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

October 31, 2022 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:02 p.m.

ROLL CALL:

Members Present: Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, and Dick Whitfield

Members Absent: Scott Cherry and Jillian Prodehl

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

Others Present: Boyd Ingemunson, Seth Wormley, Eric Carlson, and Don Smith

Chairman Mohr swore in Boyd Ingemunson, Seth Wormley, Eric Carlson, and Don Smith.

PETITIONS

The Zoning Board of Appeals started their review of Petition 22-21 at 7:40 p.m.

Petition 22 - 21 - Donald Smith

Request: Variance to Section 8:07.E.1 of the Kendall County Zoning Ordinance Reducing the Front

Yard Setback from Fifty Feet to Thirty Feet

PIN: 02-33-201-001

Location: 505 E. Spring Street, Yorkville, Bristol Township

Purpose: Petitioner Wishes to Construct an Addition Including an Attached Garage; Property is

Zoned R-3

Mr. Asselmeier summarized the request.

The Petitioner would like to construct an approximately one thousand one hundred fifty-seven (1,157) square foot garage addition at the subject property. The garage would encroach twenty feet (20') into the front yard setback, thus reducing the setback from fifty feet (50') to thirty feet (30'). Per Section 8:07.E.1 of Kendall County Zoning Ordinance, the required front yard for this property is fifty feet (50').

The application materials, site plan, floor plan and elevations, a picture of the subject property, topographic survey of the property, aerial showing the zoning of properties inside the United City of Yorkville, and the aerial showing the zoning of properties in the unincorporated area were provided.

The subject property is approximately three quarters (3/4) of an acre in size.

The current land use is single-family residential.

The County's plan calls for the property to be Suburban Residential (1.00 DU/Acre Max). Yorkville's plan calls for the property to be Suburban Neighborhoods.

East Spring Street is maintained by Yorkville. There are no trails planned in the area.

There are no floodplains or wetlands on the property.

The adjacent land uses are single-family residential.

The adjacent properties are zoned R-3 in the County and R-2 inside Yorkville.

The County's plan calls for the area to be Suburban Residential (1.00 DU/Acre Max). Yorkville's plan calls for the area to be Suburban Neighborhoods.

The subject parcel was created in March 1967.

The subject parcel has been zoned R-3 since 1974. The subject parcel is less than the required forty-five thousand square (45,000) feet for R-3 zoned property.

The house on the property was constructed in 1974. The house is approximately one thousand three hundred five (1,305) square feet in size.

Per the site plan, the Petitioner plans to construct one (1) six hundred fifty (650) square foot addition on the west side of the house, one (1) one hundred thirty-six (136) square foot addition on the north side of the house, and one (1) one thousand one hundred fifty-seven (1,157) square foot addition on the east and south side of the house. Per the floor plans and elevations, the addition on the east and south sides of the house will consist of a mud room, one (1) two (2) car garage, additional storage, and one (1) one (1) car garage.

As noted in the picture of the house, the existing garage is located on the southeast corner of the house; the addition would be adjacent to the existing garage.

As noted in the site plan, the existing septic field is located on the north side of the house.

Per the United City of Yorkville, the properties to the south are zoned R-2. The front yard setback for R-2 zoned properties inside the United City of Yorkville is thirty feet (30').

Bristol Township was emailed this proposal on October 4, 2022. No comments were received.

The Bristol-Kendall Fire Protection District was emailed this proposal on October 4, 2022. No comments were received.

The United City of Yorkville was emailed this proposal on October 4, 2022. They will be reviewing the proposal in November.

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 1967 and the existing house was

constructed in 1974. The existing septic field is located north of the house. The existing garage is located on the southeast corner of the house with an existing driveway between the garage and E. Spring Street. The proposed addition, including the two (2) new garage areas, is logically placed on the property. The proposed addition could not be constructed on the property in the size proposed without encroaching into the front (south) 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, platted in the 1960s, not meeting the current minimum lot square footage requirement, with the type of configuration of house location in relation to a septic system and an existing garage 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, construct the existing house, or install the existing septic system. The current owner does wish to construct the proposed addition.

