

KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
July 31, 2017 – 7:00 p.m.

CALL TO ORDER

At 7:03 p.m., Chair Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL

Members Present: Scott Cherry, Randy Mohr, Karen Clementi, Tom LeCuyer and Donna McKay

Members Absent: Dick Thompson and Dick Whitfield

Staff Present: Matthew Asselmeier, AICP, Senior Planner

Public: Dan Kramer and Robert Davidson

MINUTES

Mr. Cherry, seconded by Ms. Clementi, moved to approve the July 10, 2017 special meeting minutes. With a voice vote of all ayes, the motion was approved.

PETITION

17-17

Joshua and Annie McElroy

Request: Variance to Section 7.01.G.2.b of the Zoning Ordinance

Location: 12881 River Road, Plano (Approximately 1030 Feet East of the T-Intersection of Blackhawk Road and River Road on the North Side of River Road), Little Rock Township

PIN(s): 01-36-100-023

Purpose: Request to Reduce the Side Yard Setback from 50 Feet to Approximately 31 Feet in Order to Construct an Addition to the West Side of the House (Requires a Variance of 19 Feet); Property is Zoned A-1

Mr. Asselmeier summarized the petition and reviewed the Staff Report. He noted that the legal notice in the newspaper stated the variance request was for a twenty-nine feet (29') variance, but the petitioners are requesting a smaller variance. Mr. Asselmeier noted that the location of the well and septic field combined with the topography of the land caused the petitioner to select the west side of the house as the location of the addition. The petitioners have an agreement with their neighbors to use the driveway to the west; the petitioners' driveway is located east of the house. Neither Little Rock Township nor the City of Plano expressed concerns regarding this proposal.

Chairman Mohr asked where the nearest house was located. Mr. Asselmeier stated that a house was located west of the subject property, but it was beyond the fifty foot (50') side yard setback on the adjoining parcel. If approved, the setback for the subject property would be thirty-one feet (31'); the neighboring house could be as close as eighty feet (80') of the subject property.

Ms. McKay asked who owned the driveway to the west of the subject property. Mr. Asselmeier said the neighbor to the northwest owned the driveway.

Ms. Clementi asked if Staff received any phone calls regarding this petition. Mr. Asselmeier stated two (2) phone calls were received and their questions were general in nature.

Mr. Cherry questioned the location of the construction flags. Mr. Asselmeier said that the flags were located at the west end of the addition. The barn shown in Attachment 5 stays.

Mr. LeCuyer made a motion, seconded by Mr. Cherry to open the public hearing. With a voice vote of all ayes, the motion was approved. Chairman Mohr opened the public hearing at 7:11 p.m. and swore in all members of the public that wished to speak about the variance.

Dan Kramer, attorney for the petitioner, stated that the closest home was the McNelis homestead. The Little Rock Township Assessor lives next door and she expressed support for the proposal.

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 7:14 p.m.

Chairman Mohr presented the Findings of Fact as proposed by Staff and outlined in Section 13.04.A.3 of the 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. True, the location of the house on the property in relation to the existing septic field and well limits the placement of the proposed addition. Placing the addition in front of the house could create front yard setback issues, negatively impacts the aesthetic appearance of the property and functionally would not meet the needs of the petitioners.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is partially true. Other properties zoned A-1 could have similar configurations (i.e. location of the home closer to the road with a field in the rear, location of well and septic, drainage course, etc.) limiting the location of potential additions and causing encroachments in the setback. The number of properties sharing similar characteristics is unknown.

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 construct the existing house or install the existing 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. True, the construction of the proposed addition will not be detrimental to the public welfare or injurious to other properties. The addition will improve the property value of the petitioners' property. In addition, ample space still exists between the petitioners' property and their neighbors to west for public safety vehicles and equipment to access.

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 addition will not block light or air from adjacent properties. The proposed addition will be used for housing family members and will not cause an increase in congestion on public streets. The proposed variance will not diminish property values in the area. Provided the addition is constructed to the building code, no increase of fire or public safety concerns is anticipated by this proposal. Motorists turning from the private driveway onto the River Road will not experience any impediments to lines-of-sight caused by the construction of the proposed addition.

Mr. LeCuyer, seconded by Mr. Cherry, made a motion to approve the findings of fact as presented.

The votes were as follows:

Ayes (5): Mohr, Cherry, Clementi, LeCuyer and McKay
Nays (0): None
Absent (2): Thompson and Whitfield

The motion passed.

Ms. Clementi, seconded by Ms. McKay, made a motion to approve the variance as requested subject to the following conditions:

1. The addition shall be of the same height and width as the existing home.
2. The addition shall have siding which matches the existing home.

The votes were as follows:

Ayes (5): Mohr, Cherry, Clementi, LeCuyer and McKay
Nays (0): None
Absent (2): Thompson and Whitfield

The motion passed.

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

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

None

NEW BUSINESS/OLD BUSINESS

Mr. Asselmeier stated that, pending the results of ZPAC and the Kendall County Regional Planning Commission, there will be one (1) map amendment on the August agenda.

Chairman Mohr asked if the distance requirement for a landscape waste composting business was the property line or the building line. Mr. Asselmeier said the distance was measured from the building line.

