

Zoning Petition No. 4692

SureGreen Landscape Supply & Firewood Unlimited Rezoning

Zoning Board of Appeals Meeting
September 29, 2026 at 7:00pm

Kane County Board District – 09 Jennifer Abbatacola



KANE COUNTY, ILLINOIS

ESTABLISHED JANUARY 16, 1836

Petition Summary

Applicant

J.A.X.S. CORPORATION dba Sure Green Landscape Supply & Firewood Unlimited (**Scott Milison**)

Property Owner

LAZAR, JOSEPH, EPHREM, JONE, EDWAR & ISSA

Action Requested

Rezoning from F-Farming District to F-2 Agricultural Related Sales, Service, Processing, Warehouse and Marketing District with a Special Use to allow for the establishment of a Landscape Business.

Subject Property

39W330 BIG TIMBER RD, in Rutland Township, unincorporated Kane County, Illinois (PIN: 02-35-200-012)

County Board District

09 Jennifer Abbatacola

Notice

The public hearing for this Petition was scheduled for September 29, 2026. All required public notice was posted in accordance with Kane County codes and Illinois State Statutes.

Notice of this Petition was also sent to Kane County staff, Kane County Forest Preserve, Rutland Township and Highway Commissioner, KDOT, School District 300, and the Rutland-Dundee Fire Protection District, as well as the Village of Gilberts and City of Elgin.

Application Documents

All received application documents for the Petition are available for review on the [Zoning Petitions](#) page of the Kane County Website.

[4692 01 Kane County Zoning Application signed Redacted.pdf](#)

[4692 02 Standards of a Special Use Responses signed.pdf](#)

[4692 03 Project Narrative v2.pdf](#)

[4692 04A Property Ownership-Legal Control Letter.pdf](#)

[4692 04B Warranty Deed.pdf](#)

[4692 05 Plat of Survey \(39W330 Big Timber\).pdf](#)

[4692 06 Noise Analysis.pdf](#)

[4692 12 Site Plan-Concept Engineering Plan \(04-24-2026\).pdf](#)

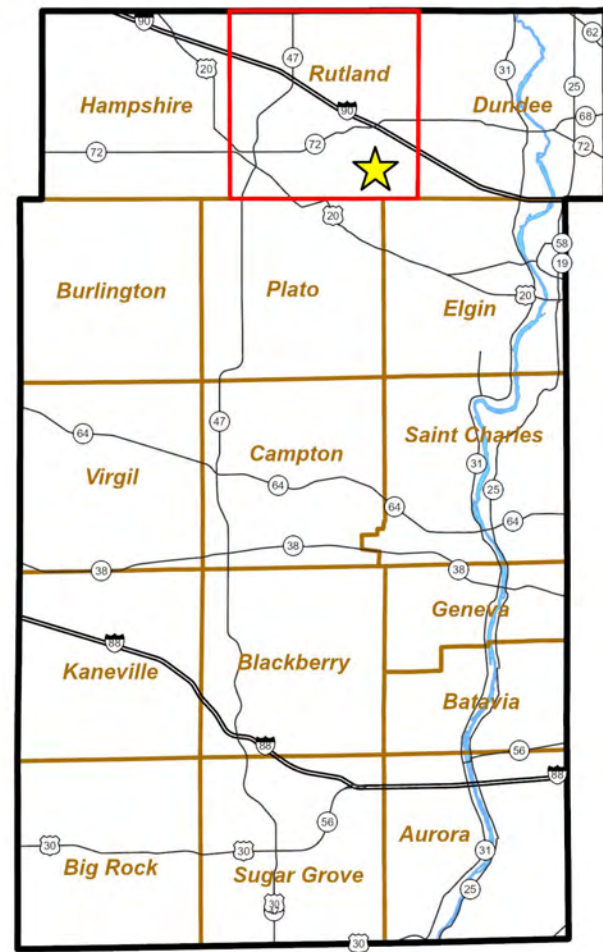
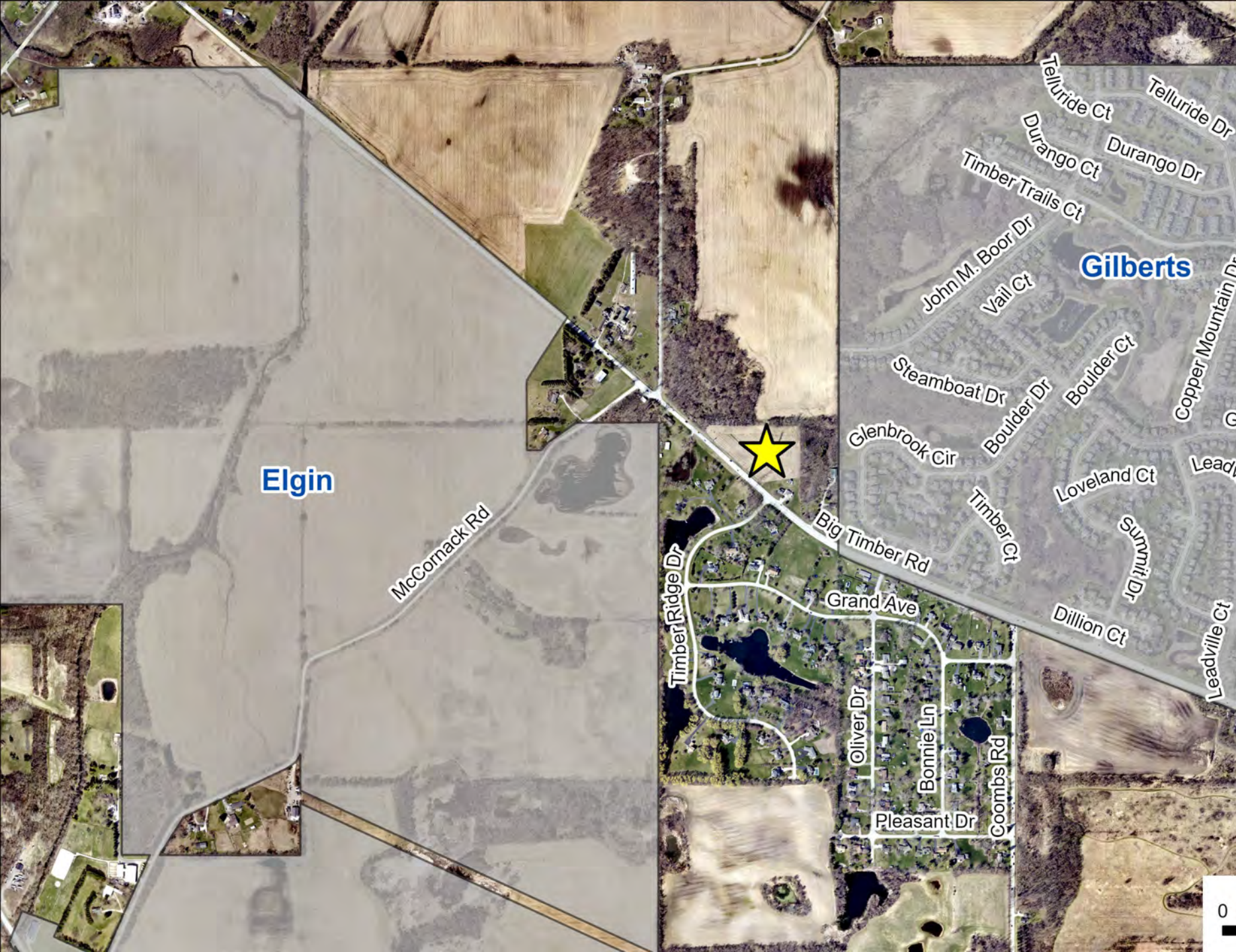
[4692 13 Building Floor Plans.pdf](#)

