



**Zoning Request Report**  
County of Kane

Kane County Development  
719 Batavia Ave  
Geneva, IL 60134  
Phone: (630) 232-3492  
Fax: (630) 232-3411

TO: Kane County Zoning Board Of Appeals  
Kane County Development Committee  
County Board Member District  
Janice Hill  
Petitioner

Carl Scheodel

Mark VanKerkhoff

Monica Meyers

**PETITION NUMBER** 2016-4397 **Date** 09/28/2016

GENERAL INFORMATION

**APPLICANT:** DEVELOPMENT PROPERTIES INC  
JOHN THORNHILL  
44 WHITEOAK CIRCLE  
ST CHARLES 60174

**PURPOSE:** TO BRING THE PROPERTY INTO COMPLIANCE FOR THE LANDSCAPING BUSINESS

**EXISTING ZONING:** F - FARMING;

**REQUESTED ACTION:** F-2 - AGRICULTURAL RELATED SALES, SERVICE, PROCESSING, RESEARCH, WAREHOUSE AND MARKETING; SPECIAL USE;

**SIZE:** 6.90 ACRES

**LOCATION:** SOUTHWEST CORNER OF BEITH RD AND FRANCIS RD, SECTION 26, VIRGIL TOWNSHIP (46)325 BIETH RD)

SURROUNDING	ZONING	USE
NORTH	F - FARMING;	AGRICULTURAL;
SOUTH	R-1 - ONE-FAMILY RESIDENTIAL; F - FARMING;	AGRICULTURAL;
EAST	F - FARMING;	AGRICULTURAL;
WEST	F - FARMING;	AGRICULTURAL;

**EXISTING LAND USE:** AGRICULTURAL; RESIDENTIAL; COMMERCIAL;

**LAND USE PLAN DESIGNATION:** AGRICULTURE

**ZONING HISTORY:** NO PREVIOUS REQUEST FOR THIS SITE

**APPLICABLE LAND USE REGULATION:** ARTICLE VIII, SECTION 8.3

Bruce Vajgert  
F to F-2

**Special Information:** Mr. Vajgert currently resides on the property and has operated a tree and game farm on the property since 2000. He moved his business (Interlocking Pavers, Inc) to the site starting in 2010. Our office was made aware of the business on the property in March 2016. A violation was cited and the case is currently in the Adjudication process. The business is not open to the public. The business primarily installs brick pavers but does install some landscaping too. Trucks, equipment and materials will be stored on site.

The property has been in violation of the Stormwater Ordinance since March of 2016 for the addition of over 4 acres of improvements without a permit. While the property owner resolved the wetland violation, there has been slow progress resolving the stormwater violation that is impacting downstream property owners. The case was brought to adjudication in September and the owner did not show up. The Hearing Officer placed a requirement that a Stormwater Permit application be submitted to Water Resources before the October adjudication hearing. To date, there has been no further progress. The March violation included a “stop work order”. We received a call on September 23<sup>rd</sup> that the site was accepting material. Upon further investigation, we found that the owner had told IDOT’s contractor that he had a permit to accept material from IDOT’s Rt 38 work west of Rt 47. Staff visited the site and found a large pile of material from the road work in violation of the stop-work order. IDOT is currently investigating. The work on the site continues to flood downstream neighbors and the owner’s disregard of the County’s Stormwater Ordinance and stop-work should be considered in this zoning petition.

**Analysis:** The Kane County 2040 Land Resource Management Plan designates this area as Agriculture. The Agricultural Area provides to limited agribusiness, farm support services, and other related uses that are dependent upon, or closely allied to, modern agricultural practices. Tree and game farms are a permitted and acceptable use in this area and zoning district. The property is currently in violation of the Zoning Ordinance and the Stormwater Ordinance.

**Staff recommended Finding of Facts:**

1. The property is currently in violation of the Zoning Ordinance and Stormwater Ordinance. The cases have gone to Adjudication.

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

# STIPULATION

## Operating Plan of Vajgert's Tree and Game Farm, Inc., owned and operated by Bruce J. Vajgert and Carol L. Vajgert

Vajgert's Tree and Game Farm, Inc., has been growing nursery stock since 2001 on the subject site and has developed into a company, Interlocking Pavers, Inc., offering complete landscape design, construction, and maintenance services to residential and commercial clients throughout the western suburbs of Chicago. Another feature of the company provides decorative brick wall and paving services as a part of the landscaping business. The firm is experienced in all aspects of design, construction and management of landscaping infrastructure. With existing retail sale outlets available at other locations, and much of the nursery stock and organic compost produced onsite being used in the landscaping business, no retail sales will occur on the subject property.

There are currently 11 full-time employees, including office personnel. The daily work schedule runs from 6:00 am to 6:00 pm, Monday through Friday, including Saturdays during peak times of the season. As business activity and work load tapers off from November to March, personnel and working hours are reduced to only accommodate snow removal activities.

