



## Kendall County Agenda Briefing

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**Meeting Type:** Planning, Building and Zoning

**Meeting Date:** 4/13/2026

**Subject:** Approval of Petition 26-11, Granting an Exception to the Subdivision Control Ordinance Allowing the Maximum Grade for a Driveway to be 12.5% at the Property South of 11453 River Road

**Prepared by:** Matthew H. Asselmeier, AICP, CFM

**Department:** Planning, Building and Zoning

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**Action Requested:**

Approval of Petition 26-11, a Request from Brad D. and Sarah K. Berns for an Exception to Section 30-165 (c) (10) (d) of the Kendall County Code Allowing a Maximum Grade for a Driveway at 12.5% instead of 10% at the Property South of 11453 River Road, Plano (PIN: 02-31-202-004), Bristol Township; Property is Zoned R-3

**Previous Board/Committee Review:**

N/A

**Fiscal impact:**

N/A

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**Background and Discussion:**

See Attached Memo

**Staff Recommendation:**

Approval with Conditions

**Attachments:**

Staff Report Dated April 7, 2026



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

504 South Main Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

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**Petition 26-11**

**Brad D. and Sarah K. Berns**

**Driveway Grade Exception**

**INTRODUCTION**

Section 30-165 (c) (10) (d) of the Kendall County Code (Subdivision Control Ordinance) sets the maximum grade of a driveway at ten percent (10 %).

The Petitioners would like to construct a driveway with a maximum grade of twelve point five percent (12.5%)

The Petitioners submitted an email outlining the reasons for the exception. These reasons are as follows:

To install a driveway staying under the ten percent (10%) maximum grade and keeping the entrance inside the driveway easement would require the following:

1. Minimum three hundred feet (300') long driveway.
2. The lot is only one hundred forty feet (140') wide so this would require two (2) switchbacks with the minimum driveway width and clear area on the sides of the driveway.
3. To keep minimum turning radiuses in the switchbacks for emergency vehicles and minimum clear space on either side of the driveway, the Petitioners would need to cut down all of the mature trees on the downslope.
4. Large amounts of earthmoving, and the construction of long retaining walls, would make the project cost prohibitive.

To complete a driveway with a twelve point five percent (12.5%) slope:

1. Minimum two hundred forty (240') long driveway.
2. Can be completed with one (1) switchback with wider driveway.
3. Larger turning radius can be achieved with mature trees left intact.
4. Matches natural slope and would require much less earthmoving and construction of only a few low retaining walls under three feet (3') that can be built without engineering with normal interlocking stone readily available.

This email is included as Attachment 1. The site plan is included as Attachment 2.

The subdivision, Fox Woods Estates, was platted in 1979 and no house has ever been constructed on the parcel.

**SITE INFORMATION**

PETITIONERS Brad D. and Sarah K. Berns

ADDRESS None Assigned

LOCATION South of 11453 River Road, Plano

TOWNSHIP Bristol

PARCEL # 02-31-202-004

LOT SIZE 1.1 +/- Acres

EXITING LAND USE Vacant Single-Family Residential

ZONING R-3 One Family Residential District

LRMP	Current Land Use	Vacant Single-Family Residential
	Future Land Use	Rural Residential (0.60 DU/Acre Max) (County) Estate/Conservation Residential (Yorkville)
	Roads	River Road is a Minor Collector maintained by Bristol Township.
	Trails	Yorkville has a trail planned along River Road.
	Floodplain/Wetlands	A small portion of the property at the southern end is in the flood plain.



REQUESTED ACTION Exception to the maximum grade requirement for driveways by increasing the grade from ten percent (10%) to twelve point five percent (12.5%).

APPLICABLE REGULATIONS §30-165 (c) (10) (d) – Maximum Grade for Driveways  
 §30-38 – Exceptions (Subdivision Control Ordinance)

**SURROUNDING LAND USE**

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Single-Family Residential and Agricultural	A-1	Rural Residential (County) Estate/Conservation Residential (Yorkville)	N/A
South	Fox River and Forest Preserve	A-1	Open Space (County) Parks and Open Space (Yorkville)	N/A
East	Vacant Single-Family Residential	R-3	Rural Residential (County) Estate/Conservation Residential (Yorkville)	N/A
West	Vacant Single-Family Residential	R-3	Rural Residential (County) Estate/Conservation Residential (Yorkville)	N/A

**BRISTOL TOWNSHIP**

Petition information was sent to Bristol Township on March 27, 2026.

