

**KANE COUNTY DEVELOPMENT DEPARTMENT**  
 Zoning Division, Kane County Government Center  
 719 Batavia Avenue  
 Geneva, Illinois 60134  
 Office (630) 444-1236 Fax: (630) 232-3411

Received Date
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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>  14-05-200-040
	<b>Street Address (or common location if no address is assigned):</b>  48041 Merrill Rd., Sugar Grove

<b>2. Applicant Information:</b>	<b>Name</b> Margaret Mangers	<b>Phone</b> 630-740-5515
	<b>Address</b> 28405 County Line Rd.	<b>Fax</b>
	Maple Park, IL 60151	<b>Email</b> knthmngers@msn.com

<b>3. Owner of record information:</b>	<b>Name</b> Philip + Sara Nickels	<b>Phone</b> skype 630-409-1040
	<b>Address</b> P.O. Box 94	<b>Fax</b>
	Kaneville, IL 60144	<b>Email</b> philfarm@aol.com

**Zoning and Use Information:**

2040 Plan Land Use Designation of the property: Resource Management

Current zoning of the property: F

Current use of the property: Farm + Residence

Proposed zoning of the property: F-1 and F-2, <sup>Dual zoning classifications</sup> on undivided parcel

Proposed use of the property: Residence and farm w/ produce sales

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

Possible farm storage building in the future

**Attachment Checklist**

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Completed Land Use Opinion application (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.
- Endangered Species Consultation Agency Action Report (available in pdf form at [www.dnr.state.il.us/orep/nrrc/aar.htm](http://www.dnr.state.il.us/orep/nrrc/aar.htm)) to be filed with the Illinois Department of Natural Resources.
- List of record owners of all property adjacent & adjoining to 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.**

Margaret M. Maguire POA for Philip J. Nickels and Sara D. Nickels  
Record Owner Date

Margaret M. Maguire 6-25-15  
Applicant or Authorized Agent Date

## Findings of Fact Sheet – Map Amendment and/or Special Use

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

The use of this property will continue as it has for years and is in keeping with the uses of property within it's general area. The purpose of this action is to bring both the farm residence and the area used for growing and selling produce into zoning compliance.

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

F-District Farming and Forest Preserve.

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

The existing zoning classification is F-District Farming. The limited size of this parcel does not allow for a farm residence or the sale of farm produce other than what is grown on the premises.

My grandfather milked cows on this farm and my father was raised in the farmhouse. This property is an important part of our family history and of Kane County's rich history in farming.

The homestead on 5.8 acres was purchased from the Nickels family in 2004. As an active Kane County grain farmer we determined that diversification was necessary for a healthy bottom line. We began to sell seasonal produce at this location. Because of the limited size of the parcel it was necessary to grow a portion of the produce offsite.

This produce stand serves many families in the area and has been a favorite for pumpkins and fall decorations.

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

There is currently no development in the area. If there were, the trend would be toward scattered residential development but would remain predominately farm.

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

It is in keeping with this land use plan.

## Finding of Fact Sheet – Special Use

6. Explain how the establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

We have operated a seasonal produce stand at this location. It has always operated in a manner that considers safety first.

7. Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity.

Having a seasonal produce stand will in no way have a negative impact on property in the immediate vicinity. We feel that having access to fresh produce will actually enhance the enjoyment and value of these properties.

8. Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property.

The surrounding property shares a farm use. The sale of farm produce on this property will in no way impede development or improvement of the surrounding property.

9. Will adequate utility, access roads, drainage and other necessary facilities be provided?

Improvements regarding access and drainage are not necessary. We may provide a Port-a-Potty.

10. Will adequate measures be provided for ingress and egress so designed to minimize the traffic and congestion? Please explain:

There have been no issues with ingress/egress regarding traffic and congestion.

11. Will the special use conform to the regulations of the district in which it is located? Please explain:

Yes. Providing for the proper location and regulation of agriculturally related sales is one of the purposes and intentions of the F-2 District.

## ***4s041 Merrill Road: Sugar Grove Pumpkin Farm***

***Residence:*** Immediate surroundings privately roped off.

***Parking:*** located on south concrete slab. North lot roped off as private.

***Produce Stand:*** Honor System Monday-Sunday, Sunrise to Sunset, July 1-September 30.

Location: Beneath shade of trees just right of drive entrance. Grown on site and off site (ComEd easement located just SE of property on Merrill.)