[4692 14 Landscape and Screening Plan.pdf](#)

[4692 15 Photometric Plan.pdf](#)

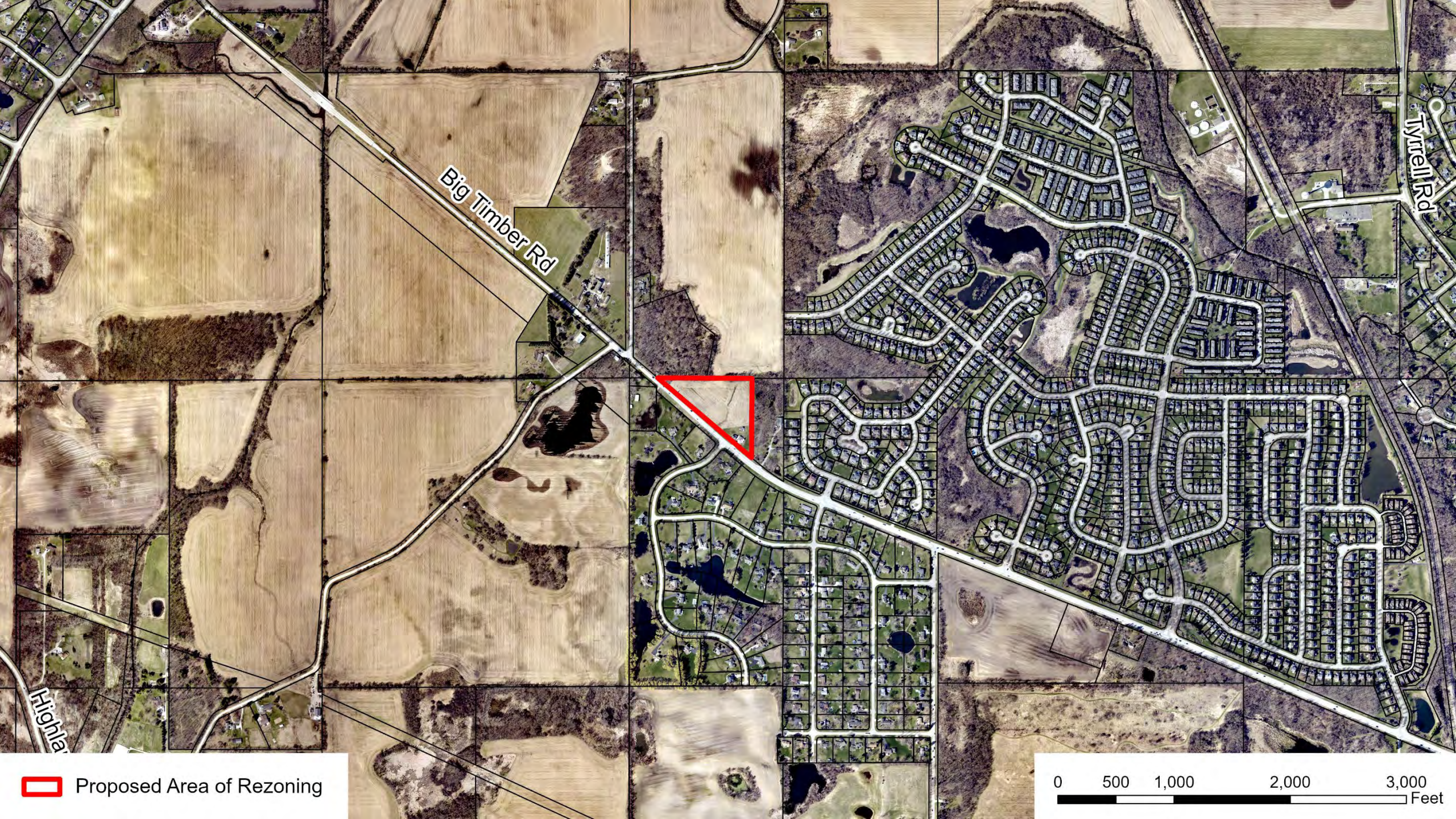
[4692 16 EcoCAT Letter \(01-13-2026\).pdf](#)

[4692 17 NRI 26-005 No Report Letter \(01-15-2026\).pdf](#)