PBZ Chairman Robert Davidson discussed special use permits in agricultural zoned areas; he would like to see fewer special uses in agricultural areas and have the impacted properties zoned appropriately.

The corner of Illinois Route 47 and U.S. 52 is classified as agricultural in the Land Resource Management. Mr. Davidson would like to see the future land use map and agricultural special uses examined. Discussion occurred regarding development relation to the Prairie Parkway.

PUBLIC COMMENT

None

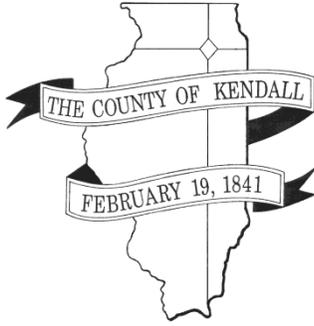
ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Ms. McKay, seconded by Mr. Cherry made a motion to adjourn. By voice vote of all ayes, the motion passed unanimously. The Zoning Board of Appeals meeting adjourned at 7:25 p.m.

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

Exhibits

1. Staff Report on Petition 17-17 Dated July 14, 2017
2. Green Cards and Certificate of Publication (Not Included with Report but on file in Planning, Building and Zoning Office)



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 17-17

**Joshua and Annie McElroy
Variance**

Side Yard Setback for Home Addition in the A-1 District

INTRODUCTION

The petitioners, Joshua and Annie McElroy, would like to construct an approximately nine hundred eighty (980) square foot addition to the west side of their existing home to accommodate their children and Mr. McElroy's parents; one (1) of whom requires medical care. The property is zoned A-1 (Agricultural) District.

A nineteen foot (19') variance from the west side property line is required in order for the petitioners to construct the requested addition. If approved, the side yard setback would be reduced to thirty-one feet (31') from fifty feet (50'). The existing house is approximately sixty-one feet (61') feet from the west property line. A copy of the application, including the petitioners' findings of fact is included as Attachment 1. A copy of the site plan is included as Attachment 2. A rendering of the proposed addition is included as Attachment 3.

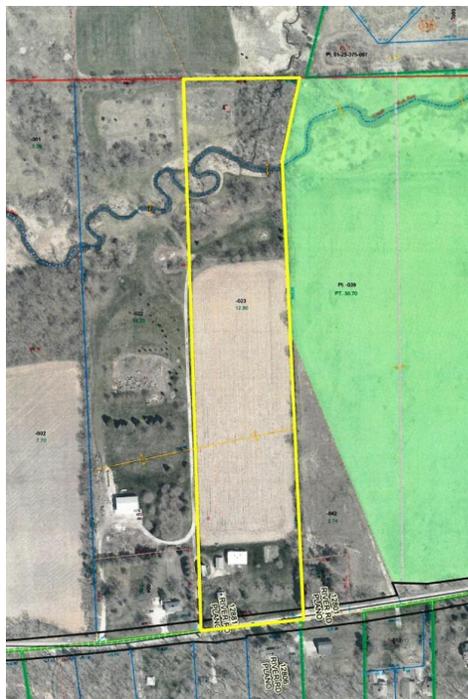
The legal noticed published in the newspaper indicated that petitioners' desired a twenty-nine foot (29') variance; they are requesting a smaller variance.

SITE INFORMATION

PETITIONER Joshua and Annie McElroy

ADDRESS 12881 River Road, Plano

LOCATION Approximately 1030 Feet East of the T-Intersection of Blackhawk Road and River Road on the North Side of River Road



TOWNSHIP Little Rock

PARCEL # 01-36-100-023

LOT SIZE 13.9 +/- Acres

EXITING LAND USE Agricultural/Farmstead

ZONING A-1 Agricultural

| | | |
|------|---------------------|---|
| LRMP | Current Land Use | Agricultural/Farmstead |
| | Future Land Use | Countryside Residential (max 0.33 du/acre) |
| | Roads | River Road, Minor Collector |
| | Trails | Yes (Little Rock Township Did Not Request a Dedication) |
| | Floodplain/Wetlands | Yes-Rob Roy Creek (Not Impacted by Proposal) |

REQUESTED ACTION Request for a variance to the required side yard setback in order to construct an approximately nine hundred eighty (980) square foot addition to the home

APPLICABLE REGULATIONS § 7.01.G.2.b – A-1 Agricultural District – Yard Areas – Site and Structure Requirements – Setbacks – Fifty Foot (50’) Side Yard Setback Required.

§13.04 – Variation Procedures and Requirements

SURROUNDING LAND USE

| Location | Adjacent Land Use | Adjacent Zoning | LRMP | Zoning within 1/2 Mile |
|----------|--|-----------------|--|--|
| North | Agricultural/Wooded | R-3 and RPD-2 | Rural Residential (max. 0.60 du/acre) | A-1 and R-1 |
| South | Single Family Residential | R-3 and R-1 | Countryside Residential (max 0.33 du/acre) | A-1, R-1, R-3, RPD-2 and R-3 PUD |
| East | Forest Preserve and Agricultural | A-1 | Countryside Residential (max 0.33 du/acre) and Forest Preserve | A-1, R-1 and R-3 Yorkville Residential |
| West | Single Family Residential and Farmsteads | A-1 | Countryside Residential (max 0.33 du/acre) | A-1, R-1, R-3, A-1 BP, RPD-2 and City of Plano Residential |

GENERAL INFORMATION

Pictures of the subject property are included as Attachments 4-7 and Attachments 9 and 10. The proposed

addition would be located on the west side of the existing house and would be the same height as the existing house. The siding of the addition would match the siding of the house.

