

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
August 29, 2022 – 7:00 p.m.

CALL TO ORDER

Vice Chairman Tom LeCuyer called the Zoning Board of Appeals meeting to order at 7:00 p.m.

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Jillian Prodehl, Dick Thompson, and Dick Whitfield

Members Absent: Randy Mohr

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Sunny Simon, Yonia Nyamle, Lydia Ramirez, and Abacuc Rodriguez

PETITIONS

Vice Chairman LeCuyer swore in Sunny Simon, Yonia Nyamle, Lydia Ramirez, and Abacuc Rodriguez

The Zoning Board of Appeals started their review of Petition 22-18 at 7:28 p.m.

Petition 22 – 18 – Abacuc Rodriguez

Request: Variance to Section 8:07.E.2 of the Kendall County Zoning Ordinance to Allow a Garage Attached to the Primary Structure to Encroach Up To 5.05 Feet of the Eastern Property Line

PIN: 01-05-203-002

Location: 16402 Galena Road, Little Rock Township

Purpose: Petitioner Would Like to Construct an Attached Garage at the Property; Property is Zoned R-3

Mr. Asselmeier summarized the request.

The Petitioner would like to the construct an approximately six hundred seventy-two (672) square foot garage at 16402 Galena Road. The garage would encroach to within five point zero five feet (5.05') of the eastern property line. Per Section 8:07.E.2, the required side yard setback for this property is eight point two-five feet (8.25').

The application materials, site plan, and elevations of the proposed garage were provided.

The property is approximately zero point three-seven-five (0.375 +/-) acres.

The property is zoned R-3 One Family Residential District.

The Current Land Use is Single-Family Residential.

The Future Land Use is Rural Estate Residential (0.45 DU/Acre Max).

Galena Road is a Major Collector maintained by Kendall County. There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are Vacant, Agricultural, and Single-Family Residential.

All of the adjacent properties are zoned R-3.

The Land Resource Management Plan calls for the area to be Rural Estate Residential (0.45 DU/Acre Max).

Per the elevations (Attachment 3), the maximum height of the proposed garage is fourteen feet, two inches (14' 2")

Little Rock Township was emailed this proposal on August 4, 2022. No comments received.

The Little Rock-Fox Fire Protection District was emailed this proposal on August 4, 2022. No comments received.

The City of Plano was emailed this proposal on August 4, 2022. No comments received.

The proposed Findings of Fact were 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. The subject parcel was platted in the 1800s and the existing house was constructed in 1979. The proposed garage could not be constructed on the property without encroaching into the east side yard property because of the configuration of the property and the location of the house on the property.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. The number of properties zoned R-3 and platted in the 1800s with the type of configuration of the subject parcel is unknown.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The current owner did not plat the lot or construct the existing house. The current owner does wish to construct an attached garage.

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 requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements 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 requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values. Provided the addition is constructed following applicable building codes, the variance will not increase the danger of fire or negatively impact public safety.

Staff recommended approval of the requested variance subject to the following conditions:

1. The site shall be developed substantially in accordance with the site plan and no part of the attached garage shall encroach within five point zero-five feet (5.05') of the existing eastern property line.
2. The owner of the property shall comply will all applicable federal, state, and local laws with regards to constructing and/or renovating structures on the subject property.
3. This variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns.

Vice Chairman LeCuyer noted that neighboring properties had structures near the property lines.

Vice Chairman LeCuyer opened the public hearing at 7:31 p.m.

Abacuc Rodriguez, Petitioner, requested permission to build a garage. He has lived at the property for seventeen (17) years without a garage.

Vice Chairman LeCuyer closed the public hearing at 7:33 p.m.

Member Fox made a motion, seconded by Member Cherry, to approve the Findings of Fact for the variance.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (1): Mohr

The motion passed.

Member Thompson made a motion, seconded by Member Whitfield, to approve the variance with the conditions proposed by Staff.

The votes were as follows:

Ayes (6): Cherry, Fox, LeCuyer, Prodehl, Thompson, and Whitfield
Nays (0): None
Abstain (0): None
Absent (1): Mohr

The motion passed.

