

ORDINANCE NUMBER 2022-15

**MAP AMENDMENT FOR APPROXIMATELY SIX POINT FOUR-EIGHT ACRES OF LAND
LOCATED ON THE EAST SIDE OF BRISBIN ROAD ACROSS FROM 14859 AND 14975
BRISBIN ROAD (PORTION OF PINS: 09-18-300-018 AND 09-18-300-019) IN
SEWARD TOWNSHIP
Rezoned 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 two parcels totaling approximately 20.7 more or less acres of which approximately 6.48 more less acres are subject to the map amendment and located on the east side of Brisbin Road across from 14859 and 14975 Brisbin Road and identified by portions of Parcel Identification Numbers 09-18-300-018 and 09-18-300-019, in Seward 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 Irma Loya Quezada and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about November 12, 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 November 25, 2021, the Kendall County Zoning Board of Appeals initiated a public hearing on December 13, 2021, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, and continued the public hearing to January 31, 2022, at 7:00 p.m., and continued the public hearing to February 28, 2022, at 7:00 p.m., and continued the public hearing to May 2, 2022, at 7:00 p.m., at the same location, at which the Petitioner’s 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 May 2, 2022, 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 supermajority vote of the Kendall County Board and is effective this 21st day of June, 2022.

Attest:



Kendall County Clerk
Debbie Onlette



Kendall County Board Chairman
Scott R. Gryder



Exhibit A

Legal Descriptions

Parcel 1A

That Part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 2100.30 feet for the point of beginning; thence Northerly along said West Line, 302.08 feet; thence Easterly, perpendicular to said West Line, 470.00 feet; thence Southerly, perpendicular to the last ascribed course 298.98 feet to a line drawn Easterly from the point of beginning which is parallel to said North Line; thence Westerly parallel with said North Line, 470.01 feet to the point of beginning in Seward Township, Kendall County, Illinois.

Parcel 2A

That Part of the West Half of the Southwest Fractional Quarter of Section 18, Township 35 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the Northwest Corner of said Southwest Fraction Quarter; thence Southerly, along the West Line of said Southwest Fractional Quarter, 2100.30 feet for the point of beginning; thence Southerly, along said West Line 298.75 feet; thence Easterly, perpendicular to said West Line, 470.0 feet; thence Northerly, perpendicular to the last described course, 301.85 feet to a line drawn Easterly from the point of beginning, which is parallel with the North Line of said Southwest Fractional Quarter; thence Westerly, parallel with said North Line, 470.01 feet to the point of beginning, in Seward Township, Kendall County, Illinois.



Legend

- Legal Descriptions
- Parcels



Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on May 2, 2022, by a vote of six (6) in favor and zero (0) in opposition. Member Mohr was 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.***

*The Zoning classification of property within the general area of the property in question. **The surrounding properties are zoned A-1 or A-1 SU for the sale of agricultural products, art, pottery, and home décor not produced on the premises.***

*The suitability of the property in question for the uses permitted under the existing zoning classification. **The property is presently zoned A-1. The agricultural housing allocations for the subject property have already been used and no new single-family homes can be constructed on the subject property without a map amendment.***

*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 Rural Estate Residential. The R-1 One Family Residential District is consistent with the Rural Estate Residential classification.***

RECOMMENDATION

Approval