

**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

**4538**

Received Date  <b>DEC 10 2019</b>  Kane Co. Dev. Dept. Zoning Division
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**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.**

<b>1. Property Information:</b>	<b>Parcel Number (s):</b>  15-24-201-025
	<b>Street Address (or common location if no address is assigned):</b>  1948 Liberty St, Aurora 60502

<b>2. Applicant Information:</b>	<b>Name</b> Bonnie Vargas (daughter of owner)	<b>Phone</b> 630-898-7046
	<b>Address</b> 1952 Liberty St	<b>Fax</b> —
	Aurora, IL 60502	<b>Email</b> bonvar@ameritech.net

<b>3. Owner of record information:</b>	<b>Name</b> Anthony Nilges	<b>Phone</b> —
	<b>Address</b> 1948 Liberty St	<b>Fax</b> —
	Aurora, IL 60502	<b>Email</b> —

**Zoning and Use Information:**

2040 Plan Land Use Designation of the property: Urban Neighborhoods / Mixed Use Infill

Current zoning of the property: F-District Farming

Current use of the property: Residential

Proposed zoning of the property: R4

Proposed use of the property: Residential

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

none - for existing home.

**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. (mailed 12/5/19) copy attached
- 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.

Anthony J. Vilgas 12/4/19  
Record Owner Date

Bonnie Vargas (daughter) 12/4/19  
Applicant or Authorized Agent Date

# 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.

Anthony Nilges  
Name of Development/Applicant

12/4/19  
Date

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

No change - update of zoning classification only

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

Residential, some commercial

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

Existing zoning is Farmland - property has been used as residential for the last 70 years, not suitable for farming.

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

General area is an established residential area with some commercial development.

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

No impact

February 26, 2020

Anthony Nilges  
Rezoning from F-District Farming to R-4 District One Family Residential

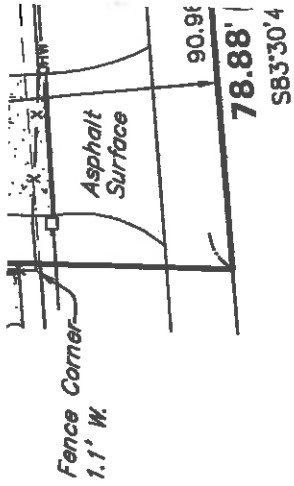
**Special Information:** The property was reduced in size due to a sale of a portion of the property to a neighbor in 2005. The sale resulted in the property being in reduced in size in violation of the Zoning Ordinance. The petitioner is seeking a rezoning to bring the existing residential use back into conformance with the Zoning Ordinance.

**Analysis:** The Kane County 2040 Land Resource Management Plan designates this area as Commerce/Employment. This new combined category reflects the need for non-residential land uses to be centers for commerce and to generate local employment opportunities. The suitability of various uses within this category for specific locations depend on the trend and character of the adjacent land uses, availability of infrastructure and the economic development needs of the local community.

**Staff recommended Findings of Fact:**

1. The existing residential use will not be intensified by the rezoning.

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



# LIBERTY

(WARRENVILLE)