Little Rock Township will be notified of the results of the hearing.

The Zoning Board of Appeals completed their review of Petition 22-18 at 7:35 p.m.

PUBLIC COMMENTS

Mr. Asselmeier reported that for the next hearing/meeting, there is a map amendment request for a portion of property on Route 52 south of 2735 Route 52. The owners of Yogi Bear Campground were still working on their special use permit amendment application.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Fox made a motion, seconded by Member Whitfield, to adjourn.

With a voice vote of six (6) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 7:38 p.m.

The next regularly scheduled hearing/meeting will be on October 3, 2022.

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

Exhibits

1. Memo on Petition 22-18 Dated August 4, 2022
2. Certificate of Publication for Petition 22-18 (Not Included with Report but on file in Planning, Building and Zoning Office)

2/2

**KENDALL COUNTY
ZONING BOARD OF APPEALS
AUGUST 29, 2022**

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
Lydia Ramirez	[REDACTED]	
Mara Ruiz		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**Petition 22-18
Abacuc Rodriguez
Side Yard Setback Variance**

INTRODUCTION

The Petitioner would like to the construct an approximately six hundred seventy-two (672) square foot garage at the subject property. The garage would encroach to within five point zero five feet (5.05') of the eastern property line. Per Section 8:07.E.2, the required side yard setback for this property is eight point two-five feet (8.25').

The application materials are included as Attachment 1. The site plan is included as Attachment 2. The elevations of the proposed garage are included as Attachment 3.

SITE INFORMATION

PETITIONER Abacuc Rodriguez

ADDRESSES 16402 Galena Road, Plano

LOCATION Approximately 0.2 Miles West of Little Rock Road on the South Side of Galena Road

TOWNSHIP Little Rock

PARCEL #S 01-05-203-002

LOT SIZE 0.375 +/- Acres

EXITING LAND Single-Family Residential
USE

ZONING R-3 One Family Residential District

LRMP	Current Land Use	Single Family Residential
	Future Land Use	Rural Estate Residential (0.45 DU/Acre Max)
	Roads	Galena Road is a Major Collector maintained by Kendall County.
	Trails	None
	Floodplain/ Wetlands	None



REQUESTED ACTION Variance to allow an attached garage to be approximately five point zero-five feet (5.05') from the eastern property line instead of the required ten percent (10%) of the lot width, eight point two-five feet (8.25')

APPLICABLE REGULATIONS § 8:07.E.2. – Primary Structure Side Yard Setbacks on R-3 Zoned Property
 §13:04 – Variation Procedures and Requirements

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Vacant and Single-Family Residential	R-3	Rural Estate Residential (0.45. Max DU/Acre)	N/A
South	Agricultural	R-3	Rural Estate Residential	N/A
East	Single-Family Residential	R-3	Rural Estate Residential	N/A
West	Single-Family Residential	R-3	Rural Estate Residential	N/A

GENERAL INFORMATION

Per the elevations (Attachment 3), the maximum height of the proposed garage is fourteen feet, two inches (14' 2")

LITTLE ROCK TOWNSHIP

Little Rock Township was emailed this proposal on August 4, 2022.

LITTLE ROCK-FOX FIRE PROTECTION DISTRICT

The Little Rock-Fox Fire Protection District was emailed this proposal on August 4, 2022.

CITY OF PLANO

The City of Plano was emailed this proposal on August 4, 2022.

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. **The subject parcel was platted in the 1800s and the existing house was constructed in 1979. The proposed garage could not be constructed on the property without encroaching into the east side yard property because of the configuration of the property and the location of the house on the property.**

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **The number of properties zoned R-3 and platted in the 1800s with the type of configuration of the subject parcel is unknown.**

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The current owner did not plat the lot or construct the existing house. The current owner does wish to construct an attached garage.**

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 requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements 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 requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values. Provided the addition is constructed following applicable building codes, the variance will not increase the danger of fire or negatively impact public safety.**

RECOMMENDATION

Staff recommends approval of the requested variance subject to the following conditions:

1. The site shall be developed substantially in accordance with the site plan (Attachment 2) and no part of the attached garage shall encroach within five point zero-five feet (5.05') of the existing eastern property line.
2. The owner of the property shall comply will all applicable federal, state, and local laws with regards to constructing and/or renovating structures on the subject property.
3. This variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns.