**BRISTOL-KENDALL FIRE PROTECTION DISTRICT**

Petition information was sent to Bristol-Kendall Fire Protection District on March 27, 2026.

On March 27, 2026, the Bristol-Kendall Fire Protection District submitted an email stating they had no objections to the request. This email is included as Attachment 3.

**UNITED CITY OF YORKVILLE**

Petition information was sent to the United City of Yorkville on March 27, 2026.

On March 30, 2026, the United City of Yorkville submitted an email stating they had no concerns. This email is included as Attachment 4.

**ZPAC**

Petition information was sent to ZPAC members on March 27, 2026.

On March 27, 2026, the Highway Department submitted an email saying they had no concerns. This email is included as Attachment 5.

On March 27, 2026, the Health Department submitted an email saying they did not object to the proposal. This email is included as Attachment 6.

On March 27, 2026, WBK Engineering submitted an email saying they did not have any comments. This PBZ Memo – Prepared by Matt Asselmeier – April 7, 2026

email is included as Attachment 7.

#### **FINDINGS OF FACT**

§ 30-38 of the Subdivision Control Ordinance outlines findings that the Plat Officer must make in order to grant exceptions. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*Because of the particular physical surroundings, shape or topography conditions of the specific property involved a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out. **The Petitioner has provided evidence that, based on topographical conditions, a greater slope is necessary in order to reduce switchbacks, maintain mature trees, and reduce earthmoving.***

*The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property, and have not been created by any person having an interest in the property. **The slope and size of the property were not created by the Petitioner. Other properties along the Fox River could request similar exceptions.***

*The purpose of the variation is not based exclusively upon a desire to make more money out of the property. **The purpose of the request is to preserve mature trees and construct a home on the property.***

*The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located. **The granting of the exception will not be detrimental to the public safety, health, welfare, or neighborhood in which the property is located.***

#### **RECOMMENDATION**

Staff recommends approval of the requested exception.

The draft ordinance is included as Attachment 8

#### **ATTACHMENTS**

1. Application
2. Site Plan
3. March 27, 2026, Email from the Bristol-Kendall Fire Protection District
4. March 30, 2026, Email from the United City of Yorkville
5. March 27, 2026, Email from the Kendall County Highway Department
6. March 27, 2026, Email from the Kendall County Health Department
7. March 27, 2026, Email from WBK Engineering
8. Draft Ordinance

**Matt Asselmeier**

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**From:** Brad Berns <[REDACTED]>  
**Sent:** Monday, March 23, 2026 8:27 AM  
**To:** Matt Asselmeier  
**Cc:** Brian Holdiman  
**Subject:** Re: [External]Re: New Home Grading Plan

Mr Asselmeier,

To install a driveway staying under the 10% max grade and keeping the entrance inside the driveway easement would require the following.

1. Minimum 300ft long driveway.
2. The lot is only 140ft wide so this would require 2 switchbacks with the minimum driveway width and clear area on the sides of the driveway.
3. To keep minimum turning radiuses in the switchbacks for emergency vehicles and minimum clear space on either side of the driveway we would need to cut down all of the mature trees on the downslope.
4. Large amounts of earthmoving, and the construction of long retaining walls, would make the project cost prohibitive.

To complete a driveway with 12.5% slope

1. Minimum 240ft long driveway.
2. Can be completed with 1 switchback with wider driveway
3. Larger turning radius can be achieved with mature trees left intact.
4. Matches natural slope and would require much less earthmoving and construction of only a few low retaining walls under 3ft that can be built without engineering with normal interlocking stone readily available.

Granting this variance would minimize environmental impact, preserve existing natural features, and allow for safe and reasonable access to the property. The proposed design maintains the intent of the zoning ordinance by prioritizing safety and functionality, while addressing the unique constraints of the site.