## LEGAL DESCRIPTION

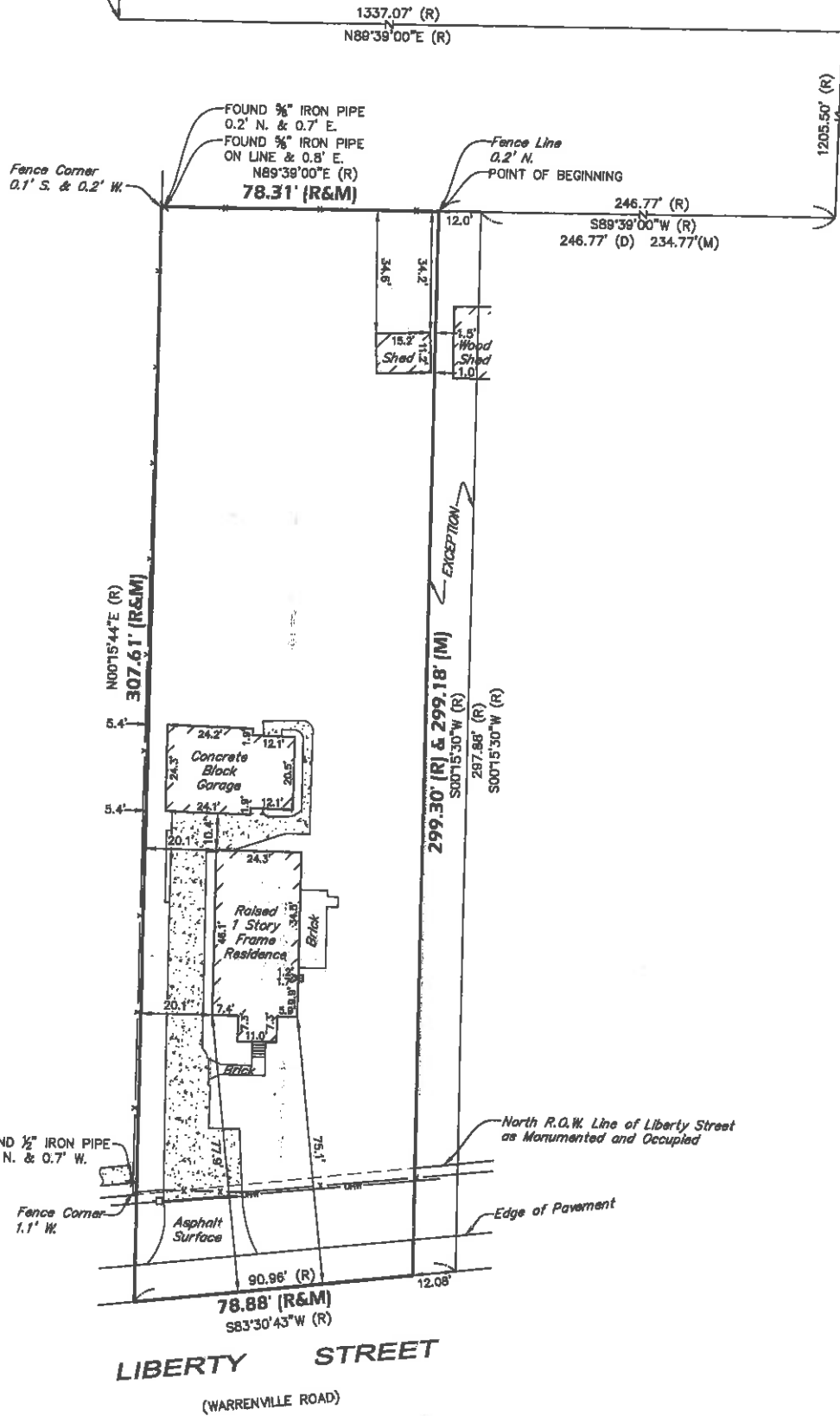
THAT PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE N89°39'00"E ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 1337.07 FEET TO THE EAST LINE OF SARTOR LANE EXTENDED NORTHERLY; THENCE S 00°44'13" W ALONG SAID EAST LINE, 1205.50 FEET; THENCE S89°39'00"W PARALLEL WITH SAID NORTH LINE, 246.77 FEET FOR A POINT OF BEGINNING; THENCE S00°15'30"W PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, 297.88 FEET TO THE CENTERLINE OF WARRENVILLE ROAD; ALONG A LINE (WHICH IF EXTENDED WOULD INTERSECT THE NORTH LINE OF SAID QUARTER 15 CHAINS EAST OF THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER), 307.61 FEET; THENCE N89°39'00"E, 90.31 FEET TO THE POINT OF BEGINNING IN AURORA TOWNSHIP, KANE COUNTY, ILLINOIS.

EXCEPT THAT PART DESCRIBED AS FOLLOWS:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE N89°39'00"E ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 1337.07 FEET TO THE EAST LINE OF SARTOR LANE EXTENDED NORTHERLY; THENCE S 00°44'13" W ALONG SAID EAST LINE, 1205.50 FEET; THENCE S89°39'00"W PARALLEL WITH SAID NORTH LINE, 246.77 FEET FOR A POINT OF BEGINNING; THENCE CONTINUING ALONG A PROLONGATION OF THE LAST DESCRIBED COURSE, 12.00 FEET; THENCE S00°15'30"W, PARALLEL WITH THE WEST LINE OF SAID NORTHEAST QUARTER, 299.30 FEET TO THE CENTERLINE OF WARRENVILLE ROAD; THENCE N83°30'43"E ALONG SAID CENTERLINE, 12.08 FEET; THENCE N00°15'30"E, PARALLEL WITH SAID WEST LINE, 297.88 FEET TO THE POINT OF BEGINNING IN AURORA TOWNSHIP, KANE COUNTY, ILLINOIS.

