

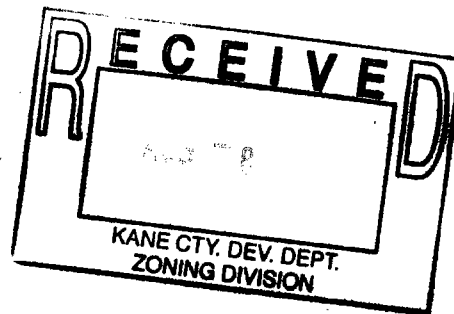
LAW OFFICES
OF
JAMES F. COOKE, LTD.
A PROFESSIONAL CORPORATION

215 WEST ILLINOIS STREET
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EMAIL: JCOOKE@JIMCOOKE.LAW.COM

August 10, 2013

Kane County Zoning Board of Appeals
Attn: Zoning Enforcing Officer
719 Batavia Avenue
Geneva, Illinois 60134



Re: Petition for Special Use
Legal Description of Subject Property is attached hereto
Commonly known as 39W135 Seavey Road, Batavia, Illinois 60510

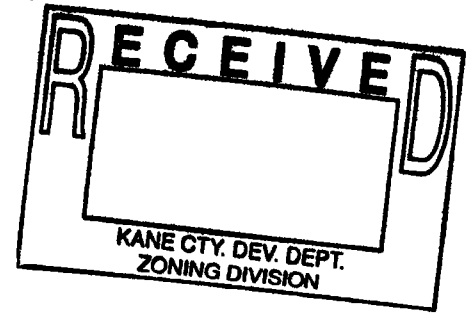
PETITION FOR SPECIAL USE

Members of the Kane County Zoning Board of Appeals:

The Petitioners do hereby state as follows:

1. The titleholders of the Subject Property are David C. Richmond and Leroy J. Richmond, III. The Petitioner/Contract Purchaser is Little Brothers – Friends of the Elderly, Chicago Chapter, (herein “LBFE”).
2. The Subject Property is currently zoned F District – Farming and is permitted and used for single-family residential purposes.
3. Petitioners request a Special Use for the F District – Farming zoning and the existing single-family residential use to establish a special use similar in nature to the uses identified in Section 8.1-2(q) “Monasteries, nunneries, religious retreats, nursing and convalescent homes, assisted living facilities, boarding schools and orphanages”.
4. Petitioners specifically request a special use for the residence on Seavey Road to establish their Elderly Retreat and Vacation Program. This program offers a respite, a short vacation from the normal living environment, to relieve isolation and loneliness among the elderly of the region and Kane County. Lengths of stay for this program include overnight excursions, day trips, elderly group meetings, and weeklong vacations. Attendees for each vacation week include a LBFE staff member, volunteers, nursing interns, and elderly guests. At no time will total number of overnight occupants exceed twenty persons. (See attached Vacation Program letter dated 11/19/12.)

Kane County Zoning Board of Appeals
August 10, 2013
Page 2



5. Petitioners state that LBFE is part of a national network of nonprofit volunteer-based organizations committed to relieving isolation and loneliness among the elderly and was incorporated in Illinois in November, 1959. The LBFE motto, “flowers before bread”, expresses their philosophy that people need the special pleasures in life in addition to the necessities and that love, dignity, and beauty in life are as basic as physical needs.
6. Petitioners state that LBFE is a nonsectarian organization funded by donations from individuals, corporations, and foundations. LBFE does not receive government funding and is not a United Way member agency. Over the last 53 years, LBFE Chicago has earned a stellar reputation and, if requested, will provide references. They have previously owned vacation program homes in Rochelle, Illinois and Lake Delavan, Wisconsin. When joining a community in which they own property, LBFE partners with the community and would extend services to seniors in Kane County.
7. Petitioners believe the 39W135 Seavey Road property is ideally suited for the requested Special Use in that:
 - a. it will occupy a large 7,500 plus square foot existing residential structure located on 5.35 acres of land and the southerly portion of the property will remain in agricultural use;
 - b. the two existing driveway accesses to Seavey Road provide safe sight distances and convenient access, no additional parking area or impervious surfaces will be added, and the number of daily vehicle trips will be reduced below that of a typical single family use;
 - c. the existing on-site wastewater disposal system and private well provide adequate capacity for the intended use;
 - d. the existing residential structure will be remodeled, renovated, and upgraded to comply with the Group R-1 occupancies as required by the City of Batavia Fire Department (see attached letter dated 01-28-13), all building requirements of Kane County, and compliance with State and County health, sanitation, safety, and welfare codes.
8. Petitioners believe:
 - 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

Kane County Zoning Board of Appeals

August 10, 2013


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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.

