



**KENDALL COUNTY
ZONING BOARD OF APPEALS
PUBLIC HEARING/MEETING**

109 West Ridge Street • Third Floor Courtroom • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

May 3, 2021 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS (HYBRID ATTENDANCE)

ROLL CALL for the Zoning Board of Appeals: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Cliff Fox, Tom LeCuyer, Dick Thompson, and Dick Whitfield

MINUTES: Approval of Minutes from the March 29, 2021 Zoning Board of Appeals Hearing/Meeting (Pages 4-30)

PETITIONS:

1. **Petition 21 – 12 – Patrick and Michele Morris (Pages 31-48)**
Request: Variance to Section 4:14.A.2 of the Kendall County Zoning Ordinance for the Installation of a Fence in the Front Yard at a Maximum Height of Five Feet Ten Inches Instead of the Required Maximum of Four Feet
PIN: 06-08-151-027
Location: 7251 Joyce Court (Lots 35, 36, and 37 in Grove Estates), Oswego, Na-Au-Say Township
Purpose: Petitioner Would Like to Install a Fence in the Front Yard at a Maximum Height of Five Feet Ten Inches; Property is Zoned RPD-2
2. **Petition 21 – 13 – Martin and Kathryn Ivec (Pages 49-71)**
Request: Variance to Section 4:14.A.2 of the Kendall County Zoning Ordinance for the Installation of a Fence in the Front Yard at a Maximum Height of Five Feet Ten Inches Instead of the Required Maximum of Four Feet
PINs: 06-08-151-018, -019, and -020
Locations: 7310 Roberts Court, 7324 Roberts Court, and 7301 Joyce Court, (Lots 32, 33, and 34 in Grove Estates), Oswego, Na-Au-Say Township
Purpose: Petitioner Would Like to Install a Fence in the Front Yard at a Maximum Height of Five Feet Ten Inches; Property is Zoned RPD-2
3. **Petition 21 – 14 – Laura Denges (Pages 72-140)**
Request: Special Use Permit to Operate a Winery (Production and Sale of Wine Utilizing Crops Not Grown on the Premises or In Combination with Crops Grown on the Premises)
PIN: 08-09-200-003
Location: 9396 Plattville Road, Newark, Lisbon Township
Purpose: Petitioner Wants to Operate a Winery on the Property; Property is Zoned A-1 Agricultural
4. **Petition 21 – 16 – Stanley Haseltine and Jackie Priorello (Pages 141-151)**
Request: Variance to Section 7:01.G.2.a of the Kendall County Zoning Ordinance to Allow the Primary Structure to Encroach Up To Thirty-Two Feet of the Western Property Line at the Subject Property
PIN: 06-14-100-012
Location: 1650 Route 126, Plainfield, Na-Au-Say Township
Purpose: Petitioner Wants to Connect a Detached Garage to the Primary Structure Causing an Enroachment in the Side Yard Setback; Property is Zoned A-1 Agricultural

NEW BUSINESS/ OLD BUSINESS

1. Discussion of June Hearing/Meeting Date and Location

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 20-32 Rezoning and Special Use Permit for Cox Landscaping
2. Petition 21-06 Rezoning at Southwest Corner of Galena and East Beecher Roads
3. Petition 21-07 Special Use Permit for Flea Market at 14975 Brisbin Road
4. Petition 21-08 Special Use Permit for Banquet Hall at 4405 Van Dyke Road
5. Petition 21-10 Amendments to Land Resource Management Plan

PUBLIC COMMENT:

ADJOURN ZONING BOARD OF APPEALS- Next hearing/meeting on June 2, 2021

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If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time.

Kendall County Zoning Board of Appeals 05-03-2021 Remote Meeting Attendance



In accordance with the Governor's Executive Order 2020-07, Kendall County Board Chairman Scott Gryder is encouraging social distancing by allowing remote attendance to the Kendall County Zoning Board of Appeals Meeting/Hearing scheduled for Monday, May 3, 2021, at 7:00 p.m. Instructions for joining the meeting are listed below.

For your safety and others, please attend the hearing/meeting by phone or computer, if possible. The Third Floor Courtroom located at the Kendall County Historic Courthouse at 110 W. Madison Street (also addressed as 109 W. Ridge Street), in Yorkville, will have limited seating available. Masks are required when social distancing is not possible. If you plan to attend in person, please follow all social distancing requirements.

If anyone from the public would like to make a comment during the hearing/meeting there will be an allotted time on the agenda for public comment, and all of the county board rules of order still apply. We will also accept public comment by emailing: masselmeier@co.kendall.il.us. Members of the public may contact Kendall County PBZ Department prior to the meeting for assistance making public comment at 630-553-4139; email correspondence is preferred.

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Kendall County Zoning Board of Appeals Information:

<https://www.co.kendall.il.us/transparency/agendas-packets-and-meetings-schedules/planning-building-and-zoning/zba-zoning-board-of-appeals>

For information about how to join a Microsoft Teams meeting, please see the following link.

<https://support.office.com/en-us/article/join-a-meeting-in-teams-1613bb53-f3fa-431e-85a9-d6a91e3468c9>

MINUTES – UNOFFICIAL UNTIL APPROVED
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING (HYBRID ATTENDANCE)
110 WEST MADISON STREET (109 WEST RIDGE STREET), THIRD FLOOR COURTROOM
YORKVILLE, IL 60560
March 29, 2021 – 7:00 p.m.

CALL TO ORDER

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 7:02 p.m.

ROLL CALL:

Members Present: Scott Cherry, Karen Clementi, Cliff Fox (Attended Remotely), Tom LeCuyer, Randy Mohr, and Dick Thompson

Members Absent: Dick Whitfield

Staff Present: Matthew Asselmeier, AICP, CFM, Senior Planner

Others Present: Dan Kramer, Wanda Hogan, Jillian Prodehl, Jamie Prodehl, Cathleen Anzelc, Tom Anzelc, Anne Vickery, Pastor Andrew O’Neal, and John Tebrugge (Attended Remotely)

MINUTES:

Member LeCuyer made a motion, seconded by Member Cherry, to approve the minutes of the March 1, 2021 hearing/meeting.

The votes were as follows:

Ayes (6): Cherry, Clementi, Fox, LeCuyer, Mohr, and Thompson
Nays (0): None
Abstain (0): None
Absent (1): Whitfield

The motion passed.

Chairman Mohr swore in Dan Kramer, Wanda Hogan, Jillian Prodehl, Jamie Prodehl, Cathleen Anzelc, Tom Anzelc, Anne Vickery, Pastor Andrew O’Neal, and John Tebrugge.

PETITIONS

The Zoning Board of Appeals started their review of Petition 21-07 at 7:04 p.m.

Petition 21 – 07 – Wanda and Thomas Hogan

Request: Special Use Permit to Operate a Flea Market (Sale of Agricultural Products, Pottery, Art and Home Décor Not Produced on the Premises)
PIN: 08-13-400-013
Location: 14975 Brisbin Road, Minooka, Lisbon Township
Purpose: Petitioner Wants To Operate a Flea Market on the Property; Property is Zoned A-1 Agricultural

Mr. Asselmeier summarized the request.

According to the information provided to the County, the Petitioners would like to offer an outdoor, twenty (20) stall flea market on the subject property with food. The flea market would feature vendors, including the Petitioners, their family members, and other vendors, that would sell goods not produced on the premises.

The application materials, plat of survey, site plan, and the aerial of the property were provided.

The property is located at 14975 Brisbin Road.

The property is approximately three point eight (3.8) acres.

The current land use is Agricultural. The future land use is Rural Estate Residential.

Brisbin Road is a township maintained Major Collector.

There are no trails planned along Brisbin Road.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural.

The adjacent zoning districts are A-1.

The Future Land Use Map calls for the area to be Agricultural and Rural Estate Residential. The Village of Plattville's Future Land Use Map calls for the property to be Low Density Residential. The subject property is greater than one point five (1.5) miles from the Village of Lisbon. However, the Village of Lisbon's Future Land Use Map calls for this property to be Mixed Use Business and Agricultural.

The A-1 special use to the west is for an indoor storage facility of boats, trailers, recreational vehicles and classic cars.

EcoCat submitted on February 2, 2021, and consultation was terminated.

NRI application submitted on January 28, 2021. LESA Score was 190 indicating a low level of protection. The NRI Report was provided.

Lisbon Township reviewed this proposal at their meeting on March 9, 2021. The Lisbon Township Planning Commission recommended approval. The Lisbon Township Board voted to accept the Petition. The minutes of the meeting were provided.

Brisbin Road is maintained by Seward Township in this area. Seward Township was emailed information on February 10, 2021.

The Village of Plattville was emailed information on February 10, 2021.

Lisbon-Seward Fire Protection District was emailed information on February 10, 2021.

ZPAC reviewed this proposal at their meeting on March 2, 2021. The Health Department did not have any concerns regarding the porta-johns. No music would occur as part of the flea market. ZPAC voted to forward the proposal to the Regional Planning Commission by a vote of eight (8) in favor and zero (0) in opposition; two (2) members were absent. The minutes of this meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on March 24, 2021. Clarification was made regarding the outdoor display of good. Goods can be displayed outdoors, if the County Board approves outdoor sales. Discussion occurred regarding having an operating season stated in the special use permit. Vendors will have a table and tent. Vendors will not leave their products onsite when the flea market is closed. Discussion also occurred regarding the number of people on the property and how to handle parking, if all of the parking spaces were occupied. Cathleen Anzelc expressed concerns about other neighbors pursuing similar special use permits and the items that would be sold at the flea market. Tom Anzelc, Lisbon Township Trustee, expressed concerns regarding safety at the property due to the ponds and slide. Anne Vickery, Seward Township Highway Commissioner, commented on the negative appearance of the property, lack of code enforcement, concerns about uncontrolled events on the property, and that parking will not be allowed on Brisbin Road. The Petitioner indicated that she was going to use the flea market as a method to clean-up the property and that the driveway would not be blocked for emergency vehicles. The Petitioner did not provide any information on the maximum number of people that could be on the property at a given time. The Kendall County Regional Planning Commission voted to recommend denial by a vote of zero (0) in favor and nine (9) in opposition. Member Casey was absent. The minutes of this meeting were provided.

According to the plat of survey and the site plan, the site will consist of twenty (20) outdoor vendor stations plus one (1) additional food vendor located along the western and southwestern portion of the property near the existing approximately forty foot by eighty foot (40'X80') steel barn. A food area will be located north of the barn. An existing red storage trailer is located north of the existing gravel drive.

No new buildings are planned for the site. No existing structures are planned for demolition.

Section 7:01.D.48 places several conditions and restrictions on special use permits for the sale of pottery, art, and home décor. These include:

1. A sit-down food area is allowed if incidental to the primary operation of retail sales.
2. The subject parcel must not be less than three (3) acres in size.
3. Must be along a hard surfaced road classified as an arterial or major collector in the Land Resource Management Plan.
4. Is located in an area not designated as Agricultural on the Land Resource Management Plan.
5. Must occur in a manner that will preserve the existing farmhouse, barns, related structures, and the pastoral setting.
6. Must serve as a transitional use between agricultural areas and advancing suburban

development.

7. Must serve to prevent spot zoning.
8. Retail and wholesale sales must occur in an existing building, unless otherwise approved by the County Board.
9. Any new structures must reflect the current architecture of the existing structures.
10. No outside display of goods.
11. Cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
12. Limited demolition of farmhouse and outbuildings is allowed.
13. Site plan is required.
14. Signage must follow the requirements in the Zoning Ordinance.
15. Off-street parking must follow the requirements in the Zoning Ordinance.

Assuming the County Board approves sales outside existing buildings, all of the above requirements of the Zoning Ordinance are addressed.

If approved, this would be the tenth (10th) special use permit for the sale of products not grown on the premises in the unincorporated area.

According to the business plan provided, the Petitioner would like operate the flea market a maximum two (2) weekends per month. The flea market would be open from 8:00 a.m. until 5:00 p.m. with vendors given additional time to set-up their spaces. A weekend is considered Saturday and Sunday.

Other than the Petitioner and their family, the business will not have any employees.

No new structures are planned for the property.

A barrier will be installed by the propane tank.

According to the site plan, two (2) porta-johns are planned south of the existing red storage trailer.

A potable water source is available in the existing steel barn.

The Petitioner would make accommodations for vendors that want electricity. Solar panels are onsite.

A refuse area is planned east of the porta-johns.

The property drains to the east.

The Petitioner secured stormwater permits in 2000 for the construction of the two (2) ponds on the premises.

Based on the information provided, no stormwater permits are required.

The property fronts Brisbin Road. Patrons would drive west on the existing gravel driveway and park in one (1) of the designated areas. Patrons would leave the property on the same gravel driveway.

The site plan shows two (2) parking areas. The parking area by the existing steel barn consists of seven (7) parking spaces plus two (2) handicapped accessible parking spaces. The seven (7) parking stalls would be eight feet by fifteen feet (8'X15'). The two handicapped parking spaces would be ten feet by fifteen feet (10'X15') with a five foot (5') landing area. An additional thirteen (13) parking spaces are planned along the north property line. The parking spaces would be gravel with the exception of the two (2) handicapped accessible spaces which would be hard surfaced.

Vendors would park at their vending station.

The Petitioners plan to use cones with chains to keep vehicles away from pedestrians.

No additional lighting was planned as part of this project. If additional lighting were added, a photometric plan would be required because the number of parking spaces exceeds thirty (30).

The Petitioner plans to have a sign at Brisbin Road when the flea market is open. A picture of the sign was provided. The sign is approximately four feet by six feet (4'X6') in size. While the sign can be illuminated, the Petitioner will not light the sign.

No additional landscaping is planned.

No information regarding noise control was provided.

The proposed Findings of Fact were as follows:

That 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. True. The Petitioner has submitted a site plan indicating that measures will be taken to ensure that the use will not have a negative impact on public health, safety, morals, comfort, or general welfare. Conditions may be placed in the special use permit to address hours of operation and signage. The Petitioner agreed to follow all applicable public health and public safety related laws.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a

whole. True. Conditions are proposed that will regulate hours of operation and site layout. No new buildings or other significant alterations away from the appearance of the property as an agricultural related property are planned.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. Utilities are already available at the property. The site plan includes a parking plan. The property previously secured a stormwater management permit.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true. No variances have been requested.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 6-34 of the Kendall County Land Resource Management Plan which calls for “a strong base of agricultural, commercial and industrial uses that provide a broad range of job opportunities, a healthy tax base, and improved quality of services to County residents” through the encouragement “. . . of locally owned businesses.”

