

Received Date
2/5/24

**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): 01-07-100-007 Rezoning for 8.8 acres of northeast portion
	Street Address (or common location if no address is assigned): 49W895 Melms Road Hampshire, Illinois 60140

2. Applicant Information:	Name Donald Stoxen	Phone 815-404-3271
	Address 49W895 Melms Road	Fax
	Hampshire, Illinois 60140	Email

3. Owner of record information:	Name Donald Stoxen and four additional co-owners, see attached	Phone Same
	Address Same	Fax
		Email

Zoning and Use Information:

2040 Plan Land Use Designation of the property: Agricultural

Current zoning of the property: Kane County F District

Current use of the property: Farm Residential and Vacant Land (FARMED)

Proposed zoning of the property: Kane County F1 District

Proposed use of the property: Residential Farmstead

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

No construction or Improvements

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.

Donald Stoxen 12-28-23
 Record Owner Donald Stoxen, on behalf of all owners Date
 (See attached)

Terrence J. McKenna, McKenna Law PC Date
 Applicant or Authorized Agent

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.*

Stoxen Family - Melms Road Farm

December 28, 2023

Name of Development/Applicant

Date

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

The proposed zoning is consistent with the surrounding use of the property which is primarily farmland and small farmstead home sites.

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

F District zoning to the north and south, F District zoning with rural residential use to the east and west along Melms Road.

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

Large portion of 8.8 acres consists of established farmstead with residence and buildings. These man-made physical features are suitable only as a rural residence and we wish to bring separate parcel into zoning compliance for future sale. The open acreage to the east is less than ideal for large scale farming (small "dog-leg") yet is suitable for expanding small scale efforts of individual owner. Current resident is co-owner who wishes to purchase, and continue agricultural use of land. All infrastructure supporting the residence / buildings is contained on proposed parcel: well, septic, electricity, energy sources, etc.

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

There are currently no developmental pressures in the area surrounding the subject property.

Adjacent 34 acre property to the east was the site of a newly-construction home in the early 2000's (by long term owner). This is the most recent new construction in the immediate area.

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

Projected use of property as residence, and for small scale agricultural efforts to grow local food (fruits, vegetables, poultry) is consistent with current use, and compatible with the 2040 Land Use Plan - along with the "Growing for Kane" which encourages local food propagation & consumption incentives for farms of any size. The low-density-rural-residential nature, and efforts to maintain or improve the livable, healthy, sustainable use of the land will continue to protect farmland as a vital resource, and aligns with the Kane County 2040 Land Use Plan.

PLAT OF SURVEY

Part of the Northwest Quarter of Section 7, Township 42 North, Range 5 East of the Third Principal Meridian, being described as follows: Commencing at the Northwest corner of the said Northwest Quarter; thence South 00 degrees 11 minutes 12 seconds East along the West line thereof, 435.27 feet to the centerline of Melms Road; thence South 71 degrees 29 minutes 47 seconds East along said centerline, 323.25 feet to the Place of Beginning; thence continuing South 71 degrees 29 minutes 47 seconds East along said centerline, 826.36 feet to the East line of the West 1089.00 feet of the said Northwest Quarter; thence South 00 degrees 11 minutes 12 seconds East along said East line, 488.65 feet; thence North 71 degrees 29 minutes 47 seconds West parallel with the said centerline of Melms road, 826.36 feet; thence North 00 degrees 11 minutes 12 seconds West parallel with West line of the said Northwest Quarter, 488.65 feet to the Place of Beginning in Kane County, Illinois.



LEGEND	
•	DOWN OUT
●	FOUND IRON BAR
○	FOUND IRON PIPE
⊗	FOUND MAG NAIL
⊙	FOUND RR SPIKE
⊛	SET IRON BAR
⊜	SET MAG NAIL
⊝	SPICOT
⊞	UTILITY POLE
⊟	WELL
(M)	MEASURED



STATE OF ILLINOIS)
 COUNTY OF McHENRY) S.S.

In my professional opinion, and based on my observations, I hereby certify that we have surveyed the premises above described, and that the plat hereon is a true representation of the said survey. This professional service conforms to the current Illinois minimum standards for a boundary survey.

