

ORDINANCE NUMBER 2024- 34

**MAP AMENDMENT AND VARIANCE TO THE MINIMUM LOT WIDTH AT THE FRONT
YARD BUILDING LINE FOR APPROXIMATELY THIRTEEN POINT NINE ACRES
LOCATED BETWEEN 15715 AND 15609 MILLER ROAD (PIN: 01-09-401-013) IN LITTLE
ROCK TOWNSHIP**
Rezone from A-1 to R-1

WHEREAS, Section 36-42 of the Kendall County Code permits the Kendall County Board to approve map amendments and provides the procedure through which map amendments are granted; and

WHEREAS, Section 36-39 of the Kendall County Code permits the Kendall County Board to grant variances and provides the procedure through which variances 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 13.9 more or less acres located between 15715 and 15609 Miller Road, Plano (PIN: 01-09-401-013) in Little Rock 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 Hill Living Trust as represented by Scott L. and Cheryl A. Hill and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about July 23, 2024, 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 a variance to Section 36-331 (1) of the Kendall County Code reducing the minimum lot width as measured at the front building line from two hundred feet to forty feet; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on August 8, 2024, due and proper notification to the City of Plano on or about August 12, 2024, due and proper notification to Little Rock Township on or about August 12, 2024, and due and proper notification to all property owners of record of properties located within five hundred feet of the subject property at least fifteen days prior to the hearing, the Kendall County Zoning Board of Appeals conducted a public hearing on September 3, 2024, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested map amendment and variance and zero members of the public testified in favor or in opposition of the requested map amendment and variance; 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 and variance as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated September 3, 2024, 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 forward of the requested map amendment and variance; 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:

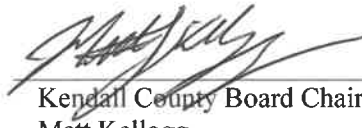
1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby 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 Kendall County Board hereby grants approval of the Petitioner's petition for a variance to Section 36-331 (1) of the Kendall County Code reducing the minimum width of a lot at the building from two hundred feet to forty feet.
4. 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 15th day of October, 2024.

Attest:



Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
Matt Kellogg



LEGAL DESCRIPTION OF TRACT TO BE REZONED:

That Part of the Southwest Quarter of Section 9, Township 37 North, Range 6 East of the Third Principal Meridian being described by commencing at the Southeast Corner of the Southwest Quarter of said Section 9; thence North 88°40'04" West along the South Line of said Section, a distance of 675.48 feet for the Point of Beginning; thence continuing Westerly along said South Line, a distance of 40.0 feet; thence North 01°36'42" East, a distance of 1355.98 feet; thence North 00°01'29" West, a distance of 60.02 feet; thence South 88°31'25" East, a distance of 13.98 feet; thence North 00°01'29" West, a distance of 794.0 feet; thence North 89°58'31" East, a distance of 50.0 feet; thence North 00°01'29" West, a distance of 442.80 feet to a point on the North Line of said Southwest Quarter of Section 9; thence South 88°50'05" East along said North Line, a distance of 387.82 feet to a point on the North Line of said Southwest Quarter being located 236.36 feet West of the Northeast Corner of said Southwest Quarter Section; thence South 00°18'25" West, a distance of 875.0 feet; thence South 89°41'35" East at right angles to the last described course, a distance of 30.0 feet; thence South 00°18'25" West, a distance of 423.05 feet; thence North 88°45'03" West, a distance of 434.30 feet; thence South 01°36'42" West, a distance of 1356.79 feet to the Point of Beginning, being situated in the Township of Little Rock, Kendall County, Illinois.

Subject to a 40-foot wide Permanent Easement for Ingress and Egress over and across that Part of the Southwest Quarter of Section 9, Township 37 North, Range 6 East of the Third Principal Meridian being described by commencing at the Southeast Corner of the Southwest Quarter of said Section 9; thence North 88°40'04" West along the South Line of said Section, a distance of 675.48 feet for the Point of Beginning; thence continuing Westerly along said South Line, a distance of 40.0 feet; thence North 01°36'42" East, a distance of 1355.98 feet; thence South 88°45'03" East, a distance of 40.0 feet; thence South 01°36'42" West, a distance of 1356.79 feet to the Point of Beginning, situated in the Township of Little Rock, Kendall County, Illinois.

Exhibit B

The Kendall County Zoning Board of Appeals held a public hearing on the Petition 24-21 on September 3, 2024. On the same date, the Kendall County Zoning Board of Appeals issued the following findings of fact and recommendation by a vote of seven (7) in favor and zero (0) in opposition.

FINDINGS OF FACT-MAP AMENDMENT

Existing uses of property within the general area of the property in question. **The surrounding properties are used for agricultural purposes and single-family residential purposes.**

The Zoning classification of property within the general area of the property in question. **The surrounding properties are zoned agricultural in the unincorporated area and in the City of Plano. There are also R-1, R-2, and R-3 zoned properties in the vicinity.**

The suitability of the property in question for the uses permitted under the existing zoning classification. **The property consists of marginal farmland and, due to its size, it is not eligible for residential uses 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.**

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **The subject property is classified as Countryside Residential on the Future Land Use Map and the R-1 Zoning District is consistent with this land classification.**

FINDINGS OF FACT-VARIANCE

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 property was part of a larger farm, which has been divided and a portion of this farm was annexed to the City of Plano, causing the flag shape of the lot.**

The conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **Other R-1 zoned properties that were parts of larger farms, whereby part of the larger farm was annexed to a municipality by a previous owner, could request a similar variance.**

The alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The difficulty was created by a previous owner when they divided the larger farm and annexed a portion of the larger farm to Plano.**

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. **Granting the variance would not be detrimental to the public or substantially injurious to other properties.**

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**

variance would not impair light or air on adjacent property, cause congestion, increase the danger of fire, or negatively impact property values.

RECOMMENDATION

Approval