

4636

KANE COUNTY DEVELOPMENT DEPARTMENT
Zoning Division, Kane County Government Center
719 S. Batavia Avenue
Geneva, Illinois 60134
Office (630) 444-1236 Fax: (630) 232-3411

Received Date

MAY 20 2024
Kane Co. Dev. Dept.
Zoning Division

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

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 Number (s): 01-31-300-039
	Street Address (or common location if no address is assigned): 49W720 Lenschow Rd. Sycamore, IL 60178-6013

2. Applicant Information:	Name Ponce Lawn Service Corp.	Phone 224-770-0524
	Address 49W720 Lenschow Rd. Sycamore, IL 60178-6013	Fax
		Email

3. Owner of record information:	Name Alfonso Ponce Fregoso	Phone 224-770-0524
	Address 49W720 Lenschow Rd. Sycamore, IL 60178-6013	Fax
		Email

Zoning and Use Information:

2040 Plan Land Use Designation of the property: Agriculture

Current zoning of the property: F with special use for business

Current use of the property: Landscaping business

Proposed zoning of the property: same with extension of special use

Proposed use of the property: Landscaping business

If the proposed Map Amendment is approved, what improvements or construction is planned? (An accurate site plan may be required) None.

Attachment Checklist

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Completed Land Use Opinion (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, 545 S. Randall Road, St. Charles, IL 60174.
- Endangered Species Consultation Agency Action Report (available in pdf form at <http://dnr.illinois.gov/ecopublic/>) to be filed with the Illinois Department of Natural Resources. (* This report may best be accessed with Internet Explorer on some computers, per the State)
- List of record owners of all property within 250 feet of the subject property
- Trust Disclosure (If applicable)
- Findings of Fact Sheet
- Application fee (make check payable to Kane County Development Department)

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.

Alfonso Roman 5-15-24
Record Owner Date

Alfonso Roman 5-15-24
Applicant or Authorized Agent Date

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.

Ponce Lawn Service Corp.

Name of Development/Applicant

Date

5/15/24

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

This is generally an agricultural/farming area and this continued use is to operate a landscaping business that has been in operation under the special use for the past 5 years.

2. What are the zoning classifications of properties in the general area of the property in question?
E-1 and F

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

This property is suitable as the property is just over 6 acres and only 0.86 acres has been used for the landscaping business. Natural screening exists to limit the exposure of vehicles to surrounding properties. The property for the past 5 years has been zoned F with a special use to operate the landscaping business.

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

The trend of development is only E-1 and farming.

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

This area is projected to remain agricultural so the continued use complies with the 2040 land plan use.

Findings of Fact Sheet – Special Use

Landscaping business - Ponce Lawn Service Corp.

5/15/24
Date

Special Use Request

- *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.
This site has been used as a landscaping business for the past 5 years per special use.
The 0.86 acre parcel will continue to be used in the same manner going forward. No work
itself other than maintenance and storage of vehicles takes place on site, so there is no danger
to 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.
This limited space use has not injured the use, enjoyment and value of other properties
over the past 5 years. The use is screened from other properties by trees and vegetation.

8. Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property.
The extension of the special use for the landscaping business will not impede development
of surrounding properties with are E-1 or farming. The primary purpose will be storage and
maintenance of vehicles.

9. Will adequate utility, access roads, drainage and other necessary facilities be provided? Please explain:
Yes, these already exist. No new improvements are planned.

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

Yes, a driveway already exists sufficient for ingress and egress. No significant traffic will be created by this use, which has not been a problem for the past 5 years.

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

Yes. The use will be limited to 0.86 acres and is screened from view.

