

KANE COUNTY DEVELOPMENT DEPARTMENT

Subdivision and Zoning Division, Kane County Government Center
719 Batavia Avenue
Geneva, Illinois 60134
Office (630) 232-3492
Fax: (630) 232-3411

Received Date

APPLICATION FOR A VARIATION

Instructions:

To request a variation for a property, complete this application and submit it with all required attachments to the Subdivision and Zoning Division.

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): 11-20-376-006
	Street Address (or common location if no address is assigned): 43w540 Tall Oaks Trail

2. Applicant Information:	Name Casey Clark	Phone 331-442-7178
	Address 43W540 Tall Oaks Trail, Elburn, IL 60119	Fax
		Email ceclark1@hotmail.com

3. Record Owner Info:	Name Casey Clark	Phone 331-442-7178
	Address 43W540 Tall Oaks Trail Elburn, IL 60119	Fax
		Email ceclark1@hotmail.com

Zoning and Use Information:

Current zoning of the property: 0040 - residential

Current use of the property: residential

Reason for Request:

Variation requested (state specific measurements):

We would request a variance of 7 feet on our side property line (3 feet of 10)

On the 40' building setback request a 2 foot variance.

Reason for request:

The reason for request is due to lack of possible building locations due to nature/trees. Secondly due to preservation of possessions.

Action by Applicant on Property:

What physical characteristics would prevent the property from being used in conformity with the requirements of the Zoning Ordinance?

Mature trees on property, so we selected garage location to minimize tree removal and environmental impact.

Is the purpose of the proposed variation based on more than a desire to make money from the property? (explain)

Yes, to minimize environmental impact, aesthetics of property/neighborhood and protection of assets (vehicles, ATV, lawn equipment).

Has the alleged difficulty or hardship been created by any person presently having an interest in the property? (explain)

No, the mature trees were planted hundreds of years ago.

The Kane County Zoning Ordinance requires that the Zoning Board of Appeals find that there is a practical difficulty or some particular hardship if existing regulations are applied. The Board must also consider certain factors related to the granting of a variance. As the Applicant, you should "make your case" by explaining how your request will not:

1. Impair an adequate supply of light and air to adjacent property.

The light and air flow will not be affecting the adjacent property because the placement of the garage is more than 60 feet away. Both properties are heavily shaded due to their location in the forest.

2. Increase the hazard from fire and other dangers to adjacent property.

This would not increase any hazards. 53' from neighboring property and 24' from our property

3. Diminish the value of adjacent land and buildings.

By improving the aesthetics and value of 43W540 Tall Oaks trail, the surrounding homes in the neighborhood will also benefit.

4. Increase congestion or create traffic hazards.

The garage sits back far enough from the road, that it will not cause any blind spots or traffic hazards.

5. Impair the public health, safety, comfort, morals and general welfare.

This will not change or impair any of the items listed above.

Attachment Checklist

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Certification of Notification of adjacent property owners
- Aerial (air photo) with property clearly highlighted contact: The Sidwell Co., 675 Sidwell Dr., St. Charles, IL (630) 549-1000
- Trust Disclosure (If applicable)
- Application fee (make check payable to Kane County Development Department)
- Site Plan drawn to scale showing house, well and septic.

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.

[Signature]
Record Owner

01/04/2019
Date

Applicant or Authorized Agent

Date

We are requesting a Variance to allow us to erect a garage three (3) feet back from our property line on the west side and two (2) feet back from the 40-foot building setback. Prior to requesting these variances we've researched optimal building locations, spoken with multiple contractors, & weighted the most key factors to us, environmental ramifications, neighborhood ambiance and endorsement, functionality, and value. Following is a synopsis of our research.

To understand our request, it's important to understand its genesis. Our current garage is not able to accommodate our family. In order to house our two vehicles and the necessary equipment to maintain our home (e.g., grill, lawn mower, snow blower, etc.), we need more space than our 20 x 20 garage provides. You will note from the pictures attached that we have to store much of our personal property and equipment outside. The result is that our home looks cluttered because of the outside storage. Further, it is an invitation to a criminal element as seeing all those assets stored outside and unprotected makes it easier for someone to identify assets and attempt to steal that personal property. This is a risk that impacts everyone in the neighborhood. The existing garage is simply inadequate to protect our current and future assets, and there are no expansion options available under the current setback rules.