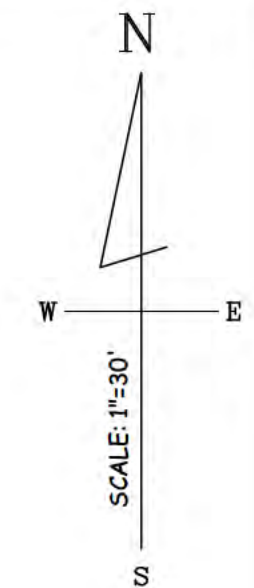
Brad Berns  
[REDACTED]

On Fri, Mar 20, 2026, 9:24 AM Matt Asselmeier <[masselmeier@kendallcountyil.gov](mailto:masselmeier@kendallcountyil.gov)> wrote:

What are the reasons for the variance?

# SEPTIC DESIGN ONLY-REFER TO SITE PLAN BY OTHERS FOR ENGINEERING DETAILS

Attachment 2



**BENCHMARKS:**  
 BM#1 ELEV=628.27  
 MAG NAIL IN PAVEMENT  
 BM#2 ELEV=628.97  
 EAST INVERT OF 12" CPP

**SOIL INFORMATION:**  
 TEST BY: KONEN SOIL INVESTIGATIONS  
 DATE OF TEST: JANUARY 2, 2025  
 CATEGORY: SHWT:  
 PIT 1 VARNA 21"  
 PIT 2 VARNA 20"  
 PIT 3 VARNA 19"  
 PERMEABILITY: SLOW  
 LOADING RATE: .27

**SEWAGE SYSTEM COMPONENTS:**  
 1250 GALLON TANK  
 280 LF AES PRESBY PIPE  
 1512 SQ FT BASAL (21'x 72')

EXISTING CONTOURS, ELEVATIONS,  
 BENCHMARKS, BOUNDARIES, LOT  
 DIMENSIONS, EASEMENTS, & SETBACKS  
 AS PER SITE PLAN BY TODD SURVEYING,  
 YORKVILLE, IL

**PLEASE NOTE:**  
 THIS SYSTEM MUST BE INSTALLED AS AN AES PRESBY  
 SYSTEM IN ORDER TO MEET SIZING AND SEPARATION  
 REQUIREMENTS.

SEPTIC SYSTEM IS DESIGNED FOR RECHARGE WATER  
 FROM DOMESTIC WATER TREATMENT (40 GALLONS  
 EVERY OTHER DAY) SEPTIC SYSTEM IS NOT DESIGNED  
 FOR USE OF GARBAGE DISPOSAL.

ALL SOLID PIPE SHOULD BE SCH 40 OR GREATER. ALL  
 TANKS MUST BE IDPH APPROVED.

ALL SEPTIC TANKS, LIFT STATIONS, AERATION DEVICES  
 AND ANY OTHER TREATMENT COMPONENTS SHALL BE  
 INSTALLED WITH RISERS TO A MINIMUM OF 3" ABOVE  
 FINISHED GRADE.