In addition to the house, three (3) accessory structures (farm related barns) are located on the property.

According to the information provided by the petitioners, the existing septic field is located on the east side of the existing house. The existing well is located on the north side of the existing house. Based on the topographic information provided in Attachment 2, the property drains to the north. For these reasons, the petitioners selected the west side of the house as the location of the addition.

The private driveway located west of the property belongs to a neighboring property owner; the private driveway is used to access the property located to the northwest of the petitioners' property. The petitioners use a driveway on the east side of the house to access their property. They also have an agreement with the owner to use the private driveway on the west side of the property.

As shown in Attachments 7 and 8, the private driveway is lower than the petitioners' yard and plantings exist on the west end of the petitioners' property. Attachment 9 shows the west side of the petitioners' home from the private driveway. The proposed addition will not obstruct the view of motorists turning out of the private driveway onto the River Road.

LITTLE ROCK TOWNSHIP

The Little Rock Township Board reviewed this proposal at their June 14th meeting and unanimously approved the proposed variance.

CITY OF PLANO

The City of Plano submitted a letter expressing no opposition to this request; see Attachment 11.

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 location of the house on the property in relation to the existing septic field and well limits the placement of the proposed addition. Placing the addition in front of the house could create front yard setback issues, negatively impacts the aesthetic appearance of the property and functionally would not meet the needs of the petitioners.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is partially true. Other properties zoned A-1 could have similar configurations (i.e. location of the home closer to the road with a field in the rear, location of well and septic, drainage course, etc.) limiting the location of potential additions and causing encroachments in the setback. The number of properties sharing similar characteristics is unknown.

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 construct the existing house or install the existing 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. True, the construction of the proposed addition will not be detrimental to the public welfare or injurious to other properties. The addition will improve the property value of the petitioners' property. In addition, ample space still exists between the petitioners' property and their neighbors to west for public safety vehicles and equipment to access.

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 addition will not block light or air from adjacent properties. The proposed addition will be used for housing family members and will not cause an increase in congestion on public streets. The proposed variance will not diminish property values in the area. Provided the addition is constructed to the building code, no increase of fire or public safety concerns is anticipated by this proposal. Motorists turning from the private driveway onto the River Road will not experience any impediments to lines-of-sight caused by the construction of the proposed addition.

RECOMMENDATION

Staff recommends approval of the variance request for the construction of an addition to the house as shown in Attachment 2 to be setback approximately thirty-one feet (31') from the western property line requiring a variance of nineteen feet (19') subject to the following conditions:

1. The addition shall be of the same height and width as the existing home.
2. The addition shall have siding which matches the existing home.

ATTACHMENTS

1. Application (Including Petitioners' Findings of Fact)
2. Site Plan (Including Topographic Information)
3. Addition Sketch
4. Subject Property
5. Addition Location
6. West Side of House
7. West Side of Property
8. Private Driveway
9. Addition Location Viewed from Private Driveway
10. Aerial
11. July 13, 2017 Letter from the City of Plano



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME McElroy Variance

FILE #: 17-17

| | | |
|--|--|---|
| NAME OF APPLICANT | | |
| <u>Joshua L. McElroy & Annie J. McElroy</u> | | |
| CURRENT LANDOWNER/NAME(s) | | |
| <u>Joshua L. McElroy & Annie J. McElroy</u> | | |
| SITE INFORMATION | SITE ADDRESS OR LOCATION | ASSESSOR'S ID NUMBER (PIN) |
| ACRES | | |
| <u>13.9647 acres</u> | <u>12881 River Rd., Plano, IL 60545</u> | <u>01-36-100-023</u> |
| EXISTING LAND USE | CURRENT ZONING | LAND CLASSIFICATION ON LRMP |
| <u>Single Family Home</u> | <u>A-1 Agricultural</u> | <u>Agricultural</u> |
| 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"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) | <input type="checkbox"/> ADMINISTRATIVE APPEAL |
| <input type="checkbox"/> PRELIMINARY PLAT (etc.) | <input type="checkbox"/> FINAL PLAT | <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) |
| <input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor) | | |
| ¹PRIMARY CONTACT | PRIMARY CONTACT MAILING ADDRESS | PRIMARY CONTACT EMAIL |
| <u>Daniel J. Kramer</u> | <u>1107A S. Bridge Street, Yorkville</u> | [REDACTED] |
| PRIMARY CONTACT PHONE # | PRIMARY CONTACT FAX # | PRIMARY CONTACT OTHER #(Cell, etc.) |
| [REDACTED] | [REDACTED] | [REDACTED] |
| ²ENGINEER CONTACT | ENGINEER MAILING ADDRESS | ENGINEER EMAIL |
| | | |
| ENGINEER PHONE # | ENGINEER FAX # | ENGINEER OTHER # (Cell, etc.) |
| | | |
| 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 | DATE | |
| [REDACTED] | | |

FEE PAID: \$ _____
 CHECK #: _____

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

Matt Asselmeier

From: Daniel J Kramer [REDACTED]
Sent: Monday, June 05, 2017 9:29 AM
To: Matt Asselmeier
Subject: RE: McElroy Variance

Matt to verify the Variance request, We are asking for a variance of 29' feet to permit a side yard of 31 feet. The addition which is 30' foot in width to the side yard is added to the house which now sits a bit in excess of 61' off of the side yard. Working on the topo issue. We may be able to pull off of County maps. Checking.