ATTACHMENTS

1. Application (Including Petitioner's Findings of Fact)
2. Site Plan
3. Building Elevations



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME GARAGE FILE #: _____

NAME OF APPLICANT		
<u>Abacue Rodriguez</u>		
CURRENT LANDOWNER/NAME(S)		
<u>Abacue Rodriguez</u>		
SITE INFORMATION ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
	<u>16402 Galena rd Plano IL</u>	<u>01-05-203-002</u>
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
<u>Residential</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, AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)
PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
<u>Abacue Rodriguez</u>	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
[REDACTED]	[REDACTED]	[REDACTED]
ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
<u>Abacue Rodriguez</u>	[REDACTED]	[REDACTED]
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
[REDACTED]	[REDACTED]	[REDACTED]
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 <u>07-01-20</u>

FEE PAID: \$ _____
 CHECK #: _____

¹Primary Contact will receive all correspondence from County

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

Legal Description

The Easterly 5 Rods of Lot 2 in Block 5 in the Village of Little Rock, Kendall County, Illinois

Itemization of Title Charges and Government Recording and Transfer Charges		File No. [REDACTED]
First American Title Insurance Company		Loan No. [REDACTED]
		Settlement Date. 07/20/2015
Property: 16402 Galena Road, Plano, IL 60545		Print Date. 07/20/2015, 1:14 PM
Name & Address of Borrower: Abacuc Rodriguez 16402 Galena Road, Plano, IL 60545		Name & Address of Seller: Refinance
Name & Address of Lender: Midwest Community Bank 3755 E Main St., Suite #140 St Charles, IL 60174		

1100. Summary of Title Charges	Borrower Charges	Seller Charges
1101. Title Services and Lenders Title Insurance	\$25.00	
Title Services Fees	\$75.00	
a. Closing Protection Coverage-Borrower	\$50.00	
b. Closing Protection Coverage-Lender	\$25.00	
1102. Settlement or Closing Fees		
1103. Owner's title insurance		
1104. Lender's title insurance - First American Title Insurance Company	\$450.00	
a. Loan Policy	\$450.00	
1105. Lender's title policy limit \$ 167,500.00		
1106. Owner's title policy limit \$		
1107. Agent's portion of the total title insurance premium \$ 0.00		
to First American Title Insurance Company		
1108. Underwriter's portion of total title insurance premium \$ 450.00		
to First American Title Insurance Company		

1200. Government Recording and Transfer Charges	Borrower Charges	Seller Charges
1201. Government Recording Charges	160.00	
1202. Recording Fees Deed \$49.00 Mortgage \$62.00 Release \$49.00		
1203. Transfer taxes		
1204. City/county tax/stamps:		
1205. State tax/stamps:		

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.

This would result in a hardship as carrying out the strict letter of regulations would not allow a garage to be built on this property

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

These conditions are not generally applicable as most other properties within this zone already have a garage structure on their property that follows building ordinance without variance

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

No one currently interested in this property has created this hardship as the zoning has always been the same since the current property owners have lived here

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 this variance will not be detrimental to the public welfare of any one in the neighborhood

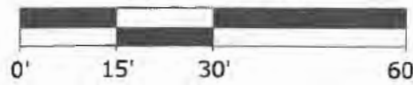
That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.

The proposed variation will not impair any natural properties to adjacent property. Nor will it cause an increase of congestion or endanger any public safety. Property values will also not be affected

BASIS OF BEARING

BEARINGS SHOWN HEREON ARE BASED ON ILLINOIS STATE PLANE, EAST ZONE, NAD83 (2011)

SCALE : 1" = 30'



11" X 17" PRINT IS THE FULL SCALE FORMAT OF THIS SURVEY. ANY OTHER SIZE IS AT AN ADJUSTED SCALE.

