use Hearing Officer occurred last night. The proposal now goes to the PBZ Committee. There are thirty-one (31) proposed restrictions for the special use permit. The host agreement would be negotiated if the special use permit is approved.

UPDATES OF PETITIONS

Mr. Asselmeier reported that the Delaney Gun Range Case will go before the PBZ Committee on June 12th. The petitioner has not submitted a lead management plan.

Mr. Asselmeier reported that there is one (1) special use permit application being finalized, one (1) special use permit renewal application being finalized, one (1) map amendment application being finalized, and one (1) variance application being finalized.

OLD BUSINESS

None

NEW BUSINESS

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Klaas made a motion, seconded by Mr. Guritz, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:16 a.m., adjourned.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION**

*Kendall County Office Building
Rooms 209 & 210
111 W. Fox Street, Yorkville, Illinois*

Unapproved Meeting Minutes of June 28, 2017

Chairman Ashton called the meeting to order at 7:03 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Larry Nelson, Claire Wilson and Budd Wormley

Staff Present: Matthew H. Asselmeier, Senior Planner

Members Absent: Ruben Rodriguez, John Shaw and Angela Zubko

In the Audience: Robert Davidson and Stephen Knutson

APPROVAL OF AGENDA

Ms. Wilson made a motion, seconded by Mr. Casey to amend the agenda by adding “Discussion of Forest Preserve Operating Two Venues without a Special Use Permit” under Old Business. With a voice vote of all ayes, the motion carried. Ms. Wilson made a motion, seconded by Mr. Wormley, to approve the agenda as amended. With a voice vote of all ayes, the motion carried.

APPROVAL OF MINUTES

Mr. Nelson made a motion, seconded by Mr. Wormley, to approve the May 24, 2017 minutes. With a voice vote of all ayes, the motion carried.

PETITIONS

17-14 Kendall County Zoning Board of Appeals

Mr. Asselmeier summarized the request. The proposed text amendment would amend Section 13.01.B.9 of the Kendall County Zoning Ordinance Amendment by set guidelines for the calling of meetings on items that require a public hearing and for the calling of meetings on items that do not require a public hearing as defined by State law. The proposal would give the Zoning Board of Appeals the ability to call meetings forty-eight (48) hours in advance instead of fifteen (15) days on items not requiring a public hearing.

Mr. Nelson made a motion to approve the petition amending Section 13.01.B.9 of the Zoning Ordinance as proposed, seconded by Ms. Wilson.

Yes – Ashton, Bledsoe, Casey, Nelson, Wilson and Wormley (6)

No – None

Absent – Rodriguez, Shaw and Zubko (3)

The motion passed. This proposal will go to the Zoning Board of Appeals on July 10, 2017.

17-15 Kendall County Zoning Board of Appeals

Mr. Asselmeier summarized the request. The proposed text amendment would amend Section 13.01.B.11 of the Kendall County Zoning Ordinance Amendment by reducing the number of votes required for the Zoning Board of Appeals to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by the ordinance to render decisions from four to three on boards consisting of five members and from five to four on boards consisting of seven

members. The proposal brings the Zoning Ordinance into agreement with State law and allows a quorum of the Zoning Board of Appeals to transact business. It was noted that four (4) votes and not a simple majority would be required to approve petitions.

Mr. Nelson made a motion to approve the petition amending Section 13.01.B.9 of the Zoning Ordinance as proposed, seconded by Ms. Wilson.

Yes – Ashton, Bledsoe, Casey, Nelson, Wilson and Wormley (6)

No – None

Absent – Rodriguez, Shaw and Zubko (3)

The motion passed. This proposal will go to the Zoning Board of Appeals on July 10, 2017.

17-16 Kendall County Zoning Board of Appeals

Mr. Asselmeier summarized the request. The proposed text amendment would amend Section 13.06.D of the Kendall County Zoning Ordinance Amendment by reducing the number of votes required for the Zoning Board of Appeals to reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator from four to three on boards consisting of five members and from five to four on boards consisting of seven members. The proposal brings the Zoning Ordinance into agreement with State law and allows a quorum of the Zoning Board of Appeals to decide appeals of the Zoning Administrator.

Ms. Wilson made a motion to approve the petition amending Section 13.01.B.9 of the Zoning Ordinance as proposed, seconded by Mr. Bledsoe.