Staff recommends approval of the requested special use permit subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan. Any new structures related to the uses allowed by this special use permit shall require a major amendment to the special use permit and any new structures must reflect the current architecture of the existing structures. Limited demolition of farmhouse and outbuildings is allowed.
2. The subject parcel must remain at least (3) acres in size.
3. The uses allowed by this special use permit must occur in a manner that will preserve the existing farmhouse, barns, related structures, and the pastoral setting.
4. Retail and wholesale sales may occur outside existing buildings.
5. The uses allowed by this special use permit cannot generate noise, vibrations, glare, fumes, odors, or electrical interference beyond which normally occurs on A-1 zoned property.
6. A maximum twenty (20) vendors and one (1) additional food vendor may be on the subject property.
7. The uses allowed by this special use permit may operate a maximum of two (2) weekends per month. For the purposes of this ordinance, a weekend shall be considered Saturdays and Sundays. The uses may be open for sale between the hours of 8:00 a.m. and 5:00 p.m. The property owner may reduce these hours of operation. Vendors may setup no earlier than two (2) hours prior to opening and must be offsite within two (2) hours of closing.
8. Only the owners of the property and their family members shall be employees of the business

allowed by this special use permit.

9. The owners of the business allowed by this special use permit may install one (1) sign along Brisbin Road. The sign shall be a maximum of four feet by six feet (4'X6') in size. The sign shall not be illuminated. The sign may be placed along Brisbin Road on days when the uses allowed by the special use permit are open.
10. All trash and garbage generated by uses allowed by this special use permit shall be stored in the garbage areas designated on the site plan. The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.
11. No music shall be generated by the uses allowed this special use permit.
12. The owner(s) or operator(s) of the uses allowed by this special use permit shall live at the subject property as their primary place of residence.
13. The operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
14. The operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
15. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
16. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Chairman Mohr opened the public hearing at 7:15 p.m.

Wanda Hogan, Petitioner, clarified the definition of flea market. She preferred crafts and farmers' market. She agreed to install a temporary fence around the lake. She would station herself to watch the number of people coming onto and leaving the property. She anticipated eighty-four (84) customers on the property when the parking lot is full. No vehicles would park on Brisbin Road.

Chairman Mohr asked how the Petitioner would control twenty-one (21) cars. Ms. Hogan responded that she would count them and, if the parking lot is full, she would direct people to leave the property.

Chairman Mohr asked what percentage of the sales would be farmers' market versus others. Ms. Hogan responded that crafts and farmers' products would be offered at the site. Regular vendors would be licensed and insured. She would also have insurance. Since she lives on the property, she would not allow people to wander in the yard.

Ms. Hogan also stated that her property was not the junkiest yard in the area. She offered to show pictures of the property to the Board. She stated that they were selling items and have previously sold items to clean up the property.

Cathleen Anzelc expressed concerns regarding setting a precedent to allow these types of uses in the area. She had concerns about vendors monitoring the property. She noted that another farmers'

market was operating on Whitewillow Road and did not see the need in the area. She was concerned about the impact of work in the farm fields impacting the vendors and customers. She questioned if vendors would be allowed to leave their wares out over the weekend.

Chairman Mohr asked Mr. Asselmeier if the farmers' market on Whitewillow Road was properly zoned. Mr. Asselmeier responded that he would need to know the address of the property and the items sold on the property. If the items sold were grown or produced on the premises, that use would be allowed.

The property on Whitewillow Road is landscape business.

Tom Anzelc, Lisbon Township Trustee, did not believe the ground was suitable for the proposed use and had concerns about the safety related to the ponds and narrowness of the driveway. He believed ambulances would have difficulty accessing the site.

Anne Vickery, Seward Township Highway Commissioner, believed the proposed use would create problems along Brisbin Road. She did not believe that Ms. Hogan could not control traffic. She had concerns about the safety around the property. She stated the property was a mess and dangerous. Ms. Vickery would call tow trucks to remove cars on Brisbin Road. She believed Ms. Hogan's intentions were good, but the use was wrong. She expressed concerns about the County enforcing the regulations.

Chairman Mohr closed the public hearing at 7:28 p.m.

Member Clementi expressed concerns about general welfare and safety because of the traffic generated by the proposed use. Discussion occurred whether or not the Petitioner would follow the proposed conditions and whether or not the County could enforce the conditions.

Chairman Mohr stated that he believed that a flea market would not improve property values. He stated farmers' markets were encouraged, but flea markets disrupt the intent of the regulations. He was concerned about the unintended consequences of the use in a rural area. He further stated that the proposed use was not consistent with the Land Resource Management Plan.

Member Clementi made a motion, seconded by Member Cherry to approve the Findings of Fact.

The votes were as follows:

Ayes (0):	None
Nays (6):	Cherry, Clementi, Fox, LeCuyer, Mohr, and Thompson
Abstain (0):	None
Absent (1):	Whitfield

The motion failed. All Findings of Fact will be written in the negative.

Member Clementi made a motion, seconded by Member LeCuyer, to recommend approval of the special use permit with the conditions proposed by Staff.

The votes were as follows:

Ayes (0):	None
Nays (6):	Cherry, Clementi, Fox, LeCuyer, Mohr, and Thompson
Abstain (0):	None

Absent (1): Whitfield

The motion failed. The recommendation will be in the negative

The proposal goes to the Kendall County Planning, Building and Zoning Committee on April 12, 2021.

The Zoning Board of Appeals completed their review of Petition 21-07 at 7:36 p.m.

The Zoning Board of Appeals started their review of Petition 21-08 at 7:36 p.m.

Petition 21 – 08 – Jamie and Jillian Prodehl

Request: Special Use Permit to Operate a Banquet Facility and a Variance to Section 7:01.D.12.a to Allow a Banquet Facility on a Non-Arterial or Non-Major Collector Roadway
PIN: 09-05-400-021
Location: 4405 Van Dyke Road, Minooka, Seward Township
Purpose: Petitioners Want To Operate a Banquet Facility on the Property; Property is Zoned A-1 Agricultural

Mr. Asselmeier summarized the request.

Jamie and Jillian Prodehl would like to operate the Sable Creek Homestead, LLC banquet facility at the subject property.

From 2008 until 2018, the subject property had a special use permit for a place of worship.

The application materials, plat of survey, site plan, engineering plan, landscaping plan, photometric plan, building elevations, and aerial were provided.

The property is located at 4405 Van Dyke Road.

The property is approximately five point eight (5.8) acres.

The Existing Land Use is Single-Family Residential and Institutional.

The Future Land Use is Rural Residential.

Van Dyke Road is Township maintained Minor Collector.

A trail is planned along Van Dyke Road in this area.

A floodway and one hundred (100)-year floodplain are located along the southwest corner of the property.

The adjacent land uses are Agricultural.

The adjacent properties are zoned A-1.

The Future Land Use Map calls for the area to be Rural Residential and Public Institutional.

There is a special use permit to the east for a place of worship.

Based on the aerial of the site, there are eight (8) homes within a half (1/2) mile of the subject property.

The Illinois Natural Heritage Database shows the following protected resource in the vicinity of the project location: Aux Sable Creek INAI Site. Negative impacts were considered unlikely and consultation was terminated.

NRI application submitted on February 8, 2021. The LESA Score was 176 indicating a low level of protection. The NRI Report was provided.

Seward Township was emailed information on February 22, 2021.

Lisbon-Seward Fire Protection District set the maximum occupancy of the building at two hundred (200). They will do a pre-inspection of the facility. The email outlining this information was provided.

The Village of Plattville was emailed information on February 22, 2021.

The City of Joliet was emailed information on February 22, 2021.

ZPAC reviewed this proposal at their meeting on March 2, 2021. Discussion occurred regarding restroom facilities and the well. The Petitioner agreed to discuss the matter with the Health Department. The Highway Department requested that the large deliveries should travel west from the subject property. ZPAC voted to forward the proposal to the Regional Planning Commission by a vote of seven (7) in favor and zero (0) in opposition; three (3) members were absent. The minutes of the meeting were provided.

The Kendall County Regional Planning reviewed this proposal at their meeting on March 24, 2021. Member Nelson favored noise be measured from residential structures. Member Wilson expressed concerns regarding noise from Ellis House, the number of parking spaces, the location of wedding ceremonies on the property, speeders, and general noise in the area. Member Wilson felt that the proposed use would fit better in a business park. Member Wormley noted that the property was kept neat and clean. Member Casey felt the use would be good for the area. Discussion occurred regarding the stormwater plans for the site. The Petitioners emphasized their plans to keep the venue small, noted the dates the venue would be open, and noted that they live on the property. The Petitioners also emphasized that the tent would only be used as a social distancing requirement and outdoor speakers would be pointed toward the building. The Petitioners worked with the Kendall County Sheriff's Department and found that at full capacity with one (1) garage door open, the noise reading at two hundred feet (200') was fifty-nine (59) dBa. With the door closed, the noise reading was forty-nine (49) dBa. The Petitioners were working with the Kendall County Health Department. The proposal meets the County's parking requirements. An email from Doug Wilson was read expressing Mr. Wilson's objection to the proposal because of increased noise, traffic, and loss of property value. Chuck Allen agreed with Mr. Wilson and expressed concerns about intoxicated drivers on rural roads and that the area is planned to be residential and agricultural, not business. Anne Vickery, Seward Township

Highway Commissioner, expressed support for the project and noted that several Seward Township Trustees had no objections to the proposal. She also noted that a right-of-way dedication was unnecessary. Pastor Andrew O'Neal of Christ First Baptist Church expressed support for the proposal because there were no facilities like the proposed facility within forty-five (45) minutes of the Church, he believed the Petitioners have been great neighbors and he noted the improvements the Petitioners have made on the property. Jessica Nelsen believed the proposed use would be an asset to the community. The Kendall County Regional Planning Commission voted to recommend approval of the special use permit and variance with by a vote of nine (9) in favor and one (1) in opposition. Member Wilson voted against the proposal. The minutes of this meeting were provided.

The Petitioners intend to establish the Sable Creek Homestead, LLC banquet facility run by the Petitioners. As noted in the business plan, the Petitioners live at the subject property and will manage the facility. Jillian Prodehl is a Certified Wedding Planner, Venue Owner Certified, and Certified Wedding Designer. Jamie Prodehl owns Revolution Fabrications Services.

This type of use is permitted as a special use on an A-1 property with certain conditions. Those conditions include:

- a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
- b. The subject parcel must be a minimum of five (5) acres.
- c. The use of this property shall be in compliance with all applicable ordinances.
- d. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- e. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

The subject property and proposed business meets the above requirements except the first condition regarding roadway classification. The Petitioners are seeking a variance to this requirement.

The subject property possessed a special use permit for a place of worship. The ordinance granting this special use was provided. The previous owners voluntarily sought and the County Board approved a revocation of this special use permit in 2018.

If approved, this would be the ninth (9th) special use permit for a banquet facility in the unincorporated area.

The business plan for the proposed operations was provided. The plat of survey was provided. The site plan was provided.

According to the information provided to the County, the proposed banquet facility will utilize the existing approximately four thousand two hundred sixty-three (4,263) square foot metal barn for weddings and similar events. The site plan showed an approximately four hundred fifty (450) square foot patio south of the existing metal building. A proposed grassy area was planned southeast of the existing metal building for outdoor ceremonies. An existing concrete pad was shown next to the planned grassy area; a silo building or gazebo was planned for this area. The existing parking area next to the existing metal building would be expanded. A temporary tent would be located south of the parking area to accommodate events requiring social distancing. A new three thousand eight hundred forty (3,840) square foot storage building was planned north of the existing one thousand eighty (1,080) square foot metal building. An existing house and detached garage were also located on the property.

The existing metal building is fully insulated with over four inches (4") of spray foam insulation and exterior steel for noise and climate control. The maximum capacity of the existing metal building, as determined by the Lisbon-Seward Fire Protection District, is approximately two hundred (200) people. The building has dual furnace and AC units and can be used year-round. The renderings of the building were provided.

The maximum number of employees would be four (4), including the Petitioners.

The Petitioners would comprise a list of preferred, local vendors. All vendors would be required to be licensed and insured. The Petitioners would not provide food or alcohol for events; vendors would be utilized for these services.

The original proposed hours of operation were weekdays from 9:00 a.m. until 10:00 p.m. and 9:00 a.m. until Midnight on weekends. Weekends would be Fridays, Saturdays, the day prior to any Federal or State Holiday, and any Federal or State Holiday that lands on a Thursday. Vendors would operate from 9:00 a.m. until Midnight on weekends and 9:00 a.m. until 10:00 p.m. on Sundays; this time includes setup and breakdown of events. Weddings could occur between 10:00 a.m. until 11:00 p.m. on weekends. Amplified music must cease by 10:00 p.m. Event guests must leave by 11:00 p.m. on weekends. Bridal parties and individuals helping with breakdown must leave by Midnight on weekends. Cleanup for Sunday weddings shall be at 10:00 p.m. Rehearsals would occur on Tuesdays through Thursdays. Tours would be Monday through Thursday from 9:00 a.m. until 8:00 p.m. Planned maintenance would occur on Fridays through Mondays from 7:00 a.m. until 10:00 a.m.

A forty-eight (48) square foot trash enclosure is planned north of the new storage building. Garbage will be placed in a dumpster. The enclosure will have a swing door. Trash will be picked up on Tuesdays and additional pickups could occur, if necessary.

If approved, the Petitioners hope to start operations as quickly as possible.

Although the Petitioners do not have current plans to do so, ancillary items, such as shirts and glasses, may be sold on the premises.

The Petitioners have also developed a marketing plan.

An updated Occupancy Permit will be required reflecting the change of use for the existing metal building. Any structures constructed as part of the banquet facility operations will be required to secure applicable building permits.

The existing metal building has indoor restroom facilities. The septic field was located south of the existing metal building and the well is located north of the existing metal building.

The southwest corner of the property is located within a floodway and one hundred (100) year floodplain. An eight foot (8') wide grass path is proposed inside this area along with plantings.

The property fronts Van Dyke Road.

A right-of-way dedication was previously requested when the property was a church. The dedication was to be along the entire frontage of the property at a depth of twenty feet (20'). This dedication never occurred and, to date, the Township has not requested a dedication.

The site plan shows the gravel driveway expanding to twenty-four feet (24') in width.

The parking lot will consist of fifty-nine (59) parking spaces, including three (3) handicapped accessible parking spaces. The parking lot would be gravel except for the area reserved for the handicapped accessible parking spaces.

