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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

OCT 17 2011

Kane Co. Dev. Dept.
Zoning Division

ZONING MAP AMENDMENT APPLICATION

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.

| | |
|---------------------------------|--|
| 1. Property Information: | Parcel Number (s): 12-17-100-009, 12-18-200-017 and 12-18-200-013 |
| | Street Address (or common location if no address is assigned): 38W035 Fabyan Parkway, Geneva, IL 60134 |

| | | |
|----------------------------------|---|--------------------------------------|
| 2. Applicant Information: | Name Development Properties, Inc. John A. Thornhill, President | Phone 630-584-3303 |
| | Address 44 White Oak Circle, St. Charles, IL 60174-4165 | Fax 630-584-3303 |
| | | Email JATLDC@sbcglobal.net |

| | | |
|---|---|------------------------------------|
| 3. Owners of record information: | Name Alexandra A. Thompson & Beneficiaries (noted on following page) of ATG Trust Company, as Trustee under Trust No. L006-084, P.O. Box 3193, Jackson WY 83001 | Phone 917-678-0350 |
| | | Fax |
| | | Email athomp13@gmail.com |

Zoning and Use Information:

2040 Plan Land Use Designation of the property:
Resource Management

Current zoning of the property:
F District-Farming

Current use of the property:
Farming east, west and south of 2 residences

Proposed zoning of the property:
E1 District-Estate & R1 District One-Family Residential; Variance is also requested for 1170 sq.-ft. shed to remain on proposed 42,761 sq.-ft. R1 Parcel.

Proposed use of the property:
Utilize 2 existing single-family residences and outbuildings.

If the proposed Map Amendment is approved, what improvements or construction is planned? (An accurate site plan may be required)
No significant changes are contemplated except normal upkeep and building maintenance.

Attachment Checklist

- Site Development Plan or Plat of Survey (See Exhibit "C" - Plat of Survey)
- Legal descriptions (See Exhibit "A")
- Completed Land Use Opinion application (Available in pdf form at 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) to be filed with the Illinois Department of Natural Resources.
- List of record owners of all property adjacent & adjoining to subject property
- Aerial (air photo) with property clearly highlighted contact: (See Exhibit "B" attached-KC GIS Tax Map) ~~The Sidwell Co., 675 Sidwell Dr., St. Charles, IL (630) 549-1000~~
- Trust Disclosure (Attached above)
- Findings of Fact Sheet
- Application fee = **\$1225.00** (make check payable to Kane County Development Department)
- We certify that this application and the documents submitted with it are true and correct to the best of our knowledge and belief.

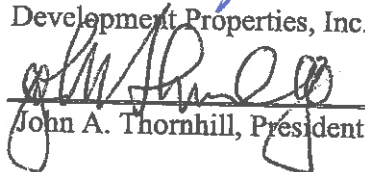
Record Owners (see also Sheet 4 hereon):


Alexandra A. Thompson

Date: October 11, 2019

Applicant/Authorized Agent: Development Properties, Inc.

Date: October 16, 2019

By: 
John A. Thornhill, President

Findings of Fact Sheet – Rezoning

- *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.*

Getzelman Rezoning / Development Properties, Inc.

Name of Development/Applicant

Date: October 10, 2019

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

The 2 existing single-family residences and outbuildings will continue to be used on the property, which is consistent with parcels of similar size in the immediate area.

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

F District-Farming adjoins the subject premises on the west, south & east sides; Open Space to the north within the City of Geneva, Kane County Forest Preserve to west and multi-family residential use within the City of Batavia is adjacent to the petitioners’ property.

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

The present F District-Farming classification cannot be utilized with the parcel sizes required for the existing single-family residences and outbuildings which are currently the subject of a sale. In addition, the City of Batavia land use map designates the area for lots ranging in size from 2 to 4 acres. Therefore, the proposed E1 District-Estate and R1 District-One-family Residential classifications being sought are more appropriate for the subject premises. A stated purpose of the Zoning Ordinance (Section 2.1) is “...conserving values of property throughout the county...” which is why the R1 zoning lot is proposed to be created. Without the R1 parcel, the petitioners’ 2nd residence situated upon it would need to be dismantled from a residential use and would result in a significant diminution of value.

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

The trend of actual development in the immediate area has been through annexation of property into the cities of Batavia and Geneva.

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

The 2040 Land Use Plan designates the area of the subject premise as Resource Management, which anticipates annexation to adjacent municipalities. Therefore, the proposed rezoning to the E1 and R1 Districts is consistent with the residential uses contemplated in the Batavia land use plan.

