



**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** 2016-4406 **Date** 11/22/2016

GENERAL INFORMATION

**APPLICANT:** HENRY WARFEL  
ATTORNEY JAMES SKAAR  
220 SOUTH THIRD ST  
GENEVA, 60134

**PURPOSE:** TO REMOVE A BUSINESS ZONING FROM THE PROPERTY AS A CONDITION OF THE ORIGINAL ZONING

**EXISTING ZONING:** F - FARMING; B-3 - BUSINESS;

**REQUESTED ACTION:** F - FARMING;

**SIZE:** 0.69 ACRES

**LOCATION:** SOUTHWEST CORNER OF LONGRIDGE RD AND SYDNEY CT., SECTION 6, ST. CHARLES TOWNSHIP (7N122 LONGRIDGE)

SURROUNDING	ZONING	USE
NORTH	F - FARMING;	RESIDENTIAL;
SOUTH	F - FARMING; E-3 - ESTATE RESIDENTIAL;	RESIDENTIAL;
EAST	F - FARMING;	RESIDENTIAL;
WEST	F - FARMING;	RESIDENTIAL;

**EXISTING LAND USE:** RESIDENTIAL; COMMERCIAL;

**LAND USE PLAN DESIGNATION:** RURAL RESIDENTIAL.

**ZONING HISTORY:** NORTHEAST PORTION OF PROPERTY REZONED TO B-3 FROM F IN 1972

**APPLICABLE LAND USE REGULATION:** ARTICLE VIII, SECTION 8.1 OF THE KANE COUNTY ZONING ORDINANCE

# Findings of Fact Sheet – Map Amendment and/or Special Use

- The Kane County Zoning Board is required to make findings of fact when considering a rezoning. (map amendment)
- You should "make your case" by explaining specifically how your proposed rezoning relates to each of the following factors.

Henry Warfel  
Name of Development/Applicant

September 26 , 2016  
Date

1. How does your proposed use relate to the existing uses of property within the general area of the property in question?  
Residential

---

---

---

2. What are the zoning classifications of properties in the general area of the property in question?  
Residential and/or farming/estate

---

---

3. How does the suitability of the property in question relate to the uses permitted under the existing zoning classification?  
Please see the attached "Notice of Board Action" of the Kane County Board dated November 15, 1972 regarding Petition No. 2072. The subject property will no longer be used for the existing business, so the Owner/Applicant is petitioning to re-zone the subject property to F District Farming, in accordance with the above-referenced Board Action.

4. What is the trend of development, if any, in the general area of the property in question?  
Residential

---

---

---

---

5. How does the projected use of the property, relate to the Kane County 2040 Land Use Plan?  
The projected use of the subject property in the Kane County 2040 Land Use Plan is Residential and/or F/Estate Farming.

---

---

---

Henry Warfel, et ux  
Rezoning from B-3 to F

**Special Information:** The eastern portion of the property is zoned B-3 District Business. The B-3 zoning was intended to accommodate a septic system installation company. In 1972 the owners petitioned to have the property rezoned from B-3 to F. The rezoning was denied with the condition that the owner file a covenant, to run with the land, that when the business use by the named persons ceased on the property, that a petition be filed with the County for a rezoning from B-3 to F. This rezoning petition is being filed to honor the covenant.

**Analysis:** The Kane County 2040 Land Resource Management Plan designates this area as Rural Residential. Rural Residential areas designated on the map encourage an infill strategy between and adjacent to existing rural residential developments where prime agricultural lands will not be taken out of production.

**Staff recommended Finding of Facts:**

1. The rezoning will eliminate a spot business zoning in a residential subdivision.

Attachments:      Location Map  
                         Township Map  
                         Petitioner's finding of fact sheet

1250030

COVENANT

Whereas, SIDNEY E. READ and ADELE E. READ, husband and wife are the owners of the hereinafter described property and whereas HENRY C. WARFEL and HENRY A. WARFEL are the contract purchasers of the hereinafter described property:

0.688 Acre Parcel (Business Zoning): of that part of Lot 9 in Sidney E. Read's Subdivision, Unit 3, in the East half of the Southeast quarter of Section 6, Township 40 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Northwest corner of Lot 1 in Sidney E. Read's Subdivision; thence North 0° 46' West on an extension of the West line of said Lot 1, a distance of 82.3 feet to the point of beginning; thence North 0° 46' West on last said extended line, 200.0 feet; thence South 89° 33' West parallel with the North line of Silver Glen Road, 150.0 feet; thence South 0° 46' East parallel with said West line of Lot 1 extended, 200.0 feet; thence North 89° 33' East parallel with the said North line of Silver Glen Road, 150.0 feet to the point of beginning; containing 0.688 acres more or less in St. Charles Township, Kane County, Illinois, now part of Lot 9 of Sidney E. Read's Subdivision, Unit 3 in the Township of St. Charles, Kane County, Illinois.

Now, Therefore, SIDNEY E. READ, ADELE E. READ, HENRY C. WARFEL and HENRY A. WARFEL in consideration of the Kane County Board retaining the B-3 District - Business zoning on said property, do hereby covenant that when the last of the aforesaid persons cease to use said property for storing trucks, tractors and other equipment used by them in the business of constructing and installing septic systems and tanks, or sell said property, they agree to petition the proper authorities to rezone said property to Farming F district; that no portion of said parcel shall be sold separately from the entire parcel above described; said owners covenant that the only use to which said property will be subjected under the B-3 classification will be as above described; that with this exception the only uses this land will be subjected to will be those allowed under the farming classification.

Parties also agree that no signs will be permitted on said

RECEIVED  
KANE CTY. BLDG.  
& ZONING DEPT.

BOOK 2816 PAGE 307

JAN 12 1973



KANE COUNTY BUILDING & ZONING DEPARTMENT  
427 CAMPBELL STREET  
GENEVA, ILLINOIS 60134

CARL M. CARLSON, DIRECTOR

(312) 232-2400 ext. 235

November 15, 1972

Sidney E. Read - Owner  
Route 1, Box 396  
St. Charles, Illinois 60174

Henry C. Warfel - Contract Purchaser  
Route 2, Box 108-A  
Elgin, Illinois

Re: Petition No. 2072

NOTICE OF BOARD ACTION

The Kane County Board, on the 14th day of November, A. D., 1972, DENIED petition for the rezoning of certain property, located approximately 500 feet North of Silver Glen Road and 600 feet East of Stevens Road, St. Charles Township, (more fully described in petition filed with the Kane County Zoning Board of Appeals) from B-3 District Business to F District Farming.

The B-3 Zoning will be retained, however, Mr. Warfel, as contract buyer, and future operator of existing business, will be required to file a covenant, to run with the land, with the Kane County Recorder of Deeds. Covenant is to contain same provisions as Document No. 1068761, filed May 4, 1966, with an additional provision restricting the construction of any sign on said property. Signature of Mr. Read, as owner, and Mr. Warfel, as contract buyer is to appear on document.

After covenant has been recorded, a copy shall be furnished to the Kane County Building and Zoning Department for incorporation into referenced file.