E\*D\*S ILLINOIS LICENSE NO. 049-008840

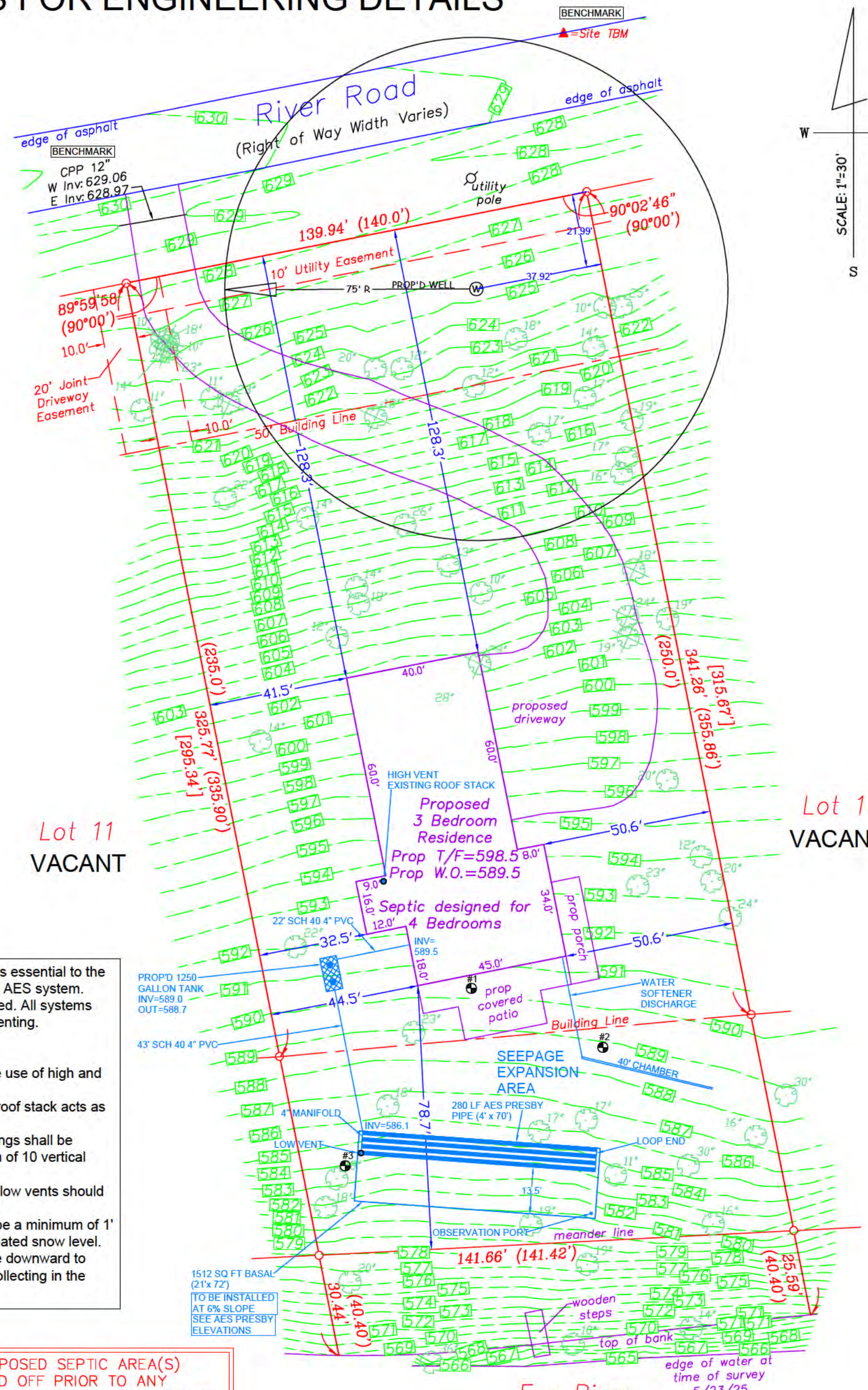
THIS IS NOT A PLAT OF SURVEY.  
 INFORMATION BELIEVED ACCURATE, BUT NOT  
 WARRANTED.

THIS SEPTIC DESIGN REFLECTS THE INFORMATION  
 PROVIDED BY A LICENSED SOIL CLASSIFIER. E\*D\*S  
 WILL NOT BE HELD RESPONSIBLE FOR ANY  
 MISREPRESENTATION OR MISIDENTIFICATION OF  
 THE SOILS.

IF VARIATIONS ARE MADE FROM THIS DESIGN TO  
 WHICH POINT THAT THE COUNTY WOULD REQUIRE  
 A REVISED DRAWING, IT WOULD BE THE  
 RESPONSIBILITY OF THE CONTRACTOR TO EITHER  
 SUBMIT AN "AS BUILT" DRAWING TO THE COUNTY  
 OR ADVISE E\*D\*S PRIOR TO INSTALLATION.

**CAUTION:** THE PROPOSED SEPTIC AREA(S) MUST  
 BE CORDONED OFF BEFORE ANY CONSTRUCTION  
 ON SITE. NO STORAGE OF MATERIALS OR  
 VEHICULAR TRAFFIC IS ALLOWED UPON PRIMARY  
 OR SECONDARY SEPTIC AREAS. NO PATIOS,  
 DECKS, DRIVEWAYS, POOLS, OR OTHER  
 IMPROVEMENTS SHALL BE INSTALLED WITH IN 5'  
 OF SEPTIC AREA. DRAINAGE FROM CURTAIN  
 DRAINS, FOOTING DRAINS, AIR CONDITIONERS,  
 DEHUMIDIFIERS, DOWN SPOUTS AND OTHER  
 CLEAR WATERDRAINS SHALL NOT BE DISCHARGED  
 INTO OR OVER THE SEPTIC AREA(S). REFER TO  
 DEED, PLAT OF SURVEY, PLAT OF SUBDIVISION,  
 COVENANTS AND LOCAL ORDINANCES FOR  
 EASEMENTS AND SETBACK INFORMATION NOT  
 INCLUDED HEREON. REPORT ANY DISCREPANCIES  
 TO E\*D\*S PRIOR TO CONSTRUCTION.

