

ORDINANCE NUMBER 2021- 29

**MAP AMENDMENT FOR APPROXIMATELY TWENTY-SEVEN POINT ONE FIVE ACRES
OF LAND LOCATED EAST AND SOUTH OF 800 ROUTE 126 (PIN: 06-13-101-011) IN
NA-AU-SAY TOWNSHIP**
Rezone from A-1 to R-1

WHEREAS, Section 13:07 of the Kendall County Zoning Ordinance permits the Kendall County Board to approve map amendments and provides the procedure through which map amendments are granted; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the A-1 Agricultural Zoning District and consists of approximately 27.15 more or less acres located east and south of 800 Route 126 and identified by Parcel Identification Number 06-13-101-011, in Na-Au-Say Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property”; and

WHEREAS, the subject property is currently owned by the Gilbert L. Niznik Trust Dated September 15, 2017 as represented by Gilbert L. Niznik;

WHEREAS, Michael and Eryn Ruffatto wish to construct one single-family home on the subject property;

WHEREAS, the Gilbert L. Niznik Trust Dated September 15, 2017 and Michael and Eryn Ruffatto shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about August 24, 2021, Petitioner’s representative filed a petition for a Map Amendment rezoning the subject property from A-1 Agricultural District to R-1 One Family Residential District; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on September 2, 2021, the Kendall County Zoning Board of Appeals conducted a public hearing on September 27, 2021, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner and their representative presented evidence, testimony, and exhibits in support of the requested Map Amendment and zero members of the public testified in favor or in opposition or expressed concerns regarding the requested Map Amendment; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the Map Amendment as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated September 27, 2021, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested Map Amendment; and

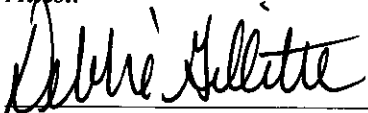
WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

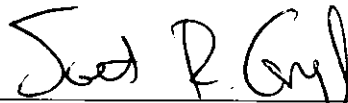
1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby grants approval of Petitioner's petition for a Map Amendment rezoning the subject property from A-1 Agricultural District to R-1 One Family Residential District.
3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect this Map Amendment.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16th day of November, 2021.

Attest:



Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
Scott R. Gryder



Exhibit A

LEGAL DESCRIPTION:

The West Half of the Northwest Quarter (EXCEPT the West 925 feet thereof) of Section 13, Township 36 North, Range 8 East of the Third Principal Meridian, AND ALSO EXCEPTING therefrom that Part of the West Half of the Northwest Quarter of Section 13, Township 36 North, Range 8 East of the Third Principal Meridian, Na-au-say Township, Kendall County, Illinois, described as follows:

Beginning on the North Line of said West Half of the Northwest Quarter at a point 70.00 feet West of the Northeast Corner of the West Half of said Northwest Quarter; thence South along a line 70.00 feet West of and parallel with the East Line of said West Half of the Northwest Quarter, 381.33 feet; thence West along a line parallel with said North Line of the West Half of the Northwest Quarter, 324.71 feet; thence North along a line which is 925.00 feet East of and parallel with the West Line of said West Half of the Northwest Quarter, 381.32 feet to said North Line of the West Half of the Northwest Quarter; thence East along said North Line, 325.55 feet to the point of beginning, in the Township of Na-au-say, Kendall County, Illinois.

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on September 27, 2021, by a vote of five (5) in favor and zero (0) in opposition. Members Clementi and Whitfield were absent.

FINDINGS OF FACT

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes or larger lot single-family residential uses. An airstrip is located on the subject property.

The Zoning classification of property within the general area of the property in question. The surrounding properties are zoned A-1, R-3, and R-1 with a special use permit. Nearby properties inside the Village of Plainfield also have residential zoning.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1. Due to the property's size, a single-family home cannot be constructed on the property under A-1 zoning regulations.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area is a mix of agricultural and single-family residential uses found in rural settings.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Suburban Residential. The R-1 One Family Residential District is consistent with the Suburban Residential classification.

RECOMMENDATION

Approval