Dated at Woodstock, McHenry County, Illinois 01/05 A.D., 20 21.
 Vanderstappen Land Surveying Inc.
 Design Firm No. 104-002792

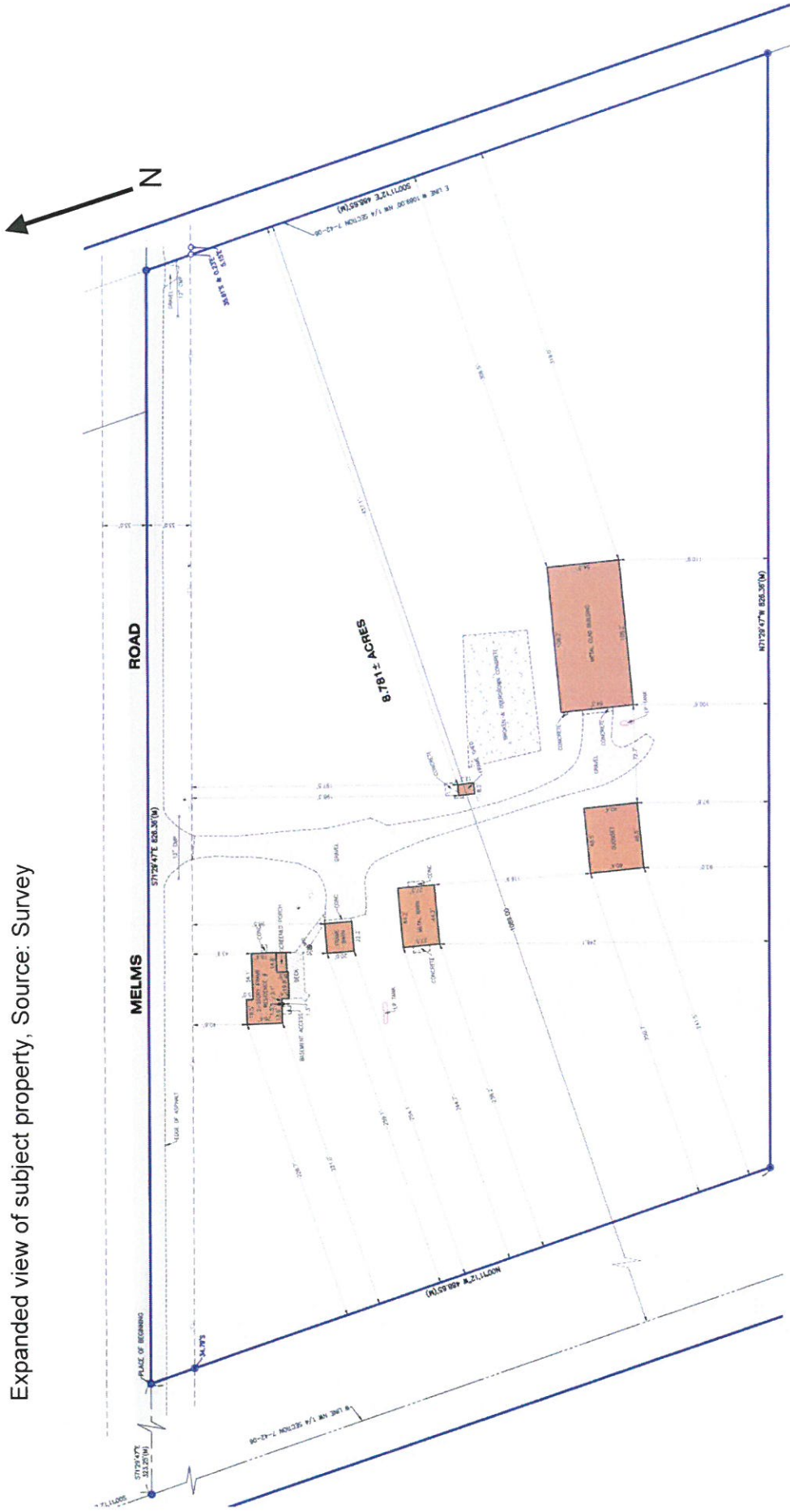
By: *Andrew P. Ortman*
 Illinois Professional Land Surveyor No. 3857