From: Matt Asselmeier [mailto:masselmeier@co.kendall.il.us]
Sent: Wednesday, May 31, 2017 1:26 PM
To: Daniel J Kramer [REDACTED] >
Subject: RE: McElroy Variance

Dan:

Given that the variance request is for the construction of a new structure, the ZBA may have concerns about how the new addition will impact drainage. If we have a case similar to the Pagel rezoning, where neighbors voiced their concerns about drainage, and if we did not have the topographic information, that lack of information could create a delay in the approval process (which could require a reposting of notice). I favor having a more detailed application than running into delays after the approval process has started.

Thanks,

Matthew H. Asselmeier, AICP
Senior Planner
Kendall County Planning, Building & Zoning
111 West Fox Street
Yorkville, IL 60560-1498
PH: 630-553-4139
Fax: 630-553-4179

From: Daniel J Kramer [REDACTED]
Sent: Wednesday, May 31, 2017 1:11 PM
To: Matt Asselmeier
Subject: Re: McElroy Variance

Matt I will have client bring in New check and we can trade. I out of town until Tuesday. I can get all of info to you by then, if possible. I would love to keep this months schedule. The only issue we would have would be topo. We have never been required to do that on a variance as opposed to a rezoning. Can you let me know about that.. I think the confusion was on the remaining side us. Let me look at drawing when I am back so I am not monitoring you.

Get [Outlook for Android](#)



**Independent Executor's
Deed**

ILLINOIS

201700006945

**DEBBIE
GILLETTE**
KENDALL COUNTY, IL

RECORDED: 5/8/2017 2:57 PM
EXD: 476.58 RHPSPS FEE: 18.00
PAGES: 3

FIDELITY NATIONAL TITLE VK 17007084

Above Space for Recorder's Use Only

THIS DEED between THE GRANTOR(S), THE ESTATE OF RICHARD D KLEINMAIER, DECEASED, BRENT HAAG, AS INDEPENDENT EXECUTOR of the City of PLANO, County of KENDALL, and the State of Illinois, as Independent Executor(s) of the ESTATE OF RICHARD D KLEINMAIER, DECEASED and THE GRANTEE(s), Joshua L McElroy and Annie Joy McElroy, Husband and Wife, as Tenants by the Entirety WHEREAS, Grantor(s) was/were duly appointed Independent Executor(s) of the Estate of RICHARD D KLEINMAIER, Deceased, by the Circuit Court of KENDALL County, Illinois on 12/28/2015, in Case Number 2015 P 126 and has duly qualified as such Executor, and said Letters of Office are now in full force and effect NOW, THEREFORE, this DEED witnesseth, that Grantor, in exercise of the Power of Sale granted to said Executor in and by the Will of RICHARD D KLEINMAIER, Decedent, and in consideration of the sum of \$10 00 DOLLARS and other good and valuable consideration in hand paid by Grantee(s), the receipt whereof is hereby acknowledged, does GRANT, SELL and CONVEY to (Name and Address of Grantee(s)) Joshua L McElroy and Annie Joy McElroy, Husband and Wife, of 521 E 6TH STREET, SANDWICH, Illinois, 60548 the following described Real Estate, situated in the County of Kendall in the State of Illinois to wit (See page 2 for legal description attached here to and made part hereof)

SUBJECT TO General taxes for 2016 and subsequent years, Covenants, conditions and restrictions of record and building lines and easements, if any,

Permanent Real Estate Index Number(s) 01-36-100-023-0000

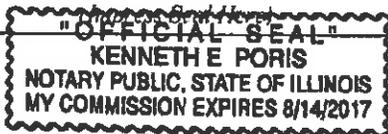
Address(es) of Real Estate
12881 River Rd Plano Illinois 60545-9596

The date of this deed of conveyance is May 3, 2017

THE ESTATE OF RICHARD D KLEINMAIER,
DECEASED, BRENT HAAG, AS INDEPENDENT EXECUTOR

State of Illinois, County of Kendall SS 1, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that as Independent Executor(s) of the Estate of RICHARD D KLEINMAIER Deceased, personally known to me to be the same person(s) whose name(s) is(are) subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that he/she(they) signed, sealed and delivered the said instrument as Independent Executor of the Estate of RICHARD D KLEINMAIER, Deceased, for the uses and purposes therein set forth

