

4524

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  
  
AUG 08 2019  
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): 11-06-300-022
	Street Address (or common location if no address is assigned): 44W650 Keslinger Rd. Elburn, IL 60119

2. Applicant Information:	Name Russell J. Splain	Phone 773-896-6072
	Address 44W650 Keslinger Rd. ELBURN IL 60119	Fax /
		Email /

3. Owner of record information:	Name Russell J. Splain	Phone 773-896-6072
	Address 44W670 Keslinger IL ELBURN IL 60119	Fax /
		Email /

**Zoning and Use Information:**

2040 Plan Land Use Designation of the property: Countryside Estate Residential

Current zoning of the property: F1 District – Rural Residential

Current use of the property: One-Family dwelling on farmland

Proposed zoning of the property: Per the County's direction <sup>E2-A</sup> ~~X~~ District - Estate

Proposed use of the property: The proposed use will remain the same (one- family dwelling on the corresponding farmland)

If the proposed Map Amendment is approved, what improvements or construction is planned? (An accurate site plan may be required)

There are no plans for any improvements or construction for this property the rezoning is strictly to comply with the Kane County Zoning Department's direction.

**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](http://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/>) **\*\*\*(217) -782-6302\*\*\*** 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 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.

X Russell J Splain

Record Owner

8-8-19

Date

Applicant or Authorized Agent

Date

## Finding 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.

Russel J. Splain \_\_\_\_\_  
Name of Development/Applicant

8/7/19  
Date

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

The general area of the property in question consists of one- family homes on different size parcels of farm land to the Southwest and some commercial property to the Northeast.

The existing use of the property consists of one- family dwelling on the corresponding farmland (2.09.acres) as part of F1 District – Rural Residential.

#### APPENDIX B-ZONING

##### 8.2-4 Lot Size

Every one-family detached dwelling hereafter erected shall be located on a tract of land having an area of not less than one (1) acre/nor more than forty (40)acres.

The proposed use will remain the same (one- family dwelling on the corresponding farmland) but the changes desired will):

- a. Optimize the quality of life within the existing one- family dwelling with a garage addition
- b. Secure the existing building’s infrastructure with a new roof and resurfaced the cement slab
- c. Maximize the utility & maintenance of the farm land with a barn (1,800sq ft.) and driveway for the storage of farming equipment, horses, chickens, alpacas (as per F1/EI zoning ordinances).

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

The general area of the property in question consists of single family homes on different size parcels of farm land to the Southwest (F, F1, F2) and some business properties to the Northeast (B, B1, B2, B3).

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

The property in question is well suited for the current designation of F1- District Rural Residential.

It retains the original one- family dwelling on more than one (1) acre but less than 40 acres and the use of the property will not change with the garage addition, roof and cement slab repair, new barn and driveway.

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

There is no significant development trend noted in the general area of the property. However, there is a significant development of residential homes in the neighboring communities of Elburn and Blackberry.

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

The projected use of the property, align with the Countryside Estate Residential (EI District – Estate) strategy included in the Kane County 2040 Land Use Plan.

Since, the property is characterized by a rolling meadow and native vegetation. Plus, will retain the same utility it does under the current zoning classification.

September 26, 2019

Russell Splain  
Rezoning from F-District Farming to E2-A District Estate Residential

**Special Information:** The petitioner had recently transferred a portion of his property to the neighbor to the west. Since the subject property is zoned F-District Farming and the reduction in size would leave it well below the 40 acre minimum, the petitioner is seeking a rezoning to bring the property and existing residential use back into conformance with the Zoning Ordinance.