NOTE: Only those Building Line Restrictions or Easements shown on a Recorded Subdivision Plat are shown hereon unless the description ordered to be surveyed contains a proper description of the required building lines or easements.
 • No distances should be assumed by scaling.
 • No underground improvements have been located unless shown and noted.
 • No representation as to ownership, use, or possession should be hereon implied.
 • This Survey and Plat of Survey are void without original enclosed or colored seal and signature affixed.
 Compare your description and site markings with this plat and AT ONCE report any discrepancies which you may find.

CLIENT: LINDA STOVEN
 DRAWN BY: DCV CHECKED BY: APC
 SCALE: 1"=40' SPC: 07 T. 42 R. 05 E.
 BASIS OF BEARING: S EAST ZONE NAD83 (2011)
 P.I.N.: 01-07-100-007; 01-07-300-001
 JOB NO.: 221092 I.D. MBS.
 FIELDWORK COMP: 12/21/23 BK PG.
 ALL DISTANCES SHOWN IN FEET AND DECIMAL FEET.
 PARTS HEREOF CORRECTED TO 11/28/2014

Stoxen Family 49W895 Melms Rd Hampshire, Illinois

Expanded view of subject property, Source: Survey





Legal Description

written by apg

Part of the Northwest Quarter of Section 7, Township 42 North, Range 6 East of the Third Principal Meridian, being described as follows: Commencing at the Northwest corner of the said Northwest Quarter; thence South 00 degrees 11 minutes 12 seconds East along the West line thereof, 438.27 feet to the centerline of Melms Road; thence South 71 degrees 29 minutes 47 seconds East along said centerline, 323.25 feet to the Place of Beginning; thence continuing South 71 degrees 29 minutes 47 seconds East along said centerline, 826.36 feet to the East line of the West 1089.00 feet of the said Northwest Quarter; thence South 00 degrees 11 minutes 12 seconds East along said East line, 488.65 feet; thence North 71 degrees 29 minutes 47 seconds West parallel with the said centerline of Melms road, 826.36 feet; thence North 00 degrees 11 minutes 12 seconds West parallel with West line of the said Northwest Quarter, 488.65 feet to the Place of Beginning in Kane County, Illinois.

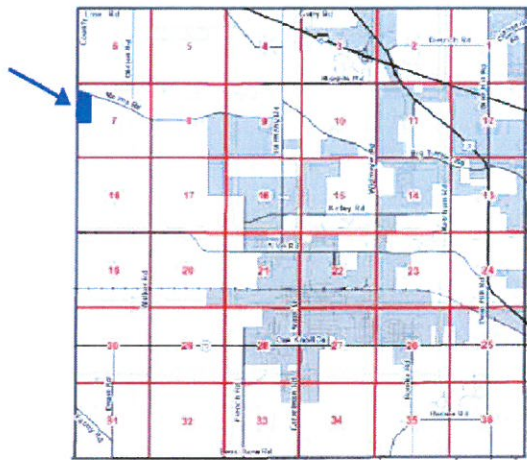
As seen on Survey:

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Location Stoxen Farm 49W895 Melms Rd Hampshire