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, proposed elevation, and no part of the primary structure shall encroach within thirty feet (30') of the front (south) property line.
- 2. The owner of the property shall comply with all applicable federal, state, and local laws with regards to constructing and/or renovating the structure(s) 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.

Chairman Mohr noted that the request would be consistent with the area.

Chairman Mohr opened the public hearing at 7:45 p.m.

Eric Carlson, Petitioner's Architect, stated he was in attendance to answer questions.

No encroachment would occur into the side yard setback.

Discussion occurred regarding the size of the adjacent lot. No house would be located within two hundred feet (200') of the property.

Don Smith, Petitioner, said that he talked to almost all of the neighbors.

It was noted that the front yard setbacks for the properties inside Yorkville was thirty feet (30').

Chairman Mohr closed the public hearing at 7:47 p.m.

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

The votes were as follows:

Ayes (5): Fox, LeCuyer, Mohr, Thompson, and Whitfield

Nays (0): None Abstain (0): None

Absent (2): Cherry and Prodehl

The motion passed.

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

The votes were as follows:

Ayes (5): Fox, LeCuyer, Mohr, Thompson, and Whitfield

Nays (0): None Abstain (0): None

Absent (2): Cherry and Prodehl

The motion passed.

The United City of Yorkville and Bristol Township will be notified of the results of the public hearing.

The Zoning Board of Appeals completed their review of Petition 22-21 at 7:48 p.m.

PUBLIC COMMENTS

None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

With a voice vote of five (5) ayes, the motion carried.

The Zoning Board of Appeals meeting adjourned at 8:04 p.m.

The next regularly scheduled hearing/meeting will be on December 19, 2022.

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

Exhibits

- 1. Memo on Petition 22-21 Dated October 4, 2022
- 2. Certificate of Publication and Certified Mail Receipts for Petition 22-21 (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

553 4141

Fax (630) 553 4

(630) 553-4141

Fax (630) 553-4179

Petition 22-21 Donald Smith Side Yard Setback Variance

INTRODUCTION

The Petitioner would like to construct an approximately one thousand one hundred fifty-seven (1,157) square foot garage addition at the subject property. The garage would encroach twenty feet (20') into the front yard setback, thus reducing the setback from fifty feet (50') to thirty feet (30'). Per Section 8:07.E.1 of Kendall County Zoning Ordinance, the required front yard for this property is fifty feet (50').

The application materials are included as Attachment 1. The site plan is included as Attachment 2. The floor plan and elevations are included as Attachment 3. A picture of the subject property is included as Attachment 4. The topographic survey of the property is included Attachment 5. The aerial showing the zoning of properties inside the United City of Yorkville is included as Attachment 6. The aerial showing the zoning of properties in the unincorporated area is included as Attachment 7.

SITE INFORMATION

PETITIONER Donald Smith

ADDRESS 505 E. Spring Street, Yorkville

LOCATION North of the T-Intersection Created by Woodworth and E. Spring Street

TOWNSHIP Bristol

PARCEL #S 02-33-201-001

LOT SIZE 0.76 +/- Acres

EXITING LAND Single-Family Residential

USE

ZONING R-3 One Family Residential District

LRMP

Current	Single Family Residential
Land Use	
Future	Suburban Residential (1.00 DU/Acre Max) (County)
Land Use	Suburban Neighborhoods (Yorkville)
Roads	E. Spring is maintained by the United City of Yorkville.
Trails	None
Floodplain/ Wetlands	None



REQUESTED ACTION

Variance to allow an attached garage to encroach approximately twenty feet (20') into the front yard setback, thus reducing the front yard setback from the required fifty feet (50') to thirty feet (30')

APPLICABLE REGULATIONS

 \S 8:07.E.1. – Primary Structure Front 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	Single-Family Residential	• • • • • • • • • • • • • • • • • • • •	Suburban Residential (1.00 Max DU/Acre) (County)	N/A
			Suburban Neighborhoods (Yorkville)	
South	Single-Family Residential	R-2 (Yorkville)	Suburban Neighborhoods (Yorkville)	N/A
East	Single-Family Residential	R-3 (County)	Suburban Residential (County) Suburban Neighborhoods (Yorkville)	N/A
West	Single-Family Residential	R-3 (County)	Suburban Residential (County)	N/A
			Suburban Neighborhoods (Yorkville)	

GENERAL INFORMATION

The subject parcel was created in March 1967.