Rutland Township





Big Timber Rd

Tyrell Rd

Highway 1

 Proposed Area of Rezoning

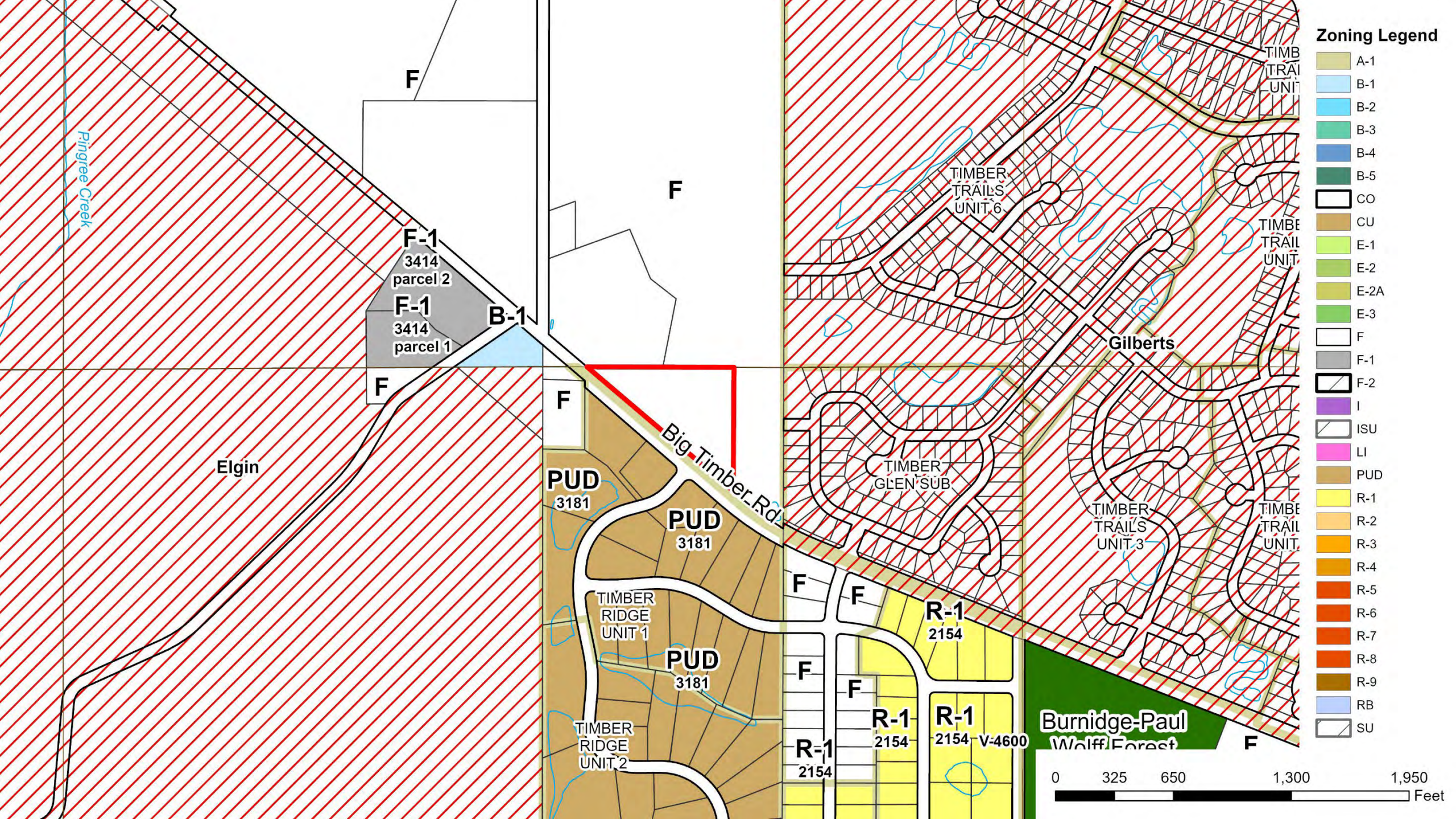




Big Timber Rd

 Proposed Area of Rezoning

0 205 410 820 1,230 Feet



2040 Conceptual Land Use Strategy

39W330 Big Timber Road - Rutland Twp. – Petition #4692

Land Use Strategy Area: **Proposed Open Space in the Critical Growth Area / Rt. 47 Corridor**

Core Themes

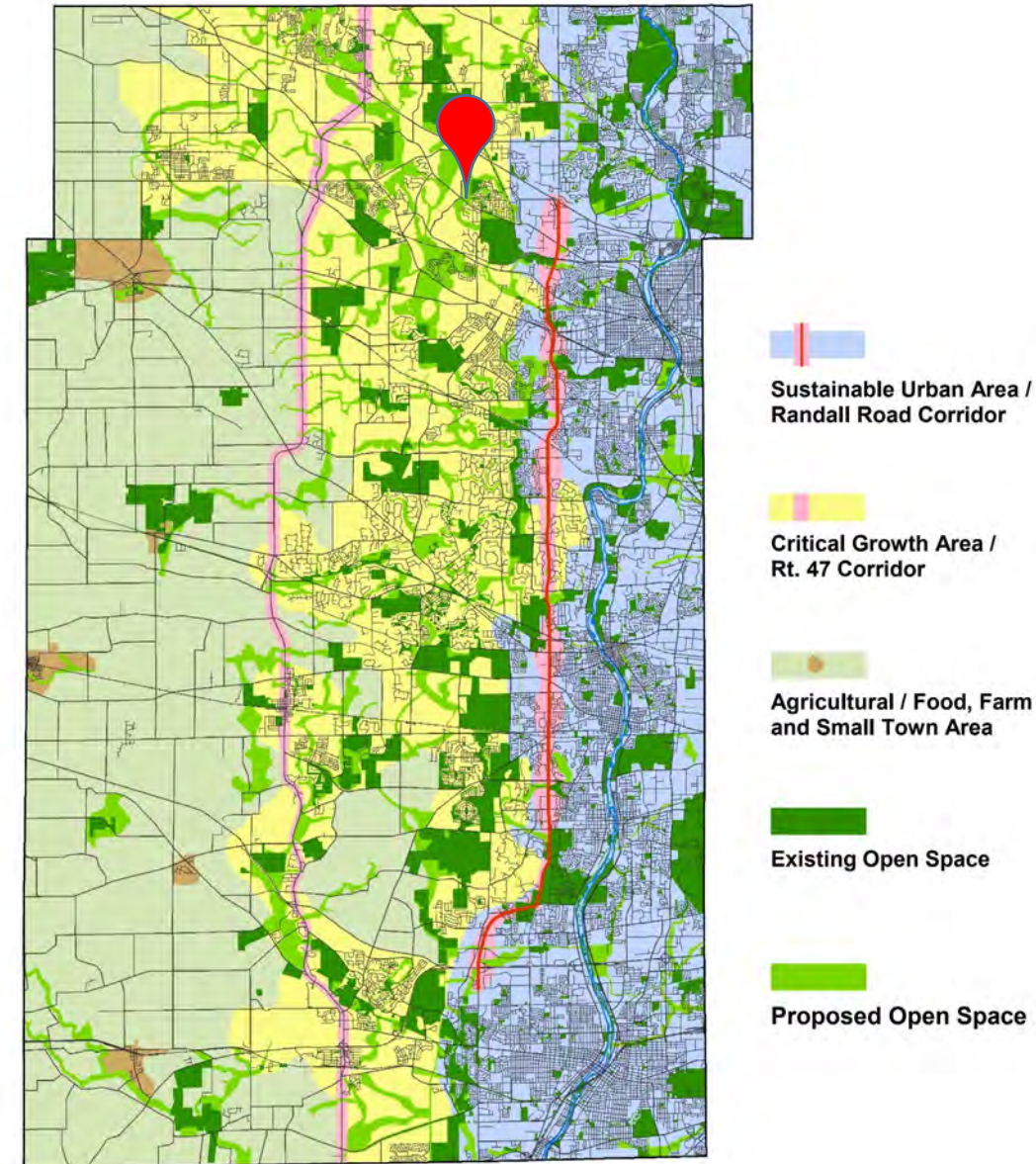
1. The Critical Growth Area continues to be where Kane County and the fast growing municipalities of the past two decades face the greatest challenges to sensible, managed growth
2. The Critical Growth Area is characterized by diversity and mix of planned municipal development, expanded transportation opportunities, additional open space initiatives, natural resource driven decision-making and healthy living

The Conceptual Land Use Strategy Map:

A general land use map that divides the county into 3 major geographic corridors, each with unique land resources, development patterns, and planning opportunities.

2040 CONCEPTUAL LAND USE STRATEGY MAP

Adopted October 12, 2010



2040 Land Use Analysis

39W330 Big Timber Road, Rutland Twp. – Petition #4692

2040 Planned Use: **Open Space**

Characteristics of Areas Planned for Open Space

- Includes existing public open space (generally publicly owned by municipalities, townships, park districts, the Forest Preserve District, and other public bodies) as well as areas proposed for future public or private open space and green infrastructure uses.
- Forms part of the County's interconnected green infrastructure network — woodlands, wetlands, trails, and parks — that protects natural resources, supports wildlife habitat, and provides flood and stormwater control.
- Provides recreational opportunities and functional linkages connecting hubs of open space, such as forest preserves and natural areas.