The photometric plan calls for three (3) new light poles. Two (2) of the poles would have twin head and one (1) pole would be a single head. One (1) new wall light is proposed on the new storage building. No lighting would leave the sight. The photometric plan was provided.

As noted on the site plan, one (1) circular sign is planned for the property. The supports for the sign will be seven feet (7') in height and five feet (5') in width. The circle will be no larger than four foot (4') in circumference. The sign will be doubled faced and will not be illuminated. A sign example was provided.

The landscaping plan shows five (5) six foot (6') ornamental trees, ten (10) six foot (6') Skyhigh Juniper trees, four (4) six foot (6') Emerald Green Arborvitae, six (6) five (5) gallon Isanti Redtwig Dogwoods, six (6) one (1) gallon Sweet Autumn Clematis, six (6) five (5) gallon Limelight Hydrangea, seven (7) five (5) gallon Vanilla Strawberry Hydrangea, and eight (8) one (1) gallon Kodiac Black Honeysuckle. The floodplain area is planned to have a dry mesic prairie seedmix with wildflowers. IDOT class seedmix 1 is also planned to be installed near the parking lot and between the tent area and new accessory building.

In addition to the plantings, two (2) split rail fences are planned south of the existing septic field and southwest of the temporary tent. Split rail fences are also planned along the outer perimeters of the grass areas east of the existing metal building, between the parking lot and the northern property line and at the northeast corner of the property.

The landscaping plan was provided.

The Petitioners agreed to follow Kendall County's noise regulations. As noted previously, the existing metal building is insulated to reduce noise from escaping the building. All amplified music will cease by 10:00 p.m. Non-amplified music will be allowed as part of wedding ceremonies.

The proposed Findings of Fact for the special use permit were as follows:

That 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. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan, landscaping plan, and lighting plan. Proper buffering and noise controls will be necessary to prevent noise from negatively impacting neighboring properties which can be addressed with reasonable conditions on the special use permit.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise and light created from the proposed use. However, these negative impacts could be mitigated by restrictions related to hours of operation, number of events, and noise origination requirements within the ordinance granting the special use permit.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, the property previously possessed a special use permit for a place of worship and utilities and other necessary facilities were addressed as part of the use of the site as a church. The Petitioner plans to work with the Kendall County Health Department to address the well and septic system. The Petitioner also proposes to widen the driveway.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. Provided that the variance is approved regarding distance to arterial and collector roads, the special use would conform to the applicable regulations of the district.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent

with an objective found on Page 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness."

The proposed Findings of Fact for the variance were as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The proposed banquet hall is approximately one half (1/2) mile from an arterial or major collector (Grove Road). In 2018, the County granted a similar variance for a banquet hall located approximately one point two (1.2) miles from an arterial roadway.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is not true. Other banquet halls in the rural areas could face similar concerns. The specific number of properties sharing similar characteristics is unknown.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The Petitioners desired to have a banquet hall at the subject property. However, the Petitioners were not responsible for the determining the road classification for Van Dyke Road.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. True, the Kendall County Sheriff's Department, Seward Township, and the Lisbon-Seward Fire Protection District have not expressed any concerns regarding the proposed use being materially detrimental to the public welfare or injurious to other property in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. True, the proposed use will not block light or air from adjacent properties. The proposed use will not cause an increase in congestion on public streets because events will not be held every day. Provided the business allowed by the special use permit follows the restrictions placed on the special use permit, no increase to the danger of fire or the endangerment of public safety should occur. Data does not exist as to whether the placement of the proposed use will diminish or impair the property values of the properties located in the vicinity of the subject property.

Staff recommends approval of the requested special use permit and variance subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan, landscaping plan, and photometric plan.
2. A variance to Section 7:01.D.12.a shall be granted to allow the placement of the banquet hall on a non-arterial and non-major collector roadway.
3. A maximum of two hundred (200) guests, vendors, and employees in attendance at a banquet

center related event may be on the subject property at a given time.

4. The business allowed by this special use permit may have a maximum of four (4) employees, including the property owners.
5. The subject parcel must maintain a minimum of five (5) acres.
6. The owners of the business allowed by this special use permit may install one (1) sign in substantially the location shown on the site plan. The sign shall look similar to the sign example. The supports for the sign will be seven feet (7') in height and five feet (5') in width. The circle will be no larger than four foot (4') in circumference. The sign may be double sided. The sign shall not be illuminated.
7. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
8. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

9. No music shall originate outside of any building. This restriction shall not apply to non-amplified music used or performed as part of a wedding ceremony. All speakers shall be pointed towards the inside of the building. For music originating inside the building, all amplified music shall cease on or before two hours prior to closing.
10. The hours of operation for the business allowed by this special use permit shall be between 9:00 a.m. and 10:00 p.m. on weekdays and between 9:00 a.m. until Midnight on weekends. For the purposes of this ordinance, a weekend shall be Fridays, Saturdays, the day prior to any Federal or State Holiday, and any Federal or State Holiday that falls on a Thursday. All other days shall be considered weekdays. Maintenance of the property may occur outside these hours of operation.
11. All guests at events related to the business allowed by this special use permit shall vacate the property no later than one (1) hour prior to the business closure time listed in the previous condition. Vendors and individuals assisting with the cleanup of events must vacate the property by the closure time listed in the previous condition.
12. None of the buildings associated with the business allowed by this special use permit shall be considered agricultural exempt structures. Applicable building and occupancy permits shall be secured for all new structures related to the business allowed by this special use permit. A new

certificate of occupancy must be issued for the existing metal barn.

13. The owner(s) or operator(s) of the business allowed by this special use permit shall live at the subject property as their primary place of residence.
14. All trash and garbage generated by events associated with the business allowed by this special use permit shall be stored in the trash enclosure shown on the site plan. The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.
15. The subject property shall be landscaped substantially in accordance with the landscaping plan. All landscaping and the driveway widening shall occur within one hundred twenty (120) days after the approval of the ordinance granting a special use permit for a banquet facility at the subject property.
16. The operator(s) of the banquet facility acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. The operator(s) of the banquet facility allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of business.
18. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Chairman Mohr asked why Seward Township has not submitted comments. Mr. Asselmeier responded that the Seward Township Planning Commission meets infrequently. Also, several Township Trustees have reviewed this proposal and have not expressed any concerns with the proposal. Mr. Asselmeier explained that Seward Township had fifteen (15) days from the date of the hearing to file a formal objection to the variance portion of the request.

Chairman Mohr asked how the property went from being a church to its present condition. Mr. Asselmeier responded the property was a church from 2008 until 2018. When the church was in the process of selling the property, the church requested the County Board to revoke the special use permit. The Petitioners bought the property with plans to operate a banquet facility at the site and to live on the property.

Chairman Mohr opened the public hearing at 7:51 p.m.

Member Thompson asked if the business was Sable Creek Homestead or Aux Sable Creek Homestead. Jillian Prodehl, Petitioner, stated the business was named Sable Creek Homestead.

Ms. Prodehl presented information on the impact of banquet facilities on property values. She examined sales near Ellis House and Emerson Creek. The sales occurred within one (1) month apart. For the sale near Ellis House, in 2017, two (2) ranches sold; the closer of the two (2) sold for Three Hundred Ninety Thousand Dollars (\$390,000) and the further of the two (2) sold for Three Hundred Fifty-Two Thousand Dollars (\$352,000). No negative feedback from Ellis House impacted the sale of the

properties. For Emerson Creek, in 2020, the closer houses sold for Four Hundred Sixty-Nine Thousand Dollars (\$469,000) and Four Hundred Sixty-Five Thousand Dollars (\$465,000) while the home further away sold for Four Hundred Two Thousand Dollars (\$402,000).

Chairman Mohr asked about nearby banquet facility. Ms. Prodehl responded that the person that spoke was referring to the places where his congregation has gone for such facilities. Chairman Mohr noted the competitive market in the area.

Member Clementi asked about limiting weddings to Fridays, Saturdays, and Sunday brunches. Ms. Prodehl was agreeable to the limit.

The tent is a temporary COVID procedure. There will not be two (2) weddings on the property at the same time.

Chairman Mohr asked if the barn currently looks like the picture. Ms. Prodehl said yes minus the shutters. Jamie Prodehl noted the barn was fully insulated and they previously ran decimeter tests. The facility will run during the water. Restroom facilities are in the building.

Anne Vickery, Seward Township Highway Commissioner, expressed her support for the proposal. She noted the amount of money the church invested in the property. She was afraid of the type of uses that could go into the property. She stated the Petitioners were honest and they would do what they said they would do. She also noted the church played Christian rock music which can get loud.

Pastor Andrew O'Neal, First Baptist Church, expressed support of the proposal on behalf of the church board and family. He noted the Petitioners were great neighbors that have invested in the property. His church previously used the barn when the previous church owned the property and recognized the beauty of the meeting space and the Petitioners have made the space even more beautiful. He clarified his comment about distance to other venues; in his experience, no comparable space that the Petitioners were proposing has been available in the vicinity because everything has been booked. He stated that the Petitioners were civic minded, they will do what they say they are going to do, and they will do it right.

Chairman Mohr closed the public hearing at 8:06 p.m.

Member LeCuyer made a motion, seconded by Member Clementi, to approve the Findings of Fact for the special use permit.

The votes were as follows:

Ayes (6): Cherry, Clementi, Fox, LeCuyer, Mohr, and Thompson

Nays (0): None

Abstain (0): None

Absent (1): Whitfield

The motion passed.

Member Thompson made a motion, seconded by Member Cherry, to approve the Findings of Fact for the variance.

The votes were as follows:

Ayes (6): Cherry, Clementi, Fox, LeCuyer, Mohr, and Thompson
Nays (0): None
Abstain (0): None
Absent (1): Whitfield

The motion passed.

Chairman Mohr asked about clarification on the number of employees. Mr. Asselmeier responded that the banquet facility would be limited to four (4) employees. However, additional work would be outsourced to vendors.

Member Clementi made a motion, seconded by Member LeCuyer, to recommend approval of the special use permit and variance with the conditions proposed by Staff.

The votes were as follows:

Ayes (6): Cherry, Clementi, Fox, LeCuyer, Mohr, and Thompson
Nays (0): None
Abstain (0): None
Absent (1): Whitfield

The motion passed.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on April 12, 2021.

The Zoning Board of Appeals completed their review of Petition 21-08 at 8:10 p.m.

The Zoning Board of Appeals started their review of Petition 21-06 at 8:10 p.m.

Petition 21 – 06 – Jhon Cordero on Behalf of Cordero Real Estate, LLC

Request: Map Amendment Rezoning the Subject Property from A-1 Agricultural District to M-1 Limited Manufacturing District
PIN: 02-06-400-007
Location: Approximately 268 Feet West of the Intersection of Galena Road and E. Beecher Road on the South Side of Galena Road, Bristol Township
Purpose: Petitioner Wants To Rezone the Property to M-1 To Operate a Tree Service Business and Related Uses

Mr. Asselmeier summarized the request.

The Petitioner purchased the subject property in 2020 and wishes to operate a tree service business onsite.

In discussing the proposal, the Petitioner's Attorney indicated that the Petitioner would engage in making, storing, and selling of mulch from trees the Petitioner's business cuts down from clients. The Petitioner would not grow trees onsite. The Petitioner's Attorney believed that the site would be used

for contractor's office, storage of trailers, farm implements, and other similar equipment on an open lot, truck, truck tractor, and truck trailer storage yards, wholesaling and warehousing. These uses are permitted uses in the M-1 Limited Manufacturing District. Landscaping businesses are special uses in the M-1 Limited Manufacturing District. Accordingly, the Petitioner would like to rezone the property to the M-1 Limited Manufacturing District.

The application materials, Wetland Delineation Report, site plan, aerial of the property, and aerial of the property showing the location of wetlands on the property were provided.

The property is located approximately two sixty-eight feet (268') west of the intersection of Galena Road and East Beecher Road. The property consists of approximately twenty-five (25) acres.

The property is used agriculturally and the historic aerials show a house formerly located at the north end of the property.

The Future Land Use Map calls for the property to be Mixed Use Business.

Galena Road is a County maintained Major Collector Road. East Beecher is a Township maintained Local Road.

Yorkville has a trail planned along Galena Road. The Kendall County Forest Preserve has a trail planned along East Beecher Road.

There are no floodplains on the property. There are three (3) wetlands on the property totaling approximately ten (10) acres in size. Two (2) of the wetlands are farmed wetlands.

The adjacent land uses are Agricultural, Single-Family Residential, Commercial, and ComEd Right-of-Way.

The adjacent zoning districts are A-1, A-1 SU, and M-2 in the County. R-2, R-3, and B-3 districts are in Yorkville.

The Land Resource Management Plan calls for the area to be Mixed Use Business, Suburban Residential, and ComEd Right-of-Way in the County. Yorkville's Comprehensive Plan calls for the area to be Estate/Conservation Residential.

The A-1 Special Use Permits to the south are for gravel mining operation and compost facility. A M-3 Special Use Permit to the south of the property is for asphalt production.

EcoCAT Report submitted and indicated the presence of the Mottled Sculpin. Adverse impacts were unlikely and consultation was terminated.

The application for NRI was submitted on January 21, 2021. The LESA Score was 176 indicating a low level of protection. The NRI was provided.

Bristol Township reviewed this proposal at their meeting on March 3, 2021. The Township unanimously recommended approval of the request. The minutes were provided.

The Yorkville Planning Commission reviewed this proposal at their meeting on March 10, 2021. Discussion occurred regarding noise, odors, and proximity of the site to future residential development. The Yorkville Planning Commission recommended approval of the request by a vote of five (5) in favor and one (1) in opposition. The Yorkville City Council reviewed this proposal at their meeting on March 23, 2021 and had no objections to the requested map amendment; an email to the effect was provided.

Petition information was sent to the Bristol Kendall Fire Protection on February 10, 2021.

ZPAC reviewed this proposal at their meeting on March 2, 2021. Discussion occurred regarding lighting, the well and septic system, a dust control plan, and utilizing soil erosion and sediment control practices when the site is developed. ZPAC voted to forward the proposal to the Regional Planning Commission by a vote of eight (8) in favor and zero (0) in opposition; two (2) members were absent. The minutes of this meeting were provided.

