

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

<i>Received Date</i>
<b style="font-size: 2em; color: red;">4601
SEP 14 2022
<small>Kane Co. Dev. Dept. Zoning Division</small>

ZONING MAP AMENDMENT APPLICATION

Instructions:

To request a map amendment (rezoning) 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 assist you.

1. Property Information:	Parcel Numbers: 11-01-100-008, 11-01-200-011 & 11-01-200-016
	Street Address (or common location if no address is assigned): Part of 1N545 Brundige Road Elburn, IL 60119

2. Applicant Information:	Name Development Properties, Inc. John A. Thornhill, President	Phone
	Address 511 Richland Avenue West, Aiken, SC 29801	Cell 630-240-8019
		Email JATLDC@sbcglobal.net

3. Owners of record information:	Name The Frasz Family Trust Andrew E. and Gail G. Frasz, Trustees	Phone 630-514-2153
	Address 1N545 Brundige Road Elburn, IL 60119	Fax
		E mail AEFRASZ@aol.com

Zoning and Use Information:

2040 Plan Land Use Designation of the property: Resource Management

Current zoning of the property: F District-Farming

Current use of the property: Residential and vacant (not being farmed)

Proposed zoning of the property: E1 and E3 Districts-Estate

Proposed use of the property: Residential

If the proposed Map Amendment is approved, what improvements or construction is planned? One new residence for family member on vacant portion.

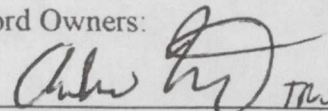
Attachment Checklist

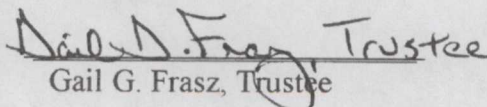
- Site Development Plan and Survey (see Exhibit "B" attached).
- Legal descriptions (see Exhibit "A" attached).
- Completed Land Use Opinion application (Available in pdf form at www.kanedupageswed.org/luo.pdf), as required by state law, mailed to: The Kane DuPage Soil and Water Conservation District, 2315 Dean Street, Site 100, St. Charles, IL 60174.
- Endangered Species Consultation Agency Action Report (available in pdf form at www.dnr.state.il.us/orep/nrrc/aar.htm) to be filed with the Illinois Department of Natural Resources.
- List of record owners of all property adjacent to & adjoining subject property
- Aerial (air photo) with property clearly highlighted; Kane County GIS Aerial photo (see Exhibit "C" attached).
- Trust Disclosure (If applicable)
- Findings of Fact Sheet
- Application fee (make check payable to Kane County Development Department) = \$1125.00

We certify that this application and the documents submitted with it are true and correct to the best of our knowledge and belief.

Record Owners:

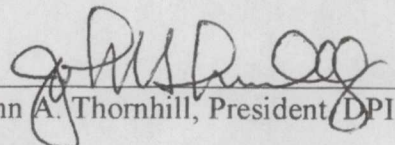
The Frasz Family Trust


Andrew E. Frasz, Trustee


Gail G. Frasz, Trustee

9-7-22
Date

Applicant and/or authorized agent:


John A. Thornhill, President DPI

9/1/2022
Date

The Frasz Family Trust

Rezoning from F-District Farming to E-1 District Estate Residential and E-3 District Estate Residential

Special Information: In 1984, the current owners were granted a map amendment from F to F-2 District-Special Use for a tree nursery business/landscaping business. Over time, that business evolved into an excavation company specializing in “residential site work”, which includes landscaping, excavation, trucking, septic system installation and other related operations. In 2008, a rezoning of the property was approved from F-2 to F. The F-Farming District allows for Interim Special Uses. The petitioners requested and were granted an Interim Special Use for the residential site work business, which would allow it be slowly phased out. The petitioners acquired a property in the Village of Elburn which they relocated the business to. The petitioners sought and were granted a two-year extension of the Interim Special Use to allow the business time to fully relocate, which has since expired.