Given the foregoing, it is Petitioners' position that the Special Use requested herein is reasonable and consistent with the parameters of the Kane County Zoning Ordinance and the Kane County 2040 Plan, and the theme of "Healthy People, Healthy Living, Healthy Communities".

Respectfully submitted,


James F. Cooke
Attorney for the Petitioners

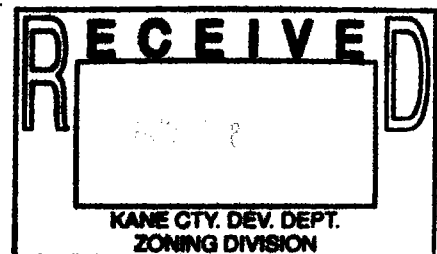
Titleholders/Petitioners:

David S. Richmond

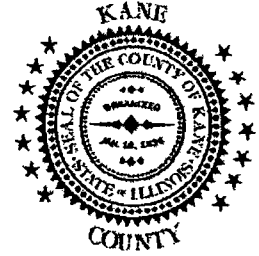
Leroy J. Richmond, III

Little Brothers – Friends of the Elderly

By: _____



Findings of Fact Sheet – Special Use



Special Use Request _____

Date _____

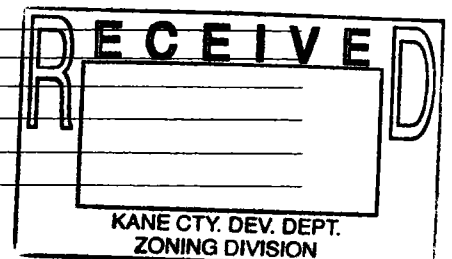
- *The Kane County Zoning Board is required to make findings of fact when considering a special use.*
- *Special Uses shall be considered at a public hearing before the Zoning Board of Appeals. In its report of findings of facts, recommendations shall be made to the County Board following the public hearing. The Zoning Board **will not** recommend a special use **unless** the following items are addressed:*

6. Explain how the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

7. Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity.

8. Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property.

9. Will adequate utility, access roads, drainage and other necessary facilities be provided?
Please explain:

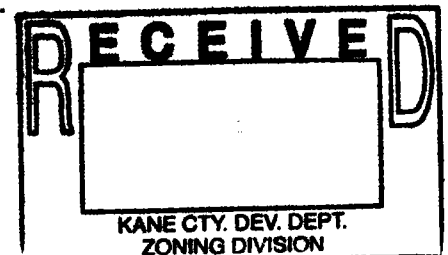


Findings of Fact Sheet – Special Use

David C. Richmond, Leroy J. Richmond, III, and Little Brothers – Friends of the Elderly, Chicago Chapter, Titleholders/Petitioners

Special Use for Little Brothers – Friends of the Elderly, Chicago Chapter (“herein LBFE”) to establish an Elderly Retreat and Vacation Program Center.

6. The maintenance and operation of Petitioner’s Special Use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare as evidenced by the fact that Petitioner will maintain and operate the existing single family home and establish a low intensity Elderly Retreat and Vacation Program Center.
7. The Interim Special Use will not intensify any traffic offsite or existing onsite residential activity, and, therefore, will not be injurious to the use, enjoyment, and value of other property in the immediate vicinity.
8. The Interim Special Use will not impede the normal, orderly development and improvement of the surrounding property in that it will have little to no impact on surrounding property as the proposed use is consistent with the adjoining agricultural and low density residential uses.
9. The Subject Property already contains all of the improvements necessary for the Special Use, which at present contain adequate utilities, access roads, drainage and other necessary facilities for the continued operation and maintenance of Petitioner’s use of the Subject Property.
10. The Subject Property has adequate ingress and egress to Seavey Road which minimizes traffic and congestion and the impact of same on adjacent properties.
11. The Special Use will conform to the regulations as specified in the Kane County Zoning Ordinance for the F District in which the Subject Property is located.