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on March 24, 2021. Discussion occurred regarding the possibility of rezoning the property to a different zoning classification. The M-1 District most closely matched the proposed uses for the site. Discussion occurred regarding split zoning the property. It was noted that the wetlands make the southern portion of the property unusable for manufacturing uses. Discussion occurred regarding potential conflicts between the County's Future Land Use Map, which calls for the area to be Mixed Use Business, and Yorkville's Future Land Use Map, which calls for the area to be residential. Mr. Rios, owner of the house northeast of the subject property expressed his opposition to the proposal because of concerns related to times of operation, noise, dust, smell, and increased traffic. His septic field was located on the subject property and he requested that area be fenced. The Petitioner's Attorney did not agree to this request. Mr. Rios was asked if he purchased his home after the quarry and other manufacturing uses were in operation. Mr. Rios responded yes. Mr. Rios did not object to previous manufacturing related zoning requests in the area because of the distance of those uses from his house. The Kendall County Regional Planning Commission recommended approval of the requested map amendment by a vote of nine (9) in favor and zero (0) in opposition. Member Casey abstained because the poor audio quality prevented him from hearing much of the discussion. The minutes of the meeting were provided.

Per State law, map amendments cannot be conditioned. However, Section 13:10 of the Kendall County Zoning Ordinance requires that manufacturing site plans be approved by the Kendall County ZPAC.

According to the site plan, four (4) structures are proposed for the site. Any new structures would require applicable building permits.

The site plan proposes access off of Galena Road and E. Beecher Road.

No information was provided on the site plan regarding outdoor storage locations. While no new odors are foreseen, future site plan submittals should be examined to address odors.

No lighting information was provided. The site plan for the proposed business should be evaluated to address lighting.

No screening information was provided. Section 10:01.A.2 of the Kendall County Zoning Ordinance requires storage to be in completely enclosed buildings if located within one hundred fifty feet (150') of a residential zoning district. Any fencing or buffering should be evaluated as part of the site plan review process.

The site plan shows a detention pond on the south side of the property. Applicable stormwater and wetland permits could be required as part of the site plan review.

The site plan indicates a utility box onsite. Well and septic information would have to be evaluated as part of a building permit process.

The proposed Findings of Fact were as follows:

Existing uses of property within the general area of the property in question. The surrounding properties are used for agricultural purposes with gravel mining, asphalt production, and composting uses also located in the vicinity.

The Zoning classification of property within the general area of the property in question. The surrounding properties in the unincorporated area are zoned A-1, M-2, and M-3.

The suitability of the property in question for the uses permitted under the existing zoning classification. The property is presently zoned A-1. A more intense Manufacturing zoning classification is necessary to cover all of the proposed uses instead of the existing A-1 zoning classification.

The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was in its present zoning classification. The Zoning Board of Appeals shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and is not solely for the interest of the applicant. The Zoning Board of Appeals may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph the R-1 District shall be considered the highest classification and the M-2 District shall be considered the lowest classification. The trend of development in the area includes uses associated with Manufacturing zoning districts and Commercial zoning districts.

Consistency with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. The Future Land Use Map in the Land Resource Management Plan classifies this property as Mixed Use Business. The M-1 Limited Manufacturing District is consistent with the Mixed Use Business classification.

Because the Future Land Use Map calls for this property to be Mixed Use Business, Staff recommended approval of the requested Map Amendment. However, careful site plan review should occur when the property is developed to ensure that negative impacts on the wetlands and other environmentally sensitive features of the property are minimized.

Chairman Mohr opened the public hearing at 8:17 p.m.

Dan Kramer, Attorney for the Petitioner, concurred with Mr. Asselmeier's presentation. He discussed the planning team and the site plan. He noted the location of the wetlands. He noted that a full cut off of Galena Road will not be available; the main access will be off of East Beecher. There will be a right-in

right-out on Galena Road. He discussed the adjoining the manufacturing uses. He noted the area was not ideal for residential uses. The Petitioner does not engage in composting or landscaping. When the Petitioner purchased the property, no one declared the location of the Rios septic field. The Petitioner will place a silt fence around the septic field once they determine the specific location of the septic field. The Petitioner also offered to give a license agreement with the Rioses as long as the septic field is functioning. The mulch storage area will be on the southern end of the property near the wetlands.

Member Cherry asked about noise. Mr. Kramer responded that they will install screening. The business will not be a landscaping business. The trucks will be stored in a fenced-in area. Mr. Kramer noted that the Petitioner currently operates inside the Village of Montgomery. The Petitioner does a lot of work with local municipalities. The Petitioner sells mulch wholesale.

Chairman Mohr closed the public hearing at 8:31 p.m.

Member Clementi made a motion, seconded by Member Cherry, to approve the Findings of Fact.

The votes were as follows:

Ayes (6): Cherry, Clementi, Fox, LeCuyer, Mohr, and Thompson
Nays (0): None
Abstain (0): None
Absent (1): Whitfield

The motion passed.

Member Clementi made a motion, seconded by Member LeCuyer, to recommend approval of the map amendment.

The votes were as follows:

Ayes (6): Cherry, Clementi, Fox, LeCuyer, Mohr, and Thompson
Nays (0): None
Abstain (0): None
Absent (1): Whitfield

The motion passed.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on April 12, 2021.

The Zoning Board of Appeals completed their review of Petition 21-06 at 8:33 p.m.

The Zoning Board of Appeals started their review of Petition 21-10 at 8:34 p.m.

Petition 21 – 10 – Kendall County Regional Planning Commission

Request: Amending the Kendall County Land Resource Management Plan by Amending the Future Land Use Map by Having the Transportation Plan Correspond to the 2020-2040 Long Range Transportation Plan including the Trails Plan, Extending Cherry Road into the Henneberry Woods Forest Preserve, Updating Municipal Boundaries, Reclassifying Islands in the Fox River from Unknown to Open Space, Reclassifying the Remaining

Unknown Properties to Match Adjoining Land Use Classifications, Changing the Residential Classification of Properties Immediately South of the Johnson Road Extension to Mixed Use Business, Correcting the Classification of the Minooka School District Property near Route 52 and County Line Road to Public/Institutional, and Associated Changes within the Text of the Land Resource Management Plan

Mr. Asselmeier summarized the request.

In December 2019, the County Board approved a 2019-2039 Long Range Transportation Plan. In December 2020, the County Board approved a 2020-2040 Long Range Transportation Plan that was similar to the 2019-2039 Long Range Transportation Plan.

The Plan has several changes from the Future Land Use Map contained in the Land Resource Management Plan. After discussions with Fran Klaas, at their meeting on October 28, 2020, the Kendall County Comprehensive Land Plan and Ordinance Committee recommended the following changes to the Kendall County Land Resource Management Plan:

Remove

- Prairie Parkway
- Lisbon / Helmar Bypass
- Caton Farm Road West Route 71
- Fox River Drive Westerly Bypass of Village of Newark
- Whitfield Road Extension North to Griswold Springs Road
- Gates Lane West of Route 47
- County has now taken position to keep WIKADUKE Trail on the existing Stewart Road alignment all the way to Rance Road and then extend a new alignment northeasterly to Route 30 and Heggs Road, using the Village of Oswego's alignment for the WIKADUKE Trail.

Add

- Millington Road Extending North of Lions Road to Connect to Route 34
- Walker Road Relocated West of Route 71 to Make Connection to New Fox River Drive / Crimmins Road intersection
- Westerly Extension of Collins Road West of Minkler Road to Route 71
- Connecting Millbrook Road with the Millbrook Bridge by Aligning Millbrook Road and Whitfield Road behind the Existing Bank Building Now Owned by the Oliver-Hoffman Foundation
- Having Douglas Road's Alignment Correspond to the Village of Oswego's Plans
- Aligning Cannonball Trail to Dickson Road and Gordon Street
- Extending Cherry Road into the Henneberry Woods Forest Preserve
- Extending Johnson Road East from Ridge Road to the County Line
- Miller Road Extended in DeKalb County

Changes in Land Use

- Changing the Suburban Residential Classification for the Properties South of the Johnson Road Extension to Mixed Use Business
- Updating the Future Land Use Map to Reflect Current Municipal Boundaries
- Correcting the Classification of the Minooka School District Property Near the Intersection of Route 52 and County Line Road

- Classifying the Parcels of Land Shown as “Unknown” on the Future Land Use Map to Match Adjoining Properties and/or Uses

The proposal was presented at the February 6, 2021, Kendall County Regional Planning Commission Annual Meeting.

At their meeting on February 24, 2021, the Kendall County Regional Planning Commission voted to initiate the proposed amendments.

Petition information was mailed to the townships, Village of Millbrook, Village of Plattville, and impacted property owners on March 1, 2021. As of the date of hearing, Plattville, Millbrook, and no township have submitted comments on this proposal.

ZPAC reviewed this proposal at their meeting on March 2, 2021. ZPAC voted to forward the proposal to the Regional Planning Commission by a vote of seven (7) in favor and zero (0) in opposition; three (3) members were absent. The minutes of the meeting were provided.

Following the ZPAC meeting, discussion occurred with the Oliver-Hoffman Foundation regarding extending Millbrook Road northwest to Whitfield Road. Fran Klaas was in favor of removing this extension from the proposal. A copy of Fran Klaas’ email was provided.

The Kendall County Regional Planning Commission held a public hearing on this proposal on March 24, 2021. Chad Feldotto of the Oswegoland Park District submitted an email expressing the Park District’s support of the proposal. Johanna Byram from the Kendall County Historical Society asked about the zoning and land use classification of the Society’s property. Mr. Asselmeier responded the property is zoned A-1 Agricultural. The Future Land Use Map calls for most of the Society’s property to be Rural Residential. Ms. Byram asked which township the Society’s property is located. Mr. Asselmeier responded that the Society’s property is in Oswego Township. Mr. Asselmeier further explained that some properties were classified as Unknown. The Future Land Use Map impacts rezoning requests and not current land uses. The Kendall County Regional Planning Commission recommended approval of the requested amendments by a vote of ten (10) in favor and zero (0) in opposition. The minutes of the hearing were provided.

The current Future Land Use Map, road extension maps, an updated Future Land Use Map, and updated trail map were provided. The redline version of the related text was also provided. The listing of parcels changed from unknown to a different use was provided.

Member LeCuyer made a motion, seconded by Member Thompson, to recommend approval of the requested amendments.

The votes were as follows:

Ayes (6):	Cherry, Clementi, Fox, LeCuyer, Mohr, and Thompson
Nays (0):	None
Abstain (0):	None
Absent (1):	Whitfield

The motion passed.

The proposal goes to the Kendall County Planning, Building and Zoning Committee on April 12, 2021.

The Zoning Board of Appeals completed their review of Petition 21-10 at 8:39 p.m.

NEW BUSINESS/OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

Mr. Asselmeier said that Petition 21-03 regarding Woody's Orchard was approved at the County Board.

PUBLIC COMMENTS

Mr. Asselmeier reported there are requests for a special use permit for a winery at 9396 Plattville Road, two fence height variances in Grove Estates, and a side yard setback variance for the May hearing.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Member Clementi made a motion, seconded by Member Cherry, to adjourn.

The votes were as follows:

Ayes (6): Cherry, Clementi, Fox, LeCuyer, Mohr, and Thompson

Nays (0): None

Abstain (0): None

Absent (1): Whitfield

The motion passed.

The Zoning Board of Appeals meeting adjourned at 8:41 p.m.

The next hearing/meeting will be on May 3, 2021.

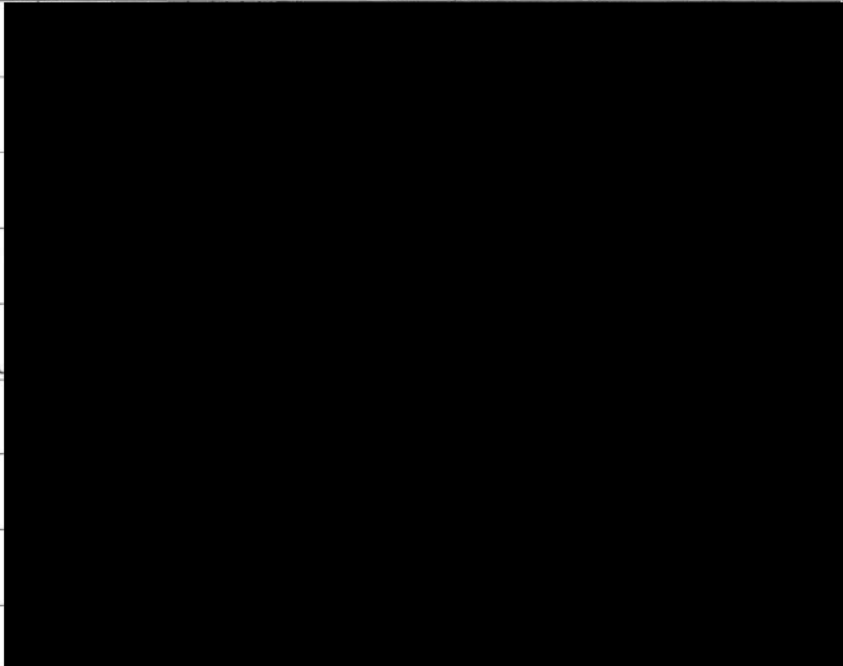
Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

Exhibits

1. Memo on Petition 21-06 Dated March 25, 2021
2. Certificate of Publication for Petition 21-06 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Memo on Petition 21-07 Dated March 25, 2021
4. Certificate of Publication for Petition 21-07 (Not Included with Report but on file in Planning, Building and Zoning Office)
5. Memo on Petition 21-08 Dated March 25, 2021
6. Certificate of Publication for Petition 21-08 (Not Included with Report but on file in Planning, Building and Zoning Office)
7. Memo on Petition 21-10 Dated March 25, 2021
8. Certificate of Publication for Petition 21-10 (Not Included with Report but on file in Planning, Building and Zoning Office)

**KENDALL COUNTY
ZONING BOARD OF APPEALS
MARCH 29, 2021**

In order to be allowed to present any testimony, make any comment, engage in cross-examination, or ask any question during this public hearing, you must enter your name, address, and signature on this form prior to the commencement of the public hearing. By signing this registration sheet, you agree that you understand that anything you say will be considered sworn testimony, and that you will tell the truth, the whole truth and nothing but the truth.

NAME	ADDRESS	SIGNATURE
John V. Key		
Jillian Prodehl		
Jamie Prodehl		
W. J. McHugh John Key		
Walter O'Neal		
Andrew O'Neal		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 21-12**Patrick and Michele Morris
Fence Building Height Variance****INTRODUCTION**

The Petitioners own 7251 Joyce Court (Lots 35, 36 and 37 in Grove Estates), which they merged into one (1) parcel in 2020. They wish to construct an open air iron fence in the front yard of the property at a maximum height of five feet ten inches (5'10").