The subject parcel has been zoned R-3 since 1974. The subject parcel is less than the required forty-five thousand square (45,000) feet for R-3 zoned property.

The house on the property was constructed in 1974. The house is approximately one thousand three hundred five (1,305) square feet in size.

Per the site plan (Attachment 2), the Petitioner plans to construct one (1) six hundred fifty (650) square foot addition on the west side of the house, one (1) one hundred thirty-six (136) square foot addition on the north side of the house, and one (1) one thousand one hundred fifty-seven (1,157) square foot addition on the east and south side of the house. Per the floor plans and elevations (Attachment 3), the addition on the east and south sides of the house will consist of a mud room, one (1) two (2) car garage, additional storage, and one (1) one (1) car garage.

As noted in the picture of the house (Attachment 4), the existing garage is located on the southeast corner of the house; the addition would be adjacent to the existing garage.

As noted in the site plan (Attachment 2), the existing septic field is located on the north side of the house.

Per the United City of Yorkville, the properties to the south are zoned R-2. The front yard setback for R-2 zoned properties inside the United City of Yorkville is thirty feet (30').

BRISTOL TOWNSHIP

Bristol Township was emailed this proposal on October 4, 2022.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

The Bristol-Kendall Fire Protection District was emailed this proposal on October 4, 2022.

UNITED CITY OF YORKVILLE

The United City of Yorkville was emailed this proposal on October 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 1967 and the existing house was constructed in 1974. The existing septic field is located north of the house. The existing garage is located on the southeast corner of the house with an existing driveway between the garage and E. Spring Street. The proposed addition, including the two (2) new garage areas, is logically placed on the property. The proposed addition could not be constructed on the property in the size proposed without encroaching into the front (south) 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, platted in the 1960s, not meeting the current minimum lot square footage requirement, with the type of configuration of house location in relation to a septic system and an existing garage 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, construct the existing house, or install the existing septic system. The current owner does wish to construct the proposed addition.

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), proposed elevation (Attachment 3, Page 3), and no part of the primary structure shall encroach within thirty feet (30') of the front (south) property line.
- 2. The owner of the property shall comply with all applicable federal, state, and local laws with regards to constructing and/or renovating the structure(s) 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. Floor Plan and Elevations
- 4. House Picture
- 5. Topographic Survey
- 6. Yorkville Zoning Aerial
- 7. Kendall County Zoning Aerial



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME	Smith/Clark Residence	FILE #:

NAME OF APPLICANT ECA Architects & Planners		
CURRENT LANDOWNER/NAME(s)		
Donald Smith		
SITE INFORMATION S ACRES	ITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
0.76	5 E Spring St	02-33-201-001
EXISTING LAND USE CUR	RENT ZONING LAND CLA	SSIFICATION ON LRMP
Single Family Residence R3	Suburba	n Residential
REQUESTED ACTION (Check All That A	pply):	
SPECIAL USE	MAP AMENDMENT (Rezone to)	X VARIANCE
ADMINISTRATIVE VARIANCE	A-1 CONDITIONAL USE for:	SITE PLAN REVIEW
TEXT AMENDMENTPRELIMINARY PLAT	RPD (Concept; Preliminary; Final) FINAL PLAT	ADMINISTRATIVE APPEAL OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (
¹PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
ECA Architects & Planners		
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
² ENGINEER CONTACT	ENGINEER MAILING ADDRESS	FAIGINGED ESSAU
	ENGINEER MALING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENCINEED OTHER # (Call and a)
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¹Primary Contact will receive all correspondence from County

Last Revised:

7.5.22

Date Stamp Here If Checklist Is Complete

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

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.

The existing septic field is located at the rear of the house preventing any sizable addition from occurring at the rear without a complete reworking of the septic system.

The existing front yard setback doesn't allow for an addition at the front of the house either.

