

ORDINANCE # 2018- 12

REVOKING A SPECIAL USE for  
**A PLACE OF WORSHIP AT 4405 VAN DYKE ROAD AND THE PROPERTY  
IMMEDIATELY TO THE EAST OF 4405 VAN DYKE ROAD  
(PARCEL ID NUMBERS 09-05-400-021 AND 09-05-400-020) IN SEWARD TOWNSHIP**

WHEREAS, Southwest Community Church 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 place of worship on their property located at 4405 Van Dyke Road in Seward Township, identified by Parcel Identification Number 09-05-400-021; and

WHEREAS, said property is legally described the attached Exhibit "A"; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request as Ordinance 2008-11 on April 15, 2008; and

WHEREAS, Southwest Community Church petitioned Kendall County in the manner required by law and the ordinance of Kendall County, Illinois for amending a special use permit for the operation of a place of worship by converting the use of the existing house from a residence into an office on their property located at 4405 Van Dyke Road in Seward Township, identified by Parcel Identification Number 09-05-400-021; and

WHEREAS, the County Board of Kendall County, Illinois did grant the petitioner said request as Ordinance 2008-21 on June 3, 2008; and

WHEREAS, the property owned by Geraldine Declaration of Trust and identified by Parcel Identification Number 09-05-400-020 was incorrectly included with the special use permit awarded by Ordinance 2008-21; and

WHEREAS, Robert M. Eby is the President and Lead Pastor of Southwest Community Church and is authorized to make requests on behalf of Southwest Community Church; and

WHEREAS, Geraldine A. Mann is authorized to make requests on behalf of Geraldine Declaration of Trust; and

WHEREAS, Section 13.08.F of the Kendall County Zoning Ordinance allows a special use permit holder to request revocation of said special use by written request to the County Board; and

WHEREAS, pursuant to Section 13.08.F of the Kendall County Zoning Ordinance, no public hearing is required for an owner-initiated revocation; and

WHEREAS, Southwest Community Church, owner, no longer desire the special use permit and

have stated in a letter as provided in attached Exhibit "B" that they voluntarily request that Kendall County revoke the special use permit on the above-referenced property; and

WHEREAS, Geraldine Declaration of Trust, owner, no longer desire the special use permit and have stated in a letter as provided in attached Exhibit "C" that they voluntarily request that Kendall County revoke the special use permit on the above-referenced property; and

NOW, THEREFORE, BE IT ORDAINED, by the County Board of Kendall County, Illinois that the special use permit granted under Ordinance 2008-11 and amended by Ordinance 2008-21 be revoked as of the date of this Ordinance; and

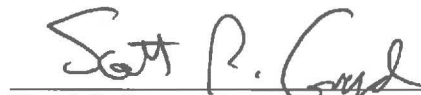
BE IT FURTHER ORDAINED, that the Zoning Administrator and other appropriate County officials are hereby authorized and directed to update the Official Zoning Map of Kendall County to reflect the revocation of the special use permit granted under Ordinance 2008-11 and amended by Ordinance 2008-21 on the subject property.

IN WITNESS OF, this Ordinance has been enacted by the Kendall County Board this 17<sup>th</sup> day of July, 2018.

Attest:



Kendall County Clerk  
Debbie Gillette



Kendall County Board Chairman  
Scott R. Gryder

EXHIBIT A

LEGAL DESCRIPTION:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER 829.94 FEET TO THE POINT OF BEGINNING; THENCE SOUTHERLY ALONG A LINE DRAWN PARALLEL WITH THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER, WHICH FORMS AN ANGLE OF 90 DEGREES 15 MINUTES 00 SECONDS WITH THE LAST DESCRIBED COURSE, MEASURED COUNTER-CLOCKWISE THEREFROM, 1214.38 FEET TO THE CENTER LINE OF VAN DYKE ROAD; THENCE EASTERLY ALONG SAID CENTER LINE 501.65 FEET TO SAID EAST LINE; THENCE NORTHERLY ALONG THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER 1231.69 FEET TO THE NORTHEAST CORNER OF SAID WEST HALF; THENCE WESTERLY ALONG SAID NORTH LINE, 501.33 FEET TO THE POINT OF BEGINNING, IN SHERARD TOWNSHIP, KENDALL COUNTY, ILLINOIS.