December 2, 2019

Alexandra A. Thompson / ATG Trust #L006-084

Rezoning from F-District Farming to E-1 District Estate Residential and R-1 District One Family Residential with a building size variance to allow a 1170 square foot shed to remain on the parcel

Special Information: The petitioner owns this farm which includes existing homes and numerous agricultural buildings. The petitioner is requesting a rezoning of the north central portion of the property to allow for the creation of a two separate residential parcels which could be sold off separately from the remaining farmland.

Analysis: The Kane County 2040 Land Resource Management Plan designates this area as Resource Management. Under the 2040 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. There is also an area of Proposed Open Space. This category includes areas recommended for both public and private open space and green infrastructure uses.

Staff recommended Findings of Fact:

1. The rezoning would create two separate residential parcels.
2. The existing residential use would not be intensified by the rezoning.

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

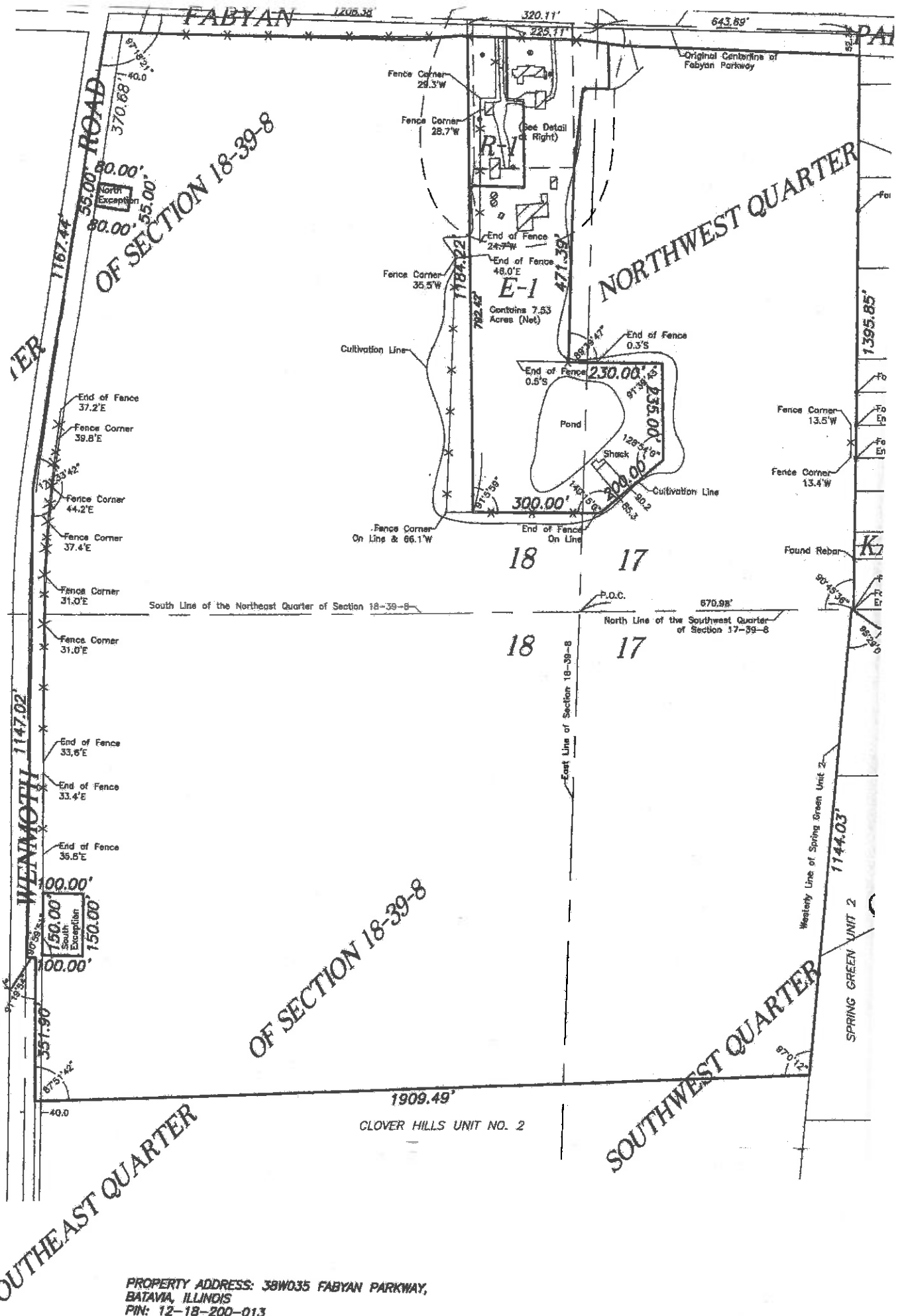
Exhibit "B" - Thompson Rezoning



10/11/2019, 3:22:35 PM

- Forest Preserves
- Water
- Creeks
- Road Names
- Cadastral Annotation
- Lot Dim 100
- Lot Dim 400
- Lot Num 100
- Parcel Blk Num 100
- Parcel Blk Num 400
- Parcel Dim 100
- Parcel Dim 400

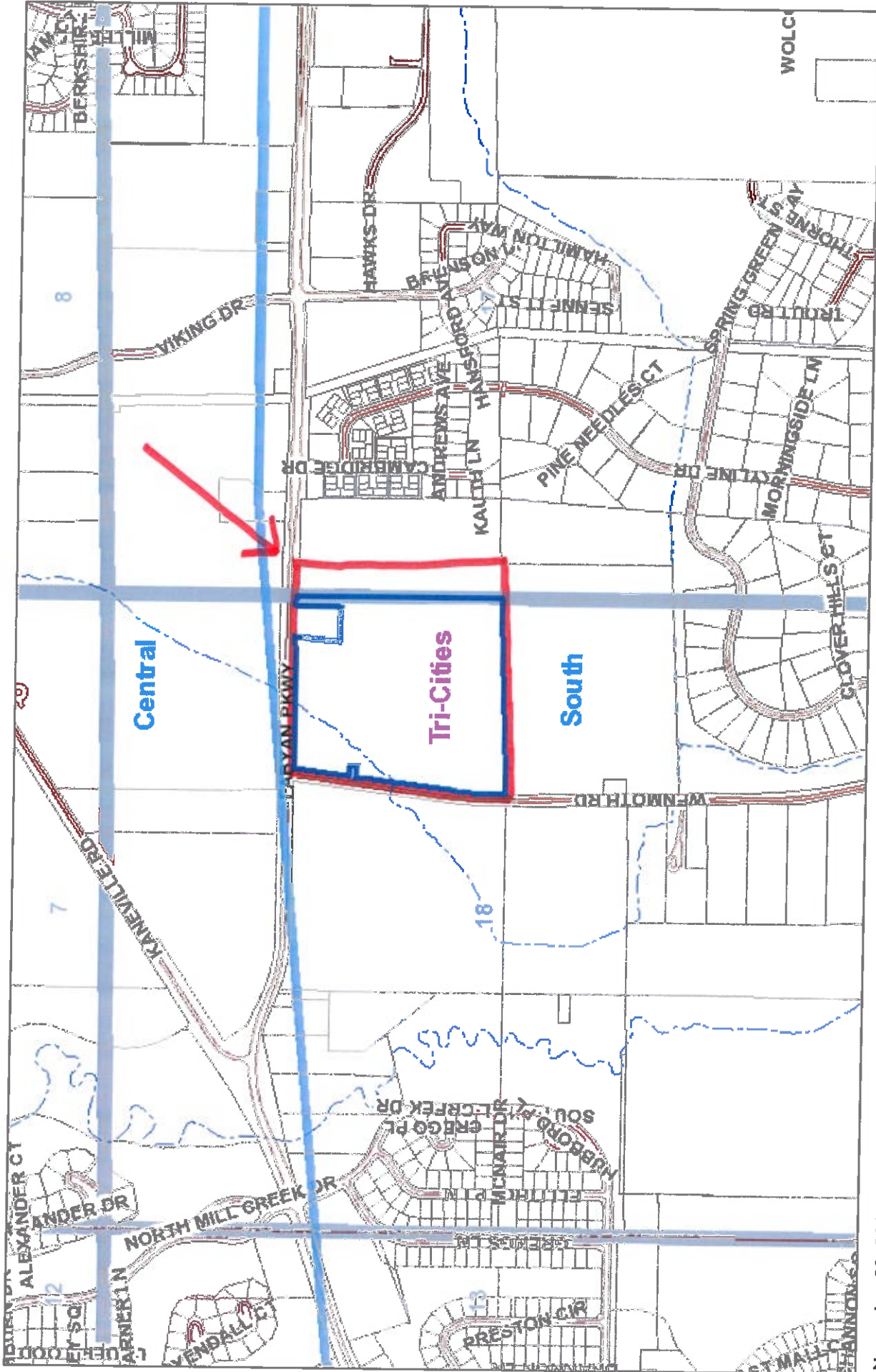
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus
 These layers do not represent a survey. No Accuracy is assumed for the data records, including plats, surveys, recorded deeds, and contracts, and only contain information required for local government purposes. See the recorded documents for more detailed legal information.