Vehicles and equipment are stored in buildings constructed onsite; landscaping materials and supplies are stored in container boxes and bins placed onsite, all as shown on the Site Development Plan. The only lighting on site is for security, installed in key locations to deter criminal activity.

Equipment presently in use is:

- 6 Trucks (including four dump trucks);
- 1 Watering truck (retired fire truck);
- 5 Skid Steers (including 1 track Skid Steer);
- 1 Back Hoe;
- 2 Tree Spades, and;
- 1 Excavator.

As equipment replacements are needed, similar products will be substituted.

# Findings of Fact Sheet – Special Use

Vajgert Rezoning and Special Use  
Special Use Request

July 18, 2016  
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:*

1. 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 60-acre farm, of which the proposed F2 area is a part, was entered in the Wildlife Habitat Incentives Program (WHIP) of the Natural Resource Conservation Service (NRCS) in 2002, shortly after the petitioner acquired said farm. The program designated 14.4 acres for wildlife and slough restoration lying principally west of the Beith Road entrance to the property; the bulk of the remaining farm land was designated for trees. The petitioner has, in fact, developed a tree nursery on the remainder premises in addition to his personal residence and outbuildings to accommodate the tree nursery and other landscaping-related activities. By excavation associated with home construction, and constructing ponds for wildlife habitat enhancement, recreation and irrigation of nursery stock, excess earth spoil material berms have been used to screen off interior portion of property from view by neighbors and passersby.

2. Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity. The special use will not prevent anyone in the vicinity of the subject property from the full enjoyment and use of their property. Permitted operations will take place during daytime hours as described in the attached stipulation, and can easily be accommodated with no deleterious effect on surrounding properties in the rural area where the subject property is located.

3. Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property. The activities proposed for the special use are not dependent in any way on any adjoining properties. Surrounding properties will remain completely free to develop pursuant to prevailing land use regulations.

4. Will adequate utility, access roads, drainage and other necessary facilities be provided?  
Please explain:  
Yes; additional storm water management will be achieved by enlargement of the existing nursery stock irrigation pond and conveyance system. Private water well, septic system and electric service already accommodates existing land use; driveways, buildings, material storage bins, are constructed as shown on the attached Site Development Plan.

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

Kane County Department of Transportation, which has jurisdiction over access from Beith Road to the subject property, has approved the existing route of access to the premises. Access from Francis Road has been approved by the Virgil Township Highway Commissioner.

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

Yes; the present zoning classification of the subject property is F District-Farming. Under Section 8.3-1 of the *Kane County Zoning Ordinance*, all uses in the F2 District are special and are presumed to occur in an agricultural area. Section 8.3-2(d) provides for horticultural services and Section 8.3-2(h) provides for Fertilizer production, storage, mixing and production, both of which are consistent with other agricultural uses allowed in the F2 District.

Site Development Plan of  
Part of the Southeast Quarter of Section 23 and  
Part of the Northeast Quarter of Section 26-40-6  
Virgil Township  
Kane County  
Illinois  
"Vajgart Tree and Game Farm"

"Vajgart Tree and Game Farm"  
(60,460 Acres)



Note:  
Trees, utility and pond areas and acreage depicted above  
are referenced as specifications dated July 23, 2006 for any  
proposed development. The plan is subject to the Illinois  
Agriculture Program (IAP) of the Illinois Department of  
Conservation Service.

Approved: June 30, 2006  
[Signature]

Prepared by:  
Illinois Department of Conservation  
200 North First Street  
Springfield, Illinois 62765

Prepared for:  
Vajgart Tree and Game Farm  
1400 North First Street  
Springfield, Illinois 62765

Prepared by:  
Illinois Department of Conservation, Inc.  
1400 North First Street  
Springfield, Illinois 62765  
June 30, 2006

*First American Bank  
Bruce Volpert, ut ux*

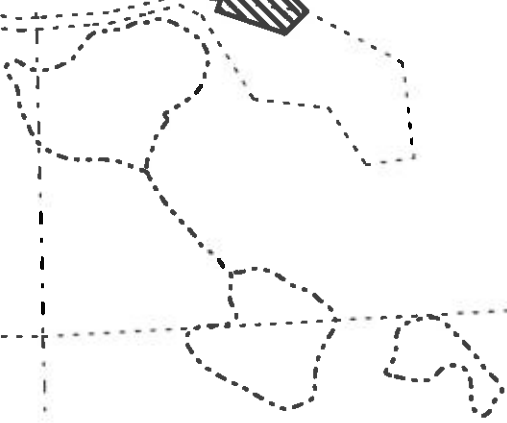
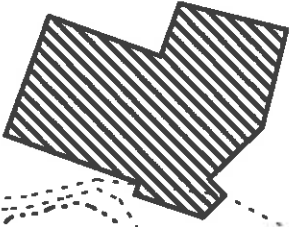
*BEITH RD.*

*BEITH RD.*

*BEITH RD.*

*FREELAND RD.*

*FRANCIS RD.*



VIRGIL twp.  
T.40N - R.6E

map 7

