

KANE COUNTY DEVELOPMENT DEPARTMENT
 Subdivision and Zoning Division, Kane County Government Center
 719 Batavia Avenue
 Geneva, Illinois 60134
 Office (630) 232-3492 Fax: (630) 232-3411

Received Date

**ZONING MAP AMENDMENT AND/OR
 SPECIAL USE APPLICATION**

Instructions:

To request a zoning map amendment and/or a special use for a property, complete this application and submit it with all required attachments to the Subdivision and Zoning Division.

When the application is complete, we will begin the review process.

The information you provide must be complete and accurate. If you have a question please call the subdivision and zoning division, and we will be happy to help you.

1. Property Information:	Parcel Number (s): 06-06-376-013 06-06-376-021 06-06-376-022
	Street Address (or common location if no address is assigned): 38W704 W. Highland Avenue Elgin, Illinois 60124

2. Applicant Information:	Name JAMES A. BIEWER	Phone 847-338-9215
	Address 20513 Beth Court Marengo, Illinois 60152	Fax
		Email biewerhvac@aol.com

3. Owner of record information:	Name James A. Biewer and Linda A. Biewer Revocable Trust	Phone 847-338-9215
	Address 20513 Beth Court Marengo, Illinois 60152	Fax
		Email biewerhvac@aol.com

Zoning and Use Information:

2030 Plan Land Use Designation of the property:
Resource Management Mixed Use

Current zoning of the property: 06-06-376-013 is F
06-06-376-021 and 06-06-376-022 are B3

Current use of the property: 06-06-376-021 - Repair/Serviceing of motor vehicles
06-06-376-013 and 06-06-376-022 are vacant

Proposed zoning and/or special use of the add special use on 013-parking in
property: conjunction with adajacent business 9.5-2(g); on 021 add two
special uses: retail sheet metal 10.4-2 (k) and non-hazardous storage
10.4-2(o)

If the proposed Special Use/Map Amendment is approved, what improvements or construction is
planned?

None

Attachment Checklist

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Completed Land Use Opinion application (Available in pdf form at www.kanedupageswcd.org/land_use.htm), as required by state law, mailed to: The Kane Dupage Soil and Water Conservation District, 2315 Dean Street, Suite 100, St. Charles, IL 60175.
- EcoCAT (available in pdf form at <http://dnrecocat.state.il.us/ecopublic/EcoPublicHome.aspx?TopMenu=0>) to be filed with the Illinois Department of Natural Resources.
- List of record owners of all property adjacent & adjoining to subject property
- Aerial (air photo) with property clearly highlighted contact:
The Sidwell Co., 675 Sidwell Dr., St. Charles, IL (630) 549-1000
- Trust Disclosure (If applicable)
- Findings of Fact Sheet
- Application fee (make check payable to Kane County Development Department)
- In case of Special Use, site plan drawn to scale to demonstrate that the property can meet the requirements of the proposed zoning district (parking requirements, setbacks, landscaping, etc.)
- Digital submittal on CD, including Plat of Survey, Site Plan (where applicable), Aerial photo (all pdf format).

I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.

James A. Biewer
Record Owner

May 26, 2017
Date

Robert W. Smith
Applicant or Authorized Agent

May 26, 2017
Date

Findings of Fact Sheet – Rezoning

- 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.

James Biewer Special Use

Name of Development/Applicant

5/26/17

Date

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

There are several business uses in the general area. The granting of the three special uses would not materially intensify the use over the past many years. Allowing the non-hazardous storage also permits materials for use in Habitat for Humanity projects.

2. What are the zoning classifications of properties in the general area of the property in question?

R-1; B-3; and F uses in the general area.

3. How does the suitability of the property in question relate to the uses permitted under the existing zoning classification?

Parcel 013 is not suitable for F uses as it is small and isolated from other agricultural parcels. Its use as ancillary to the adjacent B-3 use is clearly the most common-sense use for this parcel. Parcel 021 is basically seeking the use that had been made of the property for literally decades, but which has lapsed when owner retired.

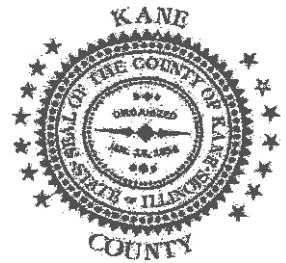
4. What is the trend of development, if any, in the general area of the property in question?

The general area has been stable under various business uses which are basically rural-type businesses and larger lot residential uses.