Zoning Request Report
County of Kane

Kane County Development
719 Batavia Ave
Geneva, IL 60134
Phone: (630) 232-3492
Fax: (630) 232-3411

TO: Kane County Zoning Board Of Appeals
Kane County Development Committee
County Board Member District
Janice Hill Carl Scheodel Mark VanKerkhoff Monica Meyers
Petitioner

PETITION NUMBER 2013-4302 **Date** 08/22/2013

GENERAL INFORMATION

APPLICANT: LITTLE BROTHER - FRIENDS OF THE ELDERLY
JIM COOKE
215 WEST ILLINOIS ST
ST CHARLES 60174

PURPOSE: TO ESTABLISH A SPECIAL USE FOR AN SENIOR RETREAT HOME

EXISTING ZONING: F - FARMING;

REQUESTED ACTION: SPECIAL USE TO ALLOW A SENIOR RETREAT HOME

SIZE: 5.51 ACRES

LOCATION: SOUTH SIDE OF SEAVEY RD., APPROXIMATELY 1/2 MILE WEST OF DEERPATH RD.,
SECTIONS 25 AND 36, BLACKBERRY TOWNSHIP. (39W135 SEAVEY RD.)

SURROUNDING	ZONING	USE
NORTH	F - FARMING;	RESIDENTIAL; AGRICULTURAL;
SOUTH	VILLAGE OF NORTH AURORA	RESIDENTIAL;
EAST	F - FARMING;	RESIDENTIAL; AGRICULTURAL;
WEST	VILLAGE OF NORTH AURORA	RESIDENTIAL;

EXISTING LAND USE: RESIDENTIAL;

LAND USE PLAN DESIGNATION: COUNTRYSIDE ESTATE RESIDENTIAL

ZONING HISTORY: NO PREVIOUS REQUEST FOR THIS PROPERTY

APPLICABLE LAND USE REGULATION: ARTICLE VIII, SECTION 8.1-2 (Q) OF THE KANE COUNTY ZONING ORDINANCE

August 21, 2013

Dave Richmond, et ux / *Little Brothers – Friends of the Elderly*
Special Use for a Senior Retreat Center

Special Information: Little Brothers – Friends of the Elderly (LBFE) is a national nonprofit volunteer organization “dedicated to relieving isolation and loneliness among the elderly”. This organization is interested in buying this property to allow them to bring seniors for stays ranging from overnight stays, day trips and weeklong vacations. At no time will overnight occupants exceed twenty persons. The home would be used 8-9 months per year for this purpose. Seniors would have full access to the home and allow them a change of pace from their usual surroundings. LBFE staff members would always be present while the home is in use. There are no changes planned for the home or property if this Special Use were approved.

Analysis: The Kane County 2040 Land Use Plan designates this area as Countryside Estate Residential. The property is in conformance with low-density vision of this designation and this Special Use, if approved, will not materially alter this.

Recommendation: The Kane County Technical Staff recommends approval of the Special Use request.

Findings of Fact:

1. The existing residential use will not significantly change.
2. The unique, open design and large size of the home, 6346 square feet per the Blackberry Township Assessor’s Office, make it ideal for such a use.
3. The home will be remodeled and upgraded to meet the requirements of the City of Batavia Fire Department, Kane County and the State of Illinois.

Attachments: Location Map
Township Map



Celebrate Long Life

November 19, 2012

Mr. Jim Cooke, Attorney
The Law Offices of James F. Cooke, LTD
215 W. Illinois Street
St. Charles, IL 60174-2841

Re: 39W135 Seavey Road, Batavia, Illinois 60510

Little Brothers – Friends of the Elderly, Chicago Chapter (LBFE) is part of a national network of nonprofit volunteer-based organizations committed to relieving isolation and loneliness among the elderly. We offer to people of good will the opportunity to join the elderly in friendship and celebration of life. The Chicago Chapter was incorporated in Illinois in November 1959.

Programs and Services: Our core programs and activities focus on friendship and are free-of-charge. We do not house seniors. In fiscal year 2012, we served 1,349 elders, with the indispensable help of volunteers.

Vacation Program: The house on Seavey Road would be used primarily for our Vacation Program. This program offers a respite from the city. Lengths of stay for this year-round program include overnight excursions, day trips, and weeklong vacations, the home would be used 8-9 month per year for this purpose.

Over the last 40 years, LBFE Chicago has earned a stellar reputation and if needed will provide references. Previously, we owned homes in Rochelle, IL and Lake Delevan, WI. When joining a community in which we own property, Little Brothers partners with the community, and we would extend our services to seniors in Kane County.