***Barn:*** Immediate usage to cure pumpkins upon harvest. September 11-November 11, Tuesday – Friday 12pm-7pm and Saturday-Sunday 9am-7pm, the barn becomes a Shoppe for the sale of pumpkins, gourds, straw, ornamental corn, broom corn and fall décor. Southern opening for entry only, NE opening, roped off as no entrance. Emergency exit only.

***Pumpkin Honor System:*** Sunrise to Sunset, Monday-Sunday September 11-November 11. Located south of barn next to corn maze

***Family Friendly Activities:*** October 1-30: Corn Maze, Straw Bale playground, Gourd Bowling, and Corn Hole. A small area will be dedicated as backdrop for photos.

***Orchard:*** Existing apples and pears to be included in produce/fall sales. Young apple, pear and peach trees will be added and maintained to boost inventory.

***Barn Long Term:*** usage for the sale of homemade merchandise such as soy candles, goat milk soap, crafty/primitive holiday décor, limited inventory of antiques, etc. with a vision to expand to the sale of Christmas trees mid-November to December 23.

***Antique Milking Parlor:*** Long term vision to turn the parlor into an educational attraction, illustrating the history and original use of the property. Complete with photos, informative plaques and artifacts.

We are looking to appeal to the general public for the sale of produce and holiday décor with no entry fees. For families of children who seek the experience of an intimate farm operation, we will offer at no cost, a small area for limited activities and photo ops.



**Zoning Request Report**  
County of Kane

Kane County Development  
719 Batavia Ave  
Geneva, IL 60134  
Phone: (630) 232-3492  
Fax: (630) 232-3411

TO: Kane County Zoning Board Of Appeals  
Kane County Development Committee  
County Board Member District  
Janice Hill                      Carl Scheodel                      Mark VanKerkhoff                      Monica Meyers  
Petitioner

**PETITION NUMBER** 2015-4360 **Date** 07/29/2015

GENERAL INFORMATION

APPLICANT:	MARGARET MANGERS	
	2S405 COUNTY LINE ROAD	
	MAPLE PARK	60151
PURPOSE:	REZONE A PORTION OF PROPERTY TO F-1 FOR AN EXISTING HOME AND THE REMAINDER TO F-2 FOR A FARMER'S MARKET	
EXISTING ZONING:	F - FARMING;	
REQUESTED ACTION:	F-1 - RURAL RESIDENTIAL; F-2 - AGRICULTURAL RELATED SALES, SERVICE, PROCESSING, RESEARCH, WAREHOUSE AND MARKETING; SPECIAL USE; FOR A FARMER'S MARKET	
SIZE:	5.85 ACRES	
LOCATION:	ON THE NORTH SIDE OF MERRILL ROAD, APPROX. 1/2 MILE EAST OF ROUTE 47, SECTION 5, SUGAR GROVE TOWNSHIP (4S041 MERRILL ROAD) (14-05-200-040)	
SURROUNDING	ZONING	USE
NORTH	F - FARMING;	AGRICULTURAL;
SOUTH	F - FARMING;	OPEN SPACE;
EAST	F - FARMING;	AGRICULTURAL;
WEST	F - FARMING;	AGRICULTURAL;
EXISTING LAND USE:	RESIDENTIAL;	
LAND USE PLAN DESIGNATION:	RESOURCE MANAGEMENT	
ZONING HISTORY:	NO PREVIOUS REQUESTS FOR THIS PROPERTY	
APPLICABLE LAND USE REGULATION:	ARTICLE VIII, SECTION 8.2 AND SECTION 8.3 OF THE KANE COUNTY ZONING ORDINANCE	

July 24, 2015

Philip Nickels, et ux  
Rezoning property from F to F-1 & F-2

**Special Information:** The farmette was split off from the surrounding farmland in 2004 which left it in violation of the Zoning Ordinance for residential use. The petitioner is seeking a rezoning to bring the property into conformance with the Ordinance. On the balance of the property the petitioner is seeking a rezoning to F-2 to allow them to continue to operate a small farmer's market which has been selling produce from several area, family farms.