2040 Plan Priority for Open Space Areas:

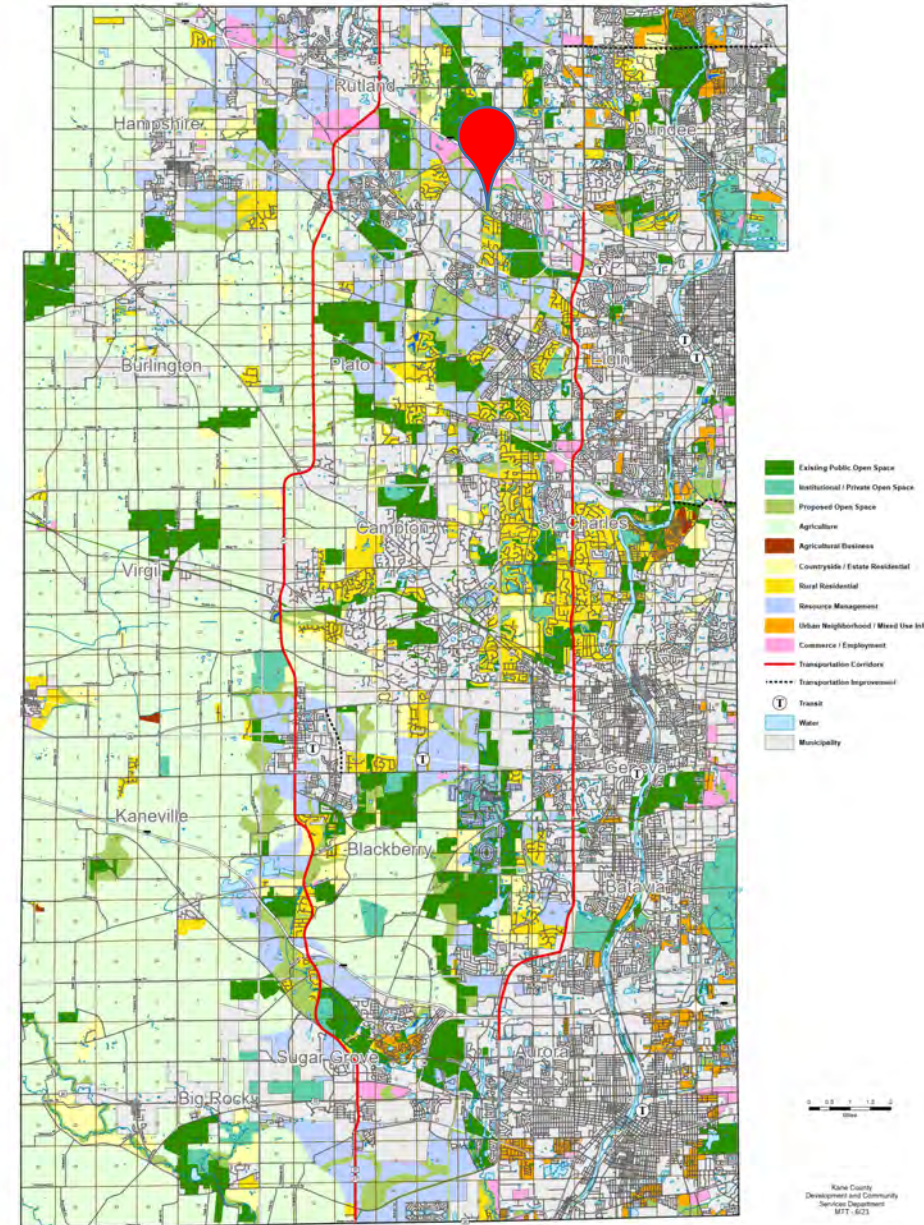
Kane County's goal is that by 2040, at least 50% of the land in the County should remain in farmland and open space uses.

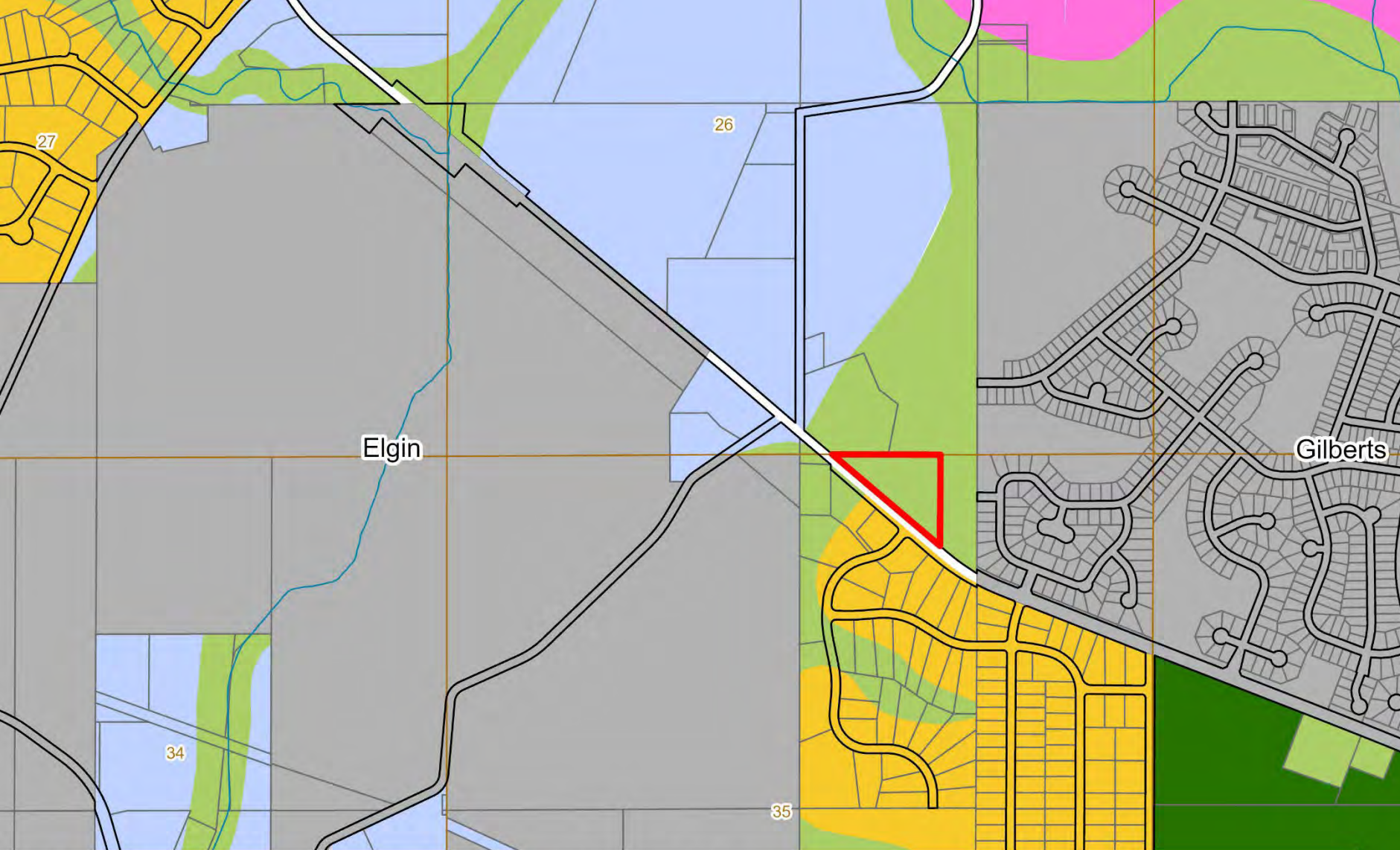
Existing vs. Proposed Open Space:

Existing Public Open Space: Property generally over 10 acres, publicly owned by municipalities, townships, park districts, the Forest Preserve District, or other public bodies.

Proposed Open Space: Areas recommended for future public or private open space and green infrastructure, including important linkages such as wetlands and wildlife habitat connections.