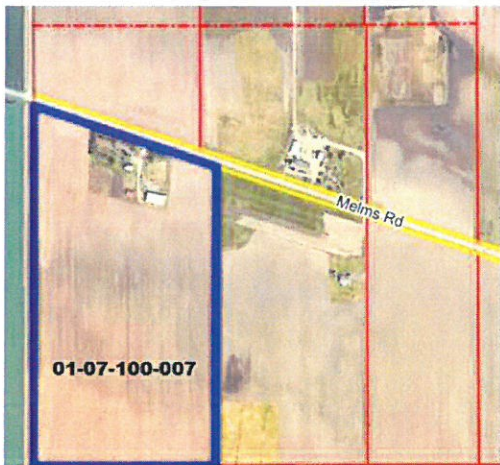
Hampshire Township



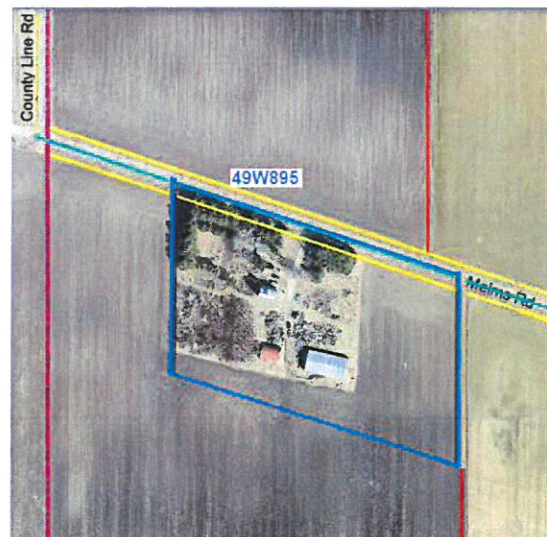
Section 7



Parcel 01-07-100-007



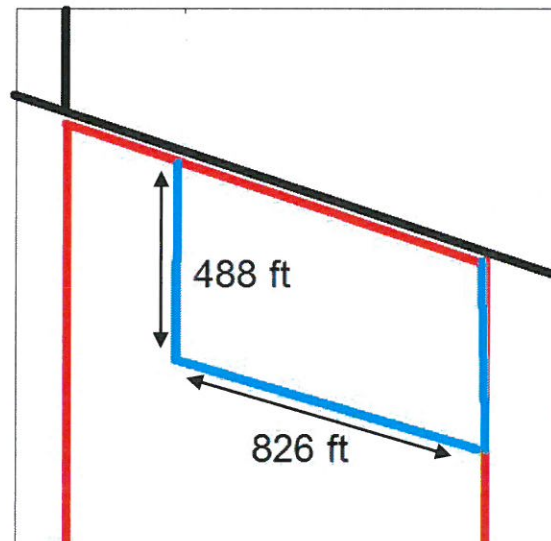
Proposed Site Plan F1



Proposal:

F1 zoning of dwelling and buildings = 8.8 acres

Remainder = 40+ acres F

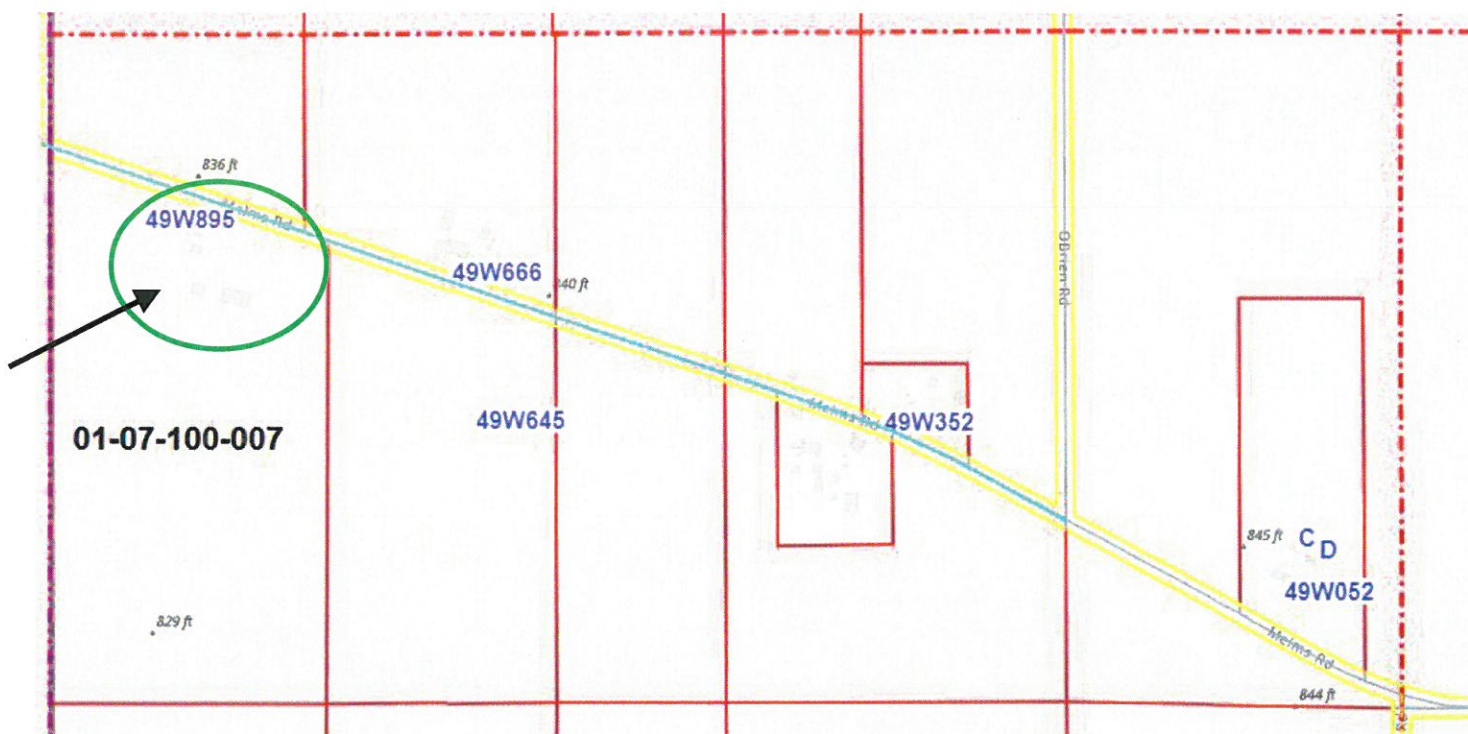


Birds-eye view of Stoxen Family 49W895 Melms Rd

0107100007 42.136923 -88.586425



Neighborhood overview



Applicant: Donald Stoxen
Contact: Linda Stoxen
Address: 100 Mill Road
Durham, NH 03824

IDNR Project Number: 2408383
Date: 12/27/2023

Project: Stoxen Family Melms Road Farm
Address: 49W895 Melms Rd, Hampshire

Description: Submitting petition to rezone approximately 8 acres from F district to F1 district zoning.

Natural Resource Review Results

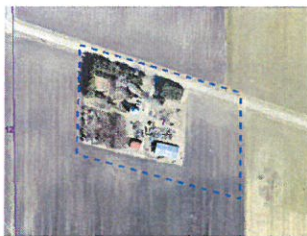
Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Consultation 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. Termination does not imply IDNR's authorization or endorsement.

Location

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



County: Kane

Township, Range, Section:
42N, 6E, 7

IL Department of Natural Resources
Contact
Bradley Hayes
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Kane County
Mark Vankerhoff, Director
Kane County Development Department
719 Batavia Ave Bldg A 4th Floor
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.

Land Use Opinion Report (LUO) Application



Petitioner: Stoxen Family / Donald Stoxen
Contact person: Linda Stoxen
Address: 100 Mill Rd
City, State, Zip: Durham, NH 03824
Phone Number: 603-833-0565
Email: LStoxen@hotmail.com

Owner: Stoxen, D; J; & L; Wesemann, A; Oehler, M
Address: 49W895 Melms Rd
City, State, Zip: Hampshire, IL 60140
Phone Number: 815-404-3271
Email: _____

Please select: How would you like to receive a copy of the LUO Report? Email Mail

Site Location

Address: 49W895 Melms Rd
City, State, Zip: Hampshire, IL 60140
Township(s) 42 N Range(s) 6 E Section(s) 7
Parcel Index Number(s): 01-07-100-007 (NE 8.8 acres)

Type of Request

- Change in Zoning from F to F1
- Subdivision or Planned Unit Development (PUD)
- Variance (Please describe fully on a separate sheet)
- Special Use Permit (Please describe on separate sheet)

Site Information

Permitting Unit of Government: Kane County Hearing Date: TBD
Project Name: Stoxen Family Melms Road Farm Total Acres: 8.781 Area of Disturbance: None (0)
Current Use of Site: Residence / Farming Proposed Use: Residence / Farming

