

ORDINANCE NO. 18-24

AN ORDINANCE APPROVING A VARIANCE FOR THE PROPERTY COMMONLY KNOWN AS 4N030 LAFOX ROAD, CAMPTON HILLS, ILLINOIS

WHEREAS, Jack Cronan, as successor trustee of the Karyn Cronan Family Trust (the "**Applicant**") is the owner of the property located at 4N030 LaFox Road, Campton Hills, Illinois, and described in **Exhibit A** ("**Property**"); and

WHEREAS, The Property consists of approximately 2.9 acres, and is located in the R-1 One Family Residential District; and

WHEREAS, the Property currently contains a single-family residence, horse stables, a horse riding arena, and a private pasture; and

WHEREAS, the Applicant has filed an application requesting a variance from the Village of Campton Hills Zoning Ordinance ("**Zoning Ordinance**") to allow for the private stabling of horses on the Property; and

WHEREAS, the Applicant has previously stabled horses on the Property for private uses prior to the Village's incorporation; and

WHEREAS, the Village has previously granted similar variances to adjacent properties to allow for the private stabling of horses in the R-1 District; and

WHEREAS, pursuant to notice duly published, the Village of Campton Hills Plan Commission/Zoning Board of Appeals ("**Plan Commission**") held a public hearing and reviewed the Applicant's variance request on October 22, 2018; and

WHEREAS, at the conclusion of the public hearing, the Plan Commission unanimously recommended approval of the variance to allow for the private stabling of horses on the Property, subject to certain conditions; and

WHEREAS, The Village Board of Trustees has reviewed the minutes from the Plan Commission meeting and the evidence submitted by the Applicant, and has determined that the Applicant's variance request meets the standards for the approval of variances under the Zoning Ordinance, subject to the terms and conditions of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF CAMPTON HILLS, KANE COUNTY, ILLINOIS, AS FOLLOWS:

Section 1. Recitals. The above recitals are incorporated into this Ordinance by reference.

Section 2. Findings. The Village Board of Trustees has duly considered the recommendations of the Plan Commission and hereby adopts the findings attached as **Exhibit B** as the findings of the Village Board of Trustees as though fully restated in this Ordinance.

Section 3. Approval of Variance. Subject to the conditions set forth in Section 4 of this Ordinance, the Village Board of Trustees hereby approves a variance from the Zoning Ordinance to allow for the private stabling of horses on Property.

Section 4. Conditions. The approval granted pursuant to Section 3 of this Ordinance shall be and is hereby expressly subject to and contingent upon each of the following terms, conditions, and restrictions, the violation of any of which shall, in the sole discretion of the President and Village Board of Trustees, invalidate the approval granted in this Ordinance.

- A. **Private Use Only.** Only the private stabling of horses will be allowed on the Property. No commercial boarding, selling, or brokering of horses will be permitted on the Property.
- B. **Setback Requirement.** Horses may not be stabled or yarded closer than one hundred (100) feet from any residence other than that of the residence on the Property.
- C. **Manure Management Plan.** The Applicant, and any subsequent owner of the Property, must submit to the Village, on an annual basis, evidence of a manure management plan that includes weekly removal of manure from the Property.
- D. **No Authorization of Work.** This Ordinance does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind may be commenced on the Property pursuant to the approvals granted in this Ordinance unless and until all conditions of this Ordinance precedent to that work have been fulfilled and after all permits, approvals, and other authorizations for the work have been properly applied for, paid for, and granted in accordance with applicable law.
- E. **Compliance with Laws.** All applicable Village ordinances and regulations shall continue to apply to the Property, and the development and use of the Property must comply with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.

Section 5. Severability. In the event a court of competent jurisdiction finds this Ordinance or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

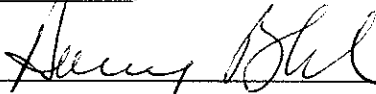
Section 6. Repeal and Saving Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village of Campton Hills prior to the effective date of this Ordinance.

Section 7. Effective Date. This Ordinance shall be in full force and effect from after its passage, approval, and publication in the manner provided by law.