5. How does the projected use of the property, relate to the Kane County 2030 Land Use Plan?

The projected use is consistent with the mixed uses, both currently and under the 2030 Land Use Plan

Findings of Fact Sheet – Special Use



James Biewer 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. The proposed uses of the property raise no health issues; the properties have no pedestrian and little vehicular traffic and safety should not be affected. The general welfare is enhanced by clean, low traffic business use which maintains jobs and tax revenue.

7. Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity. The proposed uses would allow slightly different uses of the two parcels, but would be virtually identical in intensity and impact with the long-standing uses in the immediate vicinity and should therefore have no effect on the use, enjoyment, or value of the other property.

8. Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property. The surrounding property is generally fully developed and has been in stable use for decades. The special uses on 021 a) allows an additional passive use of the property that would likely be less intensive than many permitted uses and b) permits the use that had occurred on the property for years. Parking on 013 is consistent with the adjacent business use.

9. Will adequate utility, access roads, drainage and other necessary facilities be provided? Please explain: The properties are currently served by utilities and access roads; no new construction would be required on the property.

10. Will adequate measures be provided for ingress and egress so designed to minimize the traffic and congestion? Please explain:

The property is served by a private easement that has handled more traffic in the past than is likely to be generated under the special uses. Recent litigation regarding the easement has resulted in a court order that will enlarge the driveway and make the traffic safer.

11. Will the special use conform to the regulations of the district in which it is located? Please explain:

The uses will be entirely consistent with the uses over the past several decades. The uses are non-intensive business uses and will be consistent and compatible with the regulations for business uses in the area.

August 28, 2017

James A. Biewer & Linda A. Biewer Revocable Trusts
Special Use requests to bring a property into conformance with the Kane County Zoning Ordinance

Special Information: The property is zoned B-3 District Business and F-District Farming. The business use, per aerials, appears to have been going on as far back as the 1960's. The property is accessed via a private drive that is shared with residential uses. The current owner operated an HVAC business on the property for approximately 30 years. When he leased the building to tenants in April and August of 2016, it was discussed that the existing parcel area on the eastern parcel was not zoned B-3, as is the parcel with the building. For the eastern portion of the property, the petitioner is seeking a Special Use for parking for an adjacent business. Over the remaining portion of the property, which is zoned B-3 District Business, the petitioner is seeking Special Uses for a retail sheet metal shop and for non-hazardous storage to accommodate the owner's previous business use, the existing use of a tenant and for a future tenant's use.

Analysis: The Kane County 2040 Land Resource Management Plan designates this area as a Resource Management Area. Under the 2040 Plan, Resource Management is a land use category that provides county growth opportunities while emphasizing wise management of land and water resources. The purpose of Resource Management is to provide opportunities for the implementation of Smart Growth development that respects the character and carrying capacity of the land.

Staff recommended Finding of Fact:

1. The Special Uses would bring the property into conformance with the Kane County Zoning Ordinance.

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

CORRECTED LEGAL

Parcel One: That part of the Southwest Fractional Quarter of Section 6, Township 41 North, Range 8 East of the Third Principal Meridian described as follows: Commencing at the Southwest corner of said Southwest Fractional Quarter; Thence North along the West line of said Quarter Section to the old center line of Highland Avenue Road; Thence North along the West line of said Quarter Section 190.35 feet; Thence Easterly along a line forming an angle of 94 Degrees 26 Minutes to the right with the prolongation of the last described course 226.55 feet; Thence Southerly along a line forming an angle of 88 Degrees 13 Minutes to the right with the prolongation of the last described course 89.05 feet; Thence Southeasterly along a line that forms an angle of 79 degrees 28 Minutes to the left with the prolongation of the last described course 178.6 feet; Thence North 78 Degrees 24 Minutes East 22.10 feet; Thence South 82 Degrees 23 Minutes East 71.65 feet to the Northeast corner of Parcel One of land conveyed to Hurshel H. Johnson and Dorothy Johnson, his wife, by deed recorded as document number 1044374, for the place of beginning; Thence continuing South 82 Degrees 23 Minutes East 44.85 feet; Thence North 01 Degrees 25 Minutes West 121.66 Feet; Thence North 87 Degrees 36 Minutes West 114.25 feet to the Easterly line of a tract of land conveyed by Hurshel H. Johnson and Dorothy Johnson, his wife, by deed recorded as document number 1614285; Thence Southwesterly along said Easterly line 88.76 feet; Thence Southeasterly to the Place of Beginning, in the Township of Elgin, Kane County, Illinois. and containing 0.344 acres more or less as shown by the plat hereon drawn which is a correct representation of said survey and exhibit. All distances are given in feet and decimal parts thereof.