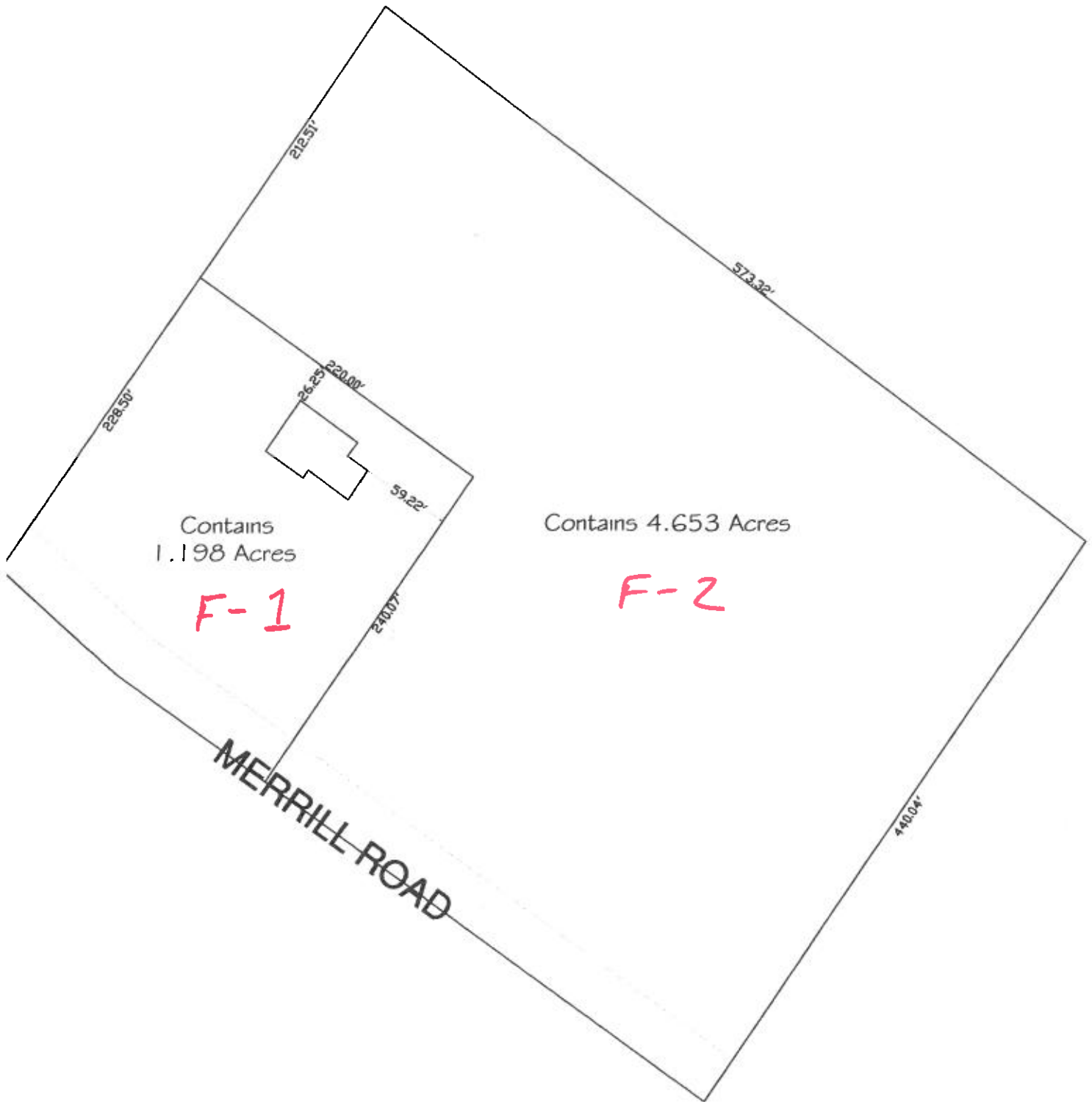
**Analysis:** The Kane County 2040 Land Resource Management Plan designates this area as Resource Management. Under the Plan, Resource Management is a land use category that provides county growth opportunities while emphasizing wise management of land and water resources. The purpose of Resource Management is to provide opportunities for the implementation of Smart Growth development that respects the character and carrying capacity of the land.