Proposed Improvements (Check all that apply)

- Dwellings with Basements
- Dwellings without Basements
- Parking Lots
- Roads and Streets
- Commercial Buildings
- Utility Structures
- Common Open Space
- Other _____

Stormwater Treatment

- Drainage Ditches or Swales
- Storm Sewers
- Dry Detention Basins
- Wet Detention Basins
- No Detention Facilities Proposed
- Other _____

Water Supply

- Individual Wells
- Community Water

Wastewater Treatment

- Septic System
- Sewers
- Other _____

Required: Include One Copy of Each of the Following (Processing will not begin until all items are received)

MAIL TO: 2315 DEAN ST. SUITE 100, ST. CHARLES, IL 60175

- Application** (completed and signed)
- Fee** (according to fee schedule on back)
- Make Checks payable to Kane-DuPage Soil and Water Conservation District
- Plat of Survey** showing legal description, legal measurements
- Site Plan/Drawings** showing lots, storm water detention areas, open areas, streets etc.
- Project Narrative** with additional details on the proposed use, including total area of ground disturbance
- Location Map** (if not on maps above) include distances from major roadways or tax parcel numbers

If Available- Not Required:

Any applicable surveys including wetland deliniation, detailed soil survey, topographic survey etc.

I (we) understand the filing of this application allows the authorized representative of the Kane-DuPage Soil to visit and conduct an evaluation of the site.

Linda Stoxen

Date JANUARY 5, 2024

Submission
COMPLETE
WITH FEE.

FOR OFFICE USE ONLY

Review Letter _____ Date Initially rec'd _____ Date all rec'd _____
Refund Due _____ Check # _____

on an equal opportunity basis without regard to race, color, religion, sex, age, marital status, handicap, or national origin.

Effective July 1, 2020

Additional Owners of Record

As co-owners, we approve and submit this application for F1 residential rezoning of a portion (approximately 8.8 acres) of Parcel 01-07-100-007 with common address of 49W895 Melms Road Hampshire in Kane County, Illinois.

Signature

Date

Mary E. Oehler

12/28/2023

Mary E. Oehler
W328S8061 Hickory Nut Ln
Mukwonago WI 53149

Anne Wesemann

1 Jan 2024

Anne Wesemann
13578 Poplar Rd
Genoa IL 60135

Linda Stoxen

JANUARY 5, 2024

Linda Stoxen
100 Mill Rd
Durham NH 03824

Julie Stoxen

23 Dec. 2023

Julie Stoxen
P.O. Box 3452
Eagle CO 81631

**CERTIFICATION OF NOTIFICATION
OF PROPERTY OWNERS WITHIN 250 FEET OF SUBJECT PROPERTY**

Date: December 27, 2023

To: KANE COUNTY ZONING BOARD OF APPEALS
From: Linda Stoxen on behalf of Stoxen Farm Family
49W895 Melms Rd
Hampshire, Illinois 60140
(Ph #) 603-833-0565

The undersigned, being sworn upon this oath, deposes and says that the list below includes the names and addresses of all owners of property within 250 feet of the property referred to in petition for

(circle one) ~~Variance~~ Rezoning ~~Special-Use~~

for the purpose of Parcel 01-07-100-007 (portion of open farmland) is under contract for sale,
and does not include the 8.8 acre portion that is an established farmstead.

Current co-owner / resident wishes to purchase the 8.8 acres, requiring
rezoning to F1 district to comply with county zoning regulations.

and, further, that all persons owning property within 250 feet of the parcel referred to in petition have been notified of the intent of the petitioner(s).

