

KANE COUNTY DEVELOPMENT DEPARTMENT

Zoning Division, Kane County Government Center

719 Batavia Avenue

Geneva, Illinois 60134

Office (630) 232-3492 Fax: (630) 232-3411

Received Date

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 Number (s): 11-35-451-018
	Street Address (or common location if no address is assigned): 40W254 Tanner Road Sugar Grove, Illinois

2. Applicant Information:	Name Ron and Melinda Wozniak	Phone 630-466-7640
	Address 3S791 Terrace Drive	Fax
	North Aurora, Illinois 60542-5945	Email ron@terracarelandscape.com

3. Owner of record information:	Name Same as above	Phone
	Address	Fax
		Email

September 18, 2018

Ron Wozniak, et ux

Rezoning of a portion of property from F-1 District Rural Residential to F-2 District –
Agricultural related sales, service, processing, research, warehouse and marketing with a
Special Use for a tree nursery and landscape services business

Special Information: The parcel was zoned to F-1 District Rural Residential a number of years ago. The petitioner recently purchased the property and has been operating his tree nursery and landscape services company there in violation of the Zoning Ordinance. He is requesting a rezoning on a portion of the property to accommodate this business in conformance with the Zoning Ordinance.

Analysis: The Kane County 2040 Land Resource Management Plan designates this area as Existing Public Open Space. These existing open space and green infrastructure areas provide a framework for the provision of additional open space and the expansion of green infrastructure.

Staff recommended Findings of Fact:

1. The rezoning will bring the business use into conformance with the Zoning Ordinance.

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



5-2-18

Proposed Business plan (subject to change requests)
Terra Care Enterprises, Inc
PO Box 445
North Aurora, IL 60542

Description: Terra Care Enterprises is a landscape company that Designs, installs and maintains landscape for Commercial and Residential customer. – We remove landscape, install soils, mulch, plants, sod, trees, bushes, annuals & perennials. We plow snow in the winter. Trucks are stored in same area with plows attached. Bulk salt is stored off site as it does not do well with the gravel drives.

Refer to Parcel Map:

- A- Small tools storage
- B- Old Dairy Barn – used to store small machines used in our business – All our equipment is stored inside and out of the weather – the old milk house has personal belongings stored – party tents, old cabinets etc.
- C- Small Tractor Shed – Tractor for mowing the property with attachments is stored in this building.
- D- Gravel Area – used to be the old site for the pig house and pen – was gravel – we have added gravel to level and not track mud in and out of the property.
- E- Truck List:
 - Tree truck
 - Bucket truck F-350
 - 3 Pickup trucks 2-route and 1 for farm operations
 - 3 F-350 & F450 type dump trucks for installation
 - 2 Enclosed trailers for route
 - 2 Open trailers – 1 bobcat & 1 small equipment (tiller, seeder, dethatch type use)
 - 1 Dump trailer 14'
 - 1 Enclosed trailer used for church charity work in the community

All tools, garbage cans, etc are stored inside the buildings or in the trailers to be out of the weather and keep my farm clean and neat.

Main drive and driveways to A,B,C and house are all gravel as to not track any dirt / mud through the property or onto the road

Employees:

Summer (April – November) 8 employees

Winter (December – March) 4-5 depending on the weather

Soil removed from customer projects are disposed off site

Landscape waste that is generated from customer projects is disposed of off site

Wood chips generated are disposed of off site as trucks are filled

We do have mulch stored occasionally on site as there may be extra from jobs and will be used around planted trees, bushes and / or reused on the next job

Tree and bush planting is proposed to be in the pasture area to the West and North as seen on the Parcel Map

No office on site

LAW OFFICES
OF
JAMES F. COOKE, LTD.
A PROFESSIONAL CORPORATION

215 WEST ILLINOIS STREET
ST. CHARLES, ILLINOIS 60174-2850

FACSIMILE (630) 584-6103
TELEPHONE (630) 584-6800
EMAIL: JCOOKE@JIMCOOKE.LAW.COM

August 3, 2018

Kane County Zoning Board of Appeals
Attn: Zoning Enforcing Officer
719 Batavia Avenue
Geneva, Illinois 60134

Re: Petition for Rezoning of a 5.06 acre parcel from F-1 to F-1 (1.0+ acres) and F-2 (4.0+ acres) for a rural residential use and ag. related services special use, commonly known as 40W254 Tanner Road, Sugar Grove, Illinois.