Parcel Two: That part of the Southwest Quarter of Section 6, Township 41 North, Range 8 East of the Third Principal Meridian, Described as follows: Commencing at the Center of Section 7, Township and Range aforesaid; Thence North along the East Line of the Northwest Quarter of said Section 7, 2185.7 feet to the Centerline of a highway; Thence North 67 Degrees 15 Minutes West along said center line 1063.58 feet; Thence North 0 degrees 29 Minutes West 282.97 feet; Thence North 81 Degrees 27 Minutes West 5.06 feet for the Point of Beginning; Thence North 81 Degrees 27 Minutes West 69.77 Feet; Thence North 0 Degrees 29 Minutes West 83.40 feet; Thence East 68.90 feet to a line drawn North 0 Degrees 29 Minutes West from the Point of Beginning; Thence South 0 Degrees 29 Minutes East 93.78 feet to the Point of Beginning, in the Township of Elgin, Kane County, Illinois. and containing 0.139 acres more or less as shown by the plat hereon drawn which is a correct representation of said survey and exhibit. All distances are given in feet and decimal parts thereof.

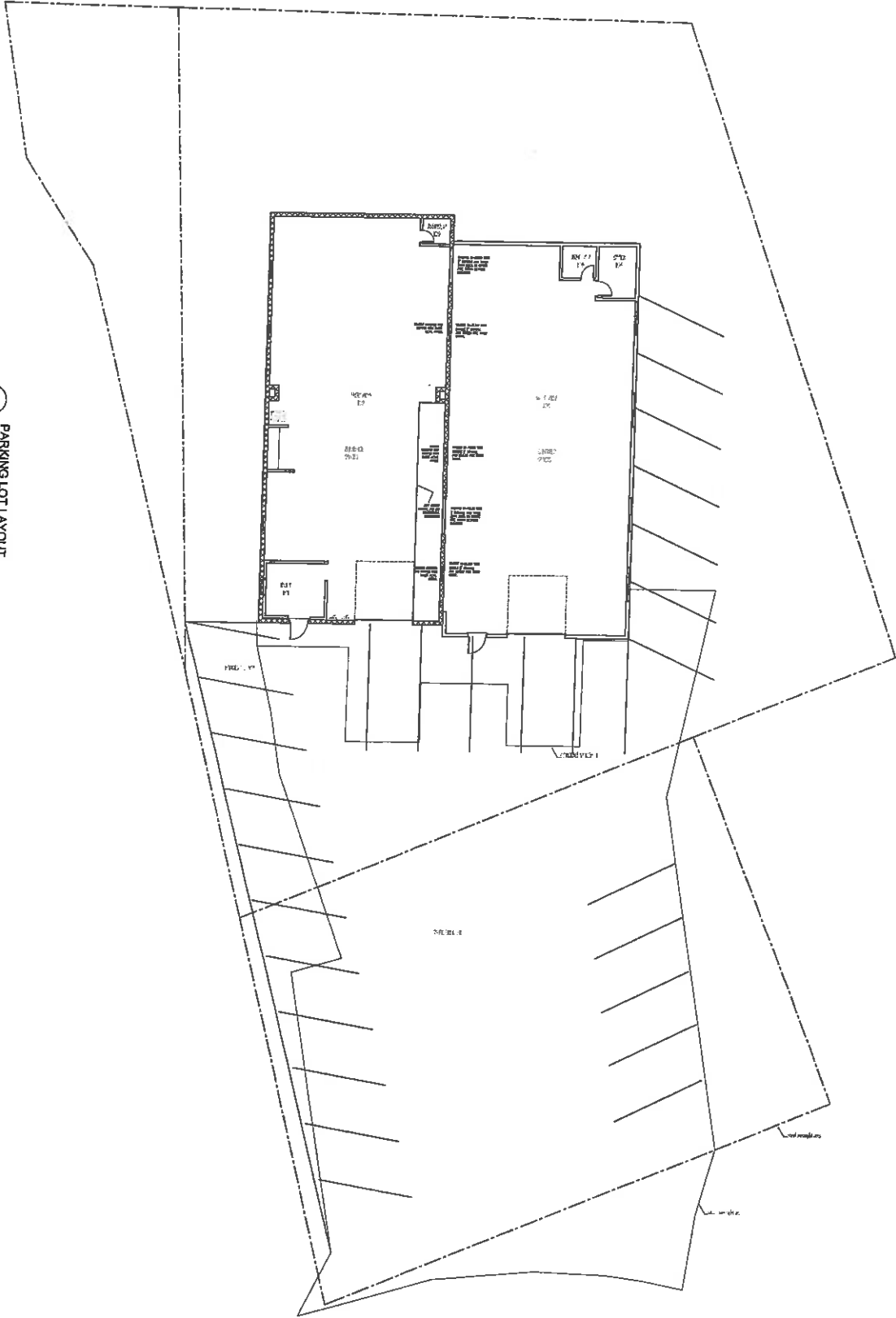
Parcel Three: Easement for Ingress and Egress created by William G, Schneider and Olive M. Schneider, his wife, to Hershel H. Johnson and Dorothy E. Johnson, his wife, recorded January 29, 1974 as document 1288157 for the benefit of of Parcel 2 over that part of the Southwest Quarter of Section 6 and Part of the Northwest Quarter of Section 7, Township 41 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Center of Section 7; Thence North along the East Line of the Northwest Quarter of said Section 7, 2185.7 feet to the center line of a highway; Thence