Petitioner's property is located in Section 07, Township 42N6E (Hampshire), County of Kane. (Legal Description Attached)

List names of property owners below. (Property Owners do not have to sign this form)

NAME	ADDRESS (street, city, state and zip code)
<u>James Goff and Scott Welch</u>	<u>15N141 Romke Rd, Hampshire IL 60140</u>
<u>Glenn and Ellen Nissen</u>	<u>49W645 Melms Rd, Hampshire IL 60140</u>
<u>Glenn Nissen</u>	<u>P.O. Box 495, Hampshire IL 60140</u>
<u>Richard and Marlene Pump</u>	<u>48W733 Allen Rd, Hampshire IL 60140</u>
<u>See attached for Dekalb County property owners</u>	
<u>and additional mailings.</u>	

By:

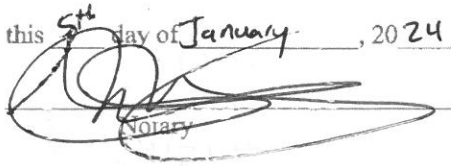
LINDA STOXEN

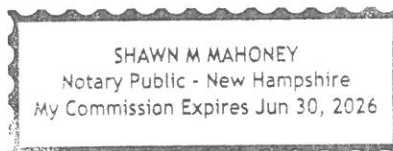
Linda Stoxen

(Property Owner or Agent)

Subscribed and sworn to before me

this 5th day of January, 2024


Notary



Situs Address Buffer

Parcel Number: Distance: Feet

Include Source Parcel: Yes No

This list contains situs addresses for parcels within 250 feet of parcel 0107100007
Results as .csv

Situs Addresses (physical locations)

Parcel	Address	City	State	Zip
0107100007	49W895 MELMS RD (Subject Property)	HAMPSHIRE	IL	60140-8250
0107100005	49W645 MELMS RD	HAMPSHIRE	IL	60140-8250
0107100006	49W666 MELMS RD	HAMPSHIRE	IL	60140-8249
0107100008				
0107300001				
0107300002				

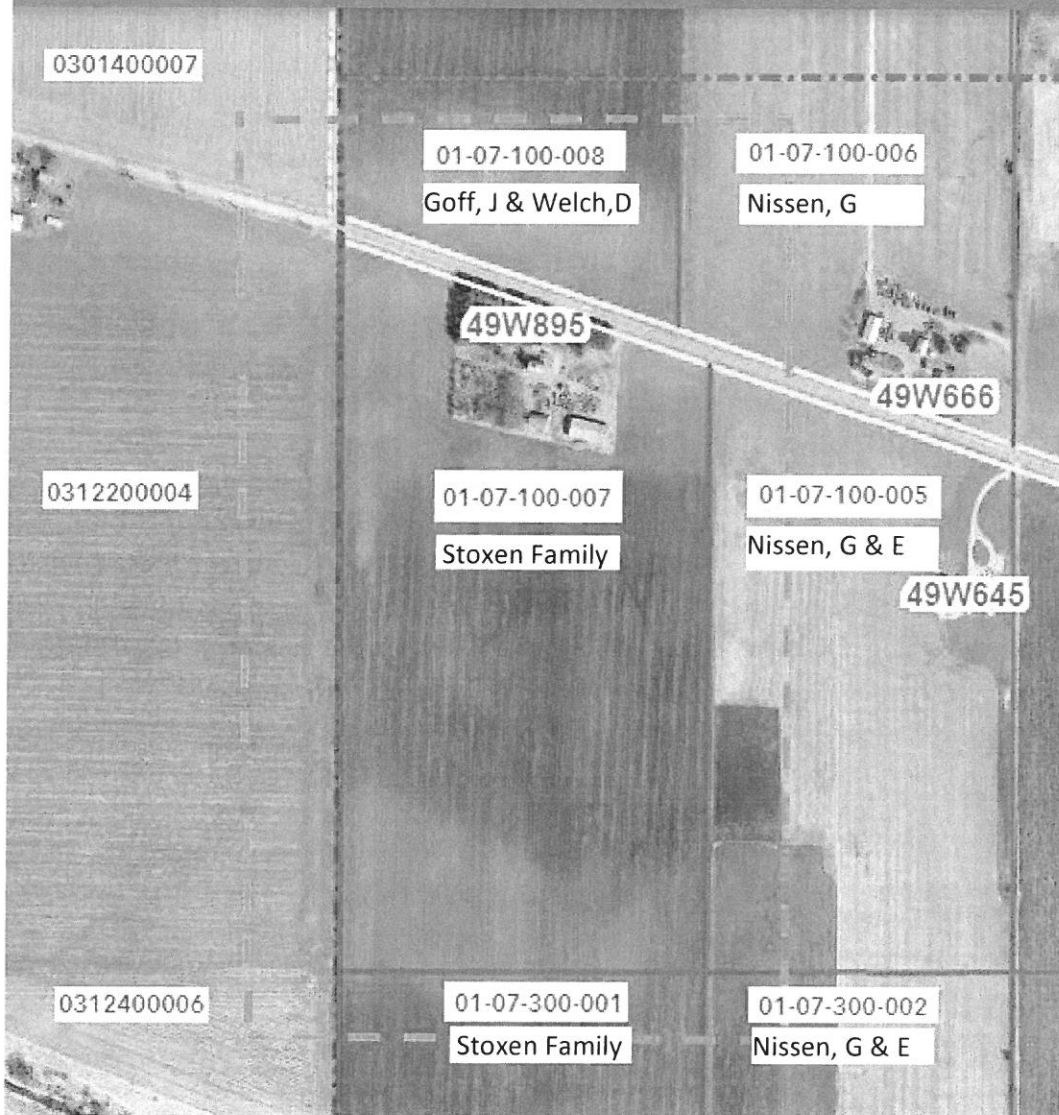
250 foot buffer of 0107100007 returned 6 parcels