**Findings of Fact:**

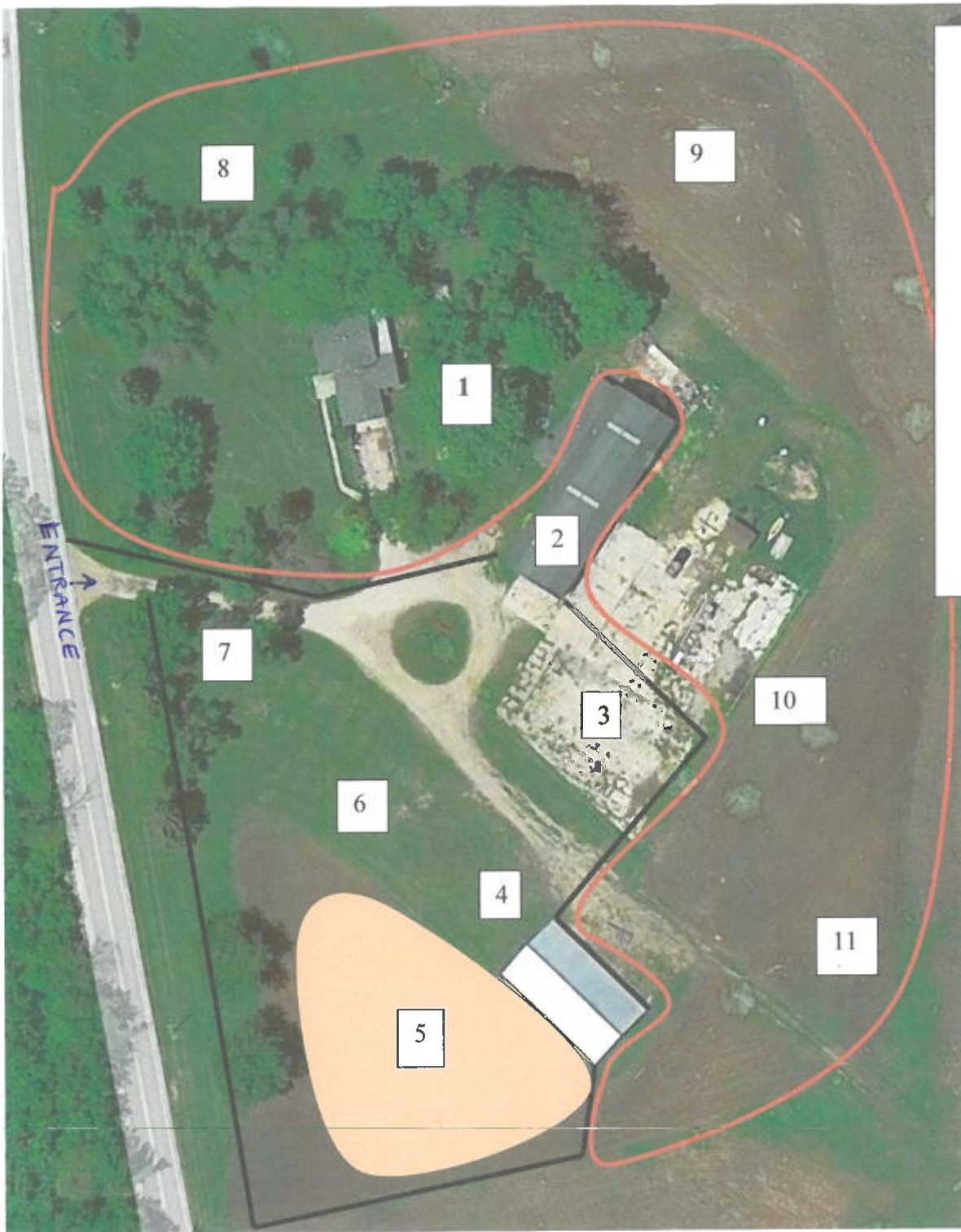
1. The residential use will not intensify and the rezoning will bring the property into conformance with the current Zoning Ordinance.
2. The rezoning to F-2 on the remaining property will allow a farmer's market to continue to be operated

Attachments: Location Map  
Township Map

# For Zoning Purposes







- 1. Private
- 2. Shoppe
- 3. Parking
- 4. Family Activities
- 5. Corn Maze
- 6. Pumpkins & Gourd Sales
- 7. Produce Sales
- 8. Orchard
- 9. Ornamental Corn
- 10. Produce Plot
- 11. Broom Corn

LEGAL DESCRIPTION OF 1.198 ACRES:

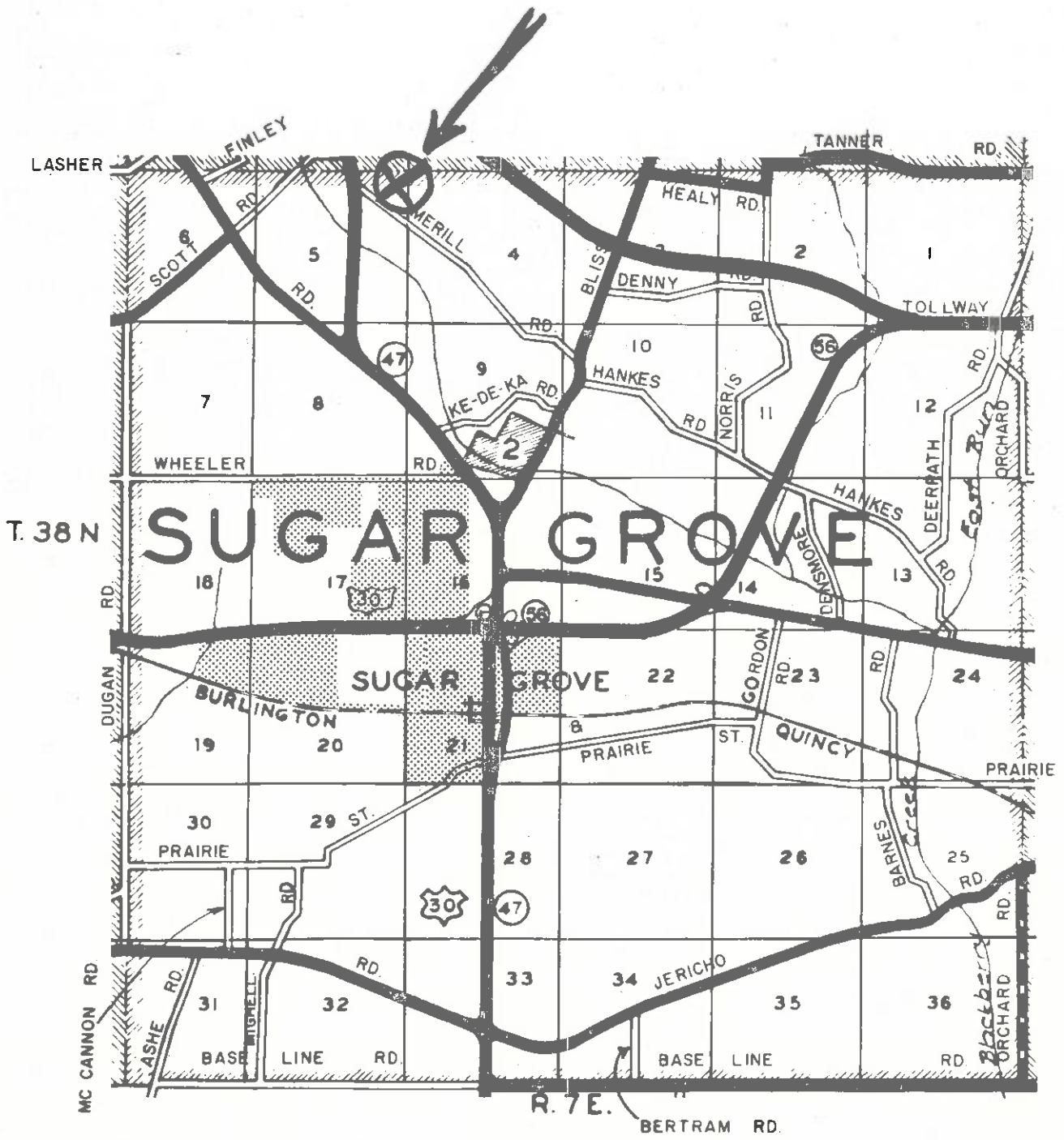
THE NORTHWESTERLY 220.0 FEET, LYING SOUTHWESTERLY OF A LINE PERPENDICULAR TO THE NORTHWESTERLY LINE AND 228.5 FEET NORTHEASTERLY AS MEASURED FROM MOST WESTERLY CORNER OF THE FOLLOWING LANDS:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:  
COMMENCING AT THE NORTHEAST CORNER OF LAKEWOOD SUBDIVISION, BLACKBERRY AND SUGAR GROVE TOWNSHIPS, KANE COUNTY, ILLINOIS; THENCE EASTERLY, 129.20 FEET TO AN ANGLE POINT IN THE CENTER LINE OF A FORMER GRAVEL ROAD (NOW ABANDONED); THENCE NORTH 89 DEGREES 41 MINUTES 51 SECONDS EAST (BEARING ASSUMED FOR DESCRIPTION PURPOSES ONLY), 215.10 FEET; THENCE SOUTH 08 DEGREES 50 MINUTES 33 SECONDS EAST 404.25 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 31 MINUTES WEST 229.34 FEET TO THE EASTERLY LINE OF ILLINOIS STATE ROUTE NO. 47 AS ESTABLISHED BY PROCEEDINGS OF THE CIRCUIT COURT OF THE 16TH JUDICIAL CIRCUIT, KANE COUNTY, ILLINOIS, AND KNOWN AS CASE 70 ED 7738; THENCE SOUTHERLY, 265.47 FEET ALONG SAID EASTERLY LINE, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3879.83 FEET, THE CHORD OF SAID CURVE BEARING SOUTH 10 DEGREES 59 MINUTES 30 SECONDS EAST TO AN ANGLE POINT IN SAID EASTERLY LINE; THENCE SOUTH 15 DEGREES 56 MINUTES 15 SECONDS EAST, 76.93 FEET TO AN ANGLE POINT IN SAID EASTERLY LINE; THENCE SOUTHERLY, 45.24 FEET ALONG SAID EASTERLY LINE, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3889.83 FEET, THE CHORD OF SAID CURVE BEARING SOUTH 07 DEGREES 34 MINUTES 24 SECONDS EAST TO THE CENTER LINE OF MERRILL ROAD, AS STAKED; THENCE SOUTH 89 DEGREES 47 MINUTES 48 SECONDS EAST, 137.50 FEET ALONG SAID CENTER LINE AS STAKED; THENCE SOUTH 47 DEGREES 39 MINUTES 05 SECONDS EAST, 270.56 FEET ALONG SAID CENTERLINE OF MERRILL ROAD, AS STAKED, TO THE POINT OF BEGINNING; THENCE NORTH 33 DEGREES 54 MINUTES 49 SECONDS EAST, 441.01 FEET; THENCE SOUTH 52 DEGREES 48 MINUTES 19 SECONDS EAST, 573.32 FEET; THENCE SOUTH 33 DEGREES 54 MINUTES 49 SECONDS WEST, 440.04 FEET TO THE SAID CENTERLINE OF MERRILL ROAD AS STAKED; THENCE NORTH 54 DEGREES 03 MINUTES 27 SECONDS WEST, 470.21 FEET ALONG SAID CENTERLINE OF MERRILL ROAD, AS STAKED; THENCE NORTH 47 DEGREES 39 MINUTES 05 SECONDS WEST, 103.59 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING, IN KANE COUNTY, ILLINOIS.