IF AN INGROUND POOL IS TO BE INSTALLED OR  
 CONSIDERED FOR THE FUTURE, PLEASE NOTE  
 THAT ANY COMPONENT OF THE SEPTIC SYSTEM  
 MUST MAINTAIN A MINIMUM OF 25' ISOLATION.



**AES PRESBY ELEVATIONS**  
 Original Grade=585.5

Finished Grade=587.2	4" SOIL COVER (MIN)
Top of Pipe=586.5	3" SAND COVER
Invert=586.1	12" AES PRESBY PIPE
Bottom of Pipe=585.5	6" SAND BASE
Excavation Depth=585.0	24" NATIVE SOIL (MIN)
NR @ 30" =583.0	

Final grade will be elevated 20"

**PEI Treatment System Calculator for Illinois**  
 (residential strength wastewater only)

Commercial =	N
Bedrooms =	4
Soil Scientist Assigned Loading Rate =	0.27 GPD/SF
PEI Soil Loading Rate =	0.405 GPD/SF
4-inches Below Grade (min) =	Y
System Slope =	7%
Row Length =	70 ft
Presby Pipe Required minimum =	280 ft
Daily Design Flow =	600 GPD
Sand Bed Area Required =	1,481 sq ft
Number of Rows =	4
Pipe Bed Width =	5.50 ft
Sand Bed Length =	72 ft
Treatment Area Width (Tall Portion) =	7.50 ft
Sand Bed Width =	20.625 ft
System Sand Extension =	13.125 ft
System Sand needed =	45 ± yds <sup>3</sup>
Estimated Tonnage =	68 ± Ton

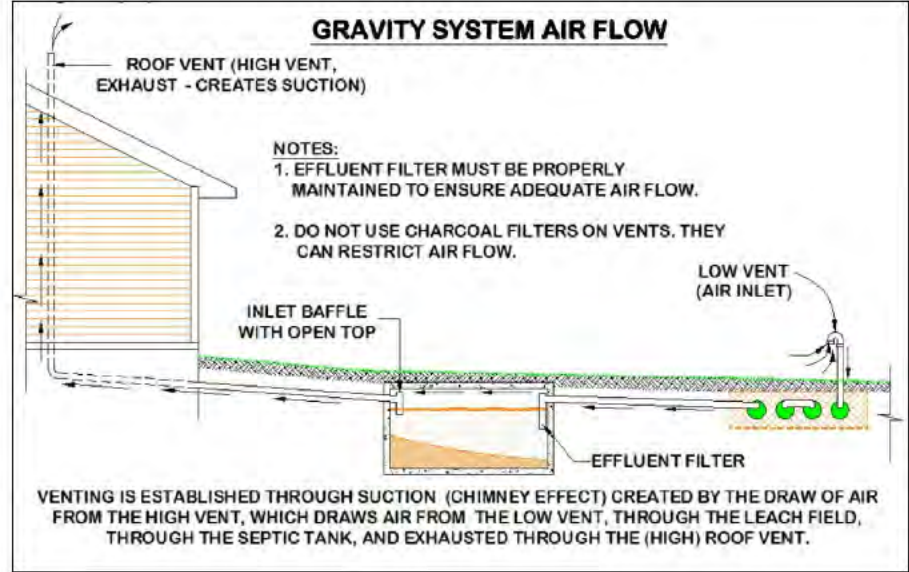
**Presby Products**

Pipe being used =	280	ft
Offset Adapters =	8	total
Couplings =	24	total

Copy the items above and Paste them into and email to request a quotation. Press the button below to open your email program.

Request a Quotation

Plan View (not to scale): 70' x 13.125'  
 Section View (not to scale): 4 rows x 13.125' x 20.625'



An adequate air supply is essential to the proper functioning of the AES system. Venting is always required. All systems shall utilize differential venting.