2040 LAND USE





2040 Land Use

- Agricultural Business
- Agriculture
- Commerce / Employment
- Countryside / Estate Residential

Proposed Area of Rezoning

- Proposed Open Space
- Resource Management
- Existing Public Open Space
- Institutional / Private Open Space

- Rural Residential
- Urban Neighborhood / Mixed Use Infill
- Water
- Municipalities

Analysis

- The subject property is designated Proposed Open Space on the Kane County 2040 Land Use Map, a category intended to preserve open space and green infrastructure such as wetlands, stream corridors, and wildlife habitat. Although the category does not specifically address business uses, staff considers the proposed agriculturally related operation compatible with the designation given its limited scale. Roughly one-half acre of the site would be developed for material storage, while the remainder would continue in agricultural use and the existing wetland would remain undisturbed. This is consistent with the 2040 Plan's support for agriculture and related businesses and with other F-2 and business-zoned properties located within Proposed Open Space areas.
- This parcel falls within the Village of Gilberts' planning area jurisdiction. The Village's Future Land Use Map identifies the parcel as planned for Single-Family Detached.

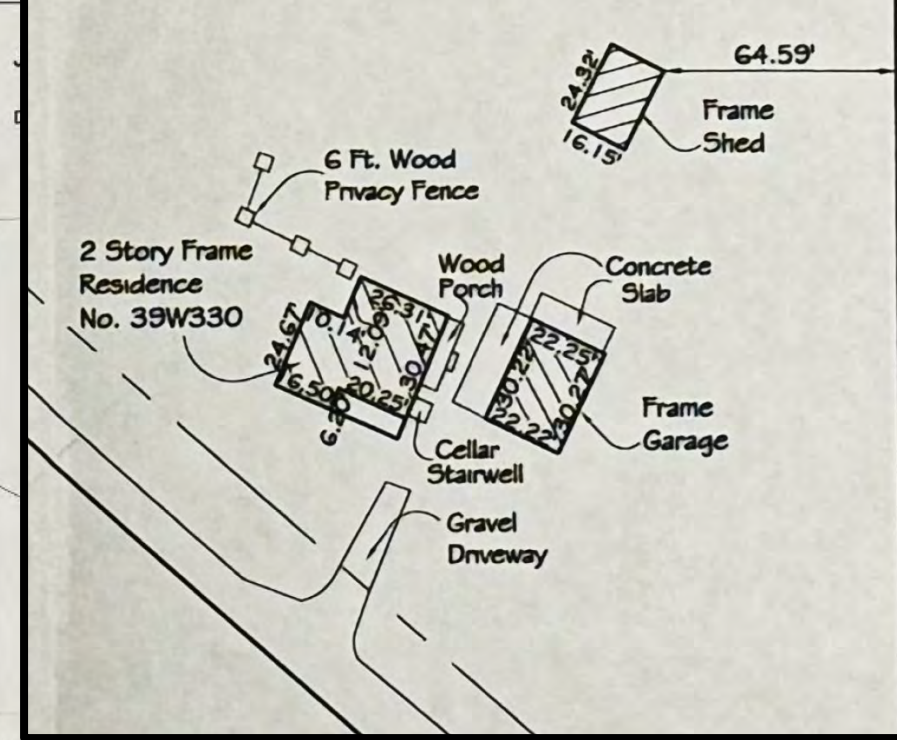
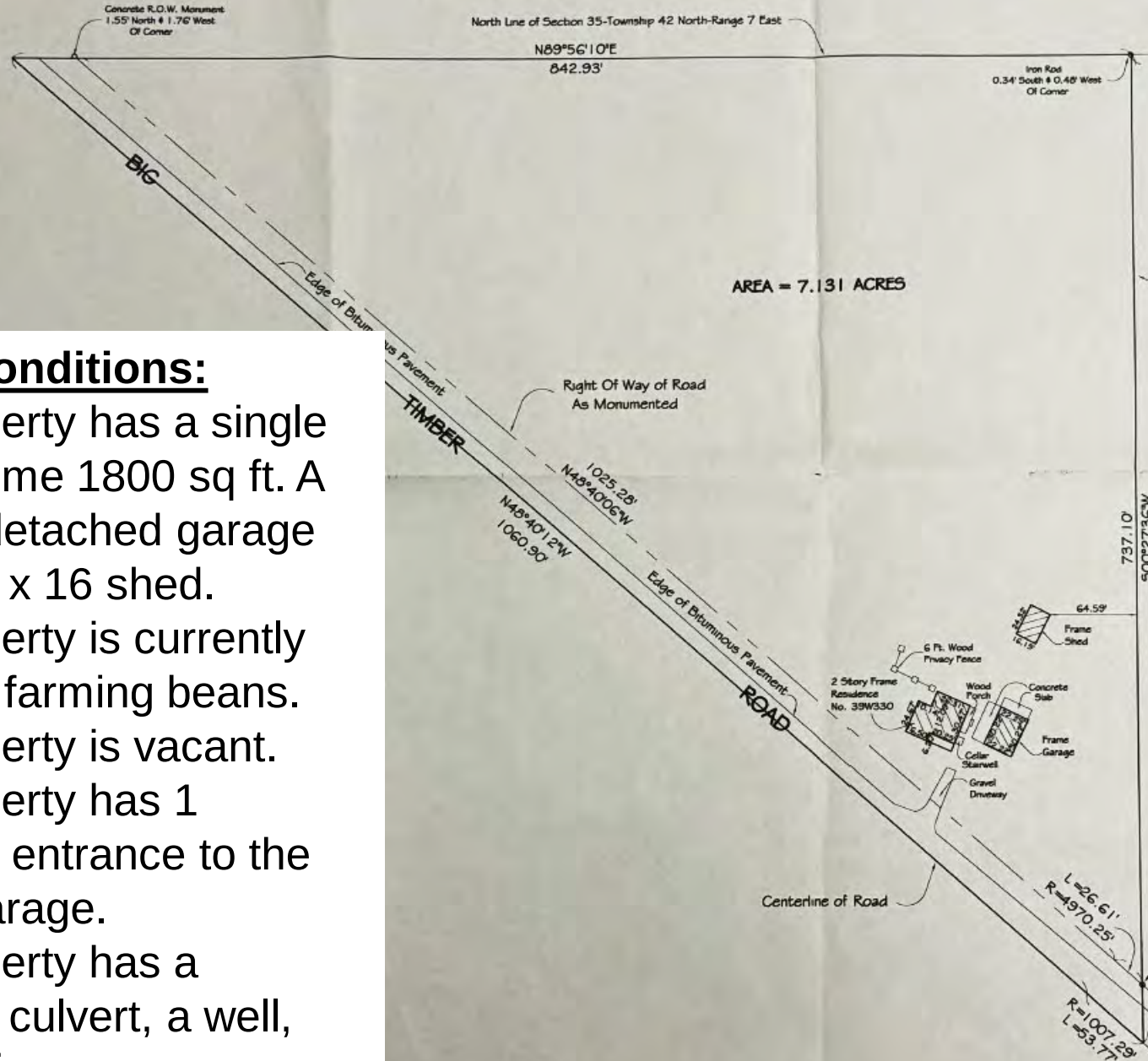
0 500 1,000 2,000 3,000 Feet



LEGAL DESCRIPTION

That part of the West Half of the Northeast 1/4 of Section 35, Township 42 North, Range 7 East of the Third Principal Meridian, lying Northerly of the Center Line of Big Timber Road (Except the East 200.00 feet), in the Township of Rutland, Kane County, Illinois.

PLAT OF SURVEY



Existing Conditions:

- The property has a single family home 1800 sq ft. A two car detached garage and a 10 x 16 shed.
- The property is currently growing/ farming beans.
- The property is vacant.
- The property has 1 driveway entrance to the house/garage.
- The property has a drainage culvert, a well, and septic.