Very truly yours,

KANE COUNTY ZONING BOARD OF APPEALS

  
Carl M. Carlson Secretary

CMC:ip

Illinois Registered Professional Engineer  
Illinois Registered Land Surveyor

MARVIN M. JOSEPH  
CIVIL ENGINEER & SURVEYOR  
ELGIN, ILLINOIS

168 N. COMMONWEALTH AVE.  
P. O. BOX 211  
Elmhurst, ILLINOIS

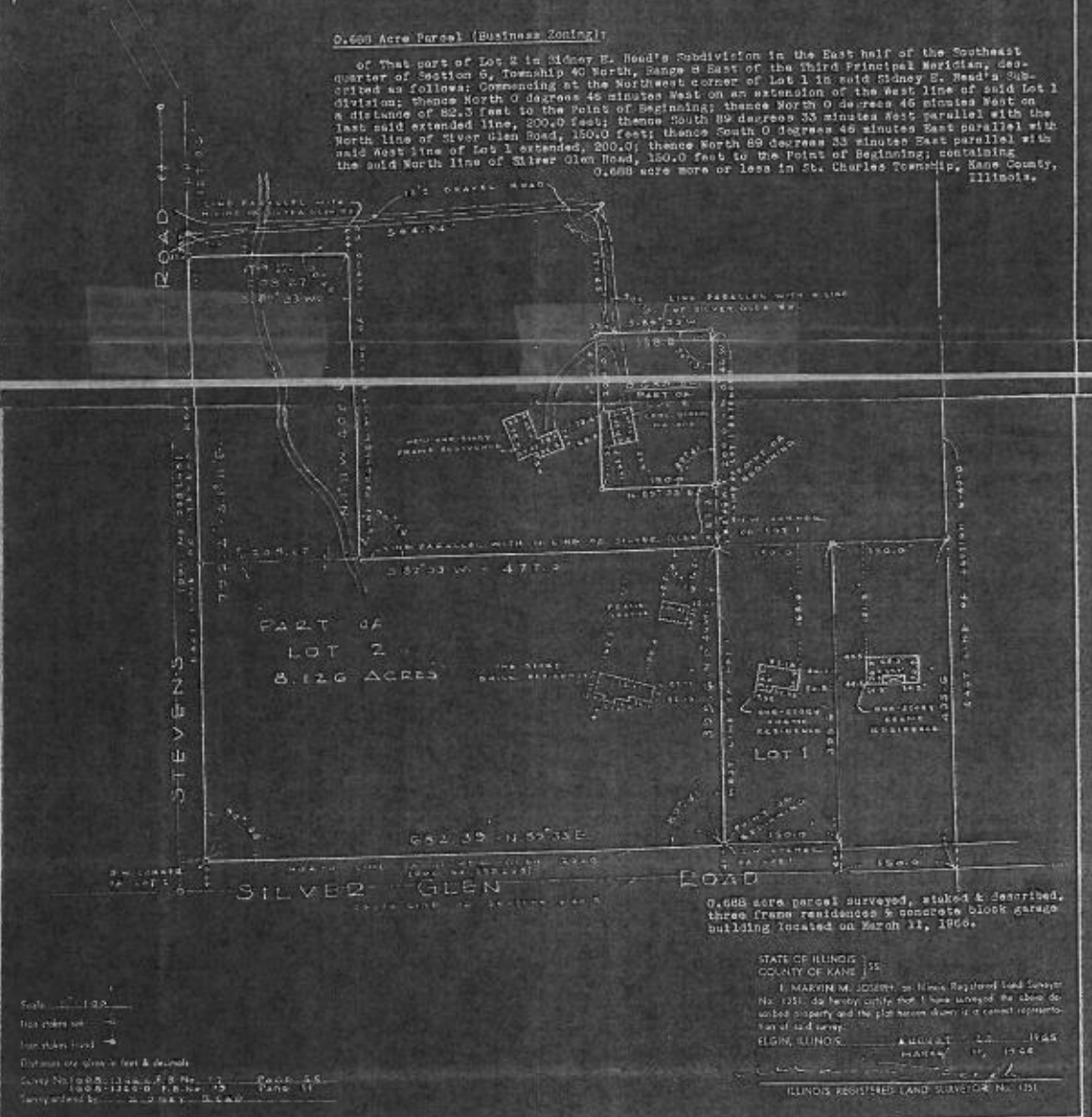
### PLAT OF SURVEY

#### 0.126 acre Brick Residence Parcel:

Of that part of Lot 2 in Sidney E. Need's Subdivision in the East half of the Southeast quarter of Section 6, Township 40 North, Range 8 East of the Third Principal Meridian, according to the plat thereof recorded April 2, 1903 as Document No. 96008 in Book 42 of Maps on page 89, described as follows: Commencing at the Southwest corner of Lot 1 in said subdivision for a Point of Beginning; thence North 0 degrees 46 minutes East along the West line of said Lot 1, 399.6 feet to the Northeast corner of said Lot 1; thence South 89 degrees 33 minutes West parallel with the South line of said Lot 1 (being also the North line of Silver Glen Road) 477.0 feet; thence North 1 degree 11 minutes East parallel with the West line of said Lot 2 (said West line being also the East line of Stevens Road) 400.0 feet; thence South 89 degrees 33 minutes East parallel with said South line of said Lot 2 a distance of 209.27 feet to the East line of Stevens Road (as now platted); thence South 1 degree 11 minutes East along the said East line of Stevens Road, 796.2 feet to the Southwest corner of said Lot 2 on the North line of said Silver Glen Road; thence North 89 degrees 33 minutes East on the said North line of Silver Glen Road (as now platted) 682.39 feet to the Point of Beginning, containing 0.126 acres more or less in St. Charles Township, Kane County, Illinois.