**General Rules-**  
 Differential venting is the use of high and low vents in a system. In a gravity system, the roof stack acts as the high vent. High and low vent openings shall be separated by a minimum of 10 vertical feet. If possible, the high and low vents should be of the same capacity. The low vent inlet shall be a minimum of 1' above final grade/anticipated snow level. Vent piping should slope downward to prevent moisture from collecting in the pipe.

**CAUTION:** THE PROPOSED SEPTIC AREA(S) MUST BE CORDONED OFF PRIOR TO ANY CONSTRUCTION ON THE SITE. NO STORAGE OF MATERIALS OR VEHICULAR TRAFFIC IS ALLOWED UPON PRIMARY OR SECONDARY SEPTIC AREAS. NO PATIOS, DRIVEWAYS, POOLS, OR OTHER IMPROVEMENTS SHALL BE INSTALLED ON SEPTIC AREA(S).

NO.	DATE	REVISION NOTES

**E\*D\*S ENVIRONMENTAL DESIGN SERVICE**  
 (630) 556-4FAX (630) 556-3100  
 45W134 Raymond Road, Big Rock, IL 60511

02-31-202-004  
 LOT 12  
 FOX WOOD ESTATES SUBDIVISION  
 BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS

PREPARED FOR:  
 BRAD BERNS

JOB NUMBER	25-282	DRAWN BY:	D. Page
REVIEWED BY:	11-5-25		

STOP  
 1-800-892-0123  
 IT'S THE LAW

SOIL/PERK TEST HOLE LOCATION OF WELL EXISTING CONTOURS PROPOSED CONTOURS EXISTING ELEVATIONS PROPOSED ELEVATIONS

**Matt Asselmeier**

---

**From:** Brian Holdiman  
**Sent:** Friday, March 27, 2026 10:01 AM  
**To:** Matt Asselmeier  
**Subject:** Fwd: [External]Variance on River Road

Brian Holdiman  
Kendall County Code Official

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**From:** Michael J. Torrence <MTorrence@bkfire.org>  
**Sent:** Friday, March 27, 2026 9:25:18 AM  
**To:** Brian Holdiman <BHoldiman@kendallcountyil.gov>  
**Subject:** [External]Variance on River Road

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I spoke with the Chiefs of Bristol Kendall fire protection District and the stated that they (do not have any objections) to the River road Variance. They state that they would never take a Engine or Truck down those driveways, because they would not be able to support the weight of our vehicles and in the winter they would cause problems because of snow and ice.

Thank You,  
Fire Marshal  
Michael Torrence  
630-768-3200

**Matt Asselmeier**

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**From:** Krysti Barksdale-Noble <knoble@yorkville.il.us>  
**Sent:** Monday, March 30, 2026 12:32 PM  
**To:** Matt Asselmeier  
**Subject:** [External]Re: Kendall County Petition 26-11

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

No concerns from Yorkville.  
Krysti Barksdale-Noble, AICP  
Sent from my iPhone

On Mar 27, 2026, at 1:42 PM, Matt Asselmeier <masselmeier@kendallcountyil.gov> wrote:

To All:

Attached please find information regarding Petition 26-11, a request from Brad D. and Sarah K. Berns for an Exception to Section 30-165 (c) (10) (d) of the Kendall County Code allowing a maximum grade for a driveway at 12.5% instead of 10% at the property south of 11453 River Road, Plano (PIN: 02-31-202-004), Bristol Township; property is Zoned R-3.

This is not a variance in the traditional sense because they are asking for relief from a provision in the Kendall County Subdivision Control Ordinance.

If you have any comments on this proposal, please send those to be by close of business on April 6<sup>th</sup>.

Thanks,

Matthew H. Asselmeier, AICP, CFM  
Director  
Kendall County Planning, Building & Zoning  
504 South Main Street  
Yorkville, IL 60560-5403  
PH: 630-553-4139  
Fax: 630-553-4179

<PBZ 26-11 Berns (3.27.26) Complete.pdf>

**Matt Asselmeier**

---

**From:** Fran Klaas  
**Sent:** Friday, March 27, 2026 1:45 PM  
**To:** Matt Asselmeier  
**Subject:** RE: Petition 26-11

I don't have any issues with this.