Yes – Ashton, Bledsoe, Casey, Nelson, Wilson and Wormley (6)

No – None

Absent – Rodriguez, Shaw and Zubko (3)

The motion passed. This proposal will go to the Zoning Board of Appeals on July 10, 2017.

OLD BUSINESS

Discussion of Forest Preserve Operating Two Venues without a Special Use Permit

Ms. Wilson asked Mr. Asselmeier if a response has been received from the Kendall County Forest Preserve District regarding the Kendall County Regional Planning Commission's letter dated March 28, 2017. Mr. Asselmeier responded that the Kendall County Forest Preserve District verbally acknowledged receipt of the letter, but they were still evaluating a response. Staff has not heard anything on the subject since the May Kendall County Regional Planning Commission meeting. Mr. Davidson suggested getting an opinion from the State's Attorney's Office on the matter. Mr. Davidson will ask the State's Attorney for an opinion. Discussion occurred regarding potential liability of the Kendall County Forest Preserve District because they do not have the necessary special use permits, impressions of favoritism because the Forest Preserve did not pursue special use permits and conflict of interest on the part of the State's Attorney's Office. The consensus of the Commission was to have Mr. Ashton draft a follow-up letter to the State's Attorney's Office.

NEW BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

None

OTHER BUSINESS/ANNOUNCENEMENTS

Mr. Davidson reported that Robert Velazquez withdrew his petition for a landscape waste composting facility at 1996 Cannonball Trail. Mr. Davidson also reported that petitions cannot be killed at the PBZ Committee.

Mr. Davidson requested that Mr. Asselmeier forward the draft outdoor shooting range amendment to the Kendall County Regional Planning Commission. Mr. Davidson further requested Commission members to submit their comments on the proposal and to explain their suggestions. The petition for an outdoor shooting range at 16502 Church Road was also withdrawn. Discussion occurred regarding noise coming from outdoor shooting.

Mr. Davidson expressed concerns regarding the new septic code and the placement of storm tile. Discussion occurred regarding the determination of a high water table.

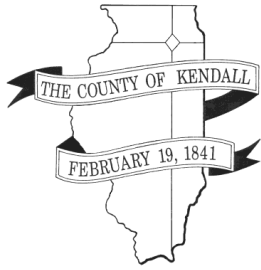
CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

ADJOURNMENT

Ms. Wilson made a motion, seconded by Mr. Casey to adjourn. With a voice vote of all ayes, the motion carried. The Kendall County Regional Plan Commission meeting adjourned at 7:55 p.m.

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



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Kendall County Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: June 29, 2017

Re: 17-15 and 17-16 Proposed Amendment to Section 13.01.B.11 and Section 13.06.D Pertaining to Voting of the Zoning Board of Appeals

At their May 1, 2017, the Kendall County Zoning Board of Appeals authorized Staff to submit an application for text amendments to the following section of the Kendall County Zoning Ordinance pertaining to votes by the Zoning Board of Appeals:

Section 13.01.B.11 of the Zoning Ordinance currently states:

“The concurring vote of four members of a Board consisting of five members or **the concurring vote of five members of a board consisting of seven members is necessary to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this amended ordinance to render decisions** (emphasis added).”

Section 13.06.D of the Zoning Ordinance restates the vote related to reversing orders:

“In exercising its powers, the Zoning Board of Appeals may, upon the concurring vote of four members of a five member Board or **five members of a seven member Board, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be done in the premises, and to that end have all the powers of the Zoning Administrator** (emphasis added).”

Public Act 92-128, adopted in 2001, amended 55 ILCS 5/5-12011 and lowered the vote requirements necessary for the Zoning Board of Appeals to take certain actions. The current law states:

“The concurring vote of 3 members of a board consisting of 5 members or **the concurring vote of 4 members of a board consisting of 7 members is necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter upon which it is required to pass under any such ordinance or resolution, or to effect any variation in such ordinance or resolution, or to recommend any variation or modification in such ordinance or resolution to the county board** (emphasis added).”

Section 13.01.B.4 of the Zoning Ordinance defines a quorum as “a majority of the members of the Zoning Board of Appeals.”

A situation could arise where a quorum of the Board is present, but final action could not occur because a fifth member is unavailable. A proposed amendment may be desirable to remove the difference between the Kendall County Zoning Ordinance and State law and to allow a quorum of

ZBA Memo
June 29, 2017

members to decide certain matters before the Board. Accordingly, the Kendall County Zoning Board of Appeals requested text amendments to these sections of the Zoning Ordinance.