The petitioners are now seeking a rezoning to allow the creation of a buildable parcel north of their existing home for their daughter. The petitioners will remain living on their property and a seeking a rezoning so their existing home will be on a parcel in conformance with the Kane County Zoning Ordinance for residential use. No other residential parcels are intended as part of this petition.

Analysis: The Kane County 2040 Land Resource Management Plan designates this area as Resource Management. 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 findings of fact:

1. The rezoning will allow a second buildable to be created north of the existing home
2. The interim special use for a tree nursery business/landscaping business will be extinguished.

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

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.*

Frasz Rezoning/Development Properties, Inc.
Name of Development/Applicant

September 1, 2022
Date

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

The area is rural with little development activity except for petitioner’s residence (included in this petition) and 2 minor subdivisions of adjacent properties completed during the past 14 years resulting in 3 new residences being built north of the subject property. Forest Preserve adjoins the eastern boundary of land owned by petitioner. Property lying west of the subject property is being farmed.

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

The Petitioner’s remaining property to the east and north is in the *F District*; neighboring properties to the north are in the *R1* and *E1 Districts*; property west of Brundige Road is zoned *PUD* in anticipation of *The Settlements of LaFox*.

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

The smaller part of the subject property is a vacant tract lying between petitioner’s residence parcel and Mill Creek, and could not support any significant farming operation permitted within the *F District*. Rezoning the subject properties will create a separate zoning lot for construction of one single-family residence for a family member and will establish a new zoning lot for the petitioner’s existing residence.

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

Except for residences constructed as mentioned above in the immediate area, there has been no perceptible development in the area for many years except for the Mill Creek development which is about ½ mile south of the petitioner’s property.

5. How does the projected use of the property, relate to the Kane County 2040 Plan?

The 2040 Plan designates the area as *Resource Management*, a relatively intense use which generally advocates the installation of municipal services. *Existing Open Space* is also designated for areas in the proximity of the subject property. Considering the existing *R1* and *E1 Districts* that nearly adjoin the subject property, the proposed *E1 & E3 District-Estate* classifications being requested will tend to balance the two designations and present zoning classifications, and therefore, is seen to be consistent with the 2040 Plan.

Exhibit "A"