North 67 Degrees 15 Minutes West along said center line 1036.43 feet for the Point of Beginning; Thence North 67 Degrees 15 Minutes West along said center line 27.15 feet; Thence North 0 Degrees 29 Minutes West 282.97 feet; Thence North 81 Degrees 27 Minutes West 5.06 feet; Thence North 0 Degrees 29 Minutes West 93.78 feet; Thence East 30 feet; to a line drawn North 0 Degrees 29 Minutes West from the Point of Beginning; Thence South 0 Degrees 29 Minutes East 383.96 feet to the Point of Beginning, in the Township of Elgin, Kane County, Illinois. as shown by the plat hereon drawn which is a correct representation of said survey and exhibit. All distances are given in feet and decimal parts thereof.

Parcel Four: That Part of the Southwest Fractional Quarter of Section 6, Township 41 North, Range 8 East of the Third Principal Meridian, further described as follows: Commencing at the Southwest corner of said Southwest Fractional Quarter; Thence North along the West line of said Quarter Section to the Old center line of the Highland Avenue Road; Thence Continuing North along the West line of said Quarter Section a distance of 190.05 feet; Thence Southeasterly along a line forming an angle of 94 degrees 26 minutes to the right a distance of 226.55 feet; Thence South 88 Degrees 13 Minutes to the right a distance of 89.05 feet; Thence Southeasterly 79 Degrees 28 Minutes East a distance of 153.6 feet to the Point of Beginning of the Tract to be described; Thence continuing along the aforesaid course a distance of 25 feet; Thence North 78 Degrees 24 Minutes East a distance of 22.1 feet; thence South 82 Degrees 23 Minutes East a distance of 71.65 feet North to a point; Thence Northwesterly a distance of 114.35 feet; Thence Southwesterly a distance of 33.51 feet to the Point of Beginning, being the former interest of Hurshel H and Dorothy Johnson, County of Kane, State of Illinois. and containing 0.04 acres more or less as shown by the plat hereon drawn which is a correct representation of said survey and exhibit. All distances are given in feet and decimal parts thereof.

DRAWING BY ARCHITECTURE MFP CORPORATION, INC. (815) 308-7444 - MFC, DRAFT & PLANNING. MFP CORPORATION & MFP DESIGN SERVICES

1 PARKING LOT LAYOUT



DESIGNED BY	DATE
DRAWN BY	DATE
CHECKED BY	DATE
DATE	PROJECT NO.