NORTHWEST CORNER OF THE  
NORTHEAST QUARTER OF  
SECTION 24-38-8  
POINT OF COMMENCEMENT

PHONE: 630-778-1757  
PROF. DESIGN FIRM # 184-004198  
E-MAIL: info@plisista.com



NORTHWEST CORNER OF THE  
NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 38 NORTH,  
PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:  
WEST CORNER OF SAID NORTHEAST QUARTER;  
THE NORTH LINE OF SAID NORTHEAST QUARTER,  
LINE OF SARTOR LANE EXTENDED NORTHERLY;  
SAID EAST LINE, 1205.50 FEET; THENCE  
SAID NORTH LINE, 246.77 FEET FOR A POINT OF  
A LINE PARALLEL WITH THE WEST LINE OF SAID  
246.77 FEET TO THE CENTERLINE OF WARRENVILLE ROAD;  
SAID CENTERLINE, 90.96 FEET; THENCE N00°15'44"E  
UNDETERMINED WOULD INTERSECT THE NORTH LINE OF SAID  
THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER.

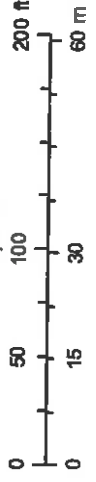
NOTE:  
POSSIBLE EASEMENT OF ANY PUBLIC SERVICE  
CORPORATION AS DISCLOSED BY SERVICE POLES  
AND/OR WIRES ON REAR OF LAND.

# Map Title



December 13, 2019

1:1,070



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.

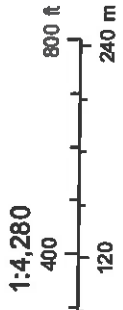
GIS Technologies  
Kane County Illinois



Map Title



December 13, 2019



GIS-Technologies

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GIS-Technologies  
Kane County Illinois





# Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271  
<http://dnr.state.il.us>

JB Pritzker, Governor

Colleen Callahan, Director

December 03, 2019

Bonnie Vargas  
Anthony Nilges  
1948 Liberty St  
Aurora, IL 60502

**RE: Zoning Classification Update**  
**Project Number(s): 2004607**  
**County: Kane**

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 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.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, 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, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Adam Rawe  
Division of Ecosystems and Environment  
217-785-5500

## Berkhout, Keith

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**From:** Sieben, Ed <ESieben@aurora-il.org>  
**Sent:** Monday, December 16, 2019 8:13 AM  
**To:** Berkhout, Keith  
**Subject:** EX: RE: Zoning petition for review - Nilges  
**Attachments:** SGCDEV03Q19121312530.pdf

Keith, no objection from the City.

**Edward T. Sieben**  
Director/Zoning Administrator  
Zoning & Planning Division  
77 S. Broadway, 2nd Flr.  
(630) 256-3080

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**From:** Cross, Javan  
**Sent:** Sunday, December 15, 2019 5:18 PM  
**To:** Sieben, Ed <ESieben@aurora-il.org>  
**Subject:** Fwd: Zoning petition for review - Nilges

Sent from my iPhone

Begin forwarded message:

**From:** "Hernandez, Roseann" <RHernandez@aurora-il.org>  
**Date:** December 13, 2019 at 1:14:10 PM CST  
**To:** Fire Prevention Bureau <FPB@aurora-il.org>  
**Subject:** Zoning petition for review - Nilges

Please find the attached request. Thank you

Should it be sent to another department, please advise.

Have an awesome day!  
*Roseann Hernandez*  
Aurora Fire Admin Office  
75 N Broadway Aurora, IL 60505  
(630) 256-4008

## Berkhout, Keith

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**From:** McGraw, Keith  
**Sent:** Monday, December 16, 2019 10:48 AM  
**To:** Berkhout, Keith  
**Cc:** Rickert, Tom; Nika, Kurt  
**Subject:** RE: Zoning petition for review - Nilges  
**Attachments:** 2019-12-13 Zoning request.pdf

Keith

In regard to the attached request for change in zoning from F to R4, 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:** Friday, December 13, 2019 12:40 PM  
**To:** Schoedel, Carl <schoedelcarl@co.kane.il.us>  
**Cc:** Rickert, Tom <rickerttom@co.kane.il.us>; McGraw, Keith <McGrawKeith@co.kane.il.us>; Nika, Kurt <nikakurt@co.kane.il.us>  
**Subject:** Zoning petition for review - Nilges

**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)



## **Berkhout, Keith**

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**From:** Jason Owens <jdo@athd.org>  
**Sent:** Tuesday, December 17, 2019 9:08 AM  
**To:** Berkhout, Keith  
**Subject:** EX: Re: Zoning petition for review - Nilges

Good morning Mr. Berkhout:

Thank you for the opportunity to review the petition. The Aurora Township Highway Department have no comments or objections.