Petitioners: Ron and Melinda Wozniak, Terra Care Landscape

**PETITION FOR REZONING OF A 5.06 ACRE PARCEL FROM F-1 TO F-1 AND F-2,
1.0+ ACRE RURAL RESIDENTIAL AND 4.0 ACRES AG. RELATED SPECIAL USE
FOR LANDSCAPE SERVICES**

Members of the Kane County Zoning Board of Appeals:

The Petitioners do hereby state as follows:

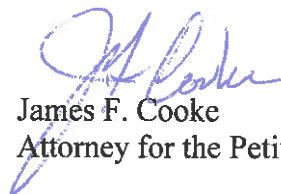
1. The titleholders/Petitioners of the Subject Property are Ron and Melinda Wozniak.
2. The Subject 5.06 acre Property is presently zoned F-1, Rural Residential. The Wozniaks are proposing to retain 1.0+ acres (45,900 sq. ft.) in F-1 for the existing single-family home with garage and rezone the remainder of the 5.06 acres to F-2, Ag. Related Services for their family landscape business. In addition, petitioners agree to dedicate 33 feet of right of way from center line of Tanner Road to Kane County.

Petition for Rezoning
August 3, 2018
Page 2

3. Petitioners believe that the implementation of the F-1 and F-2 zoning a) shall not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare; b) will not be injurious to the use and enjoyment of other property in the immediate vicinity nor will it substantially diminish or impair the property values within that area; c) will not impact the normal and orderly development and improvement of adjoining property for uses permitted in that district; and d) there are adequate utilities, access roads, drainage and/or other necessary facilities on and surrounding the Subject Property and that adequate measures have been taken and are existing to provide ingress and egress to the property minimizing traffic ingestion and in all other respects the use shall conform with the applicable relations of the applicable district and shall be in compliance with the restrictions and modifications provided by the Zoning Board of Appeals and the County Board.

It is the Petitioners' position that the Rezoning of the 5.06 acre Parcel from F-1 to F-1 and F-2 requested herein is reasonable and consistent within the parameters of the Kane County Zoning Ordinance and the Kane County Comprehensive Land Use Plan.

Respectfully submitted,



James F. Cooke
Attorney for the Petitioners

FINDING OF FACT SHEET – REZONING

ADDENDUM

Rich and Melinda Wozniak
Terra Care Landscape
Rezoning of a Parcel to F-2
June 12, 2018

#1: This is an old farmstead with a house, small barn, garage and a few other outbuildings. The proposed landscape service business is a transition to the Forest Preserve to the west and south, is compatible with the farming to the north and east, and generally compatible with the surrounding area.

#2: F-Farming adjacent to property, North Aurora municipal zoning to the north and east, large lot residential to the east and southeast.

#3: This 5.06 acre property is zoned F-1 for the single family home and old farming outbuildings. The proposed zoning will provide for continued use of 1+ acres for the residential use and approximately 4.0 acres for a low intensity landscape service business and preservation and use of the remaining farm structures.

#4: Forest Preserve open space, large lot residential, North Aurora development to the east and north, and large farming land uses west of the Forest Preserve open space.

#5: Consistent with 2040 Land Use Plan. Preserves farmstead and farm structures and provides perimeter buffers and a low intensity limited landscape service use for area residences.

FINDING OF FACT SHEET – SPECIAL USE

ADDENDUM

Rich and Melinda Wozniak
Terra Care Landscape
Special Use for F-2 Ag. Related Services
June 12, 2018

#6: This is a high quality, low intensity landscape service proposed use. The owners live close by and are long time residents of the area. The shape and size of the business create very little traffic, the access point is safe, the building will be preserved along with the public health, safety, morals, comfort and general welfare.