CP-1.1

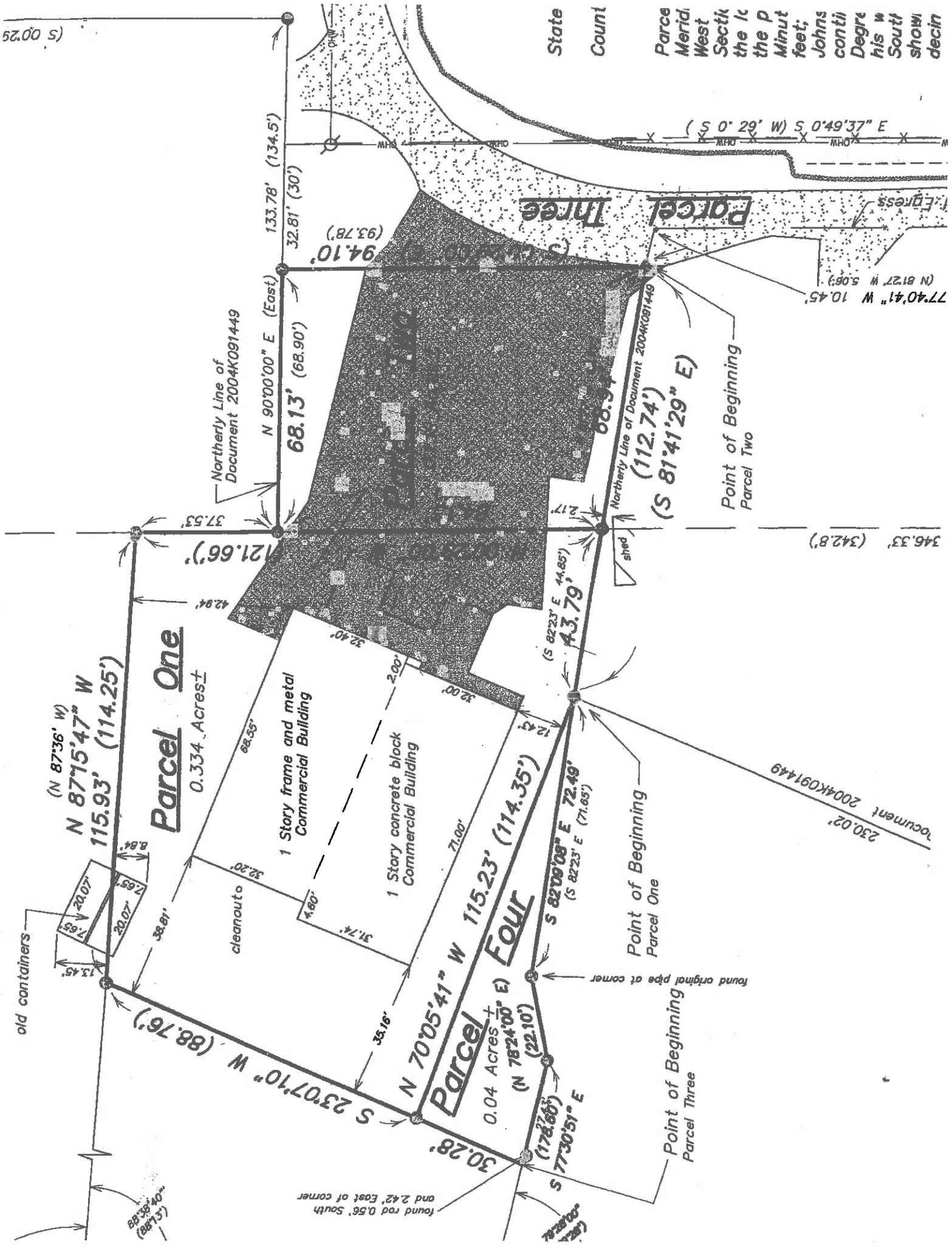
SYMBOL	DATE	REVISION DESCRIPTION
	05/11/2017	REVISED PARKING LOT LAYOUT FOR PARCEL #2

38704 HIGHLAND AVE.
 SHERIDAN HIGHLAND AVE. - ELGIN, IL.
 UPDATED IMPROVEMENTS
**FY16 IMPROVEMENT
 PARKING LOT PLAN**

ARCHITECTURE MFP CORPORATION, INC.
 1600 W. MONROE ST., SUITE 100
 ELGIN, IL 60120
 (815) 308-7444
 www.mfpinc.com

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State
Count
Parcel
Merid.
West
Sectik
the l
the p
Minut
feet;
Johns
contii
Degre
his w
South
showi
decin

(S 0° 29' W) S 0°49'37" E
77°40'41" W 10.45'
(N 81°27' W 5.06')

346.33' (342.8')

230.02'
document 2004K091449

Northerly Line of Document 2004K091449

Northerly Line of Document 2004K091449

Point of Beginning Parcel Two

Point of Beginning Parcel One

Point of Beginning Parcel Three

ELGIN twp.
T.41N - R.8E

map 6