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

The location of the septic field in relation to the residence is specific to the subject property.

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

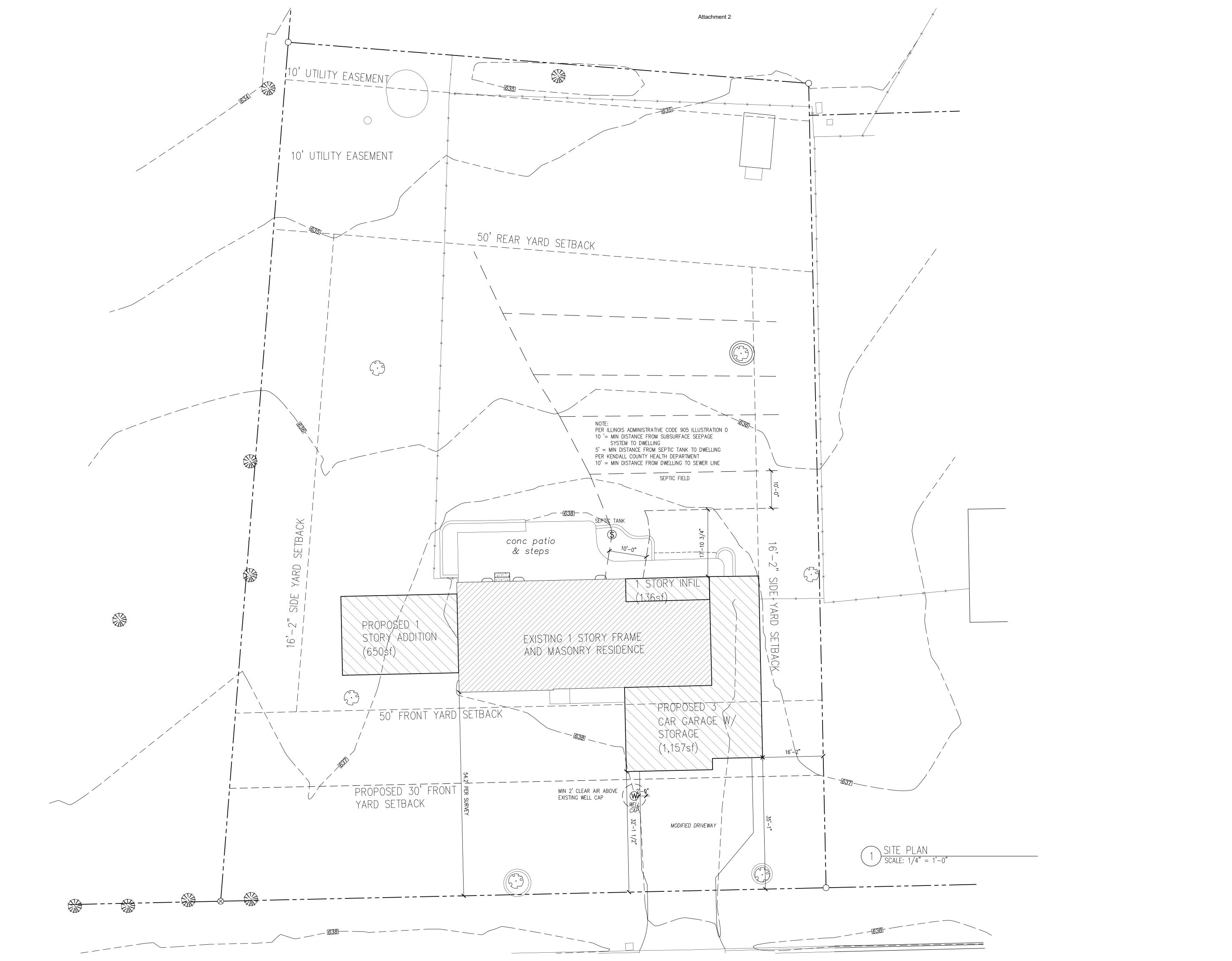
The post COVID climate of "work from home", the homeowners are in need of larger spaces and the creation of an "at-home" office. At the time of original construction, the septic field was placed in the most convenient place without thought of possible future expansion. The hardship exists of the expense to relocate the septic field. Construction costs are still significantly elevated and adding the significant costs of relocating the septic cannot be absorbed.