STATE OF ILLINOIS
COUNTY OF KANE
35. August 14, 2009.
This Professional Service conforms to the current Illinois Minimum Standards of Practice applicable to Boundary Surveys.
The location and/or existence of utility service lines to the property surveyed are not shown.
This is to certify that I have surveyed the above described property according to the Official Record, and the above correctly represents said survey.
by *John D. Reilly*
Illinois Professional Land Surveyor No. 2429
(License Expires November 30, 2010)

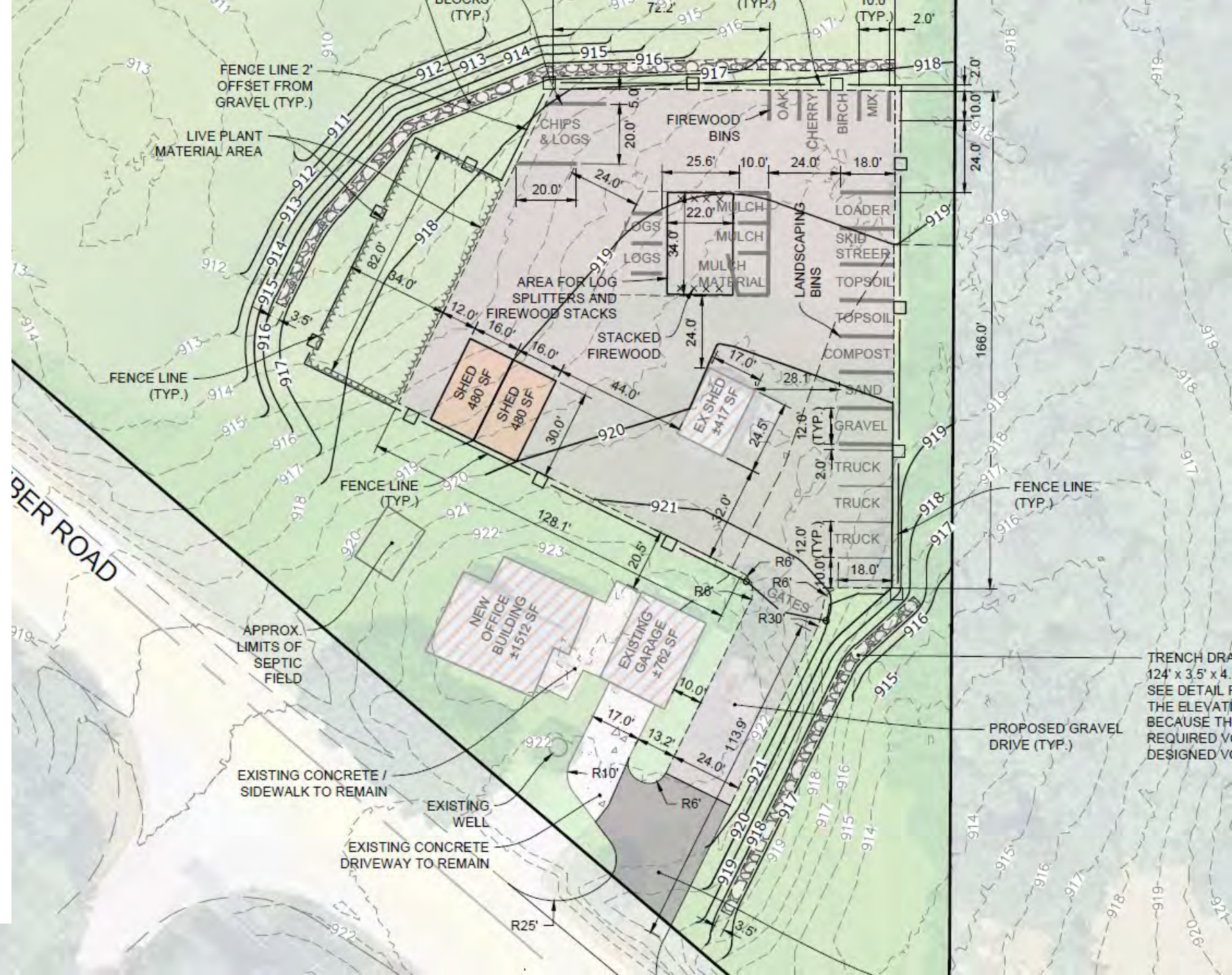


DMD-67-071-02721.WP.H I:\77MTR\WTRM\TR - PROJ-1-071\TR6\02721\52001A\7 - M4 RC 27.0777/47/4



Proposed Improvements:

- Future out building/barn 20x20.
- Remodeling existing house for office space.
- New wider driveway entrance that will allow for access to the back of property where operations would be performed. Building a wider driveway will allow for easier access.
- Parking and pick up by customers will be done in the designated parking and pick up.
- The outdoor storage will use concrete blocks to make bins to store materials. New wood fencing will be built to buffer the property from the street, along with new trees, bushes and landscape.
- There will be no new lighting plans for the property.
- There will be no sign.
- The site plan has engineered stormwater facilities for drainage.
- There is no irrigation system on property.



Project Narrative: Operational Information

- **Hours and days of operation:**
 - Monday - Friday 7:00 am - 4:00 pm
 - Saturday 7:00 am - 12:00 pm
 - Closed Holidays
- Sure Green has **three (3) full time employees and one (1) part time employee.**
- They average **one to five customers/contractors visiting the yard on a normal operational day.**
- **Deliveries / Truck Traffic:**
 - Two trucks will make daily deliveries of our materials with a frequency of anywhere from one to five deliveries a day for each of the two delivery trucks.
 - Incoming truck traffic on a normal operational day could be anywhere from one to five visitors. Delivery traffic is time managed by scheduled times.
- **Equipment and machinery used on site:**
 - A wheel loader for loading and moving materials.
 - One skid steer loader for handling logs and loading materials.
 - Two wood splitters for firewood processing.
 - Chainsaws are used for cutting logs and firewood
 - Tg 400 tub grinder is used for grinding up logs, bushes, tree chips and processing it into mulch. This is not used daily.
- **Materials will be stored onsite, outside, in concrete bins.**
 - Materials to be stored: firewood, mulch, topsoil, mushroom compost, garden soil, sand, gravel, logs and tree chips.

Project Narrative: Operational Information

- **Indoor activities and daily tasks** will be the following:
 - Taking customer phone orders, responding to emails, and other clerical duties such as scheduling deliveries both inbound and outbound.
- **Outdoor activities and daily tasks:**
 - A limited number of contractors bring us logs, brush, and tree chips. We sort those materials for processing.
 - Logs are cut and split and sorted for firewood.
 - Trucks will be loaded daily for deliveries.
- **Seasonal:**
 - During the fall and winter seasons we mainly sell firewood. Other landscape materials are typically available during the spring, summer, and fall months.
 - The truck traffic reduces during the fall and winter due to climate. Many contractors are seasonal. Due to the climate, we are limited to the time we spend outside for firewood cutting, splitting, and processing.

Project Narrative: Future Expansion Plans

- Future out building/barn within the county permitted guidelines.
- There are no immediate plans for expanding current operations.
- Number of employees would increase with demand.
- Scheduled delivery times will be used to help control and maintain traffic both inbound and outbound of property.
- There are no immediate plans or need for expanding any additional outdoor storage.
- There is no agritourism activities or additional business components on property.