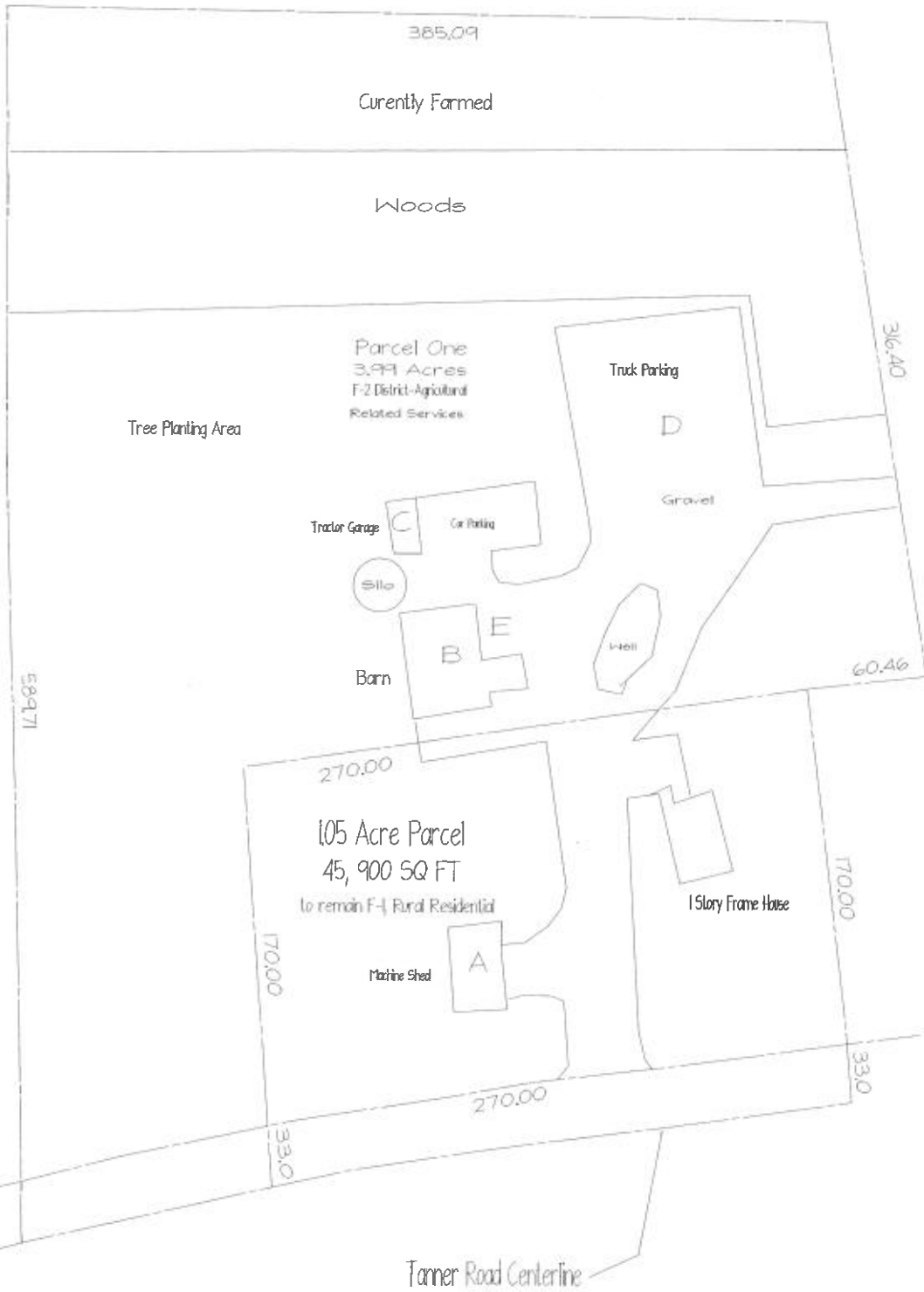
#7: The landscape service use on 4 of the 5 acres is separated from residential uses, is a low intensity business, has safe access to Tanner Road, preserves the farm landscape and buildings, and does not injure or impair the use, enjoyment and value of property in the vicinity.

#8: The continued use of the F-1 residential 1.0+ lot and the F-2 use for landscape services use will preserve the existing farmstead character of the 5.06 acre parcel and do nothing to hinder or impede the development and use of the surrounding properties.