Our concerns about our personal property are exacerbated as we realized that as our driveway and garage are currently situated, we have extremely limited visitor parking. The lack of space necessitates our guests park in the Tall Oaks Trail roadway. This presents a safety risk for neighborhood traffic.

You should be aware that Tall Oaks Trail was aptly named as the entire neighborhood boasts many trees, many of them large. As shown in the attached pictures, our specific property is filled with hundreds of trees. To remove enough of those trees to erect a garage within the existing building setback would make our home diametrically different from the rest of the neighborhood. Tall Oaks Trail was designed with those trees as the foundation of the neighborhood. They provide the ambiance and character that gives the neighborhood its identity. Additionally, to remove some of these trees would diminish the property value. Some of these trees are more than 80 feet tall and are decades old. They have value and it would be not in our best financial interest to have them removed. Finally and more importantly, as the property butts up to the Blackberry Maples Forest Preserve ('Preserve'), cutting a significant number of trees could adversely affect the Preserve and the wildlife residing therein.

With that in mind, we explored all options for potential building locations. First, we considered the rear of the property. The challenge with erecting a building there is the septic & drain field location in the rear center right of the yard. Since the septic and fields take up most of the open yard space we'd have to cut down between 10-15 trees to have a potential building site. In addition, another 10 trees would have to be removed to have ingress/egress. Again, this could adversely affect the Preserve and would make this property the only one in the neighborhood with a significantly fewer number of trees. For these reasons we don't feel that the rear of the property is a viable alternative for a garage.

We also explored the option of building onto the current house and expanding the garage to the west. We discussed this option with contractors & determined that this wasn't a feasible option for several reasons. First, because of the setback, we would be limited on the size of the expansion we could get so we would still have to get a variance to expand the garage in this direction. The expansion in this direction would also result in our garage being closer to our neighbor's home than it would be our proposed location. Second, the water runoff from the yard & street passes through this area during times of precipitation. So it would have to be rerouted and could negatively impact on my neighbor's property. Third, five to ten trees would still have to be cut to provide the ground for the expansion.

Given that these options did not prove to be workable, we looked to the front of the property for a potential building location. Splitting the front into left and right (facing the front door), it is immediately obvious trees dominate the right side. We'd have to remove more than 15 trees to build in this location. Additionally, the well is located in the front of the property (see circle in photograph), so that further limits our options. Our contractors have opined that even if the well was moved and the trees removed to accommodate the garage expansion, our property value would be diminished further than any potential value we would realize from the larger garage space.

As a result, we and the contractors believe that the only alternative for garage expansion is in accordance with our Variance Request. As stated above, approving this Variance would allow us to build the garage three (3) feet back from our property line on the west side and two (2) feet back from the 40-foot building setback. This garage would resolve the issues outlined above.