The Petitioner's neighbor at 7301 Joyce Court, 7324 Roberts Court, and 7310 Roberts Court (Lot 32, 33, and 34 in Grove Estates) has the same request (see Petition 21-13).

The application materials are included as Attachment 1. The plat of survey showing the proposed location of the fence is included as Attachment 2. The fence description is included as Attachment 3. The aerial of the property is included as Attachment 4.

SITE INFORMATION

PETITIONER Patrick and Michele Morris

ADDRESSES 7251 Joyce Court, Oswego

LOCATION Lots 35, 36, and 37 in Grove Estates

TOWNSHIP Na-Au-Say

PARCEL #S 06-08-151-027

LOT SIZE 2.1 +/- Acres

EXITING LAND USE Single Family Residential (Grove Estates Subdivision)

ZONING RPD-2 Residential Planned Development-Two

LRMP	Current Land Use	Single Family Residential
	Future Land Use	Rural Residential (0.65 DU/Acre Max)
	Roads	Joyce Court is a Local Road Maintained by Na-Au-Say Township
	Trails	None
	Floodplain/ Wetlands	None

REQUESTED Variance to allow installation of a fence at five feet ten inches (5'10") in height
ACTION instead of the maximum four feet (4') in the front yard.

APPLICABLE § 4:14.A.2 – Fences
REGULATIONS

§13:04 – Variation Procedures and Requirements

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Single-Family Residential	RPD-2	Rural Residential (0.65 DU/Acre Max)	RPD-2
South	Single-Family Single	RPD-2	Rural Residential	A-1 and RPD-2
East	Single-Family Residential	RPD-2	Rural Residential	A-1 and RPD-2
West	Single-Family Residential	RPD-2	Rural Residential	A-1 and RPD-2

GENERAL INFORMATION

The County previously granted similar fence height variances at 7109 Roberts Court (Lot 23 of Grove Estates), 7126 Roberts Court (Lot 25 of Grove Estates), 4779 Lees Court (Lot 5 of Grove Estates), 7387 Roberts Drive (Lot 6 of Grove Estates), 7292 Fitkins Drive (Lot 10 of Grove Estates), and 4843 Lees Court (Lot 4 of Grove Estates).

The proposed fence would be placed inside an easement. While this is lawful, the Petitioner has been advised that the fence could be removed or damaged as part of work inside the easement.

Also as noted in the Attachment 2, the Petitioner would like to install two (2) double gates, one (1) at each driveway entrance. According to the information in Attachment 3, the gates would be a maximum thirty-two feet (32') wide.

As can be viewed on the aerial (See Attachment 4), many of the nearby lots are vacant. Similar variances could be submitted for these properties at some point in the future.

NA-AU-SAY TOWNSHIP

Na-Au-Say Township was emailed this proposal on March 26, 2021.

OSWEGO FIRE PROTECTION DISTRICT

The Oswego Fire Protection District was emailed this proposal on March 26, 2021.

FINDINGS OF FACT

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **Other properties have fenced in their whole lot and, as long as the Homeowners' Association is fine with the fence height, there should not be an issue.**

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **This is a variation that has been requested and could be requested in the future for other properties inside Grove Estates.**

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The owners do not have a hardship, but would like to install the fence as requested.**

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.***

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **Adding the proposed fence will not impair any of the above items and will not impact the roadway.***

RECOMMENDATION

Staff recommends approval of the requested variance subject to the following conditions:

1. The maximum height of the fence shall be five feet ten inches (5' 10").
2. The fence shall be installed at substantially the locations shown in Attachment 2.
3. The fence shall be of the similar style as shown in the fence description provided in Attachment 3.
4. The Petitioner and future owners of the subject property acknowledge that the subject fence will be constructed inside an easement and that work inside the easement could cause damage or removal of the fence.
5. This variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns.

ATTACHMENTS

1. Application (Including Petitioner's Findings of Fact)
2. Plat of Survey
3. Fence Diagram
4. Aerial



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

APPLICATION

PROJECT NAME _____ FILE #: _____

NAME OF APPLICANT		
Patrick J. and Michele R. Morris		
CURRENT LANDOWNER/NAME(s)		
2.1049	7251 Joyce Ct, Oswego	06-08-101-027
SITE INFORMATION		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
Single fam Residential	RPD2	Rural Residential
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input checked="" type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final)	<input type="checkbox"/> ADMINISTRATIVE APPEAL
<input type="checkbox"/> PRELIMINARY PLAT	<input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Michele Morris	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #	PRIMARY CONTACT OTHER # (Cell, etc.)	
[REDACTED]	[REDACTED]	
ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
David J. Zientek	[REDACTED]	[REDACTED]
ENGINEER PHONE # office	ENGINEER OTHER # (Cell, etc.)	
[REDACTED]	[REDACTED]	
<p>UNDERSTANDS THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.</p> <p>I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.</p>		
SIGNATURE OF APPLICANT [REDACTED]		DATE 3/29/2021

FEE PAID:\$ _____
CHECK #: _____

¹Primary Contact will receive all correspondence from County

²Engineering Contact will receive all correspondence from the County's Engineering Consultants

Matt Asselmeier

From: Michele Morris [REDACTED]
Sent: Saturday, March 20, 2021 4:34 PM
To: Matt Asselmeier
Subject: [External]Application for variance
Attachments: doc00043720210320151558.pdf

Hi Matt,

Attached is my application for the variance for the 5'10" fence. We are asking for the variance for safety from wild animals such as coyotes and vandals.

I have included the public notice but did not have the petition #.

I sent in prior email the survey and legal description in pdf form as required.

Please advise if all is in order and acceptable.

I will bring in my fee and 12 copies of survey.

Thank you.

Michele Morris
Michele Morris Realty
Managing Broker/Owner
[REDACTED]

Begin forwarded message:

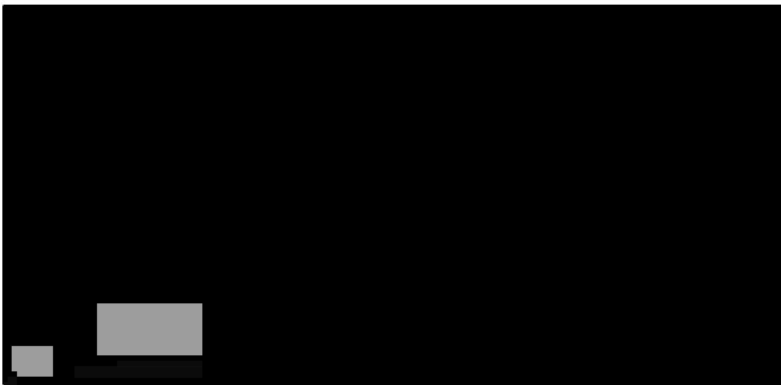


Exhibit A


Legal Description

Property Address: 7251 Joyce Court, Oswego Illinois 60543

P.I.N: 06-08-101-027

Lots 35,36 and 37 in Grove Estates being a subdivision in part of the west half of section 8, township 36 north, range 8 east of the third principal meridian, according to the plat thereof recorded October 12, 2006 as document number 200632893 in Kendall County, Illinois.

**TRUSTEE'S DEED
JOINT TENANCY**

 **COPY**

This indenture made this 28th day of June, 2019, between CHICAGO TITLE LAND TRUST COMPANY, a corporation of Illinois, as Trustee under the provisions of a deed or deeds in trust, duly recorded and delivered to said company in pursuance of a trust agreement dated the 12th day of November, 2010 and known as Trust Number 8002356103 party of the first part, and Patrick J. Morris and Michele R. Morris, husband and wife, whose address is: 17609 S. Richmond Road, Plainfield, Illinois 60586, parties of the second part.

Reserved For Recorder's Office

WITNESSETH, That said party of the first part in consideration of the sum of TEN and no/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE considerations in hand paid, does hereby CONVEY AND QUITCLAIM unto said parties of the second part, not as tenants in common, but as joint tenants, the following described real estate, situated in Kendall County, Illinois, to wit:

LOT 35 IN GROVE ESTATES BEING A SUBDIVISION IN PART OF THE WEST ¼ OF SECTION 8, TOWNSHIP 36 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 12, 2006 AS DOCUMENT NO. 200632893 IN KENDALL COUNTY, ILLINOIS.

Property Address: Vacant Lot 35, Oswego, Illinois

Permanent Tax Number: 06-08-101-021

together with the tenements and appurtenances thereunto belonging.

TO HAVE AND TO HOLD the same unto said party of the second part forever, not in tenancy in common, but in joint tenancy.

This Deed is executed pursuant to and in the exercise of the power and authority granted to and vested in said trustee by the terms of said deed or deeds in trust delivered to said trustee in pursuance of the trust agreement above mentioned. This deed is made subject to the lien of every trust deed or mortgage (if any there be) of record in said county to secure the payment of money, and remaining unreleased at the date of the delivery hereof.

IN WITNESS WHEREOF, said party of the first part has caused its corporate seal to be affixed, and has caused its name to be signed to these presents by its Assistant Vice President, the day and year first above written.

CHICAGO TITLE LAND TRUST COMPANY,
as Trustee as Aforesaid

By: [REDACTED]
Assistant Vice President



State of Illinois
County of DuPage

SS.

I, the undersigned, a Notary Public in and for the County and State aforesaid, do hereby certify that the above named Assistant Vice President of **CHICAGO TITLE LAND TRUST COMPANY**, personally known to me to be the same person whose name is subscribed to the foregoing instrument as such Assistant Vice President appeared before me this day in person and acknowledged that she signed and delivered the said instrument as her own free and voluntary act and as the free and voluntary act of the Company; and the said Assistant Vice President then and there caused the corporate seal of said Company to be affixed to said instrument as her own free and voluntary act and as the free and voluntary act of the Company.

Given under my hand and Notarial Seal this 28th day of June, 2019



[REDACTED]
NOTARY PUBLIC

This instrument was prepared by:
MAUREEN PAIGE
CHICAGO TITLE LAND TRUST COMPANY
2441 Warrenville Road, Suite 100
Lisle, IL 60532

AFTER RECORDING, PLEASE MAIL TO:

NAME Michele R. Morris

ADDRESS [REDACTED]

OR BOX NO. _____

CITY, STATE [REDACTED]

SEND TAX BILLS TO:

NAME Patrick J. Morris

ADDRESS [REDACTED]

CITY, STATE [REDACTED]

WARRANTY DEED

**STATUTORY (ILLINOIS)
CORPORATION TO INDIVIDUAL**

THE GRANTOR, **Grove Venture LLC.**, a corporation created and existing under and by virtue of the laws of the State of Illinois, and duly authorized to transact business in the State of Illinois, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable Considerations in hand paid, and pursuant To authority given by the Board of Directors of said corporation, CONVEYS AND WARRANTS to **Patrick J. Morris and Michele R. Morris**, not as Tenants in Common or as Joint Tenants, but as Tenants by the Entirety, 17609 S. Richmond Rd, Plainfield, Illinois, to wit:

Lots 36 and 37 in Grove Estates, being a subdivision in part of the west half of Section 8, Township 36 North, Range 8 East of the Third Principal Meridian according to the plat thereof recorded as document no. 2006-32893, in Kendall County, Illinois

SUBJECT TO: General real estate taxes for 2020 and subsequent years: to zoning ordinances, building lines, easements, covenants, conditions and restrictions of record, feeders, laterals and drainage tiles.

Permanent Index No.: Lot 36 06-08-101-022
Lot 37 06-08-101-023

Commonly Known as: Lot 36 7251 Joyce Ct, Oswego, IL
Lot 37 7229 Joyce Ct, Oswego, IL

Grove Venture, LLC.

By 
Michael J. Steck, Managing Member

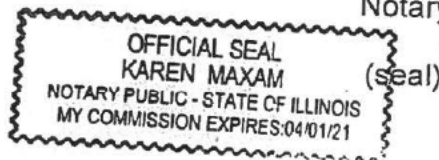
STATE OF ILLINOIS)
) SS.
COUNTY OF WILL)

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, DO HEREBY CERTIFY that Michael J. Steck, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person and severally acknowledged that he signed and delivered the said instrument as his free and voluntary act and deed, for the uses and purposes therein set forth.

Given under my hand and official seal, this 30 day of July 2020

Commission Expires: 4/01/21

[REDACTED]
Notary Public



This instrument prepared by: Win Wehrli
104 S. Parkway Dr.
Naperville, IL 60540

Send Subsequent Tax bills to: Patrick and Michele Morris

Record and Mail to :

Patrick and Michele Morris

Exhibit B

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **Other properties have fenced in their whole lot and, as long as the Homeowners' Association is fine with the fence height, there should not be an issue.***