Alphonso Ponce Fregoso/Ponce Lawn Service
Five-Year Interim Special Use for an existing landscaping business

Special Information: A landscaping business had been operating on the northern property in violation of the Zoning Ordinance. Upon this discovery, the property owner sought and was granted a rezoning on that portion of the property from E-1 District Estate Residential to F-District Farming so that a Five Year Interim Special Use could be petitioned for the landscaping business. Since the County discourages spot business zoning and Interim Special Uses are not permitted in the Estate District, the petitioner rezoned approximately .85 acre of the property to F-District Farming to allow for the Interim Special Use. The rezoning did not render the remaining property in violation of the E-1 Estate District for continued residential use.

At the time of the first rezoning and ISU the owner expected to retire and this ISU would allow him to close out the business upon retirement. After the ISU was granted COVID occurred and forced him to push back his retirement plans. He is seeking an additional five years to operate the business and then close out the business.

Analysis: The Kane County 2040 Land Use Plan designates this area as Countryside Estate Residential. The gross density should not generally exceed an average of one dwelling unit per four acres of land.

Staff recommended findings of fact:

1. The additional Interim Special Use will allow the landscaping business to operate in conformance with the Zoning Ordinance for five more years.

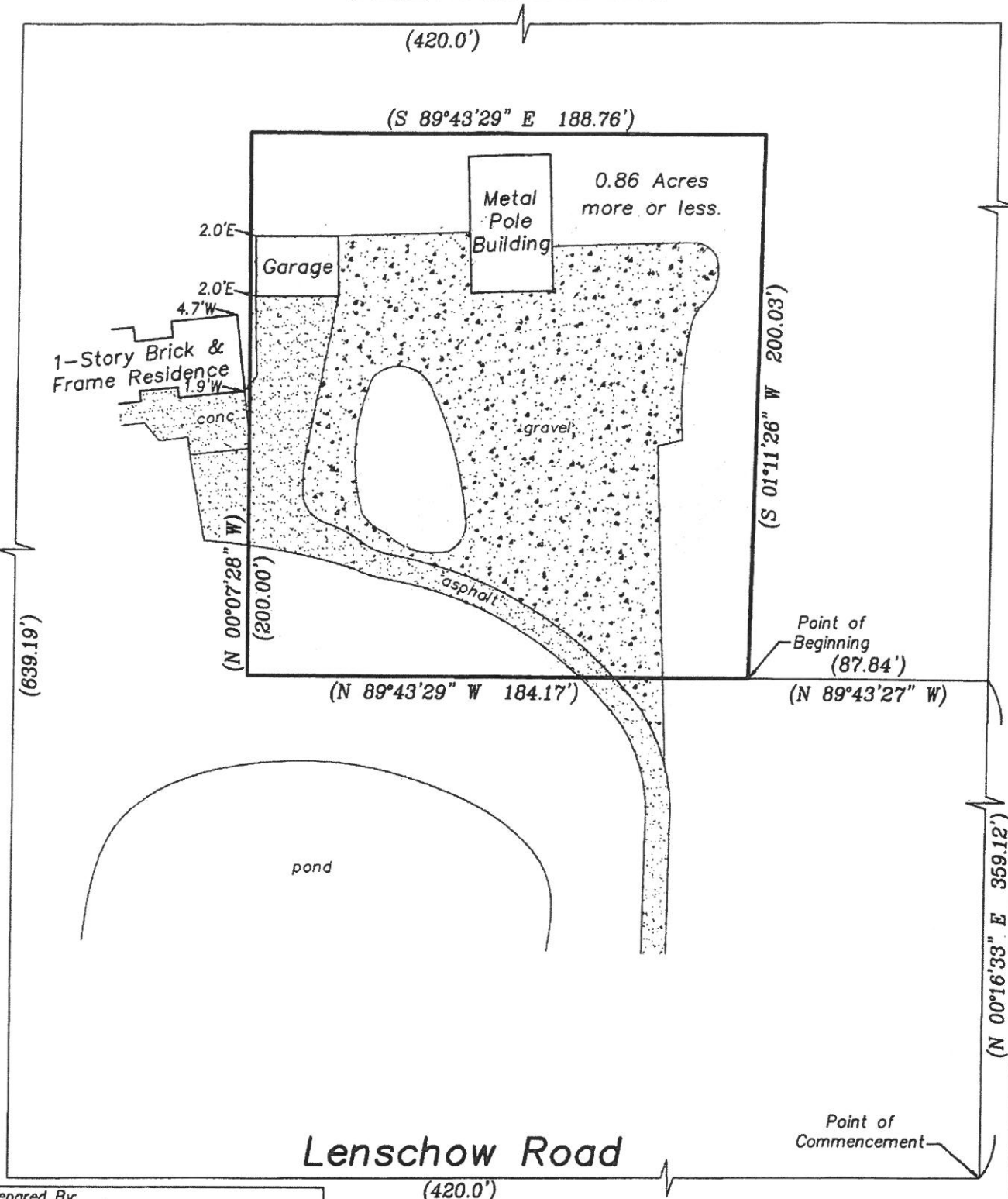
Attachments: Location Map
 Township Map
 Petitioner's finding of fact sheet