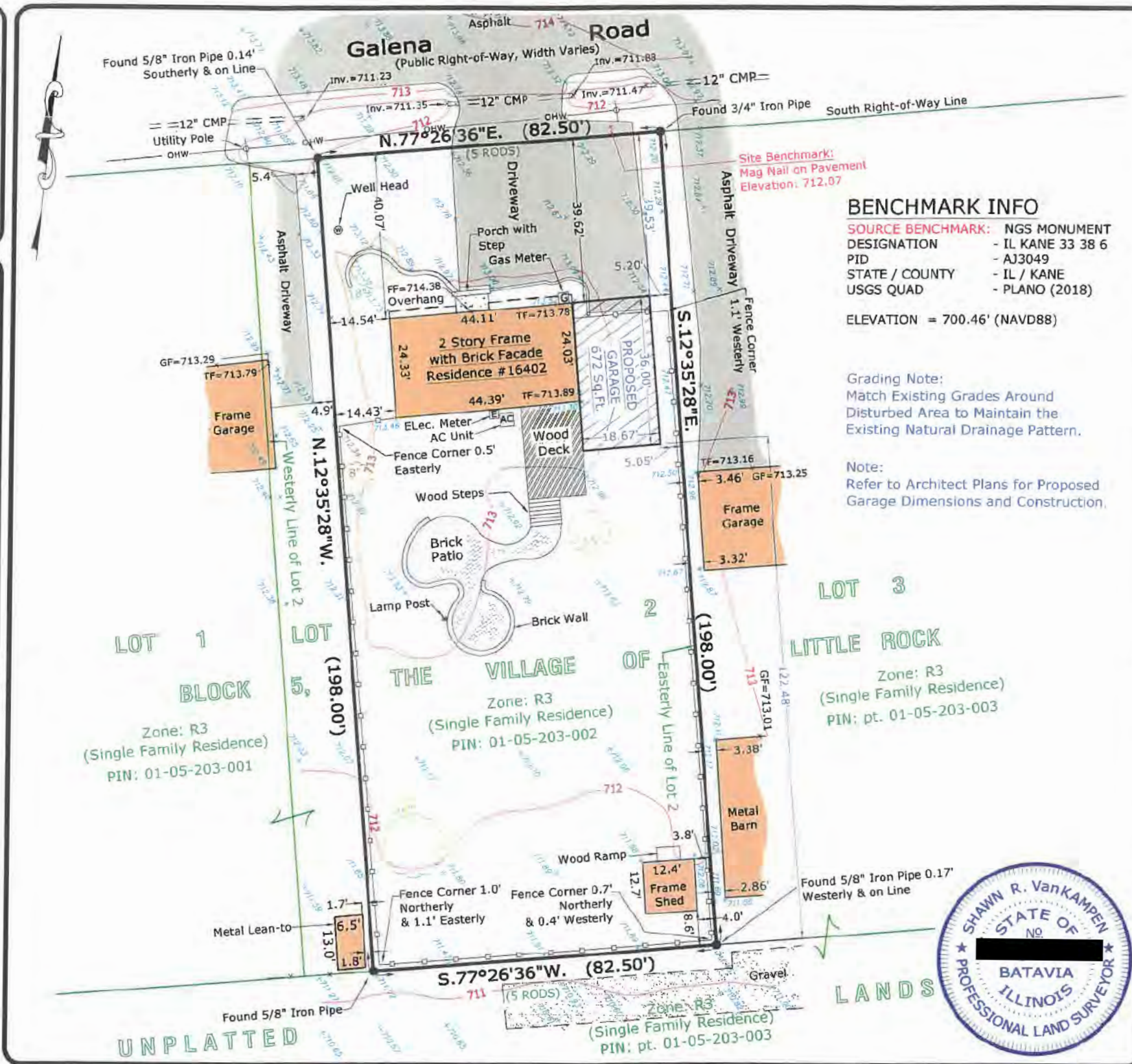
LOCATION MAP



NOT TO SCALE

LEGEND

- Found Iron Stake as Indicated
- Boundary Line
- Lot Line
- XXX.XX' (XXX.XX') Measured or Measured & Record Record
- Center Line of Wood Fence
- Center Line of Chain Link Fence
- 711.25 Spot Elevation
- Contour Line
- Tree with Trunk Size
- Building
- Asphalt
- Concrete
- Proposed Garage