**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 Findings of Fact:**

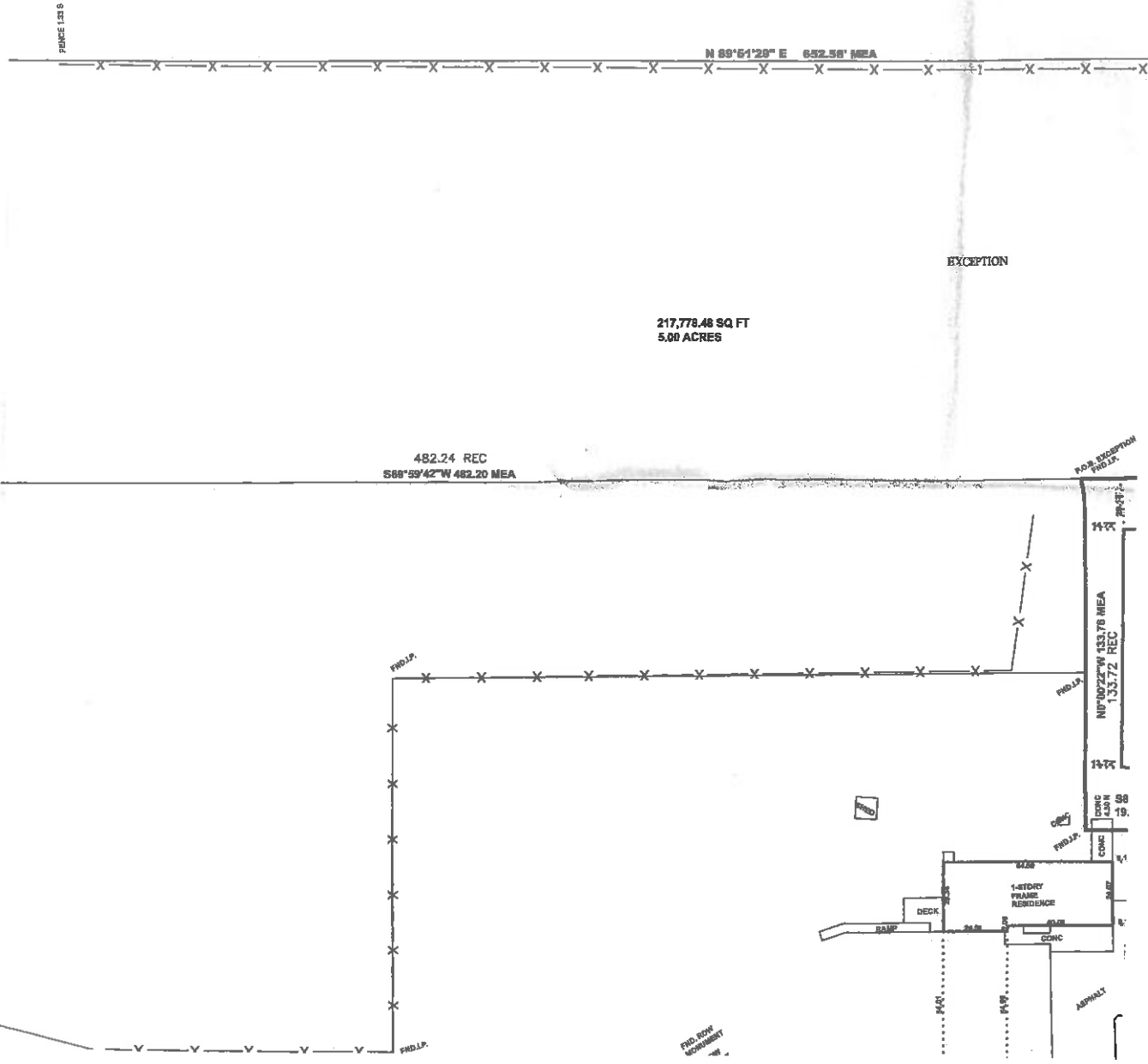
1. The rezoning will not intensify the existing residential use.