Given under my hand and official seal May 3, 2017



Notary Public

LEGAL DESCRIPTION

For the premises commonly known as

12881 River Rd
Plano, Illinois 60545-9596

Legal Description

THAT PART OF LOTS 4, 5 AND 6 OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 6, EAST OF THE THIRD PRINCIPAL MERIDIAN AS SHOWN ON A PLAT RECORDED IN BOOK 4 OF PLATS PAGE 36 DESCRIBED AS FOLLOWS COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 36, THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 36, 259 0 FEET, THENCE CONTINUING EAST ALONG SAID NORTH LINE 360 07 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING EAST ALONG SAID NORTH LINE, 177 15 FEET TO THE NORTHEAST CORNER OF SAID LOT 4, THENCE SOUTH 7 DEGREE 30' WEST ALONG THE EAST LINE OF SAID LOT 4, 4 20 CHAINS (277 20 FEET) TO A POINT OF BEND IN SAID EAST LINE, THENCE SOUTH 1 DEGREE 10' EAST ALONG EAST LINE OF SAID LOTS 4, 5 AND 6, 22 44 CHAINS (1481 04 FEET) MORE OR LESS TO THE CENTERLINE OF RIVER ROAD, THENCE SOUTH 82 DEGREE 30' WEST ALONG SAID CENTERLINE, 329 15 FEET TO A POINT LYING 30 FEET EAST OF THE SOUTHEAST CORNER OF A TRACT OF LAND DEEDED TO FRANCIS J AND ESTHER MCNELIS RECORDED IN BOOK 166 OF DEEDS, PAGE 169, THENCE NORTH 4 DEGREE 30' WEST PARALLEL WITH AND 30 FEET EASTERLY OF THE EAST LINE OF SAID MCNELIS TRACT, 373 0 FEET, THENCE NORTH 0 DEGREE 42' 40" WEST 1528 65 FEET TO THE POINT OF BEGINNING IN THE TOWNSHIP OF LITTLE ROCK, IN KENDALL COUNTY, ILLINOIS

Unrecorded

STATE OF ILLINOIS



MAY -8 17

STATE TAX

REAL ESTATE TRANSFER TAX
DEPARTMENT OF REVENUE

REAL ESTATE TRANSFER TAX

00285.00

FP326656

000011696

COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
\$ 142.50

| | | |
|---|---|---|
| This instrument was prepared by Kenneth E Paris Kenneth E Paris, P C 140 E DeKalb Street Somonauk, IL 60553 | Send subsequent tax bills to Joshua L & Annie Joy McElroy 12881 River Road Plano, IL 60545 | Recorder-mail recorded document to Kristine Larsen Attorney at Law 22 W Van Buren Street Oswego, Illinois 60543 |
|---|---|---|

PLAT ACT AFFIDAVIT

STATE OF ILLINOIS

Escrow No YK17007084-LD

COUNTY OF KENDALL

Heirs at law and devisees of Richard D Kleinmaier, deceased, being duly sworn on oath, states that _____ resides at 12881 River Rd, Plano, IL 60545 That the attached deed is not in violation of 765 ILCS 205/1 for one of the following reasons

- 1 Said Act is not applicable as the grantors own no adjoining property to the premises described in said deed,
- OR -
- 2 The division or subdivision of the land into parcels or tracts of five (5) acres or more in size which does not involve any new streets or easements of access
- 3 The divisions of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access
- 4 The sale or exchange of parcels of land between owners of adjoining and contiguous land
- 5 The conveyance of parcels of land or interests therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easement of access
- 6 The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access
- 7 The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use
- 8 Conveyances made to correct descriptions in prior conveyances
- 9 The sale or exchange of parcels or tracts of land existing on the date of the amendatory Act into no more than two (2) parts and not involving any new streets or easements of access

CIRCLE NUMBER ABOVE WHICH IS APPLICABLE TO ATTACHED DEED

Affiant further states that HE makes this affidavit for the purpose of inducing the Recorder of Deeds of Kendall County, Illinois, to accept the attached deed for recording

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below

Heirs at law and devisees of Richard D Kleinmaier, deceased

BY _____

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 parcel is unique in that it is almost 14 acres but is zoned A-1 Agricultural District. The trend of development in the area is Estate and Low Density Single Family Residential homes. As the property and house currently sit, the Applicant can not expand the home to the east which is the wider side of the parcel due to the location of the septic and septic field which were in existence at the time he purchased the home. The western side of the property is clear and is bordered by the driveway to the west and roadway to the front. The proposed variance in no way effects or discommodes public health safety or any neighbors.

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 conditions which the Variance is based upon are generally not applicable to other parties. The unique location of the existing home was in existence at the time Applicant purchased the property. He had no part in choosing the location of the home and needs to add the additional space since he and his wife plan to reside there with their 6 children.

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

The conditions which the Variance is based upon are generally not applicable to other parties. The unique location of the existing home was in existence at the time Applicant purchased the property. He had no part in choosing the location of the home and needs to add the additional space since he and his wife plan to reside there with their 6 children.

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

The Petitioners in no way picked the location of the home and are bound by the existing well on the west, septic on the east and of course public health regulations that require the proper separation between those two utilities serving the home.

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 Variance will not only not be detrimental to the neighborhood and the continued use of the subject property as single family residential, but has the added bonus of providing additional assessed valuation not only to the applicable school district but all taxing bodies and increases the value of the home not only for the applicants but for the surrounding property owners.

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 addition proposed to the home of 980 sq.ft. on a parcel of almost 14 acres in no way impairs again any of the public utilities, public health, public safety, or air space and increases the value of the home and a newer structure increases values of surrounding properties as well as tax assessments.