Project Narrative: Agricultural Operations

- Land is currently leased and would continue to lease to the same local farmer.
- There is an estimated five (5+) or more acres currently growing beans.
- The local farmer that leases the acres for farming handles the planting and harvesting with his own equipment.
- There is a plan for a small footprint of nursery stock, there is no livestock, but other agricultural products on site will be firewood and mulch.
- There is no irrigation system.
- The local farmer that handles the planting of crops is responsible for the cultivation and turning of soil with their own equipment.
- Unknown use of pesticides, fertilizer, or herbicides. The local farmer would handle this. Unknown production quantities. The local farmer handles this information. Unknown how products are sold. The local farmer handles all sales of crops grown.

Project Narrative: Storage & Accessory Uses

- Outdoor parking for trucks and equipment.
- The contractor yard stores materials and equipment.
- Materials will only be housed outside.
- Concrete blocks will be used to create bins to store materials outside.
- There will be no chemicals on site.
- Fuel will be stored in approved tanks with a barrier around it.
- There will be no fertilizers stored on site.
- There will be mulch, soil, and aggregates stored in concrete bins.
- The principal agricultural operation is farming the land for crops.
- The agriculturally related uses are growing trees, bushes and flowers for landscape jobs.

Project Narrative: Environmental and Compatibility Considerations

- The proposed site has **engineered plans addressing drainage and runoff.**
- The yard will have a **dedicated loading area** and the **daily necessary cleaning of the road way** and a water hose to keep dust down.
- Daily control and **monitoring of piles of materials** and their sizes to keep odor down.
- The property has a **natural tree line around it that will help as a noise buffer.**
- There is **no plan for any commercial lighting.**
- There is a **single driveway entrance** to the property and it has a **clear view** of entering and exiting the property onto the street.
- There will be a private **company hired for removal of waste.**
- The plan shows some fencing, new trees, evergreen trees with landscape to screen and buffer the material yard.
- The improvement to the property along with incorporating landscape will make it compatible with the nearby neighbors and property owners.
- The property will continue to be farmed for crops.
- Neighbors and the community will notice a well cared for property that is clean and maintained by an owner who is very considerate of their surrounding areas and impact on the environment.

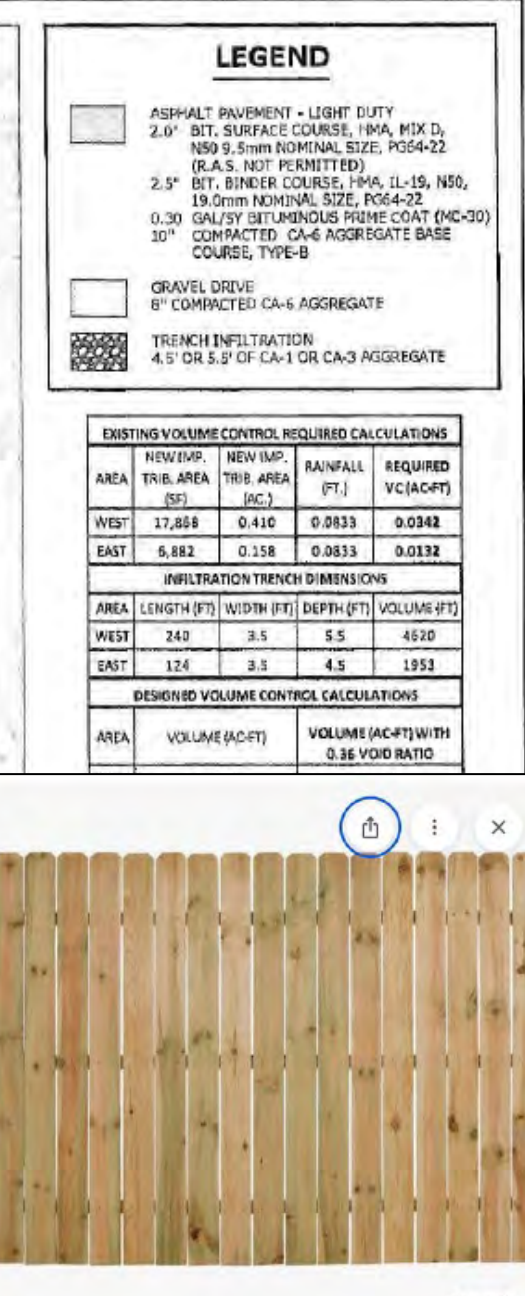
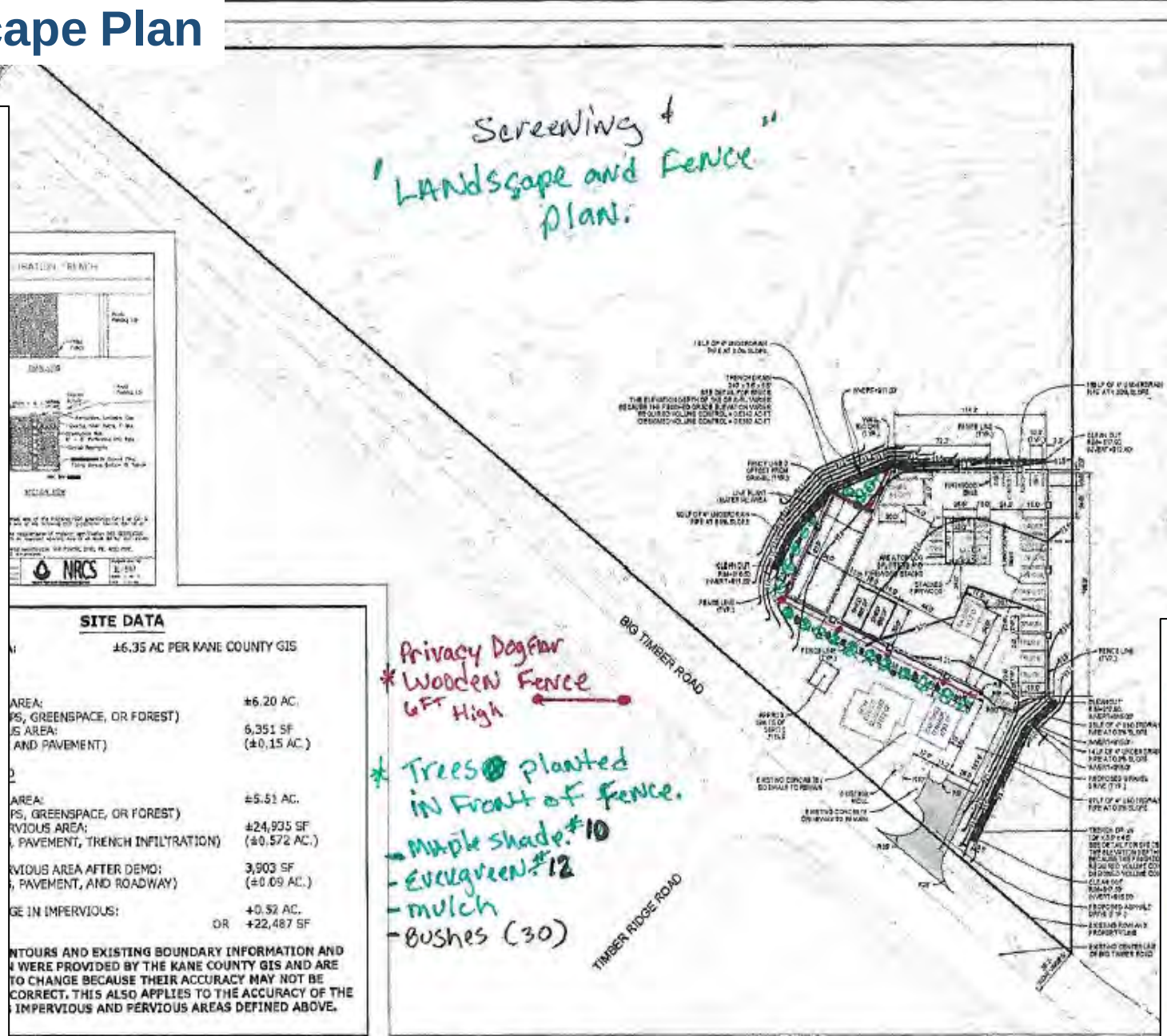
Project Narrative: Water Supply and Wastewater Disposal