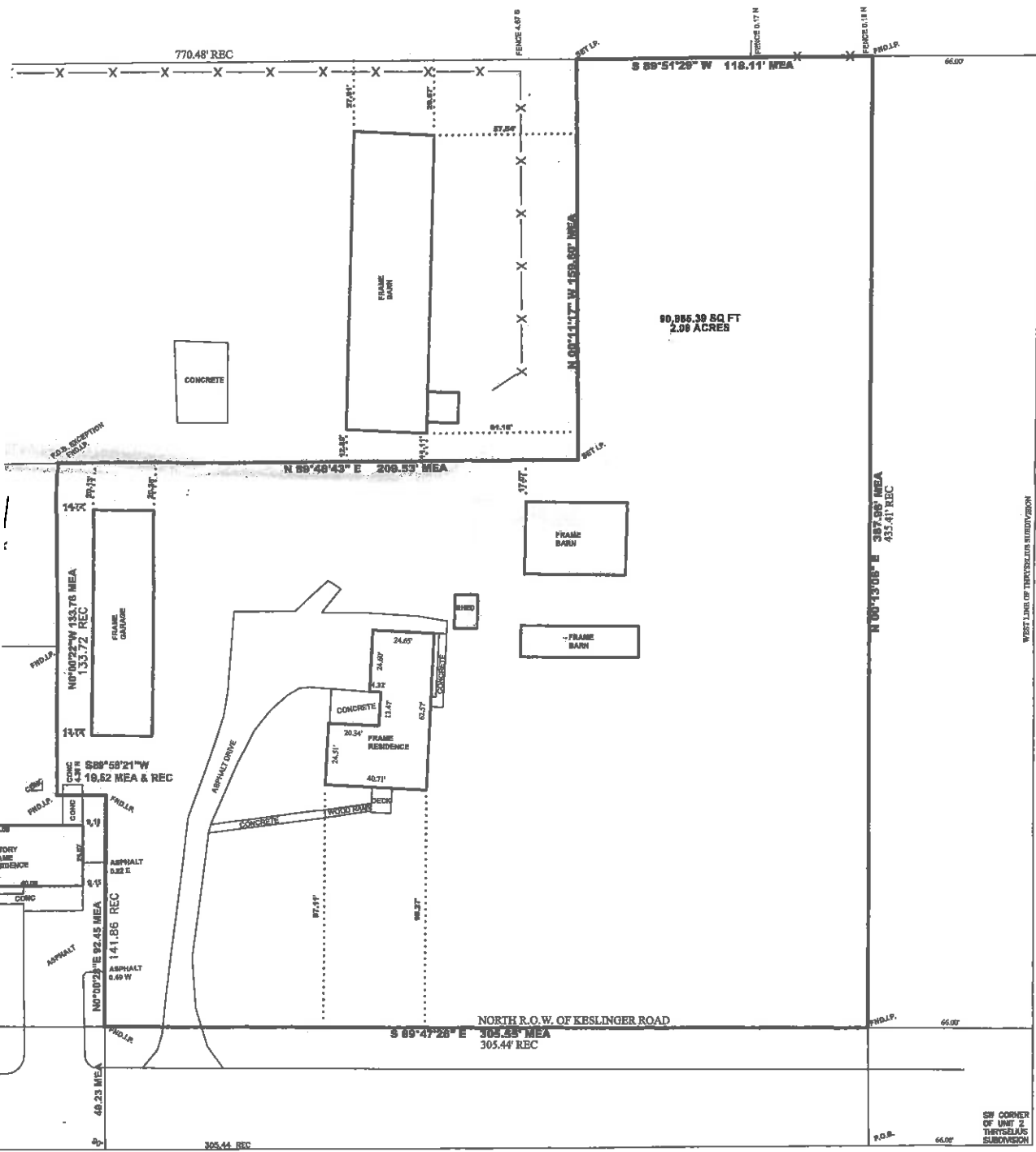
Attachments:      Location Map  
                         Township Map  
                         Petitioner's finding of fact sheet

THAT PART OF THE SOUTHWEST FRACTIONAL QUARTER OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID QUARTER 561.26 FEET TO A POINT THAT IS 68.0 FEET WESTERLY OF THE SOUTHWEST CORNER OF UNIT 2, THRYSELIUS SUBDIVISION, VILLAGE OF ELBURN, KANE COUNTY, ILLINOIS FOR A POINT OF BEGINNING; THENCE CONTINUING WESTERLY ALONG SAID SOUTH LINE 305.44 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 141.88 FEET; THENCE WESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 19.52 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 133.72 FEET; THENCE WESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 482.24 FEET TO A LINE DRAWN FROM A POINT ON SAID SOUTH LINE THAT IS 214.50 FEET (13 RODS) EASTERLY OF THE SOUTHWEST CORNER OF SAID FRACTIONAL QUARTER TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SAID FRACTIONAL QUARTER THAT IS 511.50 FEET (31 RODS) EASTERLY OF THE NORTHWEST CORNER OF SAID SOUTH HALF; THENCE NORTHEASTERLY ALONG SAID LINE FORMING AN ANGLE OF 76 DEGREES 15 MINUTES 12 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 164.72 FEET TO A LINE DRAWN PARALLEL WITH AND 435.40 FEET NORTHERLY OF SAID SOUTH LINE (MEASURED AT RIGHT ANGLES THERETO); THENCE EASTERLY ALONG SAID PARALLEL LINE 770.48 FEET TO A POINT THAT IS 66.0 FEET WESTERLY OF THE WEST LINE OF SAID UNIT 2; THENCE SOUTHERLY 435.41 FEET TO THE POINT OF BEGINNING, IN BLACKBERRY TOWNSHIP, KANE COUNTY, ILLINOIS