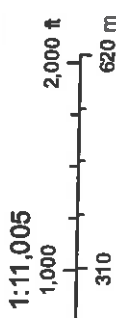
PROPERTY ADDRESS: 38W035 FABYAN PARKWAY,
 BATAVIA, ILLINOIS
 PIN: 12-18-200-013

AREA SUMMARY:

Map Title



November 26, 2019



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

Applicant: Development Properties, Inc.
Contact: John Thornhill
Address: 44 White Oak Circle
St. Charles, IL 60174

IDNR Project Number: 2003436
Date: 10/08/2019
Alternate Number: 19-015

Project: Thompson Rezoning
Address: 38W035 Fabyan Parkway, Geneva

Description: Agricultural property will be rezoned to establish 2 zoning lots on which 2 residences and outbuildings already exist.

Natural Resource Review Results

Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

The Illinois Natural Heritage Database shows the following protected resources may be in the vicinity of the project location:

Black-Crowned Night Heron (*Nycticorax nycticorax*)

An IDNR staff member will evaluate this information and contact you to request additional information or to terminate consultation if adverse effects are unlikely.

Location

The applicant is responsible for the accuracy of the location submitted for the project.

County: Kane

Township, Range, Section:

39N, 8E, 17

39N, 8E, 18



IL Department of Natural Resources
Contact
Adam Rawe
217-785-5500
Division of Ecosystems & Environment

Government Jurisdiction
Kane County Development Department
Keith Berkhout
719 Batavia Avenue
Geneva, Illinois 60134

Disclaimer

The Illinois Natural Heritage Database cannot provide a conclusive statement on the presence, absence, or condition of natural resources in Illinois. This review reflects the information existing in the Database at the time of this inquiry, 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, compliance with applicable statutes and regulations is required.

Terms of Use

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1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

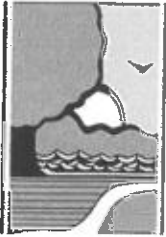
Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.



Illinois Department of Natural Resources

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

JB Pritzker, Governor

Colleen Callahan, Director

October 09, 2019

John Thornhill
Development Properties, Inc.
44 White Oak Circle
St. Charles, IL 60174 4165

RE: Thompson Rezoning
Project Number(s): 2003436 [19-015]
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.

Bradley Hayes
Division of Ecosystems and Environment
217-785-5500

Berkhout, Keith

From: Rauscher, Erin
Sent: Wednesday, October 30, 2019 9:07 AM
To: Berkhout, Keith.
Subject: RE: Zoning petition for review - Thompson

Keith,

No objections/comments from the health department.

From: Berkhout, Keith <BerkhoutKeith@co.kane.il.us>
Sent: Tuesday, October 29, 2019 1:06 PM
To: VanKerkhoff, Mark <vankerkhoffmark@co.kane.il.us>
Cc: Rauscher, Erin <RauscherErin@co.kane.il.us>; Wilford, Anne <WilfordAnne@co.kane.il.us>
Subject: Zoning petition for review - Thompson

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



Berkhout, Keith

From: McGraw, Keith
Sent: Thursday, November 7, 2019 3:43 PM
To: Berkhout, Keith; Rickert, Tom
Cc: Nika, Kurt
Subject: RE: Zoning petition for review - Thompson
Attachments: 2019-10-29 ZOning request.pdf

Keith

In regard to the attached zoning request at 38W035 Fabyan Parkway, KDOT will not allow any new access to the County Highway.

Thank you,

Keith McGraw
Kane County Division of Transportation – Permitting Section

From: Berkhout, Keith <BerkhoutKeith@co.kane.il.us>
Sent: Tuesday, October 29, 2019 1:04 PM
To: Schoedel, Carl <schoedelcarl@co.kane.il.us>
Cc: McGraw, Keith <McGrawKeith@co.kane.il.us>; Nika, Kurt <nikakurt@co.kane.il.us>
Subject: Zoning petition for review - Thompson

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