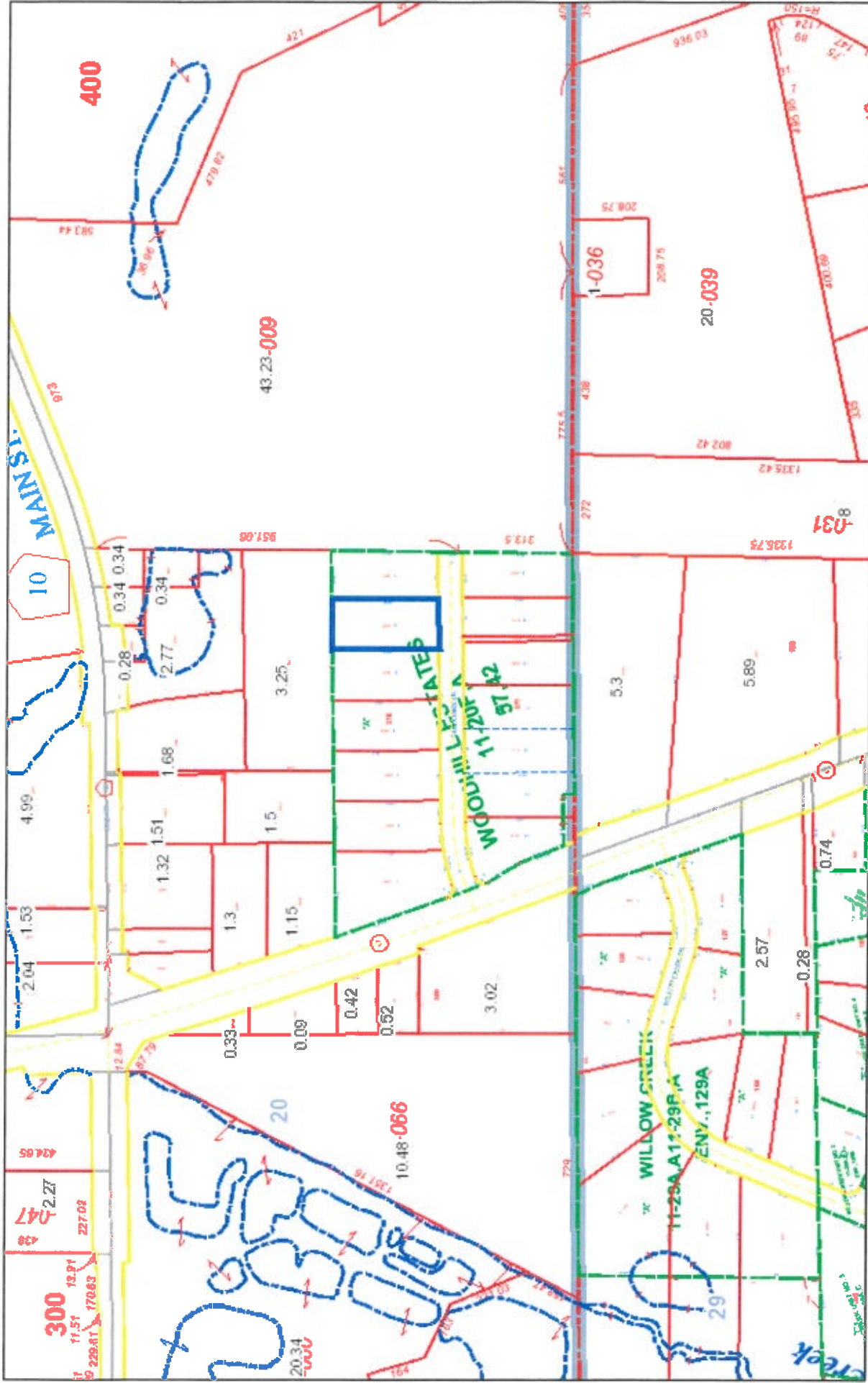
Backyard storage- closeup





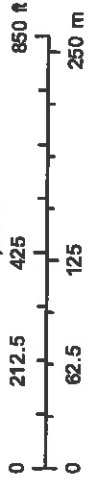
Detached Garage Plans  iCreatables.com

Map Title



February 15, 2019

1:4,536



GIS-Technologies

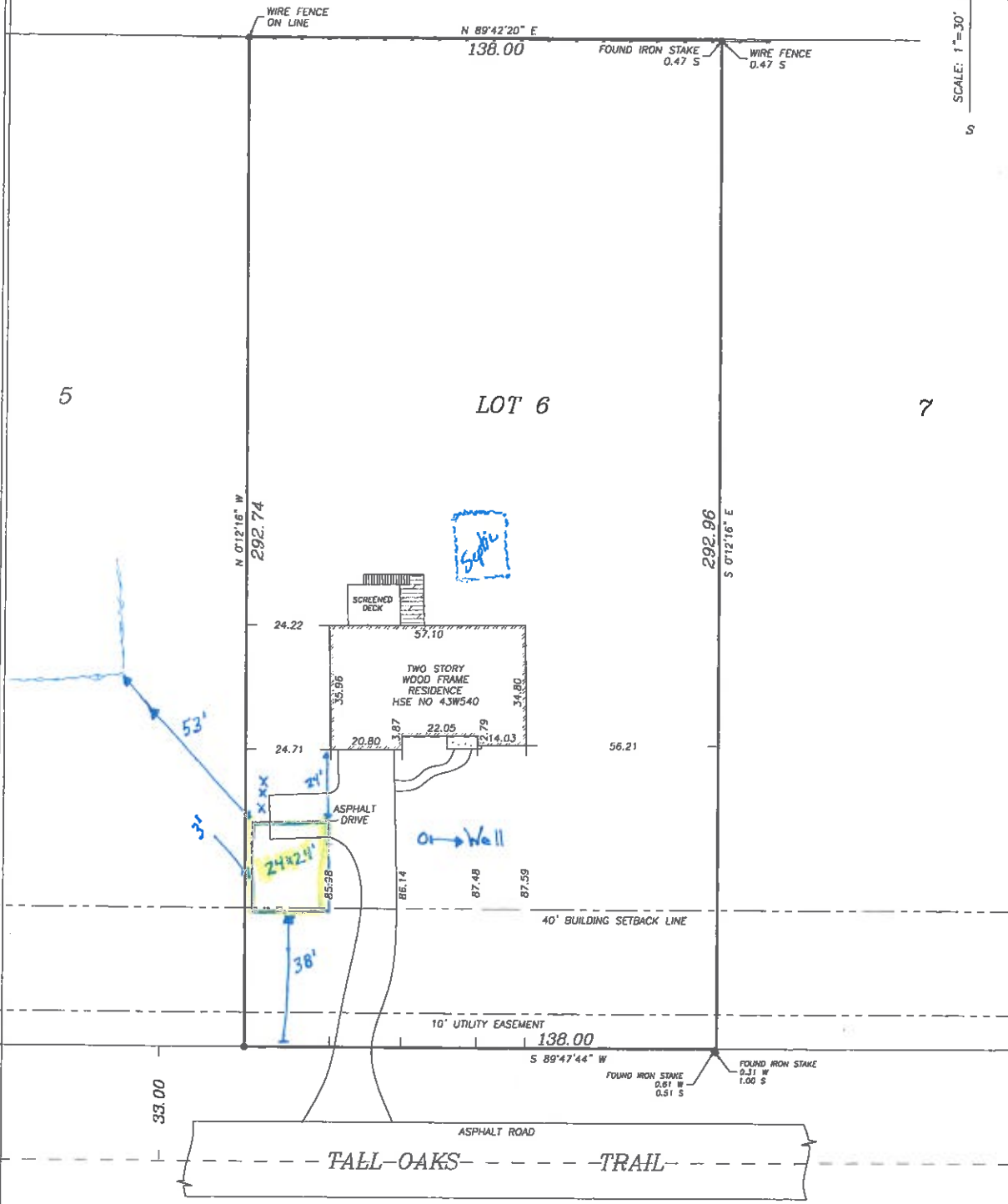
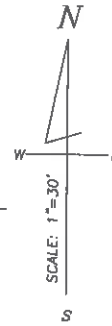
These layers do not represent a survey. No Accuracy is assumed for the data delineated herein, either expressed or implied by Kane County or its employees. These layers are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contains information required for local government purposes. See the recorded documents for more detailed legal information.

GIS-Technologies
Kane County Illinois

PLAT OF SURVEY

OF
LOT 6 IN WOODHILL ESTATES, A SUBDIVISION IN SECTION
20 OF BLACKBERRY TOWNSHIP, KANE COUNTY, ILLINOIS.

ACREAGE PARCEL



ORDERED BY: JORDAN LEGAL GROUP

ORDER NO. 16 G 38

FILE NO. 16541

STATE OF ILLINOIS } S.S.
COUNTY OF KENDALL }