THAT PART OF LOTS 4, 5 AND 6 OF SECTION 36, TOWNSHIP 37 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN AS SHOWN ON A PLAT RECORDED IN BOOK 4 OF PLATS PAGE 36 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 36; THENCE EAST ALONG THE NORTH LINE OF SAID SECTION 36, 259.0 FEET; THENCE CONTINUING EAST ALONG SAID NORTH LINE 360.07 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING EAST ALONG SAID NORTH LINE 377.15 FEET TO THE NORTHEAST CORNER OF SAID LOT 4; THENCE SOUTH 7 DEGREES 30 MINUTES WEST ALONG THE EAST LINE OF SAID LOT 4, 4.20 CHAINS (277.20 FEET) TO A POINT OF BEND IN SAID EAST LINE; THENCE SOUTH 1 DEGREE 10 MINUTES EAST ALONG THE EAST LINE OF SAID LOTS 4, 5 AND 6, 22.44 CHAINS (1481.04 FEET) MORE OR LESS TO THE CENTERLINE OF RIVER ROAD; THENCE SOUTH 82 DEGREES 30 MINUTES WEST ALONG SAID CENTERLINE, 329.15 FEET TO A POINT LYING 30 FEET EAST OF THE SOUTHEAST CORNER OF A TRACT OF LAND DEEDED TO FRANCIS J. AND ESTHER MCNELIS RECORDED IN BOOK 166 OF DEEDS, PAGE 169; THENCE NORTH 4 DEGREES 30 MINUTES WEST PARALLEL WITH AND 30 FEET EASTERLY OF THE EAST LINE OF SAID MCNELIS TRACT, 273.0 FEET; THENCE NORTH 00 DEGREES 42 MINUTES 40 SECONDS WEST 1528.65 FEET TO THE POINT OF BEGINNING IN THE TOWNSHIP OF LITTLE ROCK, IN KENDALL COUNTY, ILLINOIS.



08

June 5, 2017

- Arrow 100
- Arrow 400
- From To 100
- From To 400
- Hook 100
- Hook 400
- Tip 100
- Tip 400
- Road Names

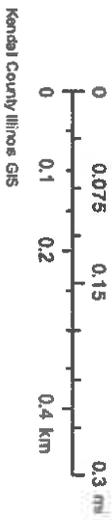
1:2,257
0 0.0175 0.035 0.07 mi
0 0.03 0.06 0.12 km
Kernat County (Impos. GIS)



June 5, 2017

- Arrow 100
- Arrow 400
- FromTo 100
- FromTo 400
- Hook 100
- Hook 400
- Tip 100
- Tip 400
- Road Names