Francis C. Klaas, P.E. Kendall County Engineer 6780 Route 47, Yorkville, IL 60560 (630) 553-7616 [fklaas@kendallcountyil.gov](mailto:fklaas@kendallcountyil.gov)

**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Friday, March 27, 2026 1:41 PM  
**To:** Aaron Rybski <ARybski@kendallcountyil.gov>; Alyse Olson <aolson.kcswcd@gmail.com>; Antoinette White <awhite@kendallcountyil.gov>; Brian Holdiman <BHoldiman@kendallcountyil.gov>; Christina Burns <cburns@kendallcountyil.gov>; Fran Klaas <FKlaas@kendallcountyil.gov>; Greg Chismark <gchismark@bodwegroup.com>; Jason Langston <JLangston@kendallcountyil.gov>; Meagan Briganti <MBriganti@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>  
**Subject:** Petition 26-11

ZPAC Members:

Attached please find information regarding Petition 26-11, a request from Brad D. and Sarah K. Berns for an Exception to Section 30-165 (c) (10) (d) of the Kendall County Code allowing a maximum grade for a driveway at 12.5% instead of 10% at the property south of 11453 River Road, Plano (PIN: 02-31-202-004), Bristol Township; property is Zoned R-3.

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If you have any comments on this proposal, please send those to be by close of business on April 6<sup>th</sup>.

Thanks,

Matthew H. Asselmeier, AICP, CFM  
Director  
Kendall County Planning, Building & Zoning  
504 South Main Street  
Yorkville, IL 60560-5403  
PH: 630-553-4139  
Fax: 630-553-4179

## Matt Asselmeier

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**From:** Aaron Rybski  
**Sent:** Friday, March 27, 2026 1:59 PM  
**To:** Matt Asselmeier  
**Subject:** RE: Petition 26-11

This doesn't look like it will impact the well or septic system so we don't object.

A.R.

---

**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Friday, March 27, 2026 1:41 PM  
**To:** Aaron Rybski <ARybski@kendallcountyil.gov>; Alyse Olson <aolson.kcswcd@gmail.com>; Antoinette White <awhite@kendallcountyil.gov>; Brian Holdiman <BHoldiman@kendallcountyil.gov>; Christina Burns <cburns@kendallcountyil.gov>; Fran Klaas <FKlaas@kendallcountyil.gov>; Greg Chismark <gchismark@bodwegroup.com>; Jason Langston <JLangston@kendallcountyil.gov>; Meagan Briganti <MBriganti@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>  
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If you have any comments on this proposal, please send those to be by close of business on April 6<sup>th</sup>.

Thanks,

Matthew H. Asselmeier, AICP, CFM  
Director  
Kendall County Planning, Building & Zoning  
504 South Main Street  
Yorkville, IL 60560-5403  
PH: 630-553-4139  
Fax: 630-553-4179

**Matt Asselmeier**

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**From:** Greg Chismark <gchismark@bodwegroup.com>  
**Sent:** Friday, March 27, 2026 4:15 PM  
**To:** Matt Asselmeier  
**Subject:** [External]RE: Petition 26-11

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Matt,  
I have no comment on this request from a drainage / stormwater perspective.  
Greg

**Greg Chismark, PE**  
Mobile 847-344-5619 | [gchismark@bodwegroup.com](mailto:gchismark@bodwegroup.com)

**From:** Matt Asselmeier <masselmeier@kendallcountyil.gov>  
**Sent:** Friday, March 27, 2026 1:41 PM  
**To:** Aaron Rybski <ARybski@kendallcountyil.gov>; Alyse Olson <aolson.kcswcd@gmail.com>; Antoinette White <awhite@kendallcountyil.gov>; Brian Holdiman <BHoldiman@kendallcountyil.gov>; Christina Burns <cburns@kendallcountyil.gov>; Fran Klaas <FKlaas@kendallcountyil.gov>; Greg Chismark <gchismark@bodwegroup.com>; Jason Langston <JLangston@kendallcountyil.gov>; Meagan Briganti <MBriganti@kendallcountyil.gov>; Seth Wormley <swormley@kendallcountyil.gov>  
**Subject:** Petition 26-11

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This is not a variance in the traditional sense because they are asking for relief from a provision in the Subdivision Control Ordinance.