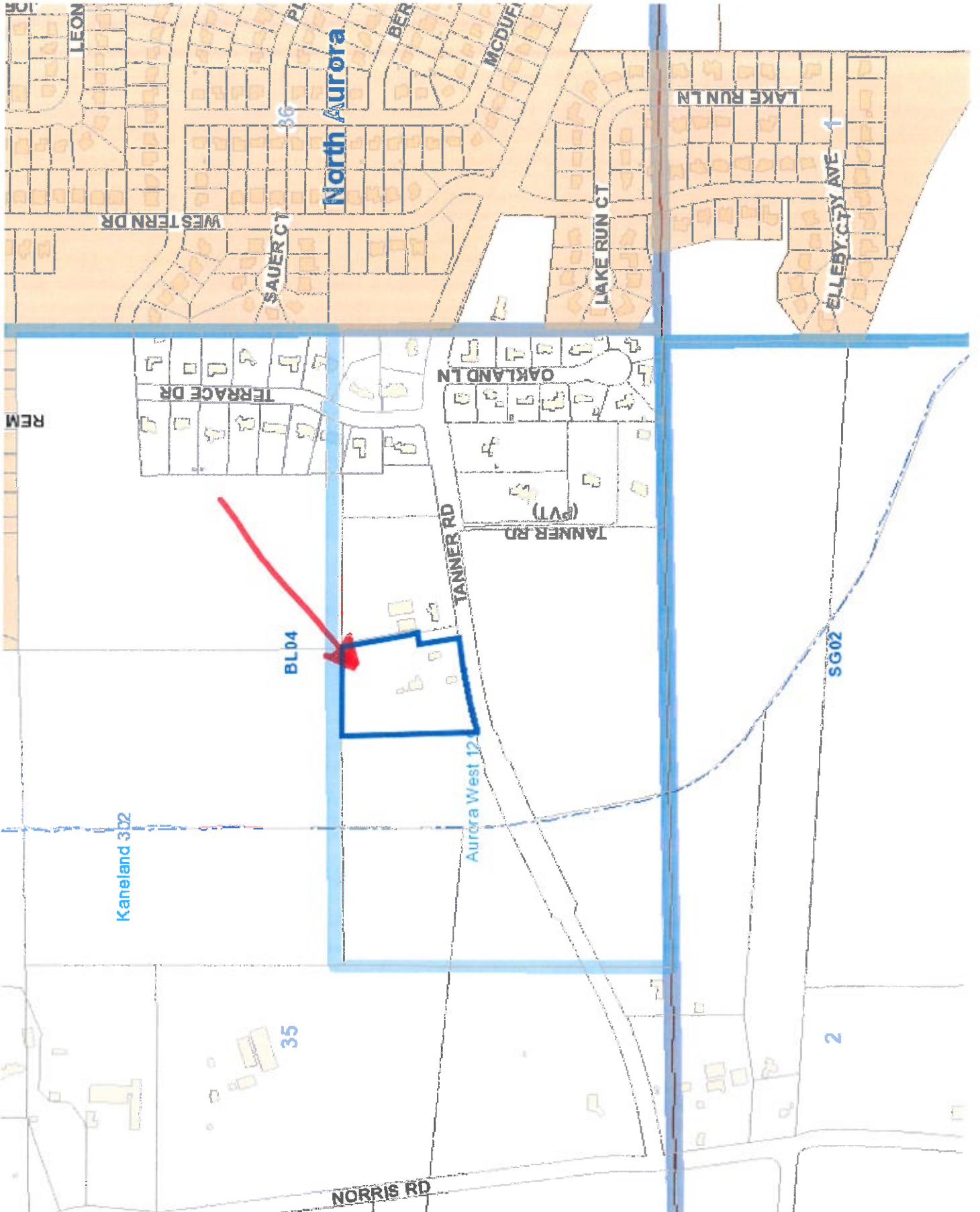
#9: KDOT has determined that ingress and egress to Tanner Road is safe, no utility improvements are necessary, no additional impervious area are proposed, and existing buffers will be maintained and enhanced.

#10: This small business generates very little additional traffic to Tanner Road and has safe and adequate ingress and egress.

#11: The attached site plan required for the F-2 District Special Use demonstrates compliance with the zoning ordinance and conformance with the regulations.