- The property has a private well and private septic and both will remain.
- There will be no commercial kitchen on site.
- There will be no public restrooms.
- Employee facilities have a bathroom with a sink for handwashing.
- There is no irrigation system.
- This will not be used as an event facility.
- There will be no food processing activities, no agricultural washing, or processing operations

Proposed Landscape Plan

Screening and landscape plan details:

- The new **6ft high wooden privacy fence** is indicated in red ink on the engineering plan with it outlining the new proposed yard.
- Install **(12) new Evergreen trees** and **(10) new shade trees** planted in front of fence and is indicated in green ink on the plan.
- Installation of **(30) new bushes** planted between trees along the fence line and install new mulch.



REVIEW COMMENTS

MUNICIPALITIES

- **Village of Gilberts (09/14/2026)**

“Based on the application and material, the proposed rezoning ***is not consistent with the Village of Gilberts' Comprehensive Plan***. The Village's Comprehensive Plan contemplates this property to remain as ***residential with detached single-family uses***. A copy of that plan can be found online here: <https://www.villageofgilberts.com/index.php?m=152&s=335>

- **City of Elgin (09/01/2026)**

“***No objections to the proposed*** application from Elgin. And no requests for conditions on the approval, if the county board is so inclined.”

FOREST PRESERVE

No comments received.

SCHOOL DISTRICT

No comments received.

REVIEW COMMENTS

ENVIRONMENTAL HEALTH

Health Department would require a review of the building permit to ensure the septic will accommodate the additional use. This will require the owner to provide design details of the existing septic system. (Colleen Nyland 09/11/2026)

TRANSPORTATION

The Petitioner shall obtain a temporary and final access permit from the Kane County Division of Transportation (KDOT). Access throat length to be revised from the site plan in petition. No future structures or plantings shall be placed in the that future ROW. (Doris Hohertz 6/29/26)

FIRE PROTECTION DISTRICT

Currently, the Rutland-Dundee Fire Protection District does not have any concerns regarding the property. (Lt. Curtis Kramer, Fire Marshal – Rutland-Dundee Fire Protection District 09/12/2026)

REVIEW COMMENTS

WATER RESOURCES

The site contains impervious area that was constructed prior to 2002 and the adoption of the Kane County Stormwater Ordinance.

The new impervious area proposed is under the threshold for stormwater detention but will require an infiltration best management practice (BMP).

The site plan shows BMPs for the new impervious, and reflects an understanding of the drainage divide on the property.

A Stormwater Permit will be required.

WR Stipulations of Approval:

- A Stormwater Permit is required for the site. Stormwater Management will be required.
- A drain tile study will be required. Repair and replace of existing drain tiles will need to be considered, including the installation of observation and clean out structures. Any tree planting will need to demonstrate that off-site drain tile systems are not impacted.
- For any Development in the future as defined by the Kane County Stormwater Management Ordinance on the resulting F-2 and F parcels that singularly results in greater than 5,000 sq ft of new impervious area, or cumulatively (as of Jan 1, 2002) results in greater than 25,000 sq ft of new impervious area or 3 acres of disturbance, Stormwater Management Measures, as required by the Kane County Stormwater Ordinance, shall be provided.

ADDITIONAL REVIEWS & ANALYSES

Ecological Compliance Assessment Tool (EcoCAT) & Consultation Letter: January 13, 2026

“The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.”

Natural Resources Inventory (NRI) Report: January 15, 2026

“According to the information received, a Natural Resources Inventory is not required at this time for the proposed zoning change because there is no ground disturbance of the land.”

PUBLIC COMMENT

Copies of any submitted public comments will be uploaded to the Kane County website under the applicable Zoning Petition No. on the Zoning Petitions page.

<https://www.kanecountyl.gov/FDER/Pages/development/buildingandzoning/PendingZoningPetitions.aspx>

Recommended Stipulations of Approval (full list)

Should the Zoning Board of Appeals make a motion to recommend approval of this zoning request, staff recommends the following stipulations:

1. (Water Resources) A Stormwater Permit is required for the site. Stormwater Management will be required.
2. (Water Resources) A drain tile study will be required. Repair and replace of existing drain tiles will need to be considered, including the installation of observation and clean out structures. Any tree planting will need to demonstrate that off-site drain tile systems are not impacted.
3. (Water Resources) For any Development in the future as defined by the Kane County Stormwater Management Ordinance on the resulting F-2 and F parcels that singularly results in greater than 5,000 sq ft of new impervious area, or cumulatively (as of Jan 1, 2002) results in greater than 25,000 sq ft of new impervious area or 3 acres of disturbance, Stormwater Management Measures, as required by the Kane County Stormwater Ordinance, shall be provided.
4. (Environmental Health) The Health Department will require a review of the building permit to ensure the septic will accommodate the additional use; this will require the owner to provide design details of the existing septic system.
5. (Transportation) The Petitioner shall obtain a temporary and final access permit from the Kane County Division of Transportation (KDOT). Access throat length to be revised from the site plan in petition. No future structures or plantings shall be placed in the that future ROW.

Special Use Standards / ZBA Findings

Section 25-4-8-2 of the Kane County Zoning Ordinance provides Standards for Special Uses; responses to these Standards have been provided by the Petitioner with their Zoning Application. **The Zoning Board of Appeals shall not recommend approval of a special use unless it finds:**

- A. That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- B. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- C. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- D. That adequate utility, access roads, drainage and/or other necessary facilities have been or are being provided;
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and roads;
- F. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the county board pursuant to the recommendations of the zoning board of appeals.

Zoning Entitlement Process

ZONING BOARD OF APPEALS (PUBLIC HEARING)

This Petition will be considered by the Zoning Board of Appeals at its meeting currently scheduled for Tuesday, September 29, 2026 at 7:00 p.m., at the Kane County Government Center, Building A, 719 S. Batavia Ave., Geneva, IL, in the first floor Auditorium room.

DEVELOPMENT COMMITTEE

This Petition will be considered by the Development Committee at its meeting currently scheduled for Tuesday, October 20, 2026, at 10:30 a.m., at the Kane County Government Center, Building A, 719 S. Batavia Ave., Geneva, IL, in the 2nd floor Kane County Board Room.

Persons in favor of or in opposition to this petition who wish to speak before the Development Committee should register to speak by submitting a [Request to Speak Form](#) on the Kane County website no later than 12:00pm on the day prior to the meeting.

KANE COUNTY BOARD

This Petition will be considered by the full Kane County Board at its meeting currently set for Tuesday, November 10, 2026, at 9:45 a.m., at the Kane County Government Center, Building A, 719 S. Batavia Ave., Geneva, IL, in the 2nd floor Kane County Board Room.

Persons in favor of or in opposition to this petition who wish to speak before the County Board should register to speak by submitting a [Request to Speak Form](#) on the Kane County website no later than 12:00pm on the day prior to the meeting.