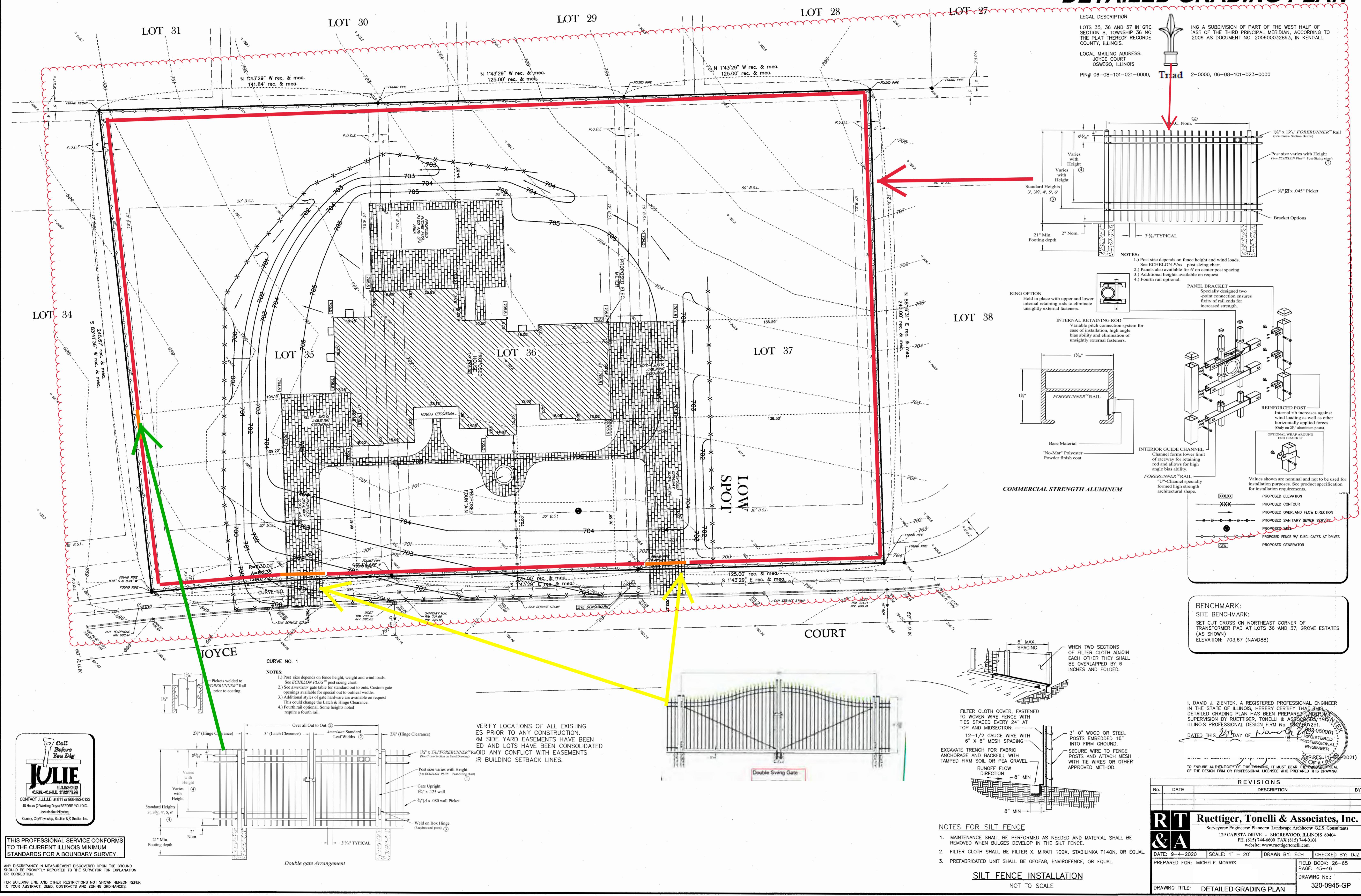
*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **This is a variation that has been requested and could be requested in the future for other properties inside Grove Estates.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The owners do not have a hardship, but would like to install the fence as requested.***

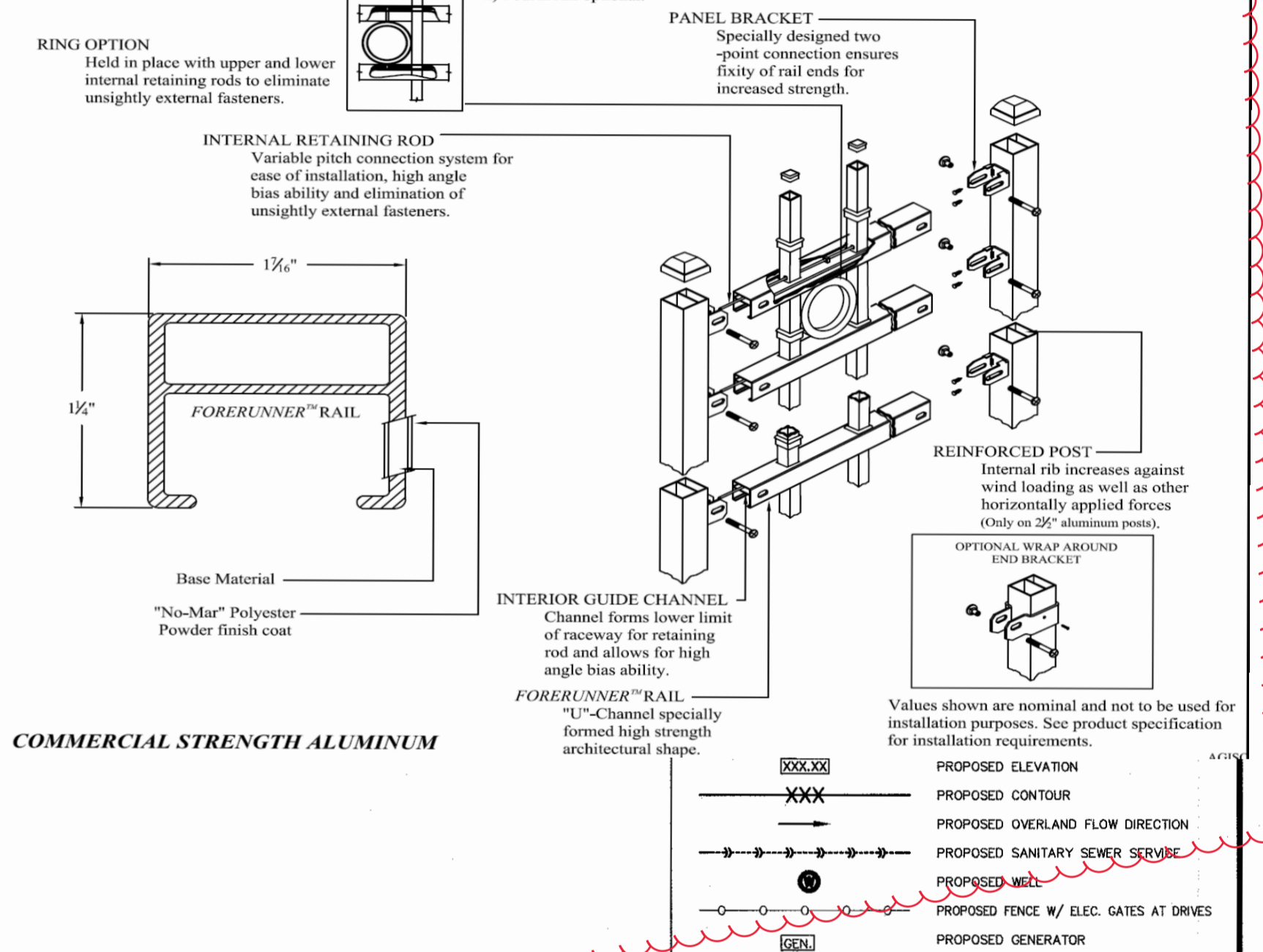
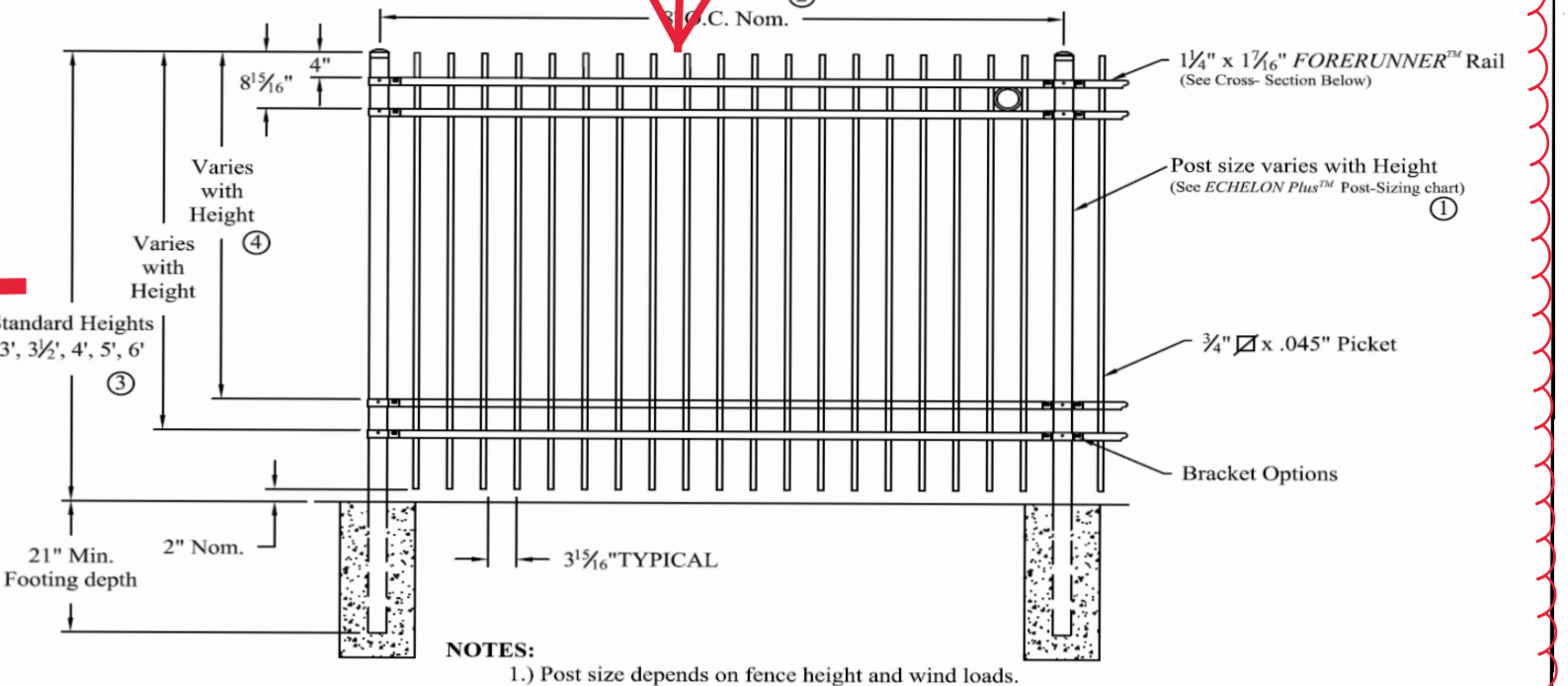
*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.***

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **Adding the proposed fence will not impair any of the above items and will not impact the roadway.***

DETAILED GRADING PLAN



LEGAL DESCRIPTION
LOTS 35, 36 AND 37 IN GRC SECTION 8, TOWNSHIP 36 NO. 1 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED IN KENDALL COUNTY, ILLINOIS
LOCAL MAILING ADDRESS:
JOYCE COURT
OSWEGO, ILLINOIS
PIN# 06-08-101-021-0000, 2-0000, 06-08-101-023-0000



BENCHMARK:
SITE BENCHMARK:
SET CUT CROSS ON NORTHEAST CORNER OF TRANSFORMER PAD AT LOTS 36 AND 37, GROVE ESTATES (AS SHOWN)
ELEVATION: 703.67 (NAVD88)

I, DAVID J. ZIENTEK, A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF ILLINOIS, HEREBY CERTIFY THAT THIS DETAILED GRADING PLAN HAS BEEN PREPARED UNDER MY SUPERVISION BY RUETTIGER, TONELLI & ASSOCIATES, INC., AN ILLINOIS PROFESSIONAL DESIGN FIRM No. 180-001251.
DATED THIS 24th DAY OF November 2021.
DAVID J. ZIENTEK, REGISTERED PROFESSIONAL ENGINEER

REVISIONS		
No.	DATE	DESCRIPTION

RT & A Ruettiger, Tonelli & Associates, Inc.
Surveyors • Engineers • Planners • Landscape Architects • G.I.S. Consultants
129 CAPISTA DRIVE • SHOREWOOD, ILLINOIS 60404
PH: (815) 744-6600 FAX: (815) 744-0101
website: www.ruettigertonnelli.com

DATE: 9-4-2020 SCALE: 1" = 20' DRAWN BY: ECH CHECKED BY: DJZ
PREPARED FOR: MICHELE MORRIS FIELD BOOK: 26-65
PAGE: 45-46
DRAWING No.: 320-0945-GP
DRAWING TITLE: DETAILED GRADING PLAN

Call Before You Dig
JULIE ILLINOIS ONE-CALL SYSTEM
CONTACT JULIE at 811 or 800-892-0123
48 Hours (2 Working Days) BEFORE YOU DIG.
Include the following:
County, City/Township, Section & 1/4 Section No.

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

ANY DISCREPANCY IN MEASUREMENT DISCOVERED UPON THE GROUND SHOULD BE PROMPTLY REPORTED TO THE SURVEYOR FOR EXPLANATION OR CORRECTION.

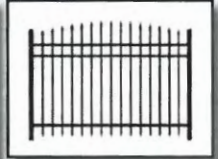
FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR ABSTRACT, DEED, CONTRACTS AND ZONING ORDINANCES.

NOTES FOR SILT FENCE

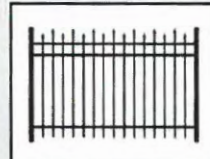
1. MAINTENANCE SHALL BE PERFORMED AS NEEDED AND MATERIAL SHALL BE REMOVED WHEN BULGES DEVELOP IN THE SILT FENCE.
2. FILTER CLOTH SHALL BE FILTER X, MIRAFI 100X, STABILINKA T140N, OR EQUAL.
3. PREFABRICATED UNIT SHALL BE GEOTAB, ENVIROFENCE, OR EQUAL.