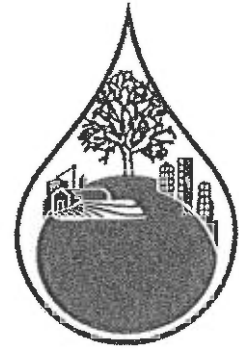
LEGAL DESCRIPTION OF 4.653 ACRES:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LAKEWOOD SUBDIVISION, BLACKBERRY AND SUGAR GROVE TOWNSHIPS, KANE COUNTY, ILLINOIS; THENCE EASTERLY, 129.20 FEET TO AN ANGLE POINT IN THE CENTER LINE OF A FORMER GRAVEL ROAD (NOW ABANDONED); THENCE NORTH 89 DEGREES 41 MINUTES 51 SECONDS EAST (BEARING ASSUMED FOR DESCRIPTION PURPOSES ONLY), 215.10 FEET; THENCE SOUTH 08 DEGREES 50 MINUTES 33 SECONDS EAST 404.25 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 31 MINUTES WEST 229.34 FEET TO THE EASTERLY LINE OF ILLINOIS STATE ROUTE NO. 47 AS ESTABLISHED BY PROCEEDINGS OF THE CIRCUIT COURT OF THE 16TH JUDICIAL CIRCUIT, KANE COUNTY, ILLINOIS, AND KNOWN AS CASE 70 ED 7738; THENCE SOUTHERLY, 265.47 FEET ALONG SAID EASTERLY LINE, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3879.83 FEET, THE CHORD OF SAID CURVE BEARING SOUTH 10 DEGREES 59 MINUTES 30 SECONDS EAST TO AN ANGLE POINT IN SAID EASTERLY LINE; THENCE SOUTH 15 DEGREES 56 MINUTES 15 SECONDS EAST, 76.93 FEET TO AN ANGLE POINT IN SAID EASTERLY LINE; THENCE SOUTHERLY, 45.24 FEET ALONG SAID EASTERLY LINE, BEING ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 3889.83 FEET, THE CHORD OF SAID CURVE BEARING SOUTH 07 DEGREES 34 MINUTES 24 SECONDS EAST TO THE CENTER LINE OF MERRILL ROAD, AS STAKED; THENCE SOUTH 89 DEGREES 47 MINUTES 48 SECONDS EAST, 137.50 FEET ALONG SAID CENTER LINE AS STAKED; THENCE SOUTH 47 DEGREES 39 MINUTES 05 SECONDS EAST, 270.56 FEET ALONG SAID CENTERLINE OF MERRILL ROAD, AS STAKED, TO THE POINT OF BEGINNING; THENCE NORTH 33 DEGREES 54 MINUTES 49 SECONDS EAST, 441.01 FEET; THENCE SOUTH 52 DEGREES 48 MINUTES 19 SECONDS EAST, 573.32 FEET; THENCE SOUTH 33 DEGREES 54 MINUTES 49 SECONDS WEST, 440.04 FEET TO THE SAID CENTERLINE OF MERRILL ROAD AS STAKED; THENCE NORTH 54 DEGREES 03 MINUTES 27 SECONDS WEST, 470.21 FEET ALONG SAID CENTERLINE OF MERRILL ROAD, AS STAKED; THENCE NORTH 47 DEGREES 39 MINUTES 05 SECONDS WEST, 103.59 FEET ALONG SAID CENTERLINE TO THE POINT OF BEGINNING, EXCEPTING THEREFROM THE NORTHWESTERLY 220.0 FEET, LYING SOUTHWESTERLY OF A LINE PERPENDICULAR TO THE NORTHWESTERLY LINE AND 228.5 FEET NORTHEASTERLY AS MEASURED FROM MOST WESTERLY CORNER, IN KANE COUNTY, ILLINOIS.