PROJECT NARRATIVE FOR PONCE LANDSCAPE SERVICE CORP.

49W720 Lenschow Rd., Sycamore, IL 60178

This parcel is slightly over 6 acres in total size and currently has a single family residence and outbuilding on the site and is zoned F with a temporary special use for a landscaping business on 0.86 acres of the parcel. The Petition filed with Kane County is extend the temporary special use zoning on a 0.86 acre parcel on the site (see attached Plat) for an additional 5 years to continue operating a landscaping business on the 0.86 acre parcel. No new construction is planned on the site. The site currently has well and septic and no changes are necessary.

ZONING EXHIBIT

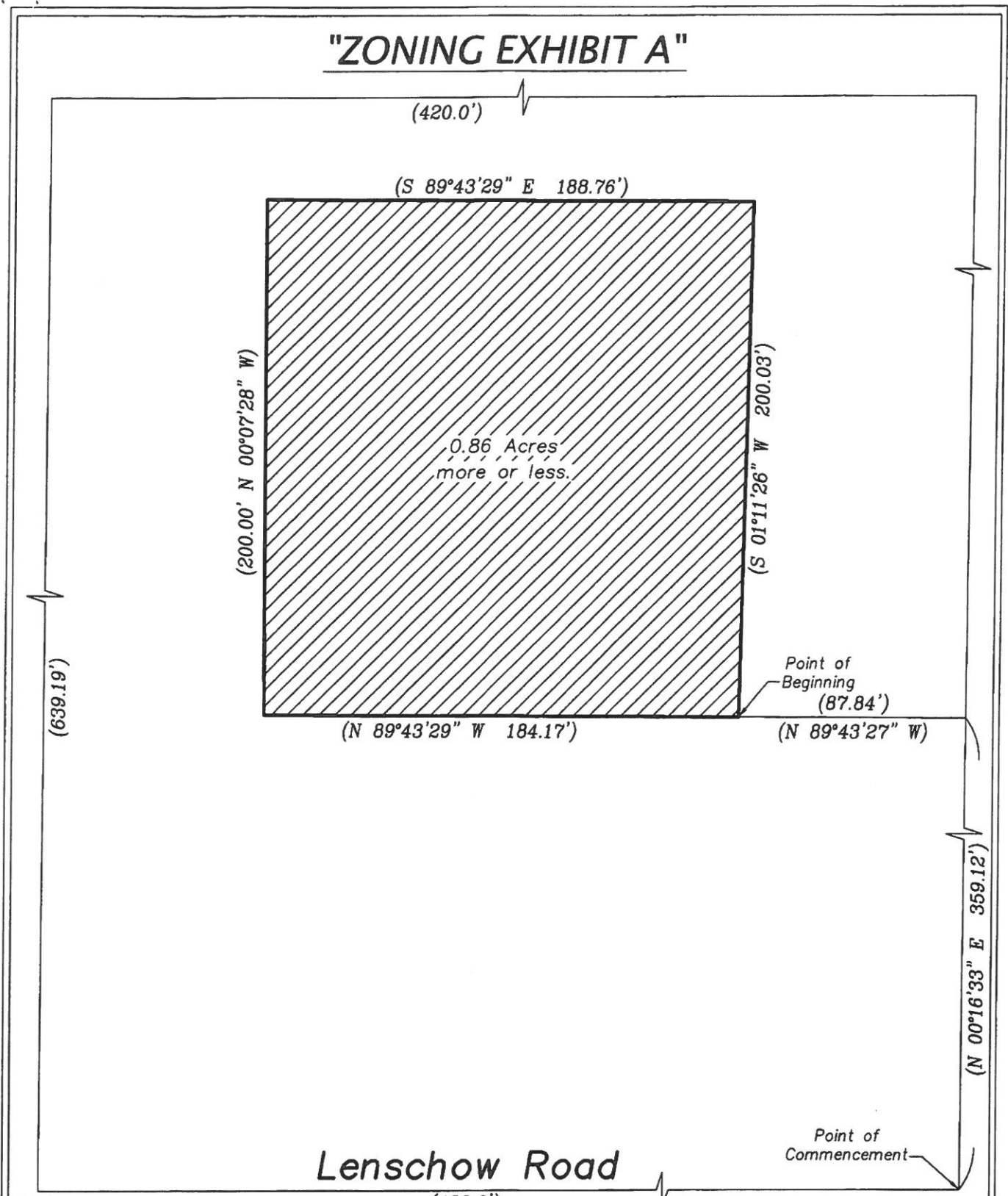


Prepared By:
TODD SURVEYING
 Professional Land Surveying Services
 "Cornerstone Surveying PC"
 759 John Street, Suite D
 Yorkville, IL 60560
 Phone: 630-892-1309 Fax: 630-892-5544

= Area of Temporary Re-zoning

Project Number:
2018-1953

"ZONING EXHIBIT A"



Prepared By:

TODD SURVEYING
Professional Land Surveying Services
"Cornerstone Surveying PC"
759 John Street, Suite D
Yorkville, IL 60560
Phone: 630-892-1309 Fax: 630-892-5544

Project Number:

2018-1953

 = Area of Temporary Re-zoning

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"ZONING EXHIBIT B"

PARENT PARCEL:

THE EAST 420.0 FEET OF THE WEST 792.0 FEET OF THE SOUTH 639.19 FEET OF THE EAST $\frac{1}{2}$ OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 6, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALL IN HAMPSHIRE TOWNSHIP, KANE COUNTY, ILLINOIS.

PARCEL TO BE TEMPORARILY RE-ZONED:

THAT PART OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 6, EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE EAST 420.0 FEET OF THE WEST 792.0 FEET OF THE SOUTH 639.19 FEET OF THE EAST $\frac{1}{2}$ OF SAID SOUTHWEST $\frac{1}{4}$; THENCE NORTH $00^{\circ}16'23''$ EAST, ALONG THE EAST LINE OF SAID WEST 420.0 FEET, 359.12 FEET; THENCE NORTH $89^{\circ}43'27''$ WEST, 87.84 FEET, FOR A POINT OF BEGINNING, THENCE NORTH $89^{\circ}43'29''$ WEST 184.17 FEET; THENCE NORTH $00^{\circ}07'28''$ WEST, 200.00 FEET; THENCE SOUTH $89^{\circ}43'29''$ EAST, 188.76 FEET; THENCE SOUTH $01^{\circ}11'26''$ WEST, 200.03 FEET, TO THE POINT OF BEGINNING, ALL IN HAMPSHIRE TOWNSHIP, KANE COUNTY, ILLINOIS.

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Yorkville, IL 60560
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Map Title



May 28, 2024

1:2,342
0 110 220 440 ft
0 30 60 120 m

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 legal information.

GIS-Technologies
Kane County Illinois