SILT FENCE INSTALLATION
NOT TO SCALE

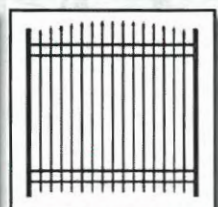
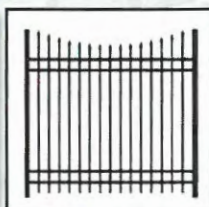
HUNDRED SERIES



Model 0131 - 3 Rail - with Spears
Heights: 36", 42", 48" & 60" • Length: 6' Sections



Model 0132 - 3 Rail - w/Alt. Spears
Heights: 36", 42", 48" & 60" • Length: 6' Sections



Model 0141 - 4 Rail - with Spears
Height: 72" • Length: 6' Sections

RESIDENTIAL ALUMINUM FENCE

- **Verified AAMA 2604-10 Compliant Powder Coated Aluminum Fence.**

Posts: 6063 - T5

Rails: 6063 - T6

Pickets: 6063 - T52

- **No Screws -**

Patented Hidden E-Clip

(Patent #US 7,152,849 B2)

Patented Rail Locks

(Patent #US 7,134,647 B2)

- **Gates - All Rails and Pickets are Welded.**

- **Lifetime Warranty[§].**

- **Standard Sections... Rack - 24" in 6'.**

- **Assembled Sections for Quick Installation.**

- **Eliminate Freight Damage with Company Owned Trucks and Securely Packaged Loads.**

§ 30-Year for Government, Municipalities and Corporations

SPECIFICATIONS

Hundred Series

	0131	0132	0141	0142	0220
Fence Heights	36", 42", 48", 60"	36", 42", 48", 60"	72"	72"	48"
Posts	2" x 2" x .060" wall w/6' centers	2" x 2" x .060" wall w/6' centers	2" x 2" x .090" wall w/6' centers	2" x 2" x .090" wall w/6' centers	2" x 2" x .060" wall w/6' centers
Gate Posts	2" x 2" (.060) w/Inserts = .190 Wall	2" x 2" (.060) w/Inserts = .190 Wall	2" x 2" (.090) w/Inserts = .220 Wall	2" x 2" (.090) w/Inserts = .220 Wall	2" x 2" (.060) w/Inserts = .190 Wall
Post Caps	2" Flat Cap/Standard 2" Ball Cap/Optional	2" Flat Cap/Standard 2" Ball Cap/Optional	2" Flat Cap/Standard 2" Ball Cap/Optional	2" Flat Cap/Standard 2" Ball Cap/Optional	2" Flat Cap/Standard 2" Ball Cap/Optional
Rails	1" Height x .085" Wall x 1 1/8" Width x .065" Wall	1" Height x .085" Wall x 1 1/8" Width x .065" Wall	1" Height x .085" Wall x 1 1/8" Width x .065" Wall	1" Height x .085" Wall x 1 1/8" Width x .065" Wall	1" Height x .085" Wall x 1 1/8" Width x .065" Wall
Pickets	5/8" x 5/8" x .045" Wall	5/8" x 5/8" x .045" Wall	5/8" x 5/8" x .045" Wall	5/8" x 5/8" x .045" Wall	5/8" x 5/8" x .045" Wall
Picket Spacing	3.792" between Pickets	3.792" between Pickets	3.792" between Pickets	3.792" between Pickets	3.792" between Pickets
Finial Option	Triad, Quad	Triad, Quad	Triad, Quad	Triad, Quad	
	0230	0233	0240	0243	
Fence Heights	36", 42", 48", 55", 60"	36", 42", 48", 55", 60"	72"	72"	
Posts	2" x 2" x .060" wall w/6' centers	2" x 2" x .060" wall w/6' centers	2" x 2" x .090" wall w/6' centers	2" x 2" x .090" wall w/6' centers	
Gate Posts	2" x 2" (.060) w/Inserts = .190 Wall	2" x 2" (.060) w/Inserts = .190 Wall	2" x 2" (.090) w/Inserts = .220 Wall	2" x 2" (.090) w/Inserts = .220 Wall	
Post Caps	2" Flat Cap/Standard 2" Ball Cap/Optional	2" Flat Cap/Standard 2" Ball Cap/Optional	2" Flat Cap/Standard 2" Ball Cap/Optional	2" Flat Cap/Standard 2" Ball Cap/Optional	
Rails	1" Height x .085" Wall x 1 1/8" Width x .065" Wall	1" Height x .085" Wall x 1 1/8" Width x .065" Wall	1" Height x .085" Wall x 1 1/8" Width x .065" Wall	1" Height x .085" Wall x 1 1/8" Width x .065" Wall	
Pickets	5/8" x 5/8" x .045" Wall	5/8" x 5/8" x .045" Wall	5/8" x 5/8" x .045" Wall	5/8" x 5/8" x .045" Wall	
Picket Spacing	3.792" between Pickets	3.792" between Pickets	3.792" between Pickets	3.792" between Pickets	
Finial Option		Triad, Quad		Triad, Quad	

* Meets National Pool Code Requirements for Height and Spacing. Check Local Pool Code Requirements.

Strong Wel

SINGLE & DOUBLE GATES



1230R - Double Drive Gate w/Continuous Arch

- CourtYard® Gates use Non-corrosive Hardware.
- Single Gates up to 16' Wide.
- Double Gates up to 32' Wide.



1131 - Single 36" Wide

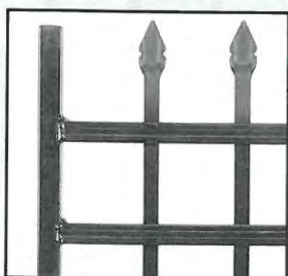


1233 - 72" Wide Gate w/Standard Brace

Stainless Steel
Medium Duty
Hinge



Stainless Steel
Gravity Latch



CourtYard® Gates -
All rails and Pickets
are welded.



Locking Latch



Self-Closing Hinge

Features and

**No UNSIGHTLY
SCREWS!**

Industrial



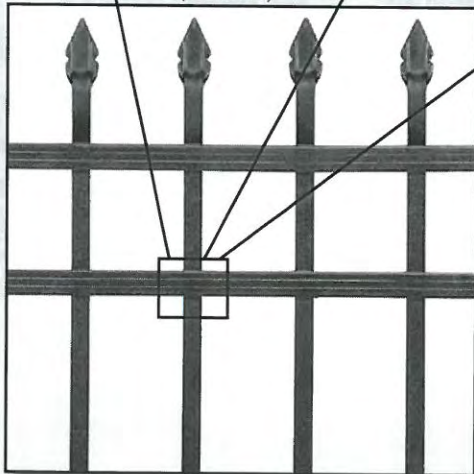
Residential



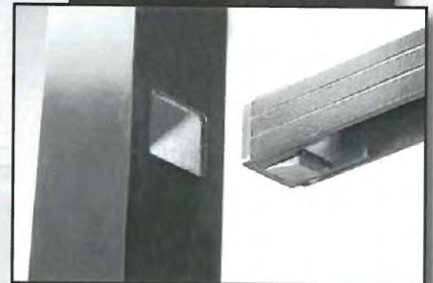
Commercial



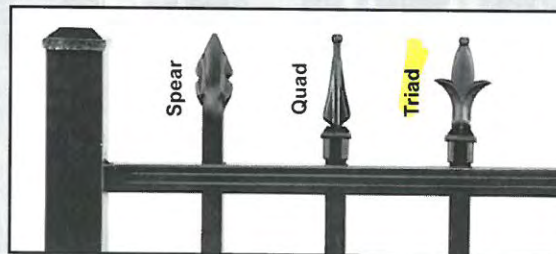
**Hidden E-Clip
Fasteners
(Patented)**



**ELIMINATE
SCRATCHES**



**Hidden Rail Locks
(Patented)**



**Finials
Spear • Quad • Triad**

- **Aluminum Alloy**
- **Posts: 6063 - T6**
- **Rails: 6063 - T6**
- **Pickets: 6063**

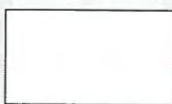


STANDARD COLORS

**Touch Up
Cans and
Pens**



Satin Black
DSI 101



Gloss White
DSI 102



Gloss Beige
DSI 104



Black Fine Texture
DSI 106



Bronze Fine Texture
DSI 107



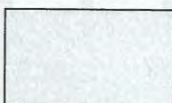
Speckled Walnut
DSI 121



DSI 110 (Optional)
Gold Accent
Fine Texture



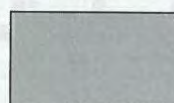
Sandy Shore
DSI 122



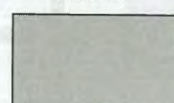
White Fine Texture
DSI 123



Chocolate
DSI 124



Silver*
DSI 125



Clay
DSI 128



Ninety Bronze
DSI 131

Colors shown are a close representation of the true color. Please consult actual samples for accurate powder coating colors.

* 15% upcharge applies to Silver with minimum order

Special Options



Standard Residential Section - Rails 20" in a 6' Section
 Residential Section w/Rings - Rails 10" in a 6' Section
 Double Punching Increases Racking Angle



Short Picket Option (Flat Rail Option Shown)

- *Per Foot Sections... Available from 3' to 6'* (Even spacing between verticals)
- *Per Inch Sections... Available from 36" to 72"* (Ring models do not apply)



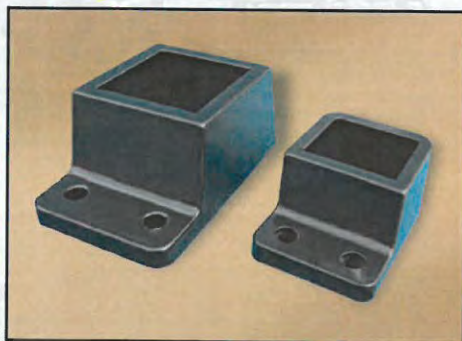
Flat Post Caps Ball



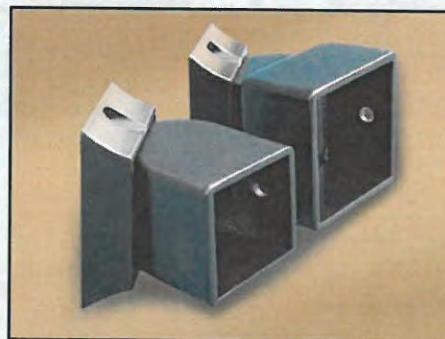
Gold Options



2-1/2" Post Mount Flair



Industrial Residential
 Wall Mount



Residential Industrial
 Swivel Mount



2-1/2" Post Mount

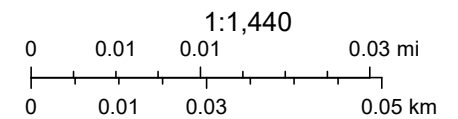


March 22, 2021

🏠 Kendall County Address Points

Parcels

Ownership Parcel



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Kendall County Web GIS

View GIS Disclaimer at <https://www.co.kendall.il.us/departments/geographic-information-systems/gis-disclaimer-page/>.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**Petition 21-13
Martin and Kathryn Ivec
Fence Building Height Variance****INTRODUCTION**

The Petitioners own 7301 Joyce Court (Lots 34 in Grove Estates), 7324 Roberts Court (Lot 33 in Grove Estates), and 7310 Roberts (Lot 32 in Grove Estates). They wish to construct an open air iron fence in the front yard of the property at a maximum height of five feet ten inches (5'10").

The Petitioner's neighbor at 7251 Joyce Court (Lots 35, 36, and 37) has the same request (see Petition 21-12).

The application materials are included as Attachment 1. The plat of survey showing the proposed location of the fence is included as Attachment 2. The fence description is included as Attachment 3. The aerial of the property is included as Attachment 4.

SITE INFORMATION**PETITIONER** Martin and Kathryn Ivec**ADDRESSES** 7310 Roberts Court, 7324 Roberts Court, and 7301 Joyce Court, Oswego**LOCATION** Lots 32, 33, and 34 in Grove Estates**TOWNSHIP** Na-Au-Say**PARCEL #S** 06-08-151-018, -019, -020**LOT SIZE** 2.3 +/- Acres**EXITING LAND USE** Single Family Residential (Grove Estates Subdivision)**ZONING** RPD-2 Residential Planned Development-Two**LRMP**

Current Land Use	Single Family Residential
Future Land Use	Rural Residential (0.65 DU/Acre Max)
Roads	Joyce Court is a Local Road Maintained by Na-Au-Say Township
Trails	None
Floodplain/ Wetlands	None

REQUESTED ACTION Variance to allow installation of a fence at five feet ten inches (5'10") in height instead of the maximum four feet (4') in the front yard.

APPLICABLE § 4:14.A.2 – Fences
REGULATIONS

§13:04 – Variation Procedures and Requirements

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Single-Family Residential	RPD-2	Rural Residential (0.65 DU/Acre Max)	RPD-2
South	Single-Family Single	RPD-2	Rural Residential	A-1 and RPD-2
East	Single-Family Residential	RPD-2	Rural Residential	A-1 and RPD-2
West	Single-Family Residential	RPD-2	Rural Residential	A-1 and RPD-2

GENERAL INFORMATION

The County previously granted similar fence height variances at 7109 Roberts Court (Lot 23 of Grove Estates), 7126 Roberts Court (Lot 25 of Grove Estates), 4779 Lees Court (Lot 5 of Grove Estates), 7387 Roberts Drive (Lot 6 of Grove Estates), 7292 Fitkins Drive (Lot 10 of Grove Estates), and 4843 Lees Court (Lot 4 of Grove Estates).

The proposed fence would be placed inside an easement. While this is lawful, the Petitioner has been advised that the fence could be removed or damaged as part of work inside the easement.

Also as noted in the Attachment 2, the Petitioner would like to install one (1) double gate, one (1) at the driveway entrance. According to the information in Attachment 3, the gate would be a maximum thirty-two feet (32') wide.

As can be viewed on the aerial (See Attachment 4), many of the nearby lots are vacant. Similar variances could be submitted for these properties at some point in the future.

NA-AU-SAY TOWNSHIP

Na-Au-Say Township was emailed this proposal on March 26, 2021.

OSWEGO FIRE PROTECTION DISTRICT

The Oswego Fire Protection District was emailed this proposal on March 26, 2021.

FINDINGS OF FACT

§ 13.04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. Other properties have fenced in their whole lot and, as long as the Homeowners' Association is fine with the fence height, there should not be an issue.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is a variation that has been requested and could be requested in the future for other properties inside Grove Estates.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners do not have a hardship, but would like to install the fence as requested.

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.***

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **Adding the proposed fence will not impair any of the above items and will not impact the roadway.***

RECOMMENDATION

Staff recommends approval of the requested variance subject to the following conditions:

1. The maximum height of the fence shall be five feet ten inches (5' 10").
2. The fence shall be installed at substantially the locations shown in Attachment 2.
3. The fence shall be of the similar style as shown in the fence description provided in Attachment 3.
4. The Petitioner and future owners of the subject property acknowledge that the subject fence will be constructed inside an easement and that work inside the easement could cause damage or removal of the fence.
5. This variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns.