In 2012, due to a lack of facilities, vacations were restricted to nine weeks at the Illinois Beach Resort. Attendees for each vacation week included an LBFE Chicago staff member, 6-8 volunteers, 2 nursing interns, and 10-15 seniors. With the purchase of a home, frequency of use would increase and the size of the group would decrease however; the composition would remain the same: staff, volunteers, nursing interns, and elders.

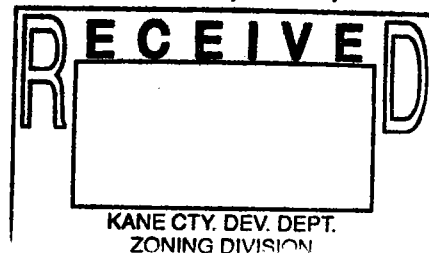
The Elderly: In The average age of our elders is 82. Females account for 79% of our population while males accounted for 21%. Without Little Brothers, the elders we serve would have two or fewer meaningful personal contacts in a month.

Financial Sources: Little Brothers – Friends of the Elderly is a nonsectarian organization funded by donations from individuals, corporations, and foundations. We do not receive government funding and we are not a United Way member agency. Our annual operating budget for fiscal year 2013 is \$3.7 million dollars.

Should you have additional questions about our organization, I can be reached in the office Monday – Friday from 9:00 am – 5:00 pm at 312.455.1000.

Sincerely,

Simone Mitchell-Peterson
Chief Executive Officer



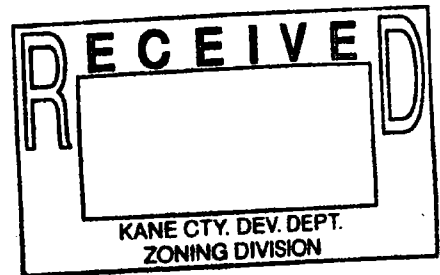
CERTIFICATE OF RELEASE

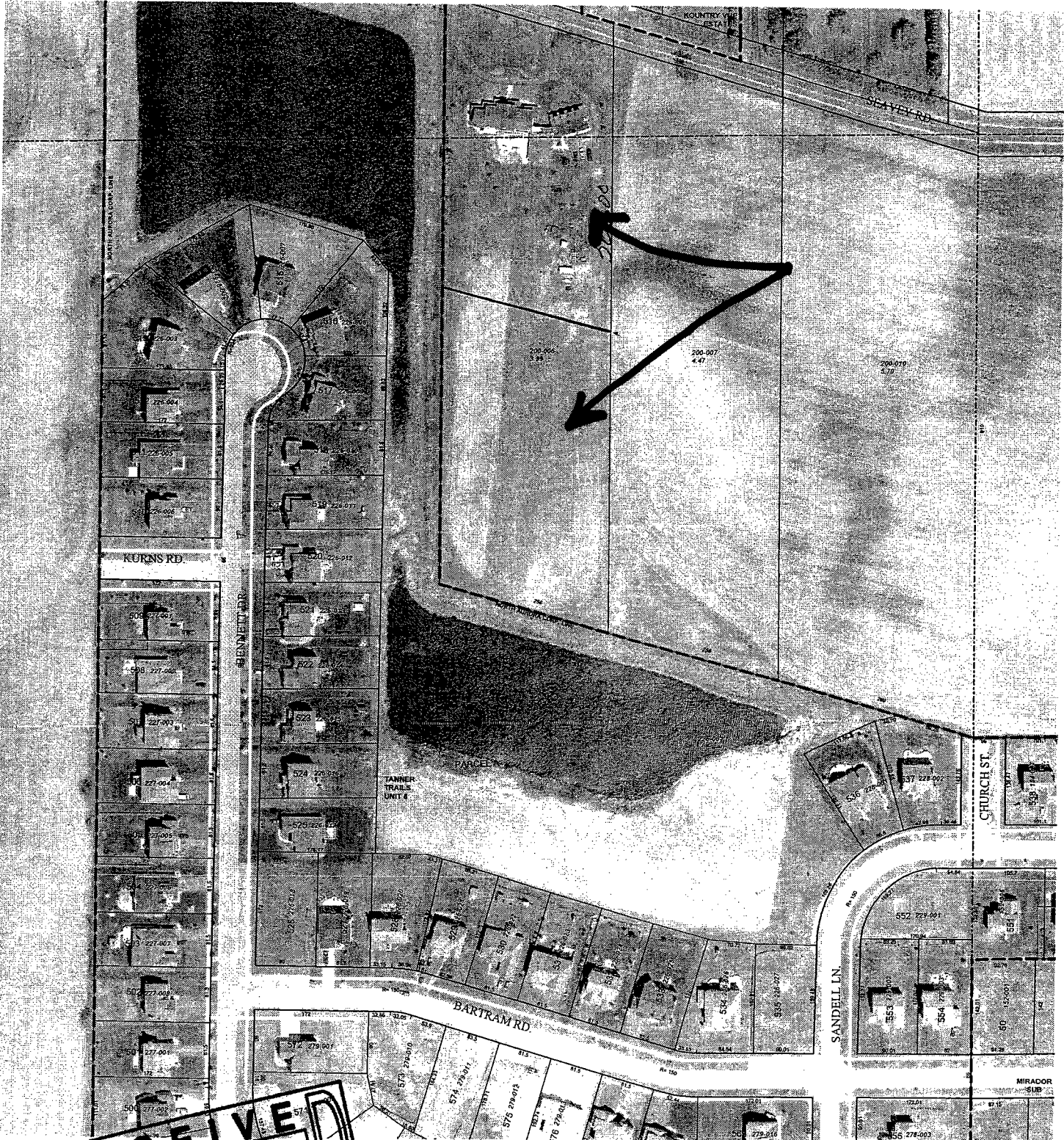
Legal Description:

The northerly 500 ft of the following described property:

THE WESTERLY 256 FEET OF THE EASTERLY 801 FEET OF THAT PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 25, AND PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 39 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS BEGINNING AT THE SOUTHWEST CORNER OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 25, THENCE NORTH 00 DEGREES 23 MINUTES EAST ALONG THE WEST LINE OF THE EAST HALF OF SAID SOUTHEAST QUARTER 421 00 FEET TO THE CENTER LINE OF SEAVEY ROAD, THENCE SOUTH 73 DEGREES 37 MINUTES 56 SECONDS EAST ALONG SAID CENTER LINE 1368 24 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, THENCE SOUTH 00 DEGREES 34 MINUTES 04 SECONDS WEST ALONG THE WEST LINE OF SAID NORTHWEST FRACTIONAL QUARTER 910 FEET, THENCE NORTH 73 DEGREES 37 MINUTES 56 SECONDS WEST PARALLEL WITH SAID CENTER LINE 1367 9 FEET TO THE WEST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 36, THENCE NORTH 00 DEGREES 41 MINUTES 20 SECONDS EAST ALONG SAID WEST LINE 488 71 FEET TO THE POINT OF BEGINNING (MEASURED AT RIGHT ANGLES TO THE EASTERLY LINE THEREOF) IN BLACKBERRY TOWNSHIP, KANE COUNTY, ILLINOIS (PIN #11-25-400-004 and #11-36-200-006) ~~Special Use request to include only the northerly 500.00 feet of aforesaid legal description.~~

Unofficial Copy





RECEIVED

Kane County
 618 North Main Street
 719 North Main Ave
 Urbana, IL 60134
 kaneinfo@kane.il.us

Plot Date: 1/23/2013

KANE CTY. DEV. DEPT.
 ZONING DIVISION

BLACKBERRY TWP
 NE1/4 NE1/4 SEC. 36 T.39N. R.7E.
 KANE COUNTY, ILLINOIS

Scale: 1" = 700'

11-36-2B

MAP PAGE LOCATOR	
ROW	PAGE
1	11-36-2A
2	11-36-2B
3	11-36-2C
4	11-36-2D
5	11-36-2E
6	11-36-2F
7	11-36-2G
8	11-36-2H
9	11-36-2I
10	11-36-2J

THIS MAP DOES NOT REPRESENT A SURVEY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREIN, EITHER EXPRESSED OR IMPLIED BY KANE COUNTY OR ITS EMPLOYEES. THIS MAP IS COMPILED FROM OFFICIAL RECORDS, INCLUDING PLAT SURVEYS, RECORDS OF DEEDS, AND CONTRACTS, AND ONLY CONTAINS INFORMATION REQUIRED FOR LOCAL GOVERNMENT PURPOSES. SEE THE RECORDED DOCUMENTS FOR MORE DETAILED LEGAL INFORMATION.

BLACKBERRY twp.
T.39N - R.7E

map 11