At their June 6, 2017 meeting, ZPAC unanimously recommended approval of both proposed amendments.

At their June 28, 2017 meeting, the Kendall County Regional Planning Commission unanimously recommended approval of both proposed amendments.

Copies of draft text amendments are enclosed.

MHA

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ORDINANCE # 2017-_____

**AMENDMENT TO SECTION 13.01.B.11 OF THE KENDALL COUNTY ZONING ORDINANCE
REDUCING THE NUMBER OF VOTES NECESSARY FOR THE ZONING BOARD OF APPEALS
TO REVERSE ANY ORDER, REQUIREMENTS OR DETERMINATION OF THE ZONING
ADMINISTRATOR, OR TO DECIDE IN FAVOR OF THE APPLICANT ANY MATTER UPON
WHICH THE ZONING BOARD OF APPEALS IS AUTHORIZED TO RENDER DECISIONS FROM
FOUR TO THREE ON BOARDS CONSISTING OF FIVE MEMBERS AND FROM FIVE TO FOUR
ON BOARDS CONSISTING OF SEVEN MEMBERS**

WHEREAS, the Kendall County Zoning Board of Appeals requested an amendment to Section 13.01.B.11 of the Kendall County Zoning Ordinance related to voting requirements of the Zoning Board of Appeals in order to have the Kendall County Zoning Ordinance correspond to State law; and

WHEREAS, Public Act 92-128 amended 55 ILCS 5/5-12011 by reducing the number of votes required by a Zoning Board of Appeals to reverse any order, requirements, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized to render decisions; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures required prior to passing amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on XXXX X, 2017; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 13.01.B.11 of the Kendall County Zoning Ordinance by deleting the existing language in the first paragraph of this section and replacing it with the following:

“13.01.B.11 Jurisdiction The concurring vote of three (3) members of a board consisting of five (5) members or the concurring vote of four (4) members of a board consisting of seven (7) members is necessary to reverse any order, requirement, decision or determination of any such administrative official or to decide in favor of the applicant any matter any matter upon which it is authorized by the Kendall County Zoning Ordinance to render decisions.

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this XXth day of XXXX, 2017.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder

ORDINANCE # 2017-_____

**AMENDMENT TO SECTION 13.06.D OF THE KENDALL COUNTY ZONING ORDINANCE
REDUCING THE NUMBER OF VOTES NECESSARY FOR THE ZONING BOARD OF APPEALS
TO REVERSE OR AFFIRM, WHOLLY OR PARTLY, OR MODIFY THE ORDER, REQUIREMENT,
DECISION OR DETERMINATION OF THE ZONING ADMINISTRATOR, FROM FOUR TO
THREE ON BOARDS CONSISTING OF FIVE MEMBERS AND FROM FIVE TO FOUR ON
BOARDS CONSISTING OF SEVEN MEMBERS**

WHEREAS, the Kendall County Zoning Board of Appeals requested an amendment to Section 13.06.D of the Kendall County Zoning Ordinance related to voting requirements of the Zoning Board of Appeals in order to have the Kendall County Zoning Ordinance correspond to State law; and

WHEREAS, Public Act 92-128 amended 55 ILCS 5/5-12011 by reducing the number of votes required by a Zoning Board of Appeals to reverse any order, requirements, decision or determination of the Zoning Administrator; and

WHEREAS, the Kendall County Board amends these ordinances from time to time in the public interest; and

WHEREAS, all administrative procedures required prior to passing amendments to the Kendall County Zoning Ordinance have been followed, including holding a public hearing, before the Kendall County Zoning Board of Appeals, which occurred on XXXX X, 2017; and

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby amends Section 13.06.D of the Kendall County Zoning Ordinance by deleting the existing language and replacing it with the following:

“13.06.D. DECISION ON APPEAL. In exercising its powers, the Zoning Board of Appeals may, upon the concurring vote of three (3) members of a five (5) member Board or four (4) members of a seven (7) member Board, reverse or affirm, wholly or partly or may modify the order, requirement, decision, or determination appealed from as in its opinion ought to be done in the premises, and to that end have all the powers of the Zoning Administrator.”

IN WITNESS OF, this amendment to the Zoning Ordinance has been enacted by a majority vote of the Kendall County Board this XXth day of XXXX, 2017.

Attest:

Kendall County Clerk
Debbie Gillette

Kendall County Board Chairman
Scott R. Gryder