#### 0.688 Acre Parcel (Business Zoning):

Of that part of Lot 2 in Sidney E. Need's Subdivision in the East half of the Southeast quarter of Section 6, Township 40 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Northwest corner of Lot 1 in said Sidney E. Need's Subdivision; thence North 0 degrees 46 minutes East on an extension of the West line of said Lot 1 a distance of 82.3 feet to the Point of Beginning; thence North 0 degrees 46 minutes East on a distance of 82.3 feet to the Point of Beginning; thence South 89 degrees 33 minutes West parallel with the West line of said Lot 1 extended, 200.0 feet; thence North 89 degrees 33 minutes East parallel with the North line of Silver Glen Road, 150.0 feet; thence South 0 degrees 46 minutes East parallel with said West line of Lot 1 extended, 200.0 feet; thence North 89 degrees 33 minutes East on the said North line of Silver Glen Road, 150.0 feet to the Point of Beginning, containing 0.688 acres more or less in St. Charles Township, Kane County, Illinois.

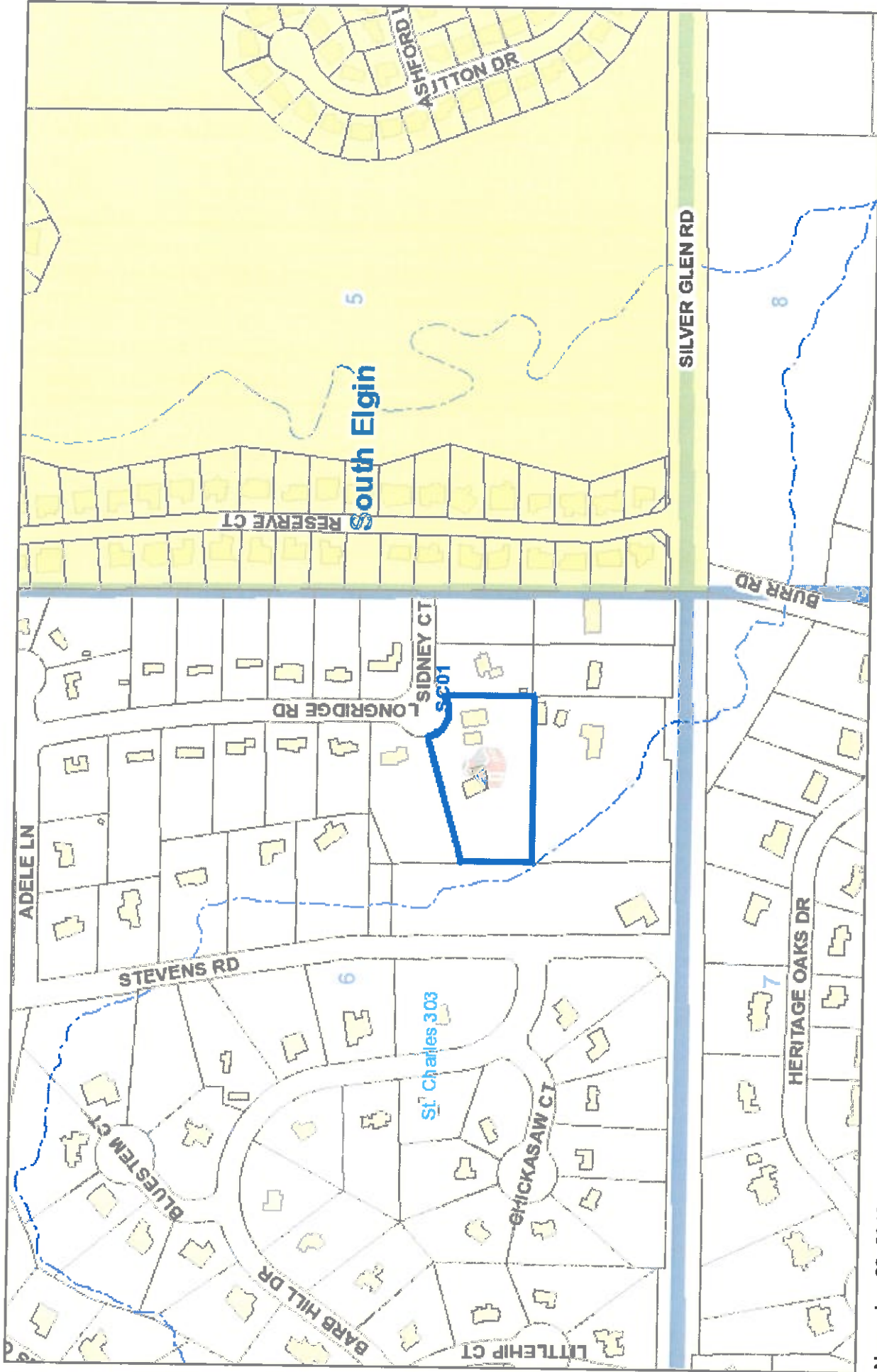


0.688 acre parcel surveyed, staked & described, three frame residences & concrete block garage building located on March 11, 1966.

STATE OF ILLINOIS )  
COUNTY OF KANE )  
I, MARVIN M. JOSEPH, an Illinois Registered Land Surveyor No. 1181 do hereby certify that I have surveyed the above described property and the plat herein shown is a correct representation of said survey.  
ELGIN, ILLINOIS, A.D. 1966, the 11th day of MARCH, 1966.  
ILLINOIS REGISTERED LAND SURVEYOR NO. 1181

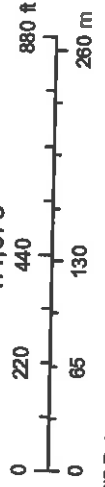
Scale: 1" = 100'  
True North  
Distances are given in feet & decimals  
Survey No. 1181-11-11-66, P. 8, No. 11  
1966-07-11-66, P. 8, No. 11  
Survey ordered by: [Signature]

# Map Title



November 22, 2016

1:4,678



Source : GIS-Technologies  
GIS-Technologies

These layers do not represent a survey. No Accuracy is assumed for the data delineated herein, either expressed or implied by Kane County or its employees. These layers are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contains information required for local government purposes. See the recorded documents for more detailed local information.