If you have any comments on this proposal, please send those to be by close of business on April 6<sup>th</sup>.

Thanks,

Matthew H. Asselmeier, AICP, CFM  
Director  
Kendall County Planning, Building & Zoning  
504 South Main Street  
Yorkville, IL 60560-5403  
PH: 630-553-4139  
Fax: 630-553-4179

State of Illinois  
County of Kendall

Zoning Petition  
#26-11

**ORDINANCE NUMBER 2026-\_\_\_\_\_**

**GRANTING AN EXCEPTION TO SECTION 30-165 (c) (10) (d) OF THE KENDALL COUNTY CODE BY ALLOWING A DRIVEWAY WITH A MAXIMUM GRADE OF 12.5 PERCENT AT THE PROPERTY SOUTH OF 11453 RIVER ROAD, PLANO (PIN: 02-31-202-004) IN BRISTOL TOWNSHIP**

WHEREAS, Section 30-38 of the Kendall County Code permits the Kendall County Board to grant exceptions to the Kendall County Subdivision Control Ordinance and provides the procedure through which exceptions are granted; and

WHEREAS, Section 30-165 (c) (10) (d) of the Kendall County sets the maximum grade for driveways at 10 percent; and

WHEREAS, the property which is the subject of this Ordinance has been, at all relevant times, and remains currently located within the R-3 One Family Residential Zoning District and consists of approximately 1.1 more or less acres located south of 11453 River Road, Plano (PIN: 02-31-202-004) in Bristol Township. The legal description is set forth in Exhibit A attached hereto and shall hereinafter be referred to as “the subject property”; and

WHEREAS, the subject property was created in 1979 during the platting of the Fox Wood Estates Subdivision; and

WHEREAS, the subject property is currently owned by Brad D. and Sarah K. Berns shall hereinafter be referred to as “Petitioner”; and

WHEREAS, on or about March 23, 2026, Petitioner representative filed a petition for an except to the maximum grading requirements for a driveway contained in the Kendall County Subdivision Control Ordinance by increasing the maximum grade requirements for the driveway at the subject property from 10 percent to 12.5 percent; and

WHEREAS, following due and proper review by the Kendall County Plat Officer, the Kendall County Plat Officer has made their Findings of Fact and recommended approval of the requested exception, a true and correct copy of which is attached hereto as Exhibit B; and

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the Findings of Fact and Recommendation of the Kendall County Plat Officer, and has forwarded to the Kendall County Board a recommendation of **approval/denial/neutral** of the exception; and

WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Plat Officer, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Subdivision Control Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Plat Officer attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.

State of Illinois  
County of Kendall

Zoning Petition  
#26-11

2. The Kendall County Board hereby grants approval of Petitioner's petition for an exception to Section 30-165 (c) (10) (d) allowing the maximum grade of the driveway at the subject property to be 12.5 percent.
3. This exception shall be treated as covenants running with the land and is binding on the successors, heirs, and assigns as to the same uses conducted on the property.

*IN WITNESS OF*, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 21<sup>st</sup> day of April, 2026.

Attest:

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Kendall County Clerk  
Debbie Gillette

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Kendall County Board Chairman  
Matt Kellogg

Exhibit A

Lot 12 of Fox Wood Estates Subdivision in the Township of Bristol, County of Kendall, State of Illinois.

Exhibit B

The Kendall County Plat Officer made the following Findings of Fact and Recommendation on March 27, 2026.

**FINDINGS OF FACT**

*Because of the particular physical surroundings, shape or topography conditions of the specific property involved a particular hardship to the owner would result as distinguished from a mere inconvenience, if the strict letter of the regulations was carried out. **The Petitioner has provided evidence that, based on topographical conditions, a greater slope is necessary in order to reduce switchbacks, maintain mature trees, and reduce earthmoving.***

*The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally, to other property, and have not been created by any person having an interest in the property. **The slope and size of the property were not created by the Petitioner. Other properties along the Fox River could request similar exceptions.***

*The purpose of the variation is not based exclusively upon a desire to make more money out of the property. **The purpose of the request is to preserve mature trees and construct a home on the property.***

*The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located. **The granting of the exception will not be detrimental to the public safety, health, welfare, or neighborhood in which the property is located.***

**RECOMMENDATION**

Approval