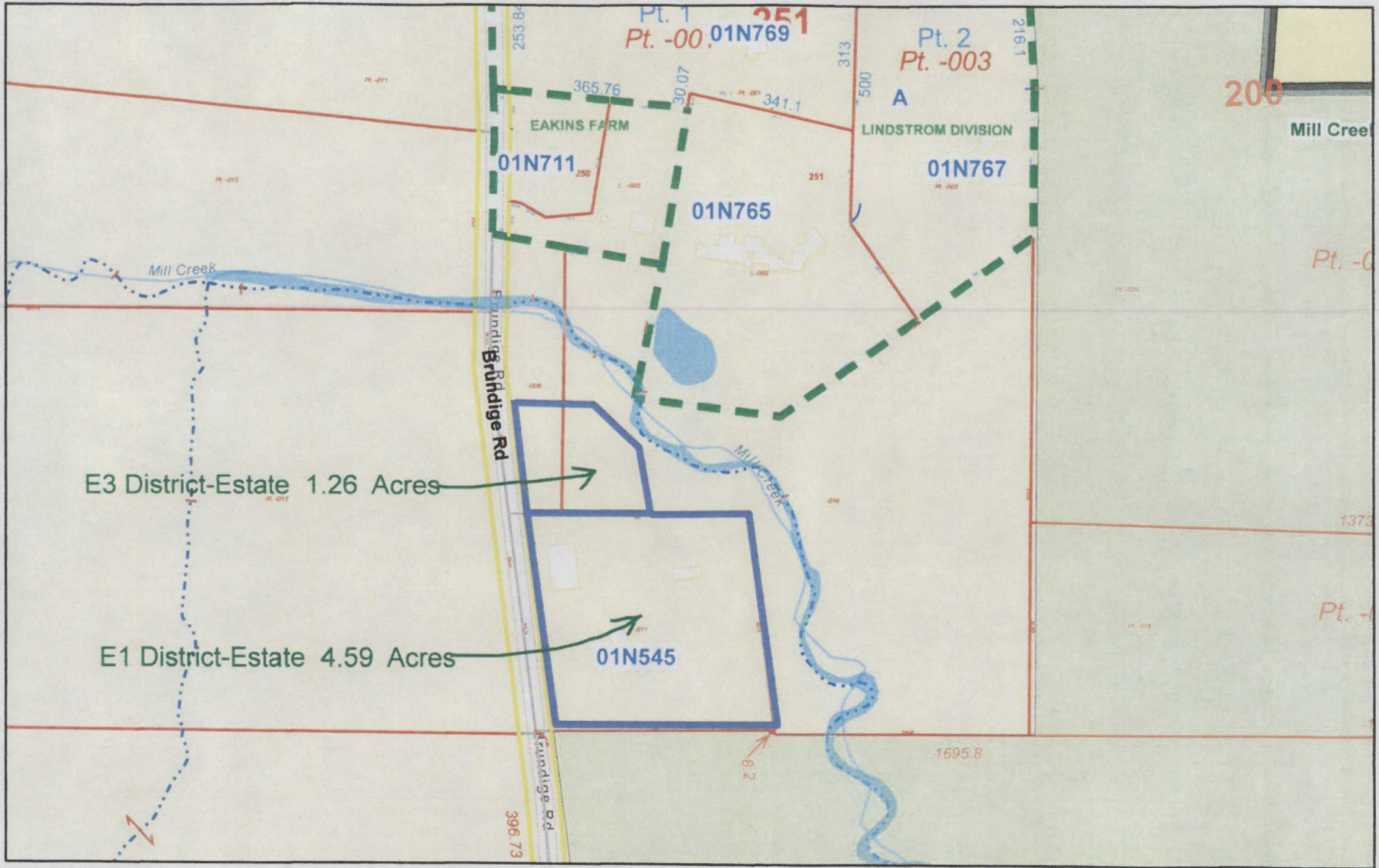
E3 District-Estate

That part of the North Fractional Half of Section 1, Township 39 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the southwest corner of the Northwest Fractional Quarter of said Section; thence easterly along the south line of said North Half 2618.14 feet to the center line of Brundige Road; thence northerly along said center line 450.0 feet; thence easterly parallel with said south line 33.26 feet to a point that is 33.0 feet easterly of said center line (measured at right angles thereto); thence continuing easterly parallel with said south line 240.0 for a point of beginning; thence westerly along the last described course 240.0 feet; thence northerly parallel with said center line 250.0 feet; thence easterly parallel with said south line 140.0 feet; thence southeasterly 146.25 to a point on a line drawn parallel with said center line that is 155.0 feet northerly of the point of beginning; thence southerly 155.0 feet to the point of beginning, in Blackberry Township, Kane County, Illinois and containing 1.26 acres.

E1 District-Estate

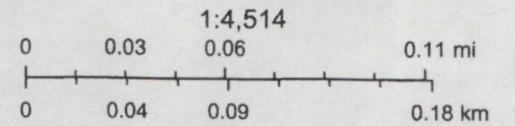
That part of the North Fractional Half of Section 1, Township 39 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the southwest corner of the Northwest Fractional Quarter of said Section; thence easterly along the south line of said North Half 2618.14 feet to the center line of Brundige Road; thence continuing easterly along said south line 488.0 feet; thence northerly parallel with said center line 8.20 feet for a point of beginning; thence continuing northerly parallel with said center line 441.80 feet; thence westerly parallel with said south line 488.0 feet to said center line; thence southerly along said center line 444.14 feet to a point that is 5.86 feet northerly of said south line (measured along said center line); thence easterly 487.73 feet to the point of beginning (except that part thereof lying within 33.0 feet of said center line), in Blackberry Township, Kane County, Illinois and containing 4.59 acres.