EXCEPT THAT PART DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHWEST FRACTIONAL QUARTER; THENCE WESTERLY ALONG THE SOUTH LINE OF SAID QUARTER 561.26 FEET TO A POINT THAT IS 68.0 FEET WESTERLY OF THE SOUTHWEST CORNER OF UNIT 2, THRYSELIUS SUBDIVISION, VILLAGE OF ELBURN, KANE COUNTY, ILLINOIS FOR A POINT OF BEGINNING; THENCE CONTINUING WESTERLY ALONG SAID SOUTH LINE 305.44 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 141.58 FEET; THENCE WESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 19.52 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 133.72 FEET FOR THE POINT OF BEGINNING; THENCE WESTERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE 482.24 FEET TO A LINE DRAWN FROM A POINT ON SAID SOUTH LINE THAT IS 214.50 FEET (13 RODS) EASTERLY OF THE SOUTHWEST CORNER OF SAID FRACTIONAL QUARTER TO A POINT ON THE NORTH LINE OF THE SOUTH HALF OF SAID FRACTIONAL QUARTER THAT IS 511.50 FEET (31 RODS) EASTERLY OF THE NORTHWEST CORNER OF SAID SOUTH HALF; THENCE NORTHEASTERLY ALONG SAID LINE FORMING AN ANGLE OF 76 DEGREES 15 MINUTES 12 SECONDS WITH THE LAST DESCRIBED COURSE (MEASURED COUNTER-CLOCKWISE THEREFROM) 164.72 FEET TO A LINE DRAWN PARALLEL WITH AND 435.40 FEET NORTHERLY OF SAID SOUTH LINE (MEASURED AT RIGHT ANGLES THERETO); THENCE EASTERLY ALONG SAID PARALLEL LINE 852.58 FEET; THENCE SOUTHERLY AT RIGHT ANGLES TO THE LAST COURSE 159.60 FEET; THENCE WESTERLY 208.53 FEET TO THE POINT OF BEGINNING.

COMMONLY KNOWN AS: 44WB60 KESLINGER ROAD, ELBURN, ILLINOIS.