BENCHMARK INFO

SOURCE BENCHMARK: NGS MONUMENT
 DESIGNATION - IL KANE 33 38 6
 PID - AJ3049
 STATE / COUNTY - IL / KANE
 USGS QUAD - PLANO (2018)
 ELEVATION = 700.46' (NAVD88)

Grading Note:
 Match Existing Grades Around Disturbed Area to Maintain the Existing Natural Drainage Pattern.

Note:
 Refer to Architect Plans for Proposed Garage Dimensions and Construction.

PLAT OF SURVEY

LEGAL DESCRIPTION

THE EASTERLY 5 RODS OF LOT 2 IN BLOCK 5, IN THE VILLAGE OF LITTLE ROCK, KENDALL COUNTY, ILLINOIS.

(DEED DOCUMENT NUMBER 201500012811, RECORDED AUGUST 11, 2015)

SURVEY NOTES

EASEMENTS AND SETBACKS SHOWN HEREON ARE BASED UPON THE RECORDED SUBDIVISION PLAT UNLESS NOTED OTHERWISE.

ALL BUILDING TIES ARE TO THE FOUNDATION CORNERS.

THE PERMANENT PARCEL INDEX NUMBER FOR THE PROPERTY DESCRIBED HEREON IS 01-05-203-002.

THE PROPERTY DESCRIBED HEREON CONTAINS 16,335 SQ. FT. OR 0.375 ACRES.

PROPERTY COMMONLY KNOWN AS: 16402 GALENA ROAD PLANO, IL 60545

THE FLOOD INSURANCE RATE MAP SHOWS THAT THE PROPERTY DESCRIBED HEREON IS FALLING WITHIN ZONE "X", ACCORDING TO THE COMMUNITY NUMBER 170341, KENDALL COUNTY, ILLINOIS AND INCORPORATED AREAS, EFFECTIVE DATE OF FEBRUARY 4, 2009. ZONE "X" IS AREAS WITH MINIMAL FLOOD HAZARD.

SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS }
 COUNTY OF KANE } SS

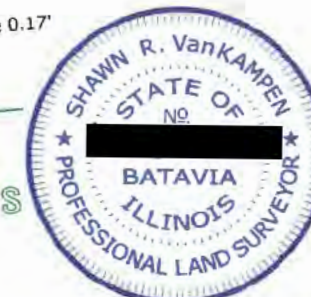
I, SHAWN R. VanKAMPEN, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON, BEING COMPLETED IN THE FIELD ON 7/27/2021 IS A CORRECT REPRESENTATION OF A SURVEY PERFORMED AT AND UNDER MY DIRECTION.

THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND BOUNDARY AND TOPOGRAPHIC SURVEY SET FORTH BY ILLINOIS STATE LAW.

ALL DIMENSIONS ARE IN FEET AND DECIMAL PARTS THEREOF.

GIVEN UNDER MY HAND AND SEAL THIS 3RD DAY OF AUGUST, A.D. 2021.

SHAWN R. VanKAMPEN
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. [REDACTED]
 LICENSE EXPIRES 11/30/2022



PREPARED BY:



ASM Consultants, Inc.
 16 E Wilson St, Batavia IL 60510
 Tel (630) 879-0200 Fax (630) 454-3774
 advanced@advct.com
 Professional Design Firm #184-006014 expires 4/30/2023

PREPARED FOR:

Abacuc Rodriguez



NO.	DATE	REVISION
1.	7/27/2021	FIELD SURVEY COMPLETED
2.	8/3/2021	FINAL SURVEY COMPLETED
3.	7/15/2022	REVISED PROPOSED GARAGE TO MEET SIDE YARD SETBACK OF 5' MIN.

SITE DESIGNATION INFORMATION:
 16402 GALENA ROAD
 PLANO, IL 60545

PROJECT NO.
 705030B

DRAWN BY: PS CHECKED BY: SVK

PLAT