Scale: 1" = 50'



North Aurora

BLD4

Kaneland 302

Aurora West 12

35

2

NORRIS RD

WESTERN DR

SAUER CT

36

LEON

BER

MCDUFER

LAKE RUN CT

LAKE RUN LN

ELLEY AVE

OAKLAND LN

TERRACE DR

TANNER RD (PVT)

SG02

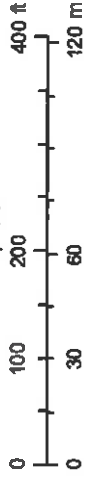
REM

11-35-451-018



September 14, 2018

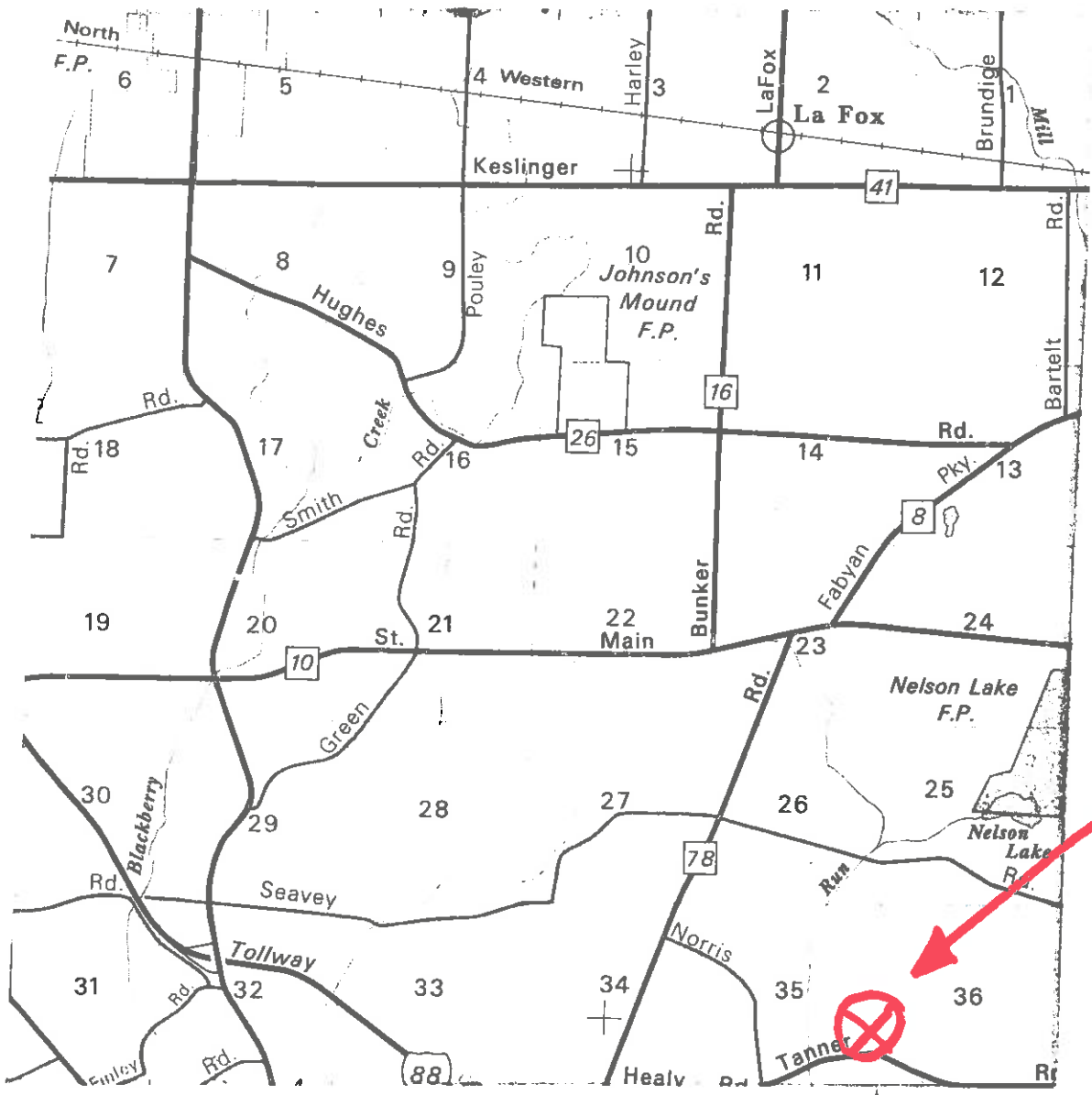
1:2,153



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

BLACKBERRY twp.
T.39N - R.7E
map 11



1" = MILE