Passed this 7th day of November, 2018 pursuant to a roll call vote as follows:

	AYES	NAYES	ABSENT	ABSTAIN
Trustee Susan P. George	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Nick Girka	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
Trustee Mike Millette	<u> </u>	<u> </u>	<u>X</u>	<u> </u>
Trustee Mike O'Dwyer	<u> </u>	<u> </u>	<u>X</u>	<u> </u>
Trustee Michael Tyrrell	<u> </u>	<u> </u>	<u>X</u>	<u> </u>
Trustee Wendy K White Eagle	<u>X</u>	<u> </u>	<u> </u>	<u> </u>
President Harry Blecker	<u>X</u>	<u> </u>	<u> </u>	<u> </u>

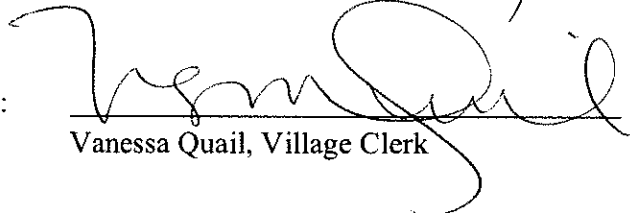
APPROVED this 7th day of November, 2018



Harry Blecker, Village President

(SEAL)

ATTEST:



Vanessa Quail, Village Clerk

Exhibit A

Legal Description of the Property

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID QUARTER; THENCE NORTHERLY ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 228.3 FEET FOR THE PLACE OF BEGINNING; THENCE WESTERLY PARALLEL WITH THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 232.0 FEET; THENCE SOUTHERLY PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 187.0 FEET; THENCE NORTHWESTERLY ALONG A LINE THAT FORMS AN ANGLE OF 96 DEGREES 43 MINUTES 30 SECONDS TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 35.97 FEET; THENCE SOUTHWESTERLY ALONG A LINE THAT FORMS AN ANGLE OF 82 DEGREES 44 MINUTES 30 SECONDS TO THE LEFT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE, A DISTANCE OF 47.43 FEET TO THE SOUTH LINE OF SAID SOUTHWEST QUARTER; THENCE WESTERLY ALONG SAID SOUTH LINE, A DISTANCE OF 289.68 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 224.65 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 390.0 FEET (A CHORD OF SAID CURVE FORMS AN ANGLE OF 63 DEGREES 57 MINUTES 59 SECONDS TO THE RIGHT WITH THE PROLONGATION OF THE LAST DESCRIBED COURSE), A DISTANCE OF 139.93 FEET; THENCE NORTHEASTERLY TANGENT TO THE LAST DESCRIBED CURVE, A DISTANCE OF 7.41 FEET; THENCE NORTHEASTERLY ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 324.0 FEET AND BEING TANGENT TO THE LAST DESCRIBED COURSE, A DISTANCE OF 205.34 FEET; THENCE EASTERLY TANGENT TO THE LAST DESCRIBED CURVE AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 23, A DISTANCE OF 250.75 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE SOUTHERLY ALONG SAID EAST LINE, A DISTANCE OF 125.0 FEET TO THE PLACE OF BEGINNING, BEING SITUATED IN CAMPTON TOWNSHIP, KANE COUNTY, ILLINOIS.

Common Address: 4N030 LaFox Rd., St. Charles, IL

PIN: 08-23-300-010

Exhibit B
Findings of Fact

Zoning and Use Information:

Current zoning of the property: **R-1 Residential**

Current use of the property: **Residential**

Reason for Request:

Variation requested (state specific measurements): **The variance requested will not require any new construction or physical modifications to the subject property. Instead, the variance is requested solely for the private stabling of horses. The property is approximately 2.9 acres with existing improvements as depicted in the attached photographs**

Reason for request: **The variation is requested for permitting private stabling of horses, as has been allowed under the current zoning of the subject property and has been applied for and approved by the appropriate governing body in years past.**

Action by Applicant on Property:

What physical characteristics would prevent the property from being used in conformity with the requirements of the Zoning Ordinance? **None. The subject property is 2.9 acres and, in addition to the single family residence, contains an adjacent private horse stable, show arena, and grazing pastures (photos attached). No new improvements will be made to the property in conjunction with or to accommodate the variance applied for in this application.**

Is the purpose of the proposed variation based on more than a desire to make money from the property? (explain) **None. The proposed variation is solely for the private stabling of horses.**

Has the alleged difficulty or hardship been created by any person presently having an interest in the property? (explain) **No.**

The Village of Campton Hills Zoning Ordinance requires that the Zoning Board of Appeals find that there is a practical difficulty or some particular hardship if existing regulations are applied. The Board must also consider certain factors related to the granting of a variance. As the Applicant, you should "make your case" by explaining how your request will not:

1. Impair an adequate supply of light and air to adjacent property. **The variance allowing for the private stabling of horses will not impair adequate supply of light and air to the property. The proposed variance will not require any modifications to the property and improvements currently existing. In addition, the property previously enjoyed a variance allowing for the private stabling of horses and, to our knowledge, did not impair the supply of light and air to the adjacent properties**
2. Increase the hazard from fire and other dangers to adjacent property. **The variance allowing for the private stabling of horses will not increase the hazard from fire and other dangers to the property. The proposed variance will not require any modifications to the property and improvements currently existing. In addition, the subject property previously enjoyed a variance allowing for the private stabling of horses and, to our knowledge, did not increase the hazard from fire or other dangers to adjacent property.**
3. Diminish the value of adjacent land and buildings. **This variance is private in nature and will not require any physical modifications to the property altering the aesthetics or general appearance to adjacent land and buildings. The subject property is situated on nearly three (3) acres**

of property and the stables currently existing thereon are well outside the one hundred (100) foot radius of neighboring property as required by the municipal zoning ordinance. In addition, the subject property is bordered by Bridle Creek Dr. to the North and LaFox Rd. to the East as well as wooded property zoned Farming to the South. The only adjacent property zoned R-1 is to the West and the stable is situated across Mill Creek and in excess of 300ft. from the neighboring residential home.

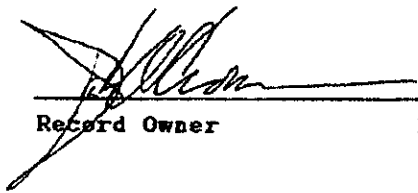
4. Increase congestion or create traffic hazards. **The operation of the variance is for the private stabling of horses and not open to the public. If the variance is granted, there will be no additional ingress or egress nor any additional vehicular traffic or public attendance or invitees as there would be with a traditional residence permitted under current zoning.**

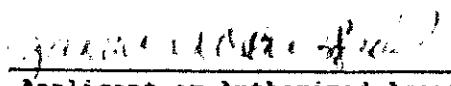
5. Impair the public health, safety, comfort, morals and general welfare. **As stated, the subject property previously enjoyed a special use allowing for the private stabling of horses and such use, to our knowledge, it was not detrimental to or endanger the public health, safety, morals comfort or general welfare. The subject property is situated on nearly three (3) acres of property and the stables thereon are situated outside the one hundred (100) foot radius as required by the municipal zoning ordinance. The requested variance is for the private stabling of horses and will not be open to the public.**

Attachment Checklist

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Certification of Notification of adjacent property owners
- Aerial (air photo) with property clearly highlighted contact: The Sidwell Co., 675 Sidwell Dr., St. Charles, IL (630) 549-1000 or Google Maps
- Trust Disclosure (If applicable)
- Application fee (make check payable to Village of Campton Hills)
- Site Plan drawn to scale showing house, well and septic.

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. I (we) agree to reimburse the Village of Campton Hills for cost incurred by the Village pursuant to this variation request.

 _____ Jack Cronan as Trustee _____ 10/03/18
 Record Owner Print Name Date

 _____ JASON CHRISTOPOULOS _____ October 3, 2018
 Applicant or Authorized Agent Print Name Date