

November 14, 2023

**Kane County Zoning Board of Appeals
Findings of Fact**

Petition 4619

Petition Name: James Ariola Trust (TPE IL KN216 LLC)

Special Use request in the F-Farming District for a solar facility

Purpose: This report is per Section 4.8 Special Uses from the Zoning Board of Appeals (ZBA) to the Kane County Board as a result of the public hearing on November 14, 2023

Petitioner's Proposed Use: The petitioner is seeking a Special Use to allow a solar energy farm to be constructed on the property.

Findings of Fact by the Zoning Board of Appeals:

The Kane County Zoning Ordinance, as to special uses, states that uses as hereinafter enumerated, which may be proposed for classification as "special uses" shall be considered at a public hearing before the Zoning Board, and its report of findings or fact and recommendations shall be made to the County Board following the public hearing; provided that the County Zoning Board, in its report of findings or facts and recommendations to the County Board, shall not recommend a special use unless the Zoning Board shall find the application has met each of the six requirements specified in the Ordinance (Kane County Zoning Code sec. 4.8-2).

- A. That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;**
- B. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;**
- C. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;**
- D. That adequate utility, access roads, drainage and/or other necessary facilities have been or are being provided;**
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and roads;**
- F. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the county board pursuant to the recommendations of the zoning board of appeals.**

On November 14, 2023, the Zoning Board of Appeals reviewed the petition, reports, testimony and public comments received during the public hearing held on November 14, 2023.

After discussion of the six requirements below, the motion to recommend the special use

Passed by a vote of 8 yes 0 no

Failed by a vote of _____ yes _____ no

The following findings are based on review of the petition, reports, testimony, public comments and any other relevant documents and are summarized as follows:

A. That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;

Meets standard

Does not meet standard for the following reasons

B. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

Meets standard

Does not meet standard for the following reason(s)

C. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;

Meets standard

Does not meet standard for the following reason(s)

D. That adequate utility, access roads, drainage and/or other necessary facilities have been or are being provided;

Meets standard

Does not meet standard for the following reason(s)

E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and roads;

Meets standard

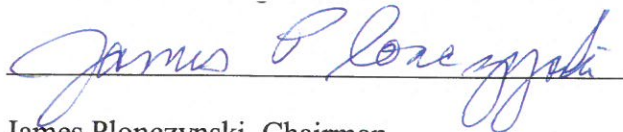
Does not meet standard for the following reason(s)

F. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the county board pursuant to the recommendations of the zoning board of appeals.

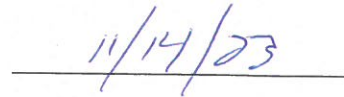
Meets standard

Does not meet standard for the following reason(s)

Based on the totality of the circumstances including review of all documentation and receipt of public comment and testimony, we find that the application/petition does / does not meet the standards for the reasons set forth above.



James Plonczynski, Chairman,



Date

Kane County Zoning Board of Appeals