This information is based on current GIS Parcel Data

- 0107100007 STOXEN, DL II JM LJ WESEMANN AL & OEHLER ME
49W895 MELMS RD HAMPSHIRE, IL, 60140
Subject Parcel, Applicant rezoning for 8.8 acres
Pump, Richard and Marlene
48W733 ALLEN RD HAMPSHIRE IL 60140
Subject Parcel, Buyer under contract (remainder parcel)
- 0107100005 TRUST # 12953 GLENN & ELLEN J NISSEN
49W645 MELMS RD HAMPSHIRE, IL, 60140-8250
- 0107100006 NISSEN, GLENN A
PO BOX 459 HAMPSHIRE, IL, 60140-0459
- 0107100008 GOFF, JAMES & WELCH, SCOTT M
15N141 ROMKE RD HAMPSHIRE, IL, 60140-6170
- 0107300001 STOXEN, DL II JM LJ WESEMANN AL & OEHLER ME
49W895 MELMS RD HAMPSHIRE, IL, 60140-
Adjacent Parcel, Applicant
- 0107300002 TRUST # 12953 GLENN & ELLEN J NISSEN
49W645 MELMS RD HAMPSHIRE, IL, 60140-8250

Dekalb County

- 0301400007 STEPHENIE S ELLIOTT C/O HERTZ FARM MANAGEMENT INC
49W645 415 SOUTH 11TH ST PO BOX 500 NEVADA IA 50201
- 0312200004 CITIZENS FIRST NATL BANK TRUST 10530 C/O BRADFORD GRIMES
34802 LEBANON RD GENOA IL 60135
- 0312400006 ROBERT C JR & CONNIE M BECKER TRUST 2000
213 W MAIN ST GENOA IL 60135



Dekalb County

Initial Notification Letter (enclosed) sent 12-30-2023 to:

1. Nissen, G & E
2. Goff, J & Welch, D

Notification and Entire Application sent to:

1. Richard and Marlene Pump (Under sale-contract for remainder of 01-07-100-007)
2. Hampshire Township for distribution to appropriate officials

Notice to: All adjacent and adjoining property owners of property located at
49W895 Melms Road (01-07-100-007), Hampshire Township, Kane County.

From: Linda Stoxen, on behalf of Stoxen Family Farm Owners

Date: December 28, 2023

Re: Submission of Petition for zoning change

Notice is hereby given:

We have submitted a petition to the Kane County Development Department to rezone a portion (dwelling, buildings and acreage) of the property listed above from F-District Farming to F-1 District Rural Residential.

Kane County Zoning Board of Appeals will conduct a public hearing at a future date, and you can expect to be given notification of this meeting. In addition the County will publish all documents related to this petition via a posting to the Kane County website, access-details to be provided via same notification.