

**ORDINANCE 2001 - 36**  
Approving a Rezoning A-1 to R-3  
**COOK**

WHEREAS, C. Joe and Sandra Cook petitioned Kendall County for a zoning map amendment from A-1 to R-3 Single Family Residential;

WHEREAS, said petition pertains to one tract of land 1.598 acres in size located on Country Road in Oswego Township; and

WHEREAS, said parcel is legally described as Lot 14, Farm Colony Subdivision, Unit 2, Oswego Township, Kendall County, Illinois; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact, and a recommendation by the Zoning Board of Appeals; and

WHEREAS, said recommendation was a denied recommendation for approval; and

WHEREAS, a legal objection was filed with the County on May 12, 2000 by an adjacent owner which would require a supermajority vote to approve of the rezoning by the County Board; and

WHEREAS, on May 16, 2000, the County Board voted 6-3 in favor of the petition, which was less than the eight (8) affirmative votes required to override the supermajority requirement therefore denying the rezoning; and

WHEREAS, on June 21, 2000, the petitioner filed suit against the County claiming that the legal objection was not valid as it did not contain all property owners on the adjacent property, and


WHEREAS, an order was entered by Judge Wojtecki on October 11, 2001 by order 00 MR 29 voiding the legal objection, thus allowing the original simple majority vote of the County Board to stand.

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby approves a zoning map amendment from A-1 to R-3 on the tract of land located and legally described as Lot 14, Farm Colony Subdivision, Unit 2, Oswego Township, Kendall County, Illinois.

IN WITNESS OF, this ordinance has been enacted on November 20, 2001.

  
\_\_\_\_\_  
John A. Church  
Kendall County Board Chairman

Attest:

  
\_\_\_\_\_  
Paul Anderson  
Kendall County Clerk

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FILED IN OPEN COURT  
OCT 11 2001  
SHIRLEY R. LEE  
Circuit Clerk, Kendall Co.

CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT  
KENDALL COUNTY, ILLINOIS

GEN. NO. 00 MR 29  
 JURY  NON-JURY

C. Joe Cook and  
Sandra Cook

vs.

County of Kendall

PLAINTIFF(S)

DEFENDANT(S)

JUDGE <u>Wojtecki</u>	COURT REPORTER	PLTF. ATTY. <u>Roa</u> ✓
DEPUTY CLERK	A copy of this order <input type="checkbox"/> should be sent to: <input type="checkbox"/> has been sent to:	CHECK IF PRESENT DEFT. ATTY. <u>SAO</u> ✓

ORDER

This matter coming before for oral argument of all pending matters, the parties agreeing as to the facts. The Court finds that the plain meaning of the Kendall County Zoning Ordinance that the owners (plural) of property must sign objections to rezoning requests requires that all the owners must sign an objection for it to be lawful. That the objection in this matter was not signed by all of the owners of the adjoining property and as such did not comply with the requirements of Section 1300.6(2) of the Kendall County Zoning Ordinance, and as such is not a lawful objection. Therefore IT IS ORDERED:

1) The plaintiffs motion to Reconsider is GRANTED, the 3/22/01 order of this Court is VACATED in its entirety.

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FILED IN OPEN COURT  
OCT 11 2001  
SHIRLEY R. LEE  
Circuit Clerk Kendall Co.

CIRCUIT COURT FOR THE SIXTEENTH JUDICIAL CIRCUIT  
KENDALL COUNTY, ILLINOIS

GEN. NO. 00 MR 24

JURY  NON-JURY


C. Joe Cook and  
Sandra Cook

VS.

County of Kendall

PLAINTIFF(S)

DEFENDANT(S)

JUDGE <u>Wojtecki</u>	COURT REPORTER	PLTF. ATTY. <u>Ree</u> ✓
DEPUTY CLERK	A copy of this order <input type="checkbox"/> should be sent to: <input type="checkbox"/> has been sent to:	CHECK IF PRESENT DEFT. ATTY. <u>SPO</u> 

ORDER


2) The plaintiffs Motion For Summary Judgment is  
**GRANTED**

3) The "objection" submitted to the Kendall County Board  
by Gregory Neumann dated 5/8/00 is not a valid written  
protest in compliance with § 13.00 6(2) of The Kendall  
County Zoning Ordinance

4) The County Board's vote on the plaintiffs Petition For Variance  
to rezone the subject property from A-1 to R-3 on 5/16/00 which  
was cast 6 to 3 in favor of the plaintiffs petition stands and  
said petition for variance shall be declared granted by the  
Kendall Board.

6) The Kendall County Board is directed to process all necessary documents  
to process said vote in favor of plaintiffs underlying petition.

enter 10/11/01

  
JUDGE