# Kane - DuPage Soil & Water Conservation District



January 23, 2015

Kane County  
Keith Berkhout  
719 South Batavia Avenue  
Geneva, IL 60134

We have assigned number 15-009 to a Land Use Opinion Application from:

Phillip & Sara Nickels  
P.O. Box 94  
Kaneville, IL 60144

The site location is:

Sugar Grove  
Section 5 Township 38N, Range 7E

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 to you on or before \_\_\_\_\_

  X   According to the information received, this proposed land use change will not have a substantial effect on natural resources. Therefore, no further action will be taken by the Soil and Water Conservation District Board.

  X   A processing fee of \$65.00 has been retained

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2315 Dean Street, Suite 100

St. Charles, Illinois 60175

(630) 584-7961x3

Fax: (630) 584-9534

[www.kanedupageswcd.org](http://www.kanedupageswcd.org)

All programs and services of the Kane-DuPage SWCD are offered on a nondiscriminatory basis, without regard to race, color, national origin, religion, sex, marital status, or handicap.

## Berkhout, Keith

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**From:** Hawk, Simona Monica  
**Sent:** Wednesday, July 22, 2015 3:35 PM  
**To:** Berkhout, Keith  
**Subject:** Zoning Petitions - Gregory Klotz, LM Judd and Philip Nickels

Klotz – 13-05-200-001  
Judd – 13-22-351-006  
Nickels – 14-05-200-040

Keith,

I do not have any comments on any of these 3 petitions.

S.M. "Monica" Hawk, P.E., CFM  
*Water Resources Engineer*

*Kane County – Division of Environmental & Water Resources  
719 Batavia Avenue, Building A, 1<sup>st</sup> Floor, Geneva, IL 60134  
Direct: (630) 232-3496 | Office: (630) 232-3497 | Fax: (630) 208-3837*