

ORDINANCE NUMBER 2019- 10

**REVOKING A SPECIAL USE PERMIT FOR A DAY NURSERY SCHOOL GRANTED BY  
ORDINANCE 1972-15 ON THE PROPERTIES IDENTIFIED BY PARCEL IDENTIFICATION  
NUMBERS 02-16-228-012, 02-16-276-020, AND 02-16-276-022 IN BRISTOL TOWNSHIP**

*WHEREAS*, Section 13.08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

*WHEREAS*, Section 13.08.F of the Kendall County Zoning Ordinance permits the Kendall County Board to revoke special use permits if the special use has not been in operation for two continuous years and provides a procedure through which special use permits are revoked; and

*WHEREAS*, the properties which are the subject of this Ordinance has been, at all relevant times, and remains currently located within the R-3 One-Family Residential Zoning District and consists the properties identified by Parcel Identification Numbers 02-16-228-012, 02-16-276-020, and 02-16-276-022 in Bristol Township. The legal descriptions for the subject properties are 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*, Edwin and Diane Jago petitioned Kendall County in the manner required by law and the ordinance of Kendall County, Illinois for obtaining a special use permit for the operation of a day nursery school on their property located at 43 West Street in Bristol Township in 1972; and

*WHEREAS*, Carrie and Jude Vickery have owned the property identified by parcel identification number 02-16-228-012 since October 2015; and

*WHEREAS*, Brad, William, and Kay Phillips have owned the property identified by parcel identification number 02-16-276-020 since 2005; and

*WHEREAS*, Thomas and Karen Klatt have owned the property identified by parcel identification number 02-02-16-276-022 since 2010; and

*WHEREAS*, the Kendall County Board granted a special use permit through Ordinance 1972-15 at the subject property on July 11, 1972 for the operation of a day nursery school; and

*WHEREAS*, Condition #4 of Ordinance 1972-15 requires that the special use permit be subject to review every two years; and

*WHEREAS*, on December 10, 2018, the Kendall County Planning, Building and Zoning Committee voted to initiate the revocation of the special use permit for a day nursery school on the subject property and shall hereinafter be referred to as “Petitioner”; and

*WHEREAS*, following due and proper notice by publication in the Kendall County Record not less than fifteen days prior thereto, the Kendall County Zoning Board of Appeals conducted a public hearing on April 1, 2019, 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 special use permit revocation and zero members of the public testified in favor or in opposition; 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 revocation of the special use permit for a day nursery school at the subject property as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated April 1, 2019, 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 revocation of a special use permit for a day nursery school at the subject property; 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 revokes the special use permit for a day nursery school granted by Ordinance 1972-15.
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 the revocation of the special use permit granted by Ordinance 1972-15.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 7<sup>th</sup> day of May, 2019.

Attest:

  
Kendall County Clerk  
Debbie Gillette

  
Kendall County Board Chairman  
Scott R. Gryder

## Exhibit A

That part of the Northeast quarter of Section 16, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the Northwest corner of Lot 2 in Block 1 of Bristol Station: thence West along the North line extended 66 feet to the West line of a road; thence North along said West line 247 feet; thence West at right angles with said road 200 feet for the point of beginning; thence continuing Westerly on same course 150 feet; thence North at right angles to the last described course 123.5 feet; thence Easterly at right angles to the last described course 150 feet; thence Southerly 123.5 feet to the point of beginning, in the Township of Bristol, Kendall County, Illinois,

AND

That part of the Northeast quarter of Section 16, Township 37 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the point of intersection of the center line of West Street with the South line of Hunter Lane as established in Unit No. 1, Heatherfield Subdivision; thence South  $7^{\circ} 08' 19''$  West along said center line 150.0 feet; thence North  $82^{\circ} 51' 41''$  West 433.0 feet for the point of beginning; thence South  $82^{\circ} 51' 41''$  East 433.0 feet to the center line of West Street; thence South  $7^{\circ} 08' 19''$  West along said center line 81.0 feet; thence North  $82^{\circ} 51' 41''$  West 233.9 feet; thence South  $7^{\circ} 08' 19''$  West 78.0 feet; thence North  $82^{\circ} 41' 41''$  West 150.0 feet; thence South  $7^{\circ} 08' 19''$  West 370.5 feet; thence South  $82^{\circ} 51' 41''$  East 222.0 feet; thence South  $7^{\circ} 08' 19''$  West 649.24 feet to the Northerly right of way line of the Chicago, Burlington and Quincy Railroad Company; thence South  $74^{\circ} 29' 40''$  West along said Northerly line 294.72 feet to a point South  $7^{\circ} 08' 19''$  West from the point of beginning; thence North  $7^{\circ} 08' 19''$  East 1292.22 feet to the point of beginning, in the Township of Bristol, Kendall County, Illinois.

**Exhibit B**

**FINDINGS OF FACT**

*In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. Based on the information stated in Jude Vickery's email of December 10, 2018, the fact that no structures exist on the two parcels created from the original parcel, and the fact that no demolition permits were issued on the subject properties in the last two (2) years, the special use has been discontinued for a continuous period of two (2) years.*

**Based on the above finding, the Zoning Board of Appeals recommends revocation of the subject special use permit.**