1:9,028

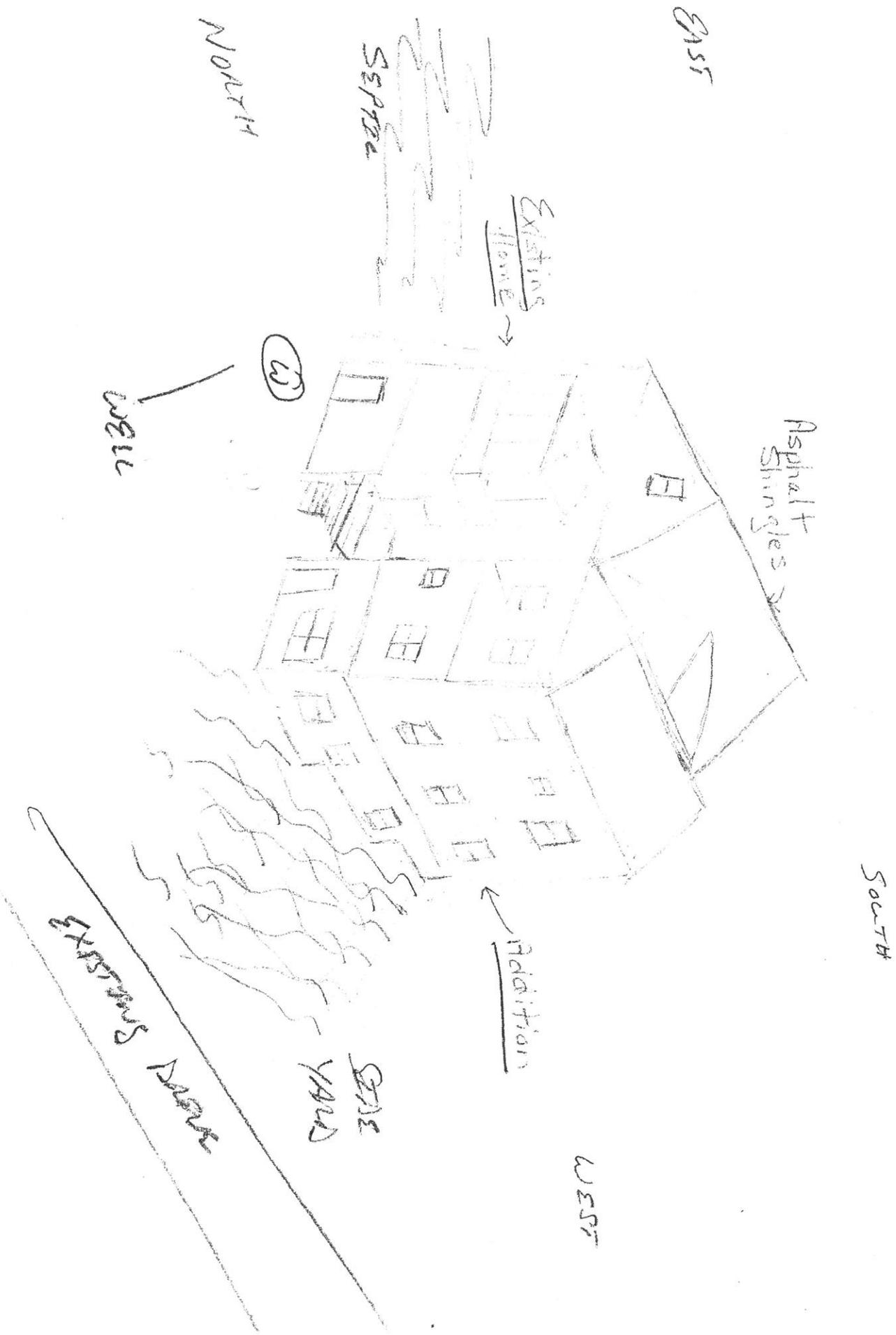


Kendall County Illinois GIS

36

12881 REVERA ROAD

Platno 72 60545





Flags
Showing
West End of
Addition





Attachment 7-Looking West from House

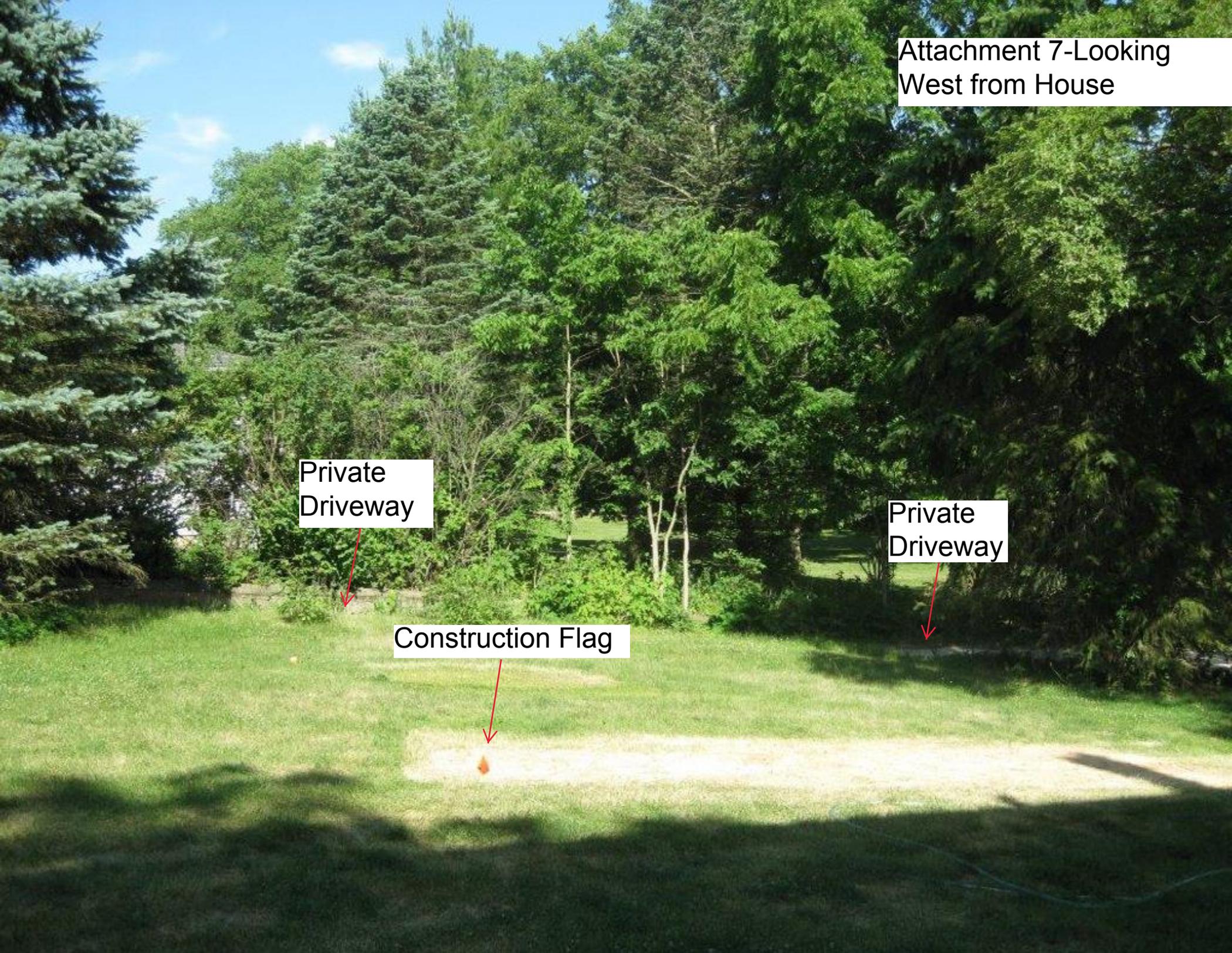
Private Driveway



Private Driveway



Construction Flag

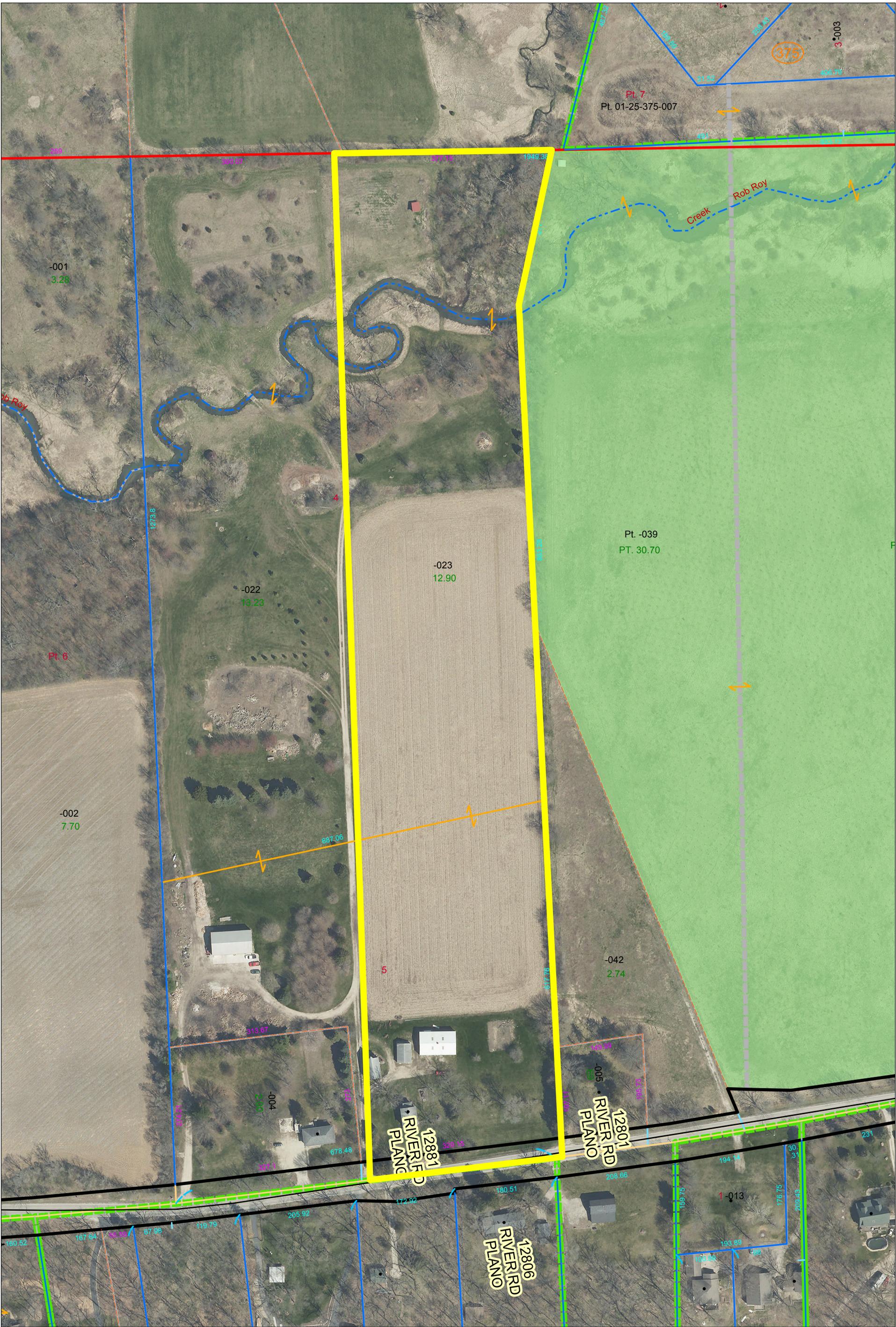


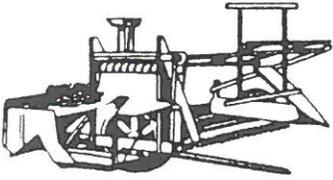
Attachment 8
Private Driveway



Attachment 9-
Property as Seen
from Private
Driveway







Birthplace of the Harvester

CITY OF PLANO

17 E. Main St.
Plano, Illinois 60545

Mayor 630-552-3210

Fax (630) 552-8292
www.cityofplanoil.com

City Clerk (630) 552-8275
City Treasurer (630) 552-8823

Public Works (630) 552-7000
Building & Zoning (630) 552-8425



July 13, 2017

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

Re: McElroy Variance Application

Dear Mr. Asselmeier:

Please be advised the City of Plano has reviewed the pertinent paperwork and has no objection to the above referenced application.

Sincerely,

A handwritten signature in blue ink that reads "Thomas J. Karpus". The signature is fluid and cursive, with the first name being the most prominent.

Thomas J. Karpus, R.A., ALA
Director, Building, Planning, & Zoning
City of Plano, IL