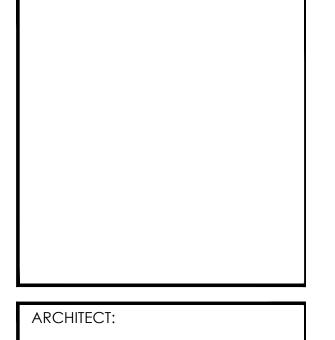
That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.

Allowing for a 30' front yard setback would bring the setback in line with Yorkville R-2 zoning that is present in the surrounding area.

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 decrease the side yard setback and thus preserve the current distance between adjacent structures. This in turn will maintain the current supply of light and air along with maintain the current danger of fire.
- -Given this is a single family residence no increase to congestion in public streets will occur.
- -The proposed variation will not substantially diminish or impair property values within the neighborhood.





24 N. BENNETT ST.
GENEVA, IL 60134
PHONE 630 608 0500
FAX 630 786 3132

ESSIONAL DESIGN FIRM

PROFESSIONAL DESIGN FIRM NO. 184 005766

Renovation and Addition For:

The Clark Family
505 E. Spring St.
Yorkville, IL 60560

CLIENT:

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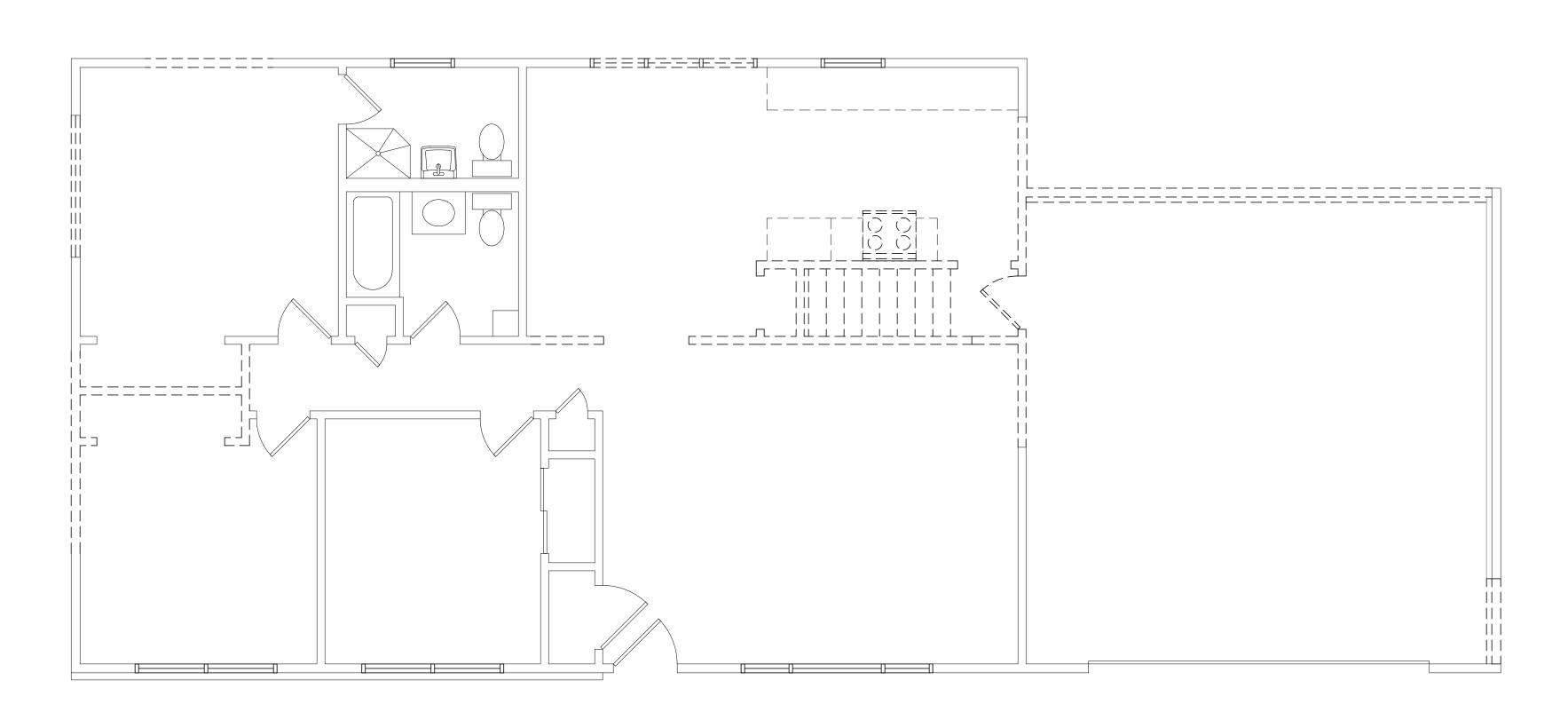
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DRAWN BY: WBK REVIEWED BY: ERC 09-29-22