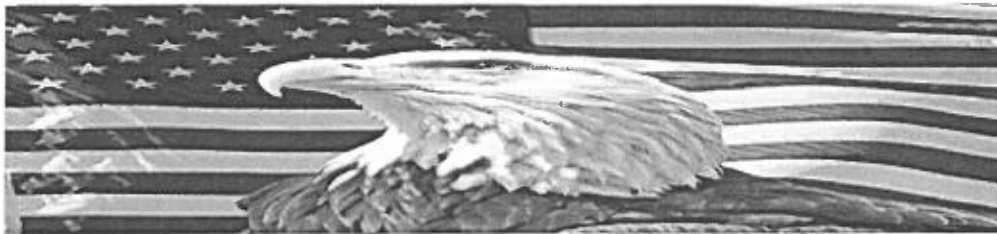
Have a great holiday!

Jason Owens  
Aurora Township Highway Department

On 12/13/2019 12:47 PM, Berkhout, Keith wrote:

**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)



# Kane – DuPage Soil & Water Conservation District



December 11, 2019

Kane County Development Department  
Keith Berkhout  
719 S. Batavia Avenue  
Geneva, IL 60134

We have assigned number 19- 103 to a Land Use Opinion Applications from:

Anthony Nilges  
1948 Liberty St.  
Aurora, IL 60502

The site location is:

Aurora Township  
Section 24, Township 38N, Range 8E

The application was sent to us in compliance with Section 22.02a of the Illinois Soil and Water Conservations Districts Act.

\_\_\_\_\_ Our review and comments will be sent on or before \_\_\_\_\_.

  X   According to the information received, a full Land Use Opinion report is not required at this time. Therefore, no further action will be taken by the Soil and Water Conservation District Board.

Sincerely,

Susan Rankin  
Office Assistant

## Berkhout, Keith

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**From:** Wilford, Anne  
**Sent:** Monday, January 13, 2020 12:52 PM  
**To:** Wollnik, Jodie; Berkhout, Keith; Aamir, Hira  
**Cc:** Orlik, Deanne  
**Subject:** ZBA Comments

Good Afternoon All,  
Please see WR ZBA comments below. Please let me know if you have any questions or concerns.  
Thanks,  
Anne

**Petition:** 4536  
**Request:** Special Use in the B-3 Business District for a paving company  
**Location:** Located at 38W654 Route 20, Elgin Township (06-07-300-009)  
**Applicant:** 38W654, LLC

**Water Resources Comments:**

**STIPULATION:** Proposed Parking will disturbed greater than 5,000 sq ft and will require a **Stormwater Permit**. It appears the new impervious proposed to be added to the site will be less than 5,000 sq ft and will not require a BMP or stormwater detention. **Erosion and Sedimentation Control plan** will be required at the time of permitting.

**Petition:** 4537  
**Request:** Rezoning from E-I District Estate Residential and E2-A District Estate Residential to F-Farming District on a central portion of the property with a five-year Interim Special Use for a wood processing and snowplowing business  
**Location:** Located at ION862 Muirhead Road, Section 22, Plato Township (05-22-200-025)  
**Applicant:** Daniel Imse

**Water Resources Comments:**

**STIPULATION:** 2019 aerial photos suggest the site is at or exceeding 25,000 sq ft of impervious added since 2001. This amount of impervious is the trigger for stormwater detention. Water Resources will require a **Stormwater Permit** documenting impervious added since 2001. **If the site has added over 25,000 sq ft of impervious Stormwater Detention and BMPs will be required for the site.**

**Petition:** 4538  
**Request:** Rezoning from F-District Farming to R-4 District — One Family Residential to bring the existing residential use back into conformance with the Zoning Ordinance  
**Location:** Located at 1948 Liberty Street, Section 24, Aurora Township (15-24-201-025)

**Water Resources Comments:**

No disturbance is proposed. Water Resources has no comment.

**Applicant:** Anthony Nilges  
**Petition:** 4539  
**Request:** Rezoning from F-District Farming to F-1 District Rural Residential  
**Location:** Located at 46W901 Ellithorpe Road, Section 26, Burlington Township (04-26-100-001)  
**Applicant:** Dennis Mascolo, et ux

**Water Resources Comments:**

No disturbance is proposed. Water Resources has no comment.

**Petition:** 4540