

KANE COUNTY ZONING APPEALS BOARD
NOVEMBER 14, 2023

Gala Argent & James Light
47W831 1/2 Route 38
Maple Park, IL 60151

I. INTRODUCTION

“A request for siting approval or a special use permit for a ... commercial solar energy facility, or modification of an approved siting or special use permit, **shall be approved IF the request is in compliance with** the standards and conditions imposed in this Act, the zoning ordinance adopted consistent with this Code, and the conditions imposed under State and federal statutes and regulations.” (55 ILCS § 5-12020 (g))

“**The provisions of these regulations be held to be the minimum requirements** adopted for the promotion and preservation of public health, safety and general welfare of Kane County.”

(Kane Co. Code §25.5.4.9.N.)

HOW HAVE PETITIONERS ADDRESSED THIS IN THEIR APPLICATION?

“The solar project is being developed pursuant to Kane County’s solar energy ordinance and special use regulations, and will meet **ANY AND ALL** applicable requirements of the County’s land use ordinances, as well as applicable state and federal regulations.”

(Petitioners Application for Special Use Permit narrative. p. 1)

II. PROBLEMS WITH THE PETITION

A. SETBACKS

The Illinois law provides that a commercial solar energy facility shall have setback distances measured from the nearest edge of any component of the facility. (IL Public Act 102-1123)

The Kane Co. Ordinance mandates

7. SETBACK REQUIREMENTS:

- a. "The Commercial Solar Energy Facility shall be sited as follows, with setback distances measured from the nearest edge of any component of the facility: (3) Boundary Lines of Nonparticipating Property: fifty (50) feet to the nearest point on the property line of the nonparticipating property."
(§25.5.4.9.E.7.a.(3))

How have petitioners addressed this in their application?

They have not, because it is not addressable.

II. PROBLEMS WITH THE PETITION

B. SCREENING

“A county may require certain vegetative screening surrounding a commercial wind energy facility or commercial solar energy facility.” (IL Public Act 102-1123)

Kane Co. Ordinance mandates that “A vegetative screen SHALL be provided for ANY PART OF the Commercial Solar Energy Facility that is visible to Non-participating Residence(s).” (Kane Co. Code §25.5.4.9.P.1)

How have petitioners addressed this in their application?

“Setting: The site is ideal for a solar project because it is relatively flat and is naturally screened from view on the north by existing vegetation.”

(Application for Special Use Permit narrative. p. 4)

“The project will have no offsite impacts and will only be marginally visible from any neighbors.”

(Petition 4616, Findings of Fact #8)

Andy Melka: “It is flat and naturally screened.”

(Minutes of the Sept 12 meeting, p. 12, line 16, on the record and sworn)

Elevation “Line of Sight” Tool: 892’ to 846’ Screen plantings would need to be 46’ to BEGIN to screen the view.

The screenshot displays the Solwise Surface Elevation Tool interface. On the left is a navigation menu with categories like 'Public Access Hotspot Gateways', '3G/4G/5G Mobile Data', and 'Surface Elevation Tool'. The main content area features a satellite map with a vertical line of sight between two points. Below the map is a line graph titled 'Line-of-Sight Mapped To Surface Elevation Profile'. The graph plots 'Surface Elevation (m)' on the y-axis (ranging from 260 to 280) against 'Distance (m)' on the x-axis (ranging from 0 to 755). A green line represents the 'Surface Elevation (m)' and a red line represents the 'Line of Sight Elevation (m)'. The area between the two lines is shaded pink. Summary statistics on the right indicate a 'Total Distance: 772.8m' and an 'Elevation Difference: -12m'. Below the graph, the text 'Usage instructions' is visible.

Line-of-Sight Mapped To Surface Elevation Profile

- Surface Elevation (m)
- Line of Sight Elevation (m)

Total Distance: 772.8m
Elevation Difference: -12m

Surface Elevation (m)

Distance (m)

Usage instructions



Closed

47W831 IL ROUTE 38 MAPLE PARK IL 60151

4 Beds · 3291 SF · 5.3 Acres | \$469,227 Est Value · Single Family Residential

YOU'VE FOUND THE ONE ~ stunning farmhouse on a five acre parcel. Gorgeous original features throughout including leaded glass windows, hardwood floors with inlay detail, pocket doors, and thick craftsman door/window trim. Foyer showcases a beautiful solid wood staircase. Sitting room accented by a cozy vintage fireplace. Living room leads to the office which features built-in shelving. Bright and sunny family room has plush carpeting and also features built-in shelving. Spacious eat-in kitchen with abundant cabinetry. Addition to the home features the sun room (currently used as a formal dining room), the laundry room, and mud room which leads to the work room, entering to the attached two-car garage. An updated half bath with vessel sink completes the main level. Master suite features a private master bath with double sink vanity. Bedroom 2 has an attached sitting room that could function as a nursery, play room, exercise room, or whatever suits your needs! Completing the second story are the 3rd and 4th bedrooms, and a full hall bath. Sprawling 5 acre lot features a brick paver patio, a storage building, barn, and a grain silo. Picturesque views of the surrounding farmland scenery. Great private location, with a vineyard beside the home, and a 40 acre field behind! Across the street from the Acquaviva Winery! Highly rated Kaneland schools, and Kaneland High School is visible from the backyard! Less than a 10 minute drive to Elburn, with shopping, dining, and the Metra. This home truly has it all... WELCOME HOME!!

Directions

Instructions: Call Showingtime at 800-746-9464

Directions: Randall Rd to Route 38 West to Home

Listing Details

MLS #11084768

Sold Info

Lot

*“PICTURESQUE VIEWS OF THE SURROUNDING FARMLAND SCENERY.
GREAT PRIVATE LOCATION, WITH A VINEYARD BESIDE THE HOME,
AND A 40 ACRE FIELD BEHIND!”*