THIS IS TO CERTIFY THAT I, AN ILLINOIS LAND SURVEYOR, HAVE SURVEYED THE PROPERTY DESCRIBED ABOVE AND THAT THE ANNEXED PLAT IS A CORRECT REPRESENTATION OF SAID SURVEY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS OF A BOUNDARY SURVEY. GIVEN UNDER MY HAND AND SEAL AT OSWEGO, ILLINOIS, THIS 11TH DAY OF JULY, A.D., 2016.



43W540 TALL OAKS TR.DWG
● = found iron stake
○ = set iron stake
0 1/4" 1/2" 3/4" 1"

FIELD WORK COMPLETED, BUILDINGS AND OTHER IMPROVEMENTS LOCATED AS SHOWN ON THE 11TH OF JULY, A.D., 2016.



ILLINOIS LAND SURVEYOR NO. 2675
(LICENSE SUBJECT TO RENEWAL AND EXPIRES 11/30/2016)
REFER TO DEED OR GUARANTEE POLICY FOR RESTRICTIONS NOT SHOWN ON SURVEY.
ALL DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
LINE DIRECTIONS AND BEARINGS, WHERE SHOWN, ARE BASED ON A RECORD DATUM LINE.
PLEASE COMPARE ALL POINTS BEFORE BUILDING AND REPORT ANY APPARENT DISCREPANCIES

WILLIAM M. WINGSTEDT
ILLINOIS PROFESSIONAL LAND SURVEYOR
329 WHITE PINES CT., OSWEGO, ILLINOIS 60543
PHONE: (630) 554-8209 FAX (630) 551-1207