

**VILLAGE OF BIG ROCK**

**ORDINANCE NO. 2016- \_\_\_\_\_**

**AN ORDINANCE APPROVING A VARIANCE TO ALLOW ROOFED ACCESSORY  
STRUCTURES WHICH EXCEED THE MAXIMUM ALLOWABLE COMBINED  
SQUARE FOOTAGE FOR 8S953 JERICHO ROAD, BIG ROCK**

ADOPTED BY THE BOARD OF TRUSTEES  
OF THE VILLAGE OF BIG ROCK  
THIS 12<sup>TH</sup> DAY OF JULY, 2016

Published in pamphlet form by the authority of the Board of Trustees of the  
Village of Big Rock, Kane County, Illinois  
this 12<sup>th</sup> day of July, 2016

**ORDINANCE NO. 2016-\_\_\_\_\_**  
**AN ORDINANCE APPROVING A VARIANCE TO ALLOW ROOFED ACCESSORY STRUCTURES WHICH EXCEED THE MAXIMUM ALLOWABLE COMBINED SQUARE FOOTAGE FOR 8S953 JERICHO ROAD, BIG ROCK**

WHEREAS, the Village of Big Rock is a municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, Darrin and Rebecca Gengler (collectively the “Applicant”) are the owners of real property commonly known as 8S953 Jericho Road, Big Rock, Illinois (the “Subject Property”), which is legally described in Exhibit “A” attached hereto; and

WHEREAS, the Applicant operates a legal non-conforming business upon the Subject Property, which is zoned R-E Residential Estate District; and

WHEREAS, the Subject Property consists of approximately 5.0 acres, is improved with a residential house, a detached garage, and four hoop-style greenhouses, which are considered temporary structures; and

WHEREAS, in order to facilitate and grow their business, the Applicant seeks to construct a 4,000 square foot pole barn upon the Subject Property, and seeks a variance to allow roofed accessory structures which exceed the maximum allowable combined square footage; and

WHEREAS, the Village of Big Rock Zoning Ordinance permits no more than three (3) roofed accessory structures upon residential property in the R-E District, with a combined square footage not to exceed 3,600 square feet if the property is at least 4.0 acres in size; and

WHEREAS, with the new pole barn, the two accessory structures upon the Subject Property will total 5,400 square feet; and

WHEREAS, the Village of Big Rock Planning and Zoning Commission conducted a public hearing after due notice and voted to recommend approval of this variance pursuant to its written Findings of Fact; and

WHEREAS, the Village of Big Rock Board of Trustees adopts said Findings of Fact and desires to approve the requested variance, finding sufficient hardship.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Big Rock, Kane County, Illinois, as follows:

Section 1: The above-stated Recitals are hereby restated and incorporated into this Section 1 as though fully set forth herein.

Section 2: Applicant’s request for a variance to allow roofed accessory structures (a new 4,000 square foot pole barn and an existing 1,400 square foot detached garage) which exceed the maximum allowable combined square footage for roofed accessory structures upon

the Subject Property is hereby approved. This approval will allow the total square footage for roofed accessory structures to total approximately 5,400 square feet. This approval is subject to the following conditions, which are imposed to protect the public health, safety and welfare:

- A. The proposed new pole barn shall replace the existing large greenhouse near the entrance driveway, and the existing large greenhouse shall be removed prior to the commencement of construction.
- B. The new pole barn shall be located approximately where the existing large greenhouse is located, and shall have a side yard setback of at least twelve (12') feet from the property line. The size, materials and location of the new pole barn shall substantially conform to the materials submitted by the Applicant in conjunction with this variance request.
- C. Applicant shall remove the second largest greenhouse upon the Subject Property within twelve (12) months after final building permit inspection and approval is made for the new pole barn.
- D. Applicant shall install a sign along its driveway warning motorists of the shared driveway and to yield to traffic.
- E. Applicant shall obtain necessary building permits for the construction of said pole barn.

Section 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 4: This ordinance shall be in full force and effect after its passage, approval and publication in pamphlet form as provided by law.

**PRESENTED** to the Board of Trustees of the Village of Big Rock, Kane County, Illinois on this 12<sup>th</sup> day of July, 2016.

Trustee Hanninen \_\_\_\_ Trustee Metzger \_\_\_\_ Trustee Lynch \_\_\_\_

Trustee McCannon \_\_\_\_ Trustee Walsh \_\_\_\_ Trustee Shimkus \_\_\_\_

**PASSED** by the Board of Trustees of the Village of Big Rock, Kane County, Illinois, this 12th day of July, 2016.

**SIGNED** by the President of the Board of Trustees of the Village of Big Rock, Kane  
County, Illinois, this 12th day of July, 2016.