SHEET TITLE:

SITE PLAN

SHEET NO.



EXISTING FLOOR PLAN

SCALE: 1/4" = 1'-0"

ARCHITECT: GENEVA, IL 60134
PHONE 630 608 0500
FAX 630 786 3132 PROFESSIONAL DESIGN FIRM NO. 184 005766 CLIENT: Renovation and Addition For:

The Clark Family
505 E. Spring St.
Yorkville, IL 60560

revisions: /#

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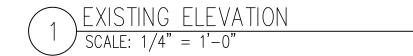
DRAWN BY: WBK REVIEWED BY: ERC 09-29-22 SHEET TITLE: EXISITNG FLOOR PLAN SHEET NO. A100

SHEET NO.

A101

Attachment 3, Page 3







PROPOSED ELEVATION

SCALE: 1/4" = 1'-0"

ARCHITECT: 24 N. BENNETT ST.
GENEVA, IL 60134
PHONE 630 608 0500
FAX 630 786 3132 PROFESSIONAL DESIGN FIRM NO. 184 005766 CLIENT:

Renovation and Addition For:

The Clark Family
505 E. Spring St.
Yorkville, IL 60560

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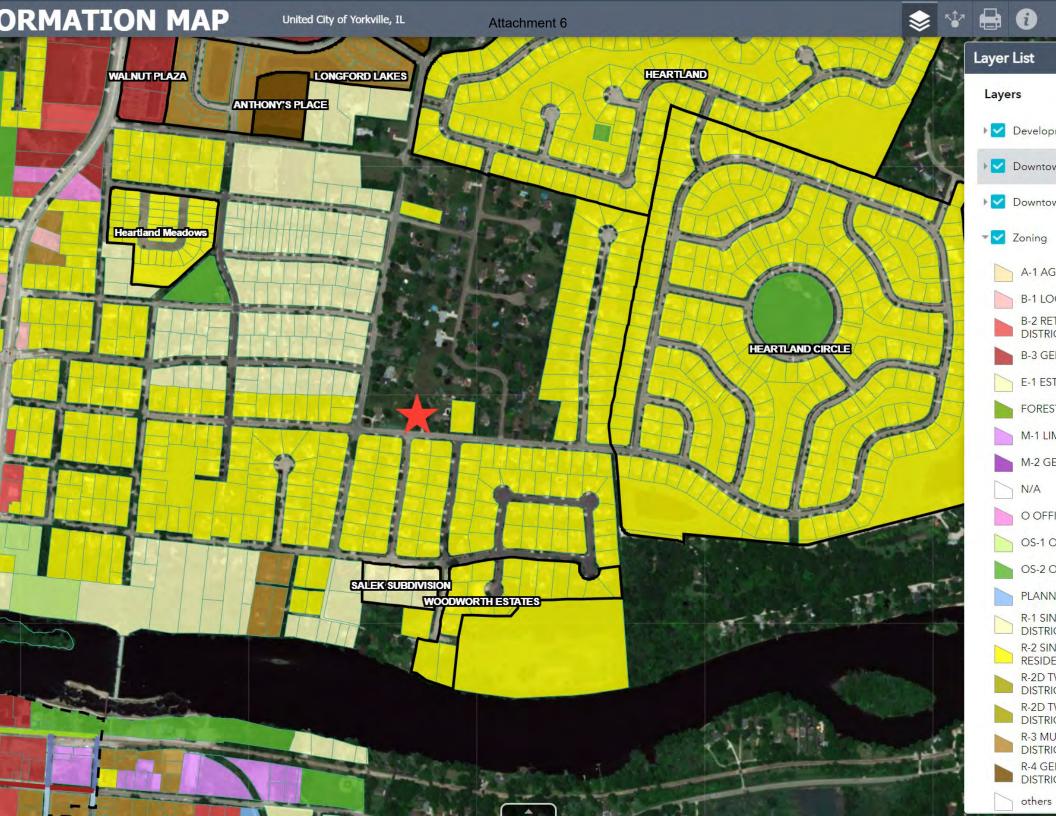
FILE NAME: 21319_Clark Res
DRAWN BY: WBK REVIEWED BY: ERC 09-29-22
SHEET TITLE:

EXIST ELEVATION
PROPOSED ELEVATION
SHEET NO.



TOPOGRAPHIC EXHIBIT LOT 2 OF DECKER'S SUBDIVISION, IN THE TOWNSHIP OF BRISTOL, KENDALL COUNTY, ILLINOIS. Source Benchmark: COMMONLY KNOWN AS: 505 EAST SPRING STREET, YORKVILLE, ILLINOIS. City of Yorkville Survey Control Monument #8 PROPERTY CONTAINS: 33,268.5 SQUARE FEET, MORE OR LESS. Elevation = 629.66 (NAVD 88) Benchmark (Site TBM): Set MAG Nail in top of curb. (location as noted) Elevation = 638.62 (NAVD 88) Not in this subdivision S 85°29'03" E 139.14' (S 85°30'00" E 138.98') Legend 13" = coniferous tree and tree size handhole 635o = utility pole Poird G = gas meter telephone house E = electric meter pedestal frame shed-(no foundation) W = well cap conc Lot 1 S = septic lid Lot 2 = septic field (Wackerlin -OHW-= overhead wires Subdivision) --719--= contour line Lot 1 229.55' septic field (as flagged) 636 214.48") 04°30'00" -638-田田 landscape 01°15'00" block wall 1—Story Brick & Frame conc patio & steps (typical) Residence multi-trunk T/F = 638.143 3 F/F=638.25 overhang 1-Story Brick & Frame Residence T/F = 638.87window well F/F=639.91 G/F= 42.2' 638.38 2.3 covered concrete covered 637well ® cap AT&T rpedestal -brick (N 88°49'44" E 161.48') N 88°43'42" E 161.40' block depressed curb Spring Street Site TBM (66' Right of Way) STATE OF ILLINOIS) SS COUNTY OF KENDALL WE, CORNERSTONE SURVEYING, P.C., AN ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYOR CORPORATION NO. 184.006522, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE. DATED AT YORKVILLE, ILLINOIS ON SEPTEMBER 26, 2022. Michel C. Ensalaco, P.L.S. 2768, Exp. 11/30/2022 Eric C. Pokorny, P.L.S. 3818, Exp. 11/30/2022 Don Smith Scale: 1" = 20' Book #:2407/sh Drawn By: ER.ECP | Plat #: 4272 O=Found 3/4" Dia. Iron Pipe Reference: 2008-0961-2011 ⊗=Found 1/2" Dia. Iron Pipe Field Work Completed: 9/23/2022 (XX.XX')= Record Distance Rev. Date Rev. Description XX.XX'= Measured Distance Professional Land Surveying Services N= North E= East S= South W= West "Cornerstone Surveying PC" 759 John Street, Suite D XXX = Fence Yorkville, IL 60560 = Concrete/Asphalt Phone: 630-892-1309 Fax: 630-892-5544 2022-1037 TOPO

Survey is only valid if original seal is shown in red.



KENDALL COUNTY GIS Map Viewer

Attachment 7

CAMA & Sales

Property Information

See web site for license constraints. | Map data © OpenStreetMap contributors, Micros