Exhibit "C" KC GIS Aerial Photo



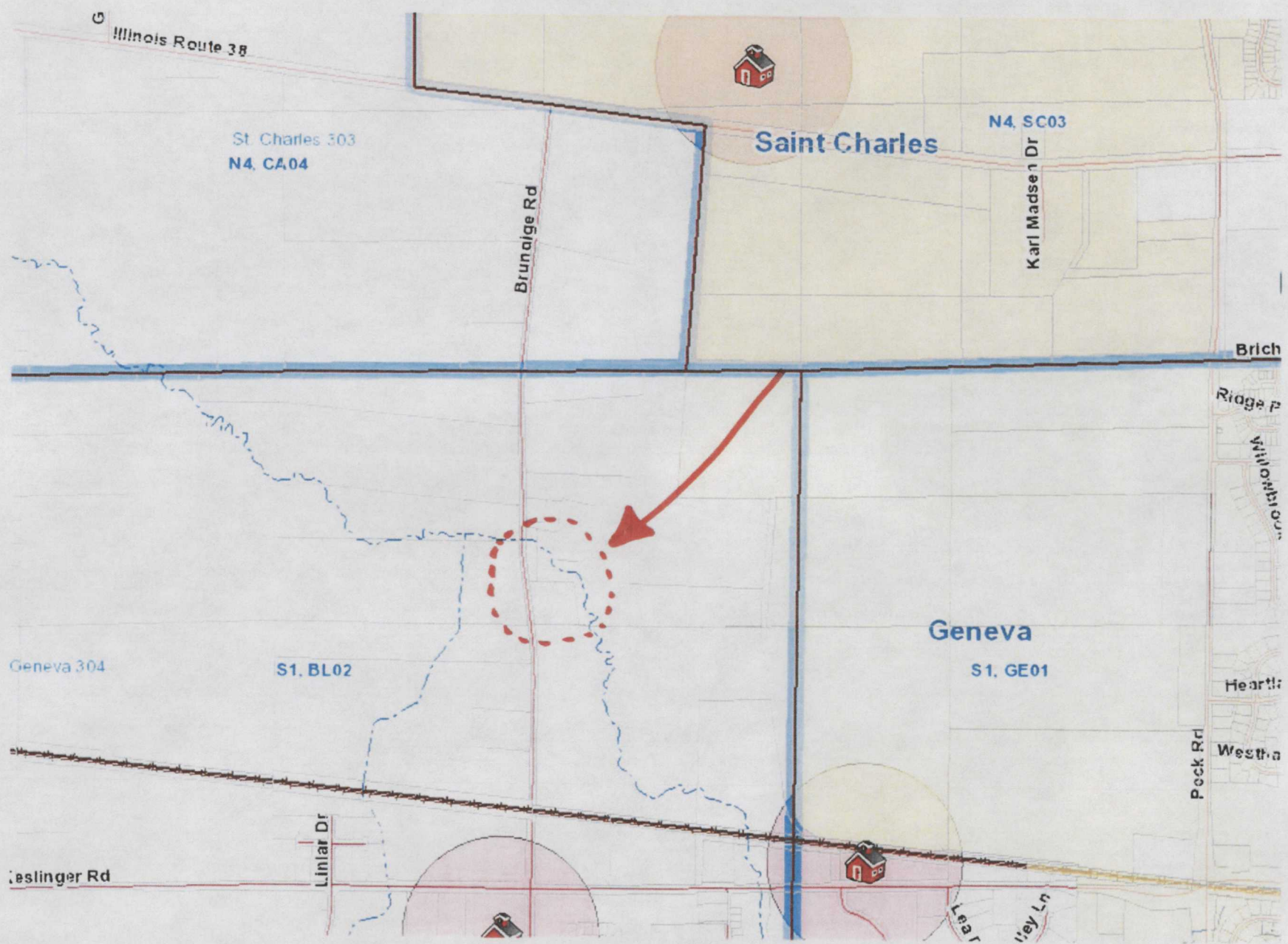
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Forest Preserves	Cadastral Annotation	Parcel Blk Num 100	Parcel Num 400	Lot Dim Carto 400	Cadastral Lines	Sub Line 100
Water	Lot Dim 100	Parcel Blk Num 400	Cadastral Annotation (Subdivisions)	Parcel Dim Carto 100	Parcel Line	Water Line
Townships	Lot Dim 400	Parcel Dim 100	Sub Name 100	Parcel Dim Carto 400	Parcel Line Leg Desc	Municipalities
Road Names	Lot Num 100	Parcel Dim 400	Cadastral Cartographic	Parcel Owner Hook 100	Pol Corp Line	Geneva
	Lot Num 400	Parcel Num 100	Lot Dim Carto 100	Road ROW	Parcels	