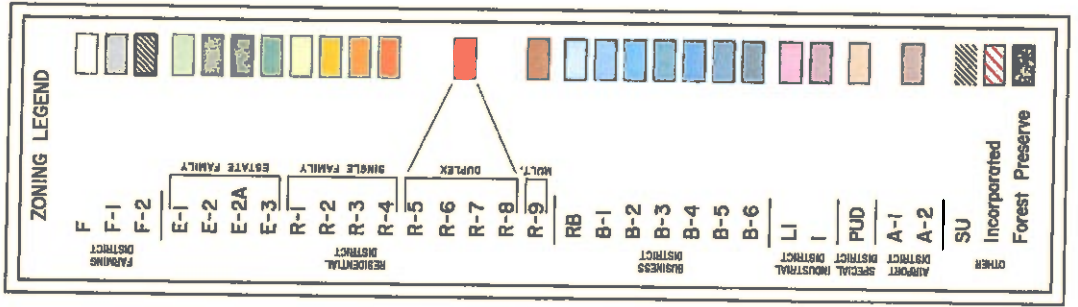
GIS-Technologies  
Kane County Illinois

**Kane County, Illinois**  
**Building and Zoning Division**

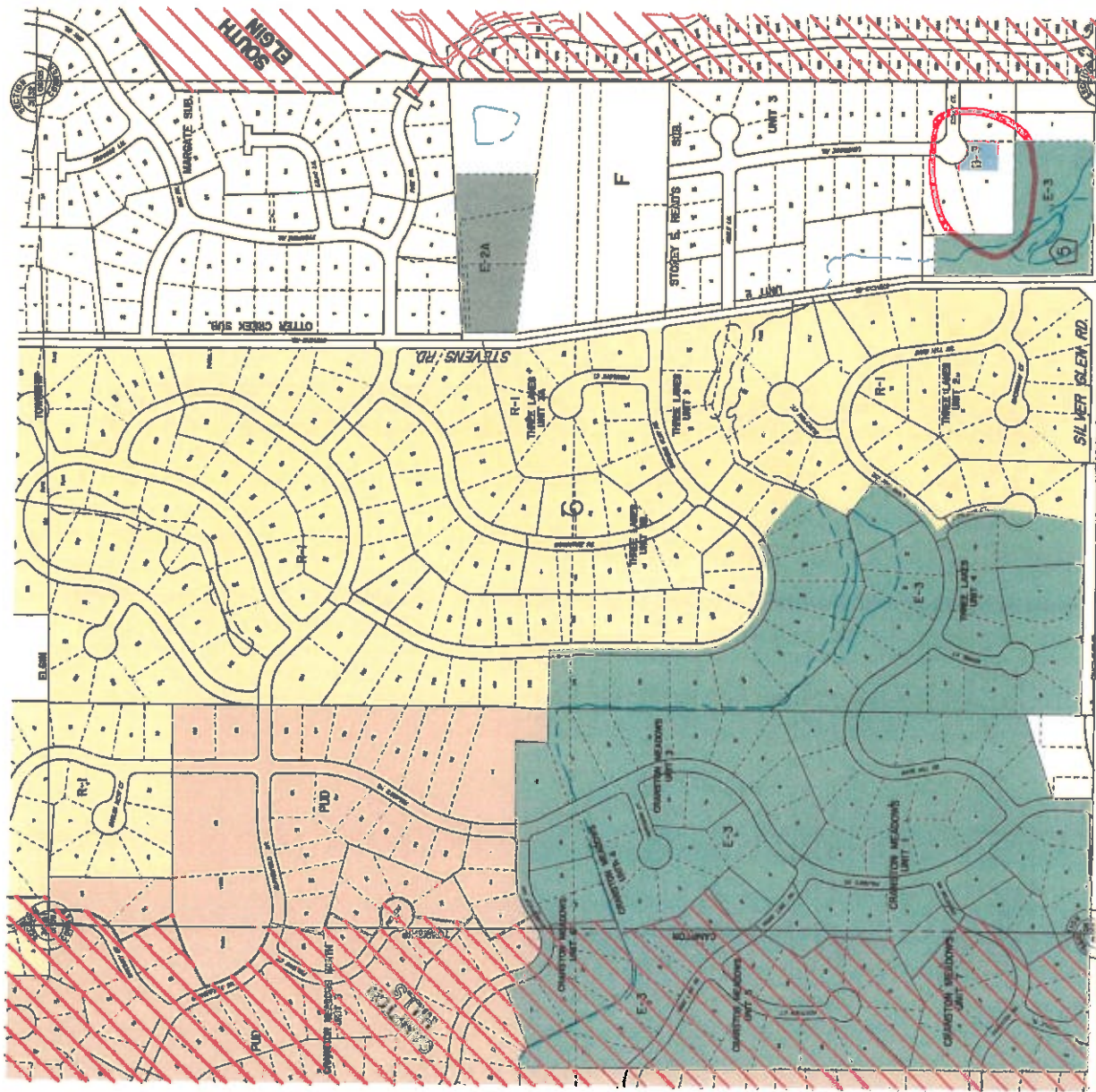
**Mark D. VanKerkhoff, AIA**  
**Zoning Enforcing Officer**

**Kane County**  
**Government Center**  
**719 S. Batavia Ave., Bldg. A**  
**Geneva, IL 60134**

**Phone: 630-232-3492**



**ZONING MAPS**  
**OF**  
**KANE COUNTY, ILLINOIS**  
**MAP NO. SC-06**



**SECTION 6**  
**ST. CHARLES TOWNSHIP**


**SC-06 ZONING**

Map No. SC-06 of Kane Co., Ill.  
 Adopted by Resolution No. 100, 10/15/06  
 and then amended by Resolution No. 101, 10/15/06



ST. CHARLES twp.  
T.40N - R.8E

map 9

