

ORDINANCE 2006 - 28
STORMWATER MANAGEMENT VARIANCE
EQUESTRIAN ESTATES AT LEGACY FARMS
52.59 ACRES LOCATED AT THE SOUTHWEST CORNER OF ASHE ROAD
AND BASELINE ROAD [EXTENDED]
LITTLE ROCK AND BRISTOL TOWNSHIPS

WHEREAS, Legacy Farm, LLC petitioned the Planning, Building and Zoning Committee for approval of a proposed sixteen (16) lot Residential Planned Development and Subdivision plat; and

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

WHEREAS, the Committee reviewed the request at its meeting on February 14, 2006; and

WHEREAS, the Committee, after reviewing the request recommended approval; and

WHEREAS, the County's Consulting Engineer Strand Associates, Inc. has reviewed and recommended approval of the final engineering for the project; and

WHEREAS, the plans submitted include usage of underground stormwater pipes with direct release into a small retention basin, and subsequently into a wetland; and

WHEREAS, Section 405.0 of the County's Stormwater Management Ordinance requires a level of depressional storage to provide a stormwater management system for this development; and

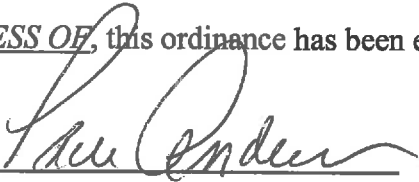
WHEREAS, the developer is seeking a variance from this provision to allow for the construction of underground stormwater pipes with direct release into a retention basin with subsequent release into the adjoining wetland; and

WHEREAS, the Zoning Administrator has evaluated the standards for a stormwater variation, under Section 605.0.3 (a-d) and determined that:

- a) Due to the particular physical surroundings, shape or topographic conditions of the specific property involved a particular hardship to the owner would result as distinguished from a mere inconvenience if the strict letter of the regulations were carried out; and
- b) The conditions on which the request for variance is based are unique to the property for which the variation is sought and are not applicable, generally, to other property and have not been caused by any person having an interest in the property; and
- c) The purpose of the variation is not based upon economic hardship; and
- d) The granting of the variation will not be detrimental to the public, health, safety or welfare, or injurious to other property or improvements in the locale in which the property is located.

NOW, THEREFORE, BE IT ORDAINED, the Kendall County Board hereby approves a variation to allow for the construction of underground stormwater pipes with direct release into a retention basin with subsequent release into the adjoining wetland as indicated on the Final Plat of Equestrian Estates at Legacy Farm as depicted on "Exhibit B" attached hereto and made a part hereof.

IN WITNESS OF, this ordinance has been enacted on February 21, 2006.



Attest:



John A. Church
Kendall County Board Chairman

Paul Anderson
Kendall County Clerk