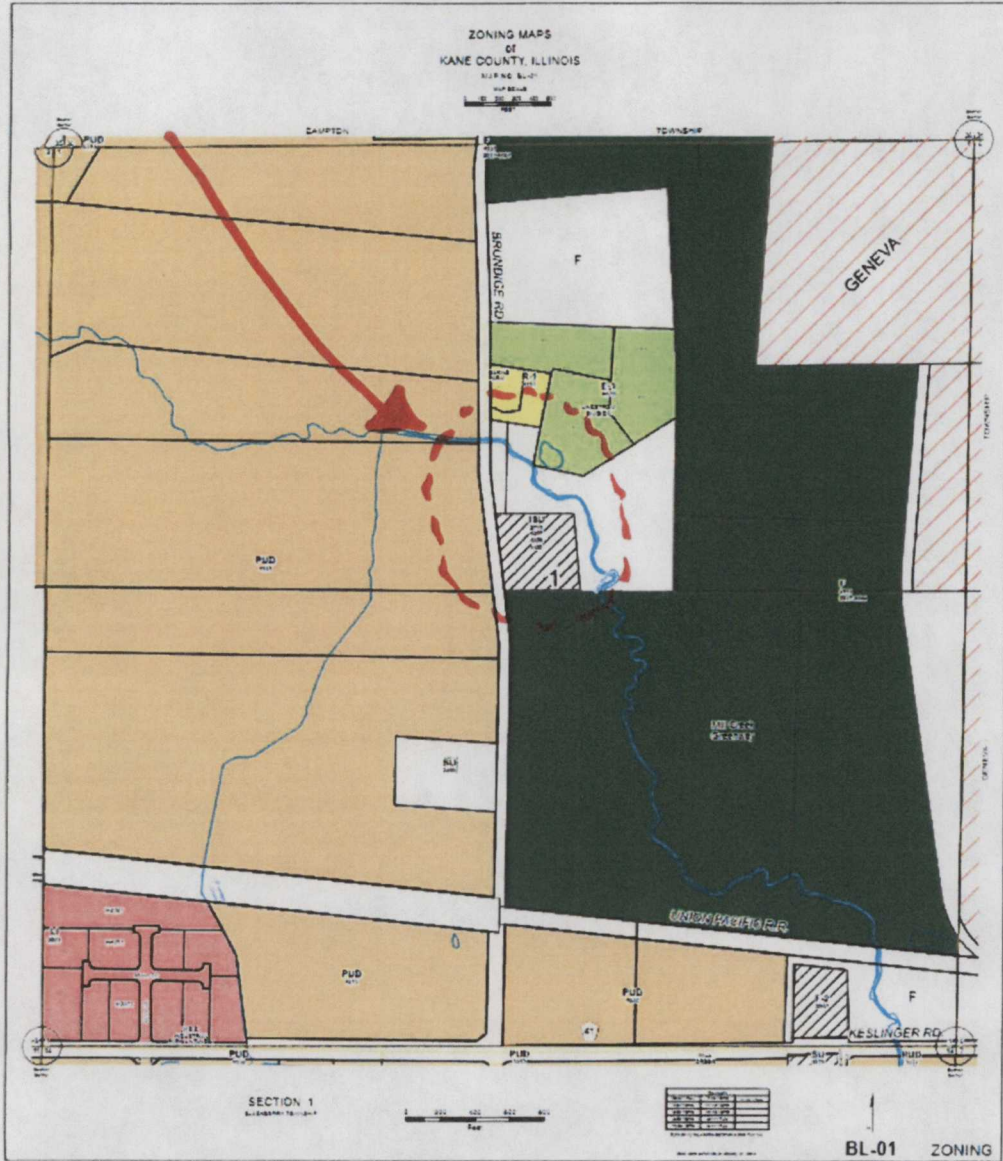


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ZONING MAPS
OF
KANE COUNTY, ILLINOIS
SHEET NO. BL-01
SCALE 1" = 100'



Kane County, Illinois
Building and Zoning Division

Mark D. Vankerkhoff, AIA
Zoning Enforcing Officer

Kane County
Government Center
719 S. Batavia Ave.
Bldg. A, 4th Floor
Geneva, IL 60134

Phone: 630.232.3492

ZONING LEGEND	
F	[White Box]
F-1	[Light Blue Box]
F-2	[Diagonal Lines Box]
E-1	[Light Green Box]
E-2	[Medium Green Box]
E-2A	[Dark Green Box]
E-3	[Light Yellow Box]
R-1	[Light Orange Box]
R-2	[Orange Box]
R-3	[Yellow-Orange Box]
R-4	[Yellow Box]
R-5	[Light Red Box]
R-6	[Red Box]
R-7	[Dark Red Box]
R-8	[Brown Box]
R-9	[Dark Brown Box]
RR	[Light Blue Box]
B-1	[Blue Box]
B-2	[Dark Blue Box]
B-3	[Medium Blue Box]
B-4	[Light Blue Box]
B-5	[Dark Blue Box]
B-6	[Medium Blue Box]
LI	[Light Purple Box]
I	[Purple Box]
PUD	[Light Orange Box]
A-1	[Light Yellow Box]
A-2	[Yellow Box]
SU	[Diagonal Lines Box]
Incorporated	[Hatched Box]
Forest Preserve	[Dark Green Box]

Applicant: Development Properties, Inc.
Contact: John Thornhill
Address: 44 White Oak Circle
St. Charles, IL 60174

IDNR Project Number: 2300930
Date: 07/14/2022
Alternate Number: 2021-007

Project: Frasz Rezoning
Address: 1N545 Brundige Road, Elburn,

Description: Rezoning to accommodate the construction of one new residence.

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Black-Billed Cuckoo (*Coccyzus erythrophthalmus*)
Blanding's Turtle (*Emydoidea blandingii*)

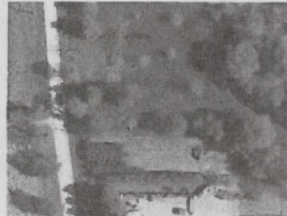
An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Kane

Township, Range, Section:
39N, 7E, 1



**IL Department of Natural Resources
Contact**
Kyle Burkwald
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Kane County Development Department
Keith Berkhout
719 Batavia Avenue
Geneva, Illinois 60134

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, compliance with applicable statutes and regulations is required.

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1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.
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3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

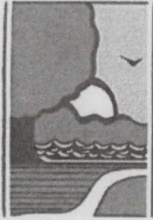
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EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

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Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

JB Pritzker, Governor

Colleen Callahan, Director

July 15, 2022

John Thornhill
Development Properties, Inc.
44 White Oak Circle
St. Charles, IL 60174 4165

RE: Frasz Rezoning
Project Number(s): 2300930 [2021-007]
County: Kane

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. 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.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Kyle Burkwald
Division of Ecosystems and Environment
217-785-5500