SW CORNER OF UNIT 2, TRINITY SUBDIVISION

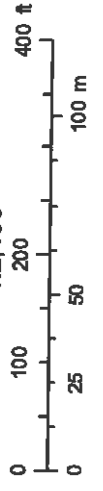


# Map Title



August 22, 2019

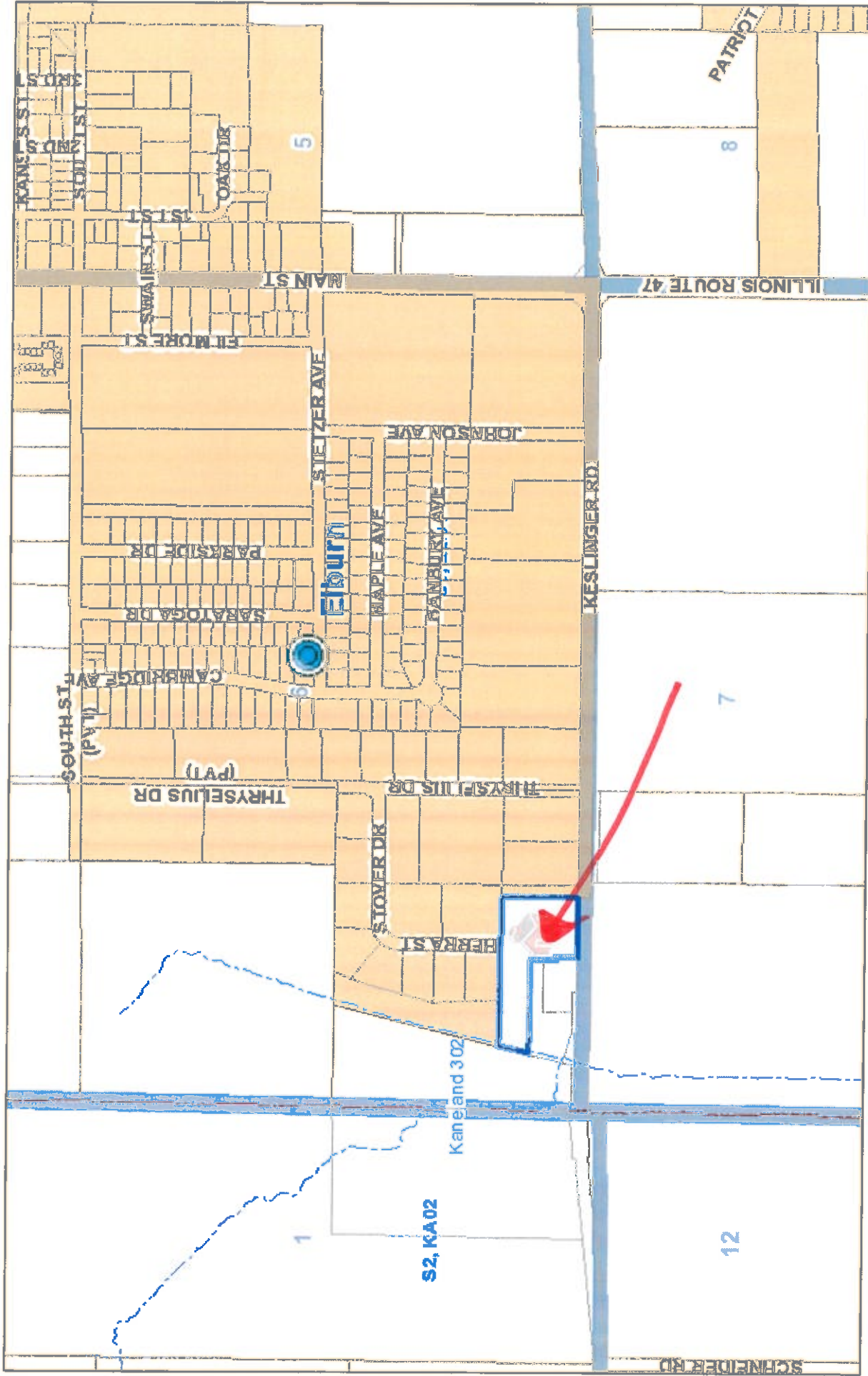
1:2,139



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

# Map Title



August 22, 2019

GIS-Technologies

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GIS-Technologies  
Kane County Illinois



Village President  
Jeffrey D. Walter  
Trustees  
Kenneth A. Anderson Jr.  
Susan Filek  
William Grabarek  
Chris Mondì  
Patricia Schuberg  
Matthew Wilson



VILLAGE OF ELBURN  
301 E. NORTH ST.  
ELBURN, ILLINOIS 60119  
630.365.5060  
[www.elburn.il.us](http://www.elburn.il.us)

Village Administrator  
John Nevenhoven  
Chief of Police  
Nick Sikora  
Public Works Superintendent  
Phil Van Bogaert  
Finance Director  
Doug Elder  
Building Commissioner  
Tom Brennan

September 18, 2019

Keith Berkhout  
Kane County Development Department  
ATTN: Zoning  
719 S. Batavia Avenue

Via email: [berkhout@co.kane.il.us](mailto:berkhout@co.kane.il.us)

Re: 44W650 Keslinger Road (Splain)


Dear Mr. Berkhout,

In your letter dated August 28, 2019, you requested comments for the Village of Elburn concerning a proposed zoning map amendment for 44W650 Keslinger Road. The Village Board had the following request:

- The Village of Elburn requests a 10 foot utility easement outside, but adjacent to, the current County road right of way.

Please let me know if you have any questions or need additional information.

Sincerely,



John Nevenhoven  
Village Administrator  
Village of Elburn

## Berkhout, Keith

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**From:** McGraw, Keith  
**Sent:** Wednesday, September 11, 2019 9:50 AM  
**To:** Berkhout, Keith; Schoedel, Carl; Nika, Kurt  
**Subject:** RE: Zoning petition for review  
**Attachments:** 2019-08-30 44W650 Keslinger - F1 to E2A.pdf

Keith,

In regard to the attached zoning request for F1 to E2A, KDOT has no comment.

Thank you,

**Keith McGraw**  
Kane County Division of Transportation – Permitting Section

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**From:** Berkhout, Keith <BerkhoutKeith@co.kane.il.us>  
**Sent:** Wednesday, August 28, 2019 1:07 PM  
**To:** Schoedel, Carl <schoedelcarl@co.kane.il.us>; Nika, Kurt <nikakurt@co.kane.il.us>; McGraw, Keith <McGrawKeith@co.kane.il.us>  
**Subject:** Zoning petition for review

**Keith T. Berkhout**  
Zoning Planner

Kane County Department of Development and Community Services  
719 S. Batavia Avenue  
Geneva, Illinois 60134  
630-232-3495  
[berkhoutkeith@co.kane.il.us](mailto:berkhoutkeith@co.kane.il.us)