Exhibit B

# Southwest Community Church

901 Shorewood Dr., Shorewood, IL 60404

815-475-4680

staff@southwestonline.org

June 20, 2018

Kendall County  
Planning, Building and Zoning  
Attn: Matthew H. Asselmeier  
111 West Fox Street Room 203  
Yorkville, IL 60560-1498  
Phone: 630-553-4139 Fax: 630.553.4179

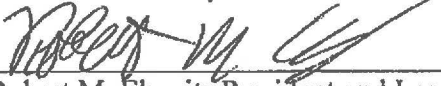
I, Robert M. Eby, am the President and Lead Pastor of the Southwest Community Church of the Assemblies of God ("Church"), owner at 4405 Van Dyke Road, Minooka, IL 60447. In this capacity, I am authorized to make the request in this letter on behalf of the Church.

On April 15, 2008, the property was granted a special use (Ordinance 2008-11). The special use granted in 2008 was granted for the operation of a church. The special use permit was amended on June 3, 2008 (Ordinance 2008-21) by allowing the house to be used as an office.

Pursuant to Section 13.08.F of the Kendall County Zoning Ordinance, I hereby voluntarily request on behalf of the Church that Kendall County revoke the Church's special use permits on the above-referenced property. By signing below, I acknowledge that no public hearing shall be conducted for revocation of the special use permits. I understand that the requested revocation shall not become effective unless and until approved by a majority vote of the Kendall County Board. By signing below, I hereby waive my right and the Church's right to a public hearing and formally request the above-referenced special use be removed from the Church's property.

Dated: June 20, 2018

Southwest Community Church of the Assemblies of God

By:   
Robert M. Eby, its President and Lead Pastor

Attest:  06/25/2018  
Notary Public Date



# Exhibit C

06-21-2018

Kendall County Planning, Building and Zoning  
Attn: **Matthew H. Asselmeier**  
111 West Fox Street, Room 203  
Yorkville, IL 60560-1498

Phone: 630/553-4139 Fax: 630/553-4179

Re: Parcel Number 09-05-400-020

To Whom it May Concern:

I, Geraldine A. Mann, represent the Geraldine Declaration of Trust, owner of the property on the north side of Van Dyke Road between 4405 and 4295 Van Dyke Road, Minooka, Illinois, and identified by Parcel Number 09-05-400-020.

On June 18, 2018 I received a letter dated June 15, 2018 from Matthew Asselmeier advising me that I owned a property in Kendall County that possessed a special use permit. I followed up with an email on that same day, asking for more details, and received a response identifying the above captioned property as the one possessing a special use permit.

According to the information provided in Mr. Asselmeier's response, the property was granted a special use (Ordinance 2008-11) on April 15, 2008 for the operation of a church. I also learned that this special use permit was amended on June 3, 2008 (Ordinance 2008-21) by allowing the house to be used as an office.

It would appear that my property was mistakenly included in a request made by Southwest Community Church who purchased 5.72 acres which adjoins my 16+- acres. Furthermore, I have no recollection of giving anyone permission to make such a request on my behalf. Also, it is important to note that I have been paying property taxes on this property since the date the special use(operation of a church) was granted.

In short, I hereby request that a correction be made in the Kendall County Zoning records, showing that the above captioned property should not have been classified under a special use permit.

*Geraldine A. Mann, Trustee*

Geraldine A. Mann, Trustee, Geraldine A.

Mann Declaration of Trust

Attest:

*Vickie D. Wayne*  
Notary Public