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Dean Hummell, President  
Village of Big Rock, Illinois

ATTEST:

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Tim May, Village Clerk  
Village of Big Rock, Illinois

**(SEAL)**

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF KANE         )

**CLERK’S CERTIFICATE**

I, Tim May, certify that I am the Village Clerk of the Village of Big Rock, Kane County, Illinois, and as such officer I am the keeper of the records, files and proceedings of the corporate authorities of said municipality.

I further certify that:

**ORDINANCE NO. 2016-\_\_\_\_\_**

**AN ORDINANCE APPROVING A VARIANCE TO ALLOW ROOFED ACCESSORY STRUCTURES WHICH EXCEED THE MAXIMUM ALLOWABLE COMBINED SQUARE FOOTAGE FOR 8S953 JERICHO ROAD, BIG ROCK**

was adopted by the President and Board of Trustees of the Village of Big Rock at a meeting held on July 12, 2016 and approved by the Village President on July 12, 2016. I do further certify that a quorum of said Board of Trustees was present at said meeting, and that the Board complied with all the requirements of the Illinois Open Meeting Act.

I do further certify that the ordinance, of which the attached is a true and correct copy, is entrusted to my care for safekeeping, and that I am the lawful keeper of same.

IN WITNESS WHEREOF, I have hereunto affixed my official hand and the seal of the municipality this 12<sup>th</sup> day of July, 2016.

(SEAL)

\_\_\_\_\_  
Tim May, Village Clerk  
Village of Big Rock, Illinois

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

PARCEL 1:

THAT PART OF THE SOUTHWEST QUARTER OF SECTION 26 AND THAT PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 35; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 35, 61.96 FEET TO THE EASTERLY RIGHT OF WAY LINE OF JERICHO ROAD; THENCE CONTINUING EASTERLY ALONG THE LAST DESCRIBED COURSE 7.00 FEET TO THE PROPOSED EASTERLY RIGHT OF WAY LINE OF JERICHO ROAD FOR THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 14 MINUTES 06 SECONDS WEST ALONG SAID RIGHT OF WAY LINE 305.86 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 03 SECONDS EAST 253.80 FEET; THENCE NORTH 00 DEGREES 53 MINUTES 55 SECONDS WEST 872.58 FEET; THENCE NORTH 82 DEGREES 43 MINUTES 54 SECONDS WEST 252.79 FEET TO A POINT ON SAID PROPOSED RIGHT OF WAY LINE OF JERICHO ROAD; THENCE SOUTHERLY ALONG SAID PROPOSED RIGHT OF WAY LINE, ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 714.22 FEET, A DISTANCE OF 145.76 FEET TO A POINT OF TANGENT OF SAID CURVE, THENCE SOUTH 00 DEGREES 14 MINUTES 06 SECONDS WEST ALONG SAID PROPOSED RIGHT OF WAY LINE AND ALONG SAID TANGENT, 452.64 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF BIG ROCK, KANE COUNTY, ILLINOIS.

PARCEL 2:

EASEMENT FOR INGRESS AND EGRESS FOR THE BENEFIT OF PARCEL 1 DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 35; THENCE EASTERLY ALONG THE NORTH LINE OF SAID SECTION 35, 61.96 FEET TO THE EASTERLY RIGHT OF WAY LINE OF JERICHO ROAD; THENCE CONTINUING EASTERLY ALONG THE LAST DESCRIBED COURSE 7.00 FEET TO THE PROPOSED EASTERLY RIGHT OF WAY LINE OF JERICHO ROAD; THENCE SOUTH 00 DEGREES 14 MINUTES 06 SECONDS WEST ALONG SAID PROPOSED RIGHT OF WAY LINE 305.86 FEET FOR THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 14 MINUTES 06 SECONDS WEST ALONG THE LAST DESCRIBED COURSE EXTENDED, 10.00 FEET; THENCE SOUTH 89 DEGREES 46 MINUTES 03 SECONDS EAST 50.00 FEET; THENCE NORTH 00 DEGREES 14 MINUTES 06 SECONDS EAST PARALLEL WITH SAID RIGHT OF WAY, 20.00 FEET; THENCE NORTH 89 DEGREES 46 MINUTES 03 SECONDS WEST 50.00 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF SAID JERICHO ROAD; THENCE SOUTH 00 DEGREES 14 MINUTES 06 SECONDS WEST ALONG SAID EASTERLY LINE 10.00 FEET TO THE POINT OF BEGINNING, ALL IN THE TOWNSHIP OF BIG ROCK, KANE COUNTY, ILLINOIS

PIN's: 13-35-100-007 and 13-26-300-013

More Common Location: 8S953 Jericho Road, Big Rock, IL 60511