ATTACHMENTS

1. Application (Including Petitioner's Findings of Fact)
2. Plat of Survey
3. Fence Diagram
4. Aerial



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

APPLICATION

PROJECT NAME _____ FILE #: _____

NAME OF APPLICANT <u>Martin and Kathryn S. Ivec</u>		
CURRENT LANDOWNER/NAME(s) <u>0.7273</u>	<u>Lot 32 Grove Estates</u> <u>7310 Roberts Ct Oswego</u>	
SITE INFORMATION ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN) <u>06-08-101-018</u>
<u>Single fam Residential</u>	<u>RPD2</u>	<u>Rural Residential</u>
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input checked="" type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT PRELIMINARY PLAT etc.)	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.)
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT <u>Martin Ivec</u>	PRIMARY CONTACT MAILING ADDRESS [REDACTED] MAIL	
PRIMARY CONTACT PHONE # <u>cell</u>	[REDACTED] cell, etc.)	
ENGINEER CONTACT <u>David J. Zientek</u>	ENGINEER MAILING ADDRESS [REDACTED]	
ENGINEER PHONE # <u>office</u>	ENGINEER FAX #	ENGINEER OTHER # (cell, etc.)
[REDACTED]		
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT		DATE

FEE PAID:\$ _____
CHECK #: _____

¹Primary Contact will receive all correspondence from County

²Engineering Contact will receive all correspondence from the County's Engineering Consultants



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

APPLICATION

PROJECT NAME _____ FILE #: _____

NAME OF APPLICANT <u>Martin and Kathryn S. Irec</u>		
CURRENT LANDOWNER/NAME(S) <u>7324 Roberts Court, Oswego</u> <u>0.7985</u> <u>Lot 33 Grove Estates</u> <u>06-08-101-019</u>		
SITE INFORMATION ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
<u>Single fam Residential RPD2</u>	<u>Rural Residential</u>	
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input checked="" type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT PRELIMINARY PLAT etc.)	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> OTHER PLAT (Vacation, Dedication,
AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT E-MAIL
<u>Martin Irec</u>	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #		#(Cell, etc.)
[REDACTED]		[REDACTED]
ENGINEER CONTACT	ENGINEER MAILING ADDRESS	
<u>David J. Zientek</u>	[REDACTED]	[REDACTED]
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
[REDACTED]	[REDACTED]	[REDACTED]
QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT		DATE

FEE PAID:\$ _____
CHECK #: _____

¹Primary Contact will receive all correspondence from County

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DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

APPLICATION

PROJECT NAME _____ FILE #: _____

NAME OF APPLICANT <u>Martin and Kathryn S. Irec</u>		
CURRENT LANDOWNER/NAME(s) <u>0.7895</u> <u>7301 Joyce Ct, Oswego</u> <u>Lot 34 Grove Estates</u> <u>06-08-10/-020</u>		
SITE INFORMATION ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
<u>Single fam Residential</u>	<u>R PD2</u>	<u>Rural Residential</u>
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to _____)	<input checked="" type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: _____	<input type="checkbox"/> SITE PLAN REVIEW
<input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> PRELIMINARY PLAT etc.)	<input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> FINAL PLAT	<input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> OTHER PLAT (Vacation, Dedication,
<input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT <u>Martin Irec</u>	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	
PRIMARY CONTACT PHONE # <u>cell</u>	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER #(Cell, etc.)
[REDACTED]	ENGINEER MAILING ADDRESS	[REDACTED]
<u>David J. Zientek</u>	[REDACTED]	
ENGINEER PHONE #	ENGINEER FAX #	
[REDACTED]	[REDACTED]	
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT		DATE

FEE PAID:\$ _____
CHECK #: _____

¹Primary Contact will receive all correspondence from County

²Engineering Contact will receive all correspondence from the County's Engineering Consultants

Legal Description

Property Address: 7310 Roberts Court, Oswego Illinois 60543

P.I.N: 06-08-101-018

Lots 32 in Grove Estates being a subdivision in part of the west half of section 8, township 36 north, range 8 east of the third principal meridian, according to the plat thereof recorded October 12, 2006 as document number 2006-32893, in Kendall County, Illinois.

Legal Description

Property Address: 7324 Roberts Court, Oswego Illinois 60543

P.I.N: 06-08-101-019

Lots 33 in Grove Estates being a subdivision in part of the west half of section 8, township 36 north, range 8 east of the third principal meridian, according to the plat thereof recorded October 12, 2006 as document number 2006-32893, in Kendall County, Illinois.

Legal Description

Property Address: 7301 Joyce Court, Oswego Illinois 60543

P.I.N: 06-08-101-020

Lots 34 in Grove Estates being a subdivision in part of the west half of section 8, township 36 north, range 8 east of the third principal meridian, according to the plat thereof recorded October 12, 2006 as document number 200600032893, in Kendall County, Illinois.

AFFIDAVIT OF TITLE

STATE OF ILLINOIS)
) ss
COUNTY OF WILL)

The undersigned affiant, being first duly sworn, on oath says, and also covenants with and warrants to the grantee named:

That the affiant has an interest in the premises described below or in the proceeds thereof of is the grantor in the deed to **Martin & Kathryn Ivec**, grantee, conveying the following described premises:

Lots 32 and 33 in Grove Estates, being a subdivision in part of the west half of Section 8, Township 36 North, Range 8 East of the Third Principal Meridian in Kendall County, Illinois

That no labor or material has been furnished for said premises within the last four months that is not fully paid for.

That, since the title date of July 24, 2020, in the report on title issued by Chicago Title, no proceedings have been filed by or against this affiant since the date covered by the report of title, nor have any judgments or decrees been rendered against this affiant with respect to property described above; no suit is pending against affiant, nor is there any judgment note or other instrument signed by affiant that can result in a judgment or decree within five (5) days with respect to the property described above; all water taxes except the current bill, have been paid, and that all insurance policies assigned have been paid; and that this affidavit and covenant is made to induce, and in consideration of the said grantees consummating the purchase of said premises.

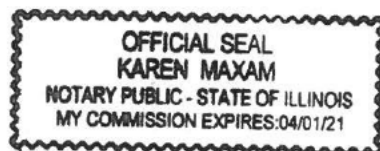
Affiant further states: nothing.

Grove Venture LLC

Subscribed and Sworn to before
Me this 18 day of August, 2020

Michael J. Steck

Notary Public



59

AFFIDAVIT OF TITLE

STATE OF ILLINOIS)
) ss
COUNTY OF WILL)

The undersigned affiant, being first duly sworn, on oath says, and also
convenants with and warrants to the grantee named:

That the affiant has an interest in the premises described below or in the
proceeds thereof of is the grantor in the deed to **Martin and Kathryn S. Ivec**
grantees, conveying the following described premises:

Lots 34 in Grove Estates, being a subdivision in part of the west half of Section 8,
Township 36 North, Range 8 East of the Third Principal Meridian according to the
plat thereof recorded as document no. 2006-32893, in Kendall County, Illinois

That no labor or material has been furnished for said premises within the
last four months that is not fully paid for.

That, since the title date of 7-29-2020, in the report on title issued
by ChicagoTitle, no proceedings have been filed by or against this affiant since
the date covered by the report of title, nor have any judgments or decrees been
rendered against this affiant with respect to property described above; no suit is
pending against affiant, nor is there any judgment note or other instrument
signed by affiant that can result in a judgment or decree within five (5) days with
respect to the property described above; all water taxes except the current bill,
have been paid, and that all insurance policies assigned have been paid; and
that this affidavit and covenant is made to induce, and in consideration of the
said grantees consummating the purchase of said premises.

Affiant further states: nothing.

Grove Venture LLC
Michael J. Steck, Managing Member

Subscribed and Sworn to before
Me this 30 day of July, 2020

Michael J. Steck

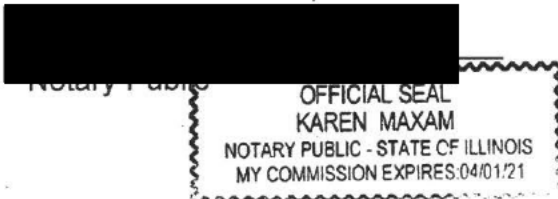


Exhibit B

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. Other properties have fenced in their whole lot and, as long as the Homeowners' Association is fine with the fence height, there should not be an issue.

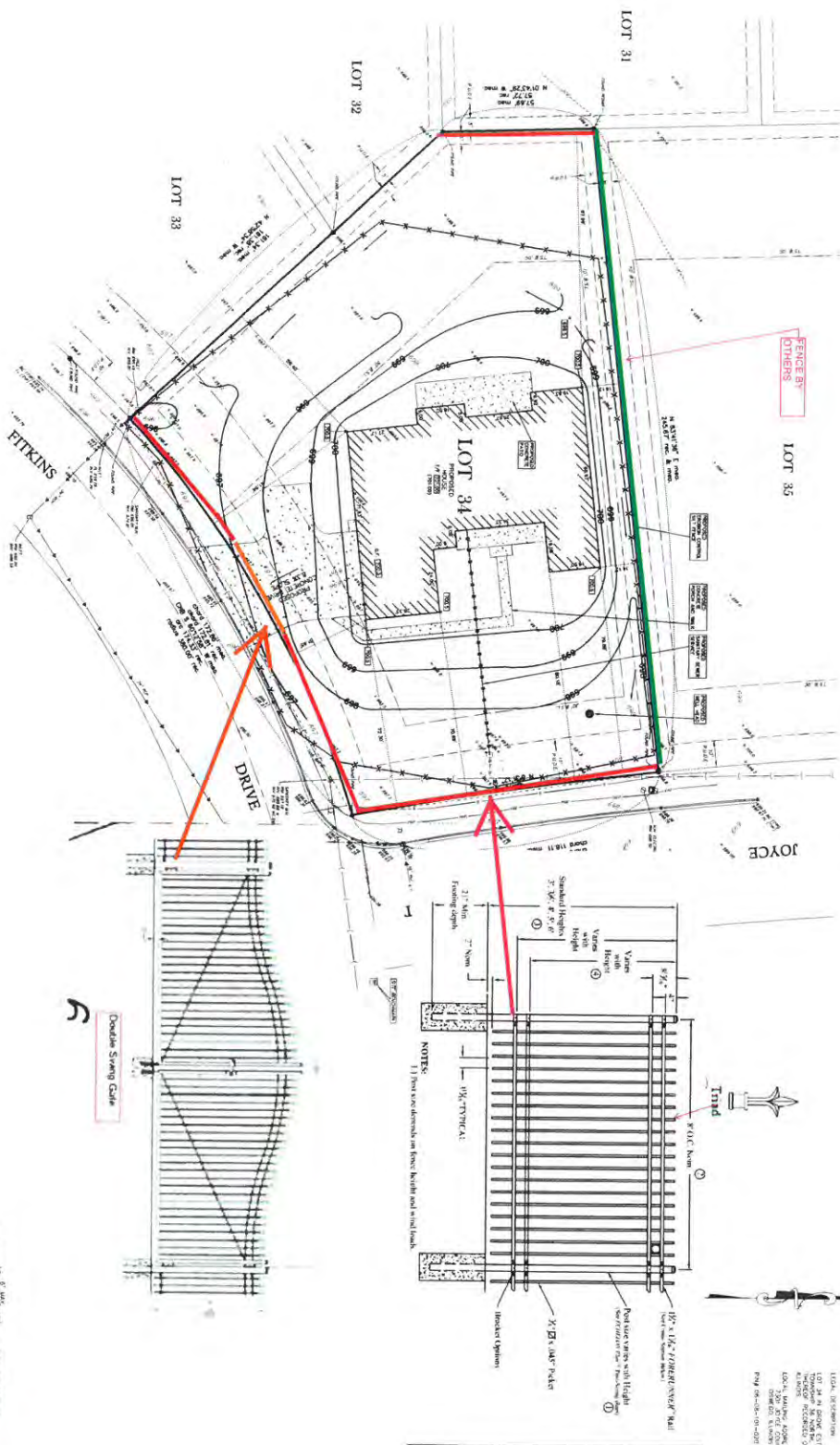
That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is a variation that has been requested and could be requested in the future for other properties inside Grove Estates.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners do not have a hardship, but would like to install the fence as requested.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Adding the proposed fence will not impair any of the above items and will not impact the roadway.

DETAILED GRADING PLAN

[illegible]

1. DRAIN SLOPES NOT TO EXCEED 4 TO 1
2. DRAIN FOOTINGS AS REQUIRED TO PREVENT ANCHORAGE FRUST PROTECTION
3. DRAIN SLOPE TO WHICH AS REQUIRED TO A MINIMUM OF 0.5% ABOVE GRADE
4. DRAINAGE SLOPES NOT TO EXCEED 10%
5. EROSION CONTROL TO BE APPLIED FOR THE ENTIRE PROJECT PERIOD FOR URBAN AND SUBURBAN AREAS AND RURAL AREAS CONTROL MATERIAL, LATEST EDITION.
6. FIELD VERIFY LOCATIONS OF ALL EXISTING UTILITIES PRIOR TO ANY CONSTRUCTION

NOTES FOR SILT FENCE

1. MAINTENANCE SHALL BE PERFORMED AS REQUIRED AND MATERIAL SHALL BE REMOVED WHEN BLOCKS EXPOSED BY THE SALT FLAKE.
2. FALTER CLOTH SHALL BE FILTER A, WASH 100% STEAMING TITRUM OR EQUAL.
3. PREPARED UNIT SHALL BE DRYED, EVAPORATED, OR EQUAL.

SILT FENCE INSTALLATION
NOT TO SCALE

NOT TO SCALE

REVISIONS					
No.	DATE	DESCRIPTION	BY	CHECKED BY	APPROVED BY
1	01-18-21	METALLO DRAINAGE PUMP CLIENT	BZL		

Ruettinger, Tonelli & Associates, Inc.
 10000 Ruggles Avenue • Landings, Maryland 21115 • Phone 410/341-1000

DATE: 10/26/2015 SCALE: 1" = 20' DRAWN BY: ECH CHECKED BY: BUZ
PROJECT: 10/26/2015
FIELD BOOK: 28-63

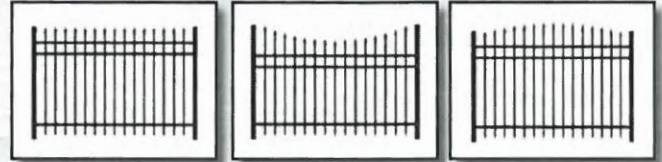
DRAWING TITLE: DETAILED GRADING PLAN
DRAINAGE NO.: 320-1510-AP

BENCHMARK:

CU1 CROSS ON ACETONE-ACET CONCENTR FOR TRANSFORMATION
FIND REAR THE SOLUTIONS CORRECT IX (01 AG
(45 SMOEN)
EVALUATION 655-42 (NAD-088)

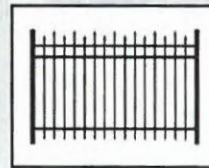


HUNDRED SERIES



Model 0131 - 3 Rail - with Spears

Heights: 36", 42", 48" & 60" • Length: 6' Sections



Model 0132 - 3 Rail - w/Alt. Spears

Heights: 36", 42", 48" & 60" • Length: 6' Sections



Model 0141 - 4 Rail - with Spears

Height: 72" • Length: 6' Sections

RESIDENTIAL ALUMINUM FENCE

- **Verified AAMA 2604-10 Compliant Powder Coated Aluminum Fence.**

Posts: 6063 - T5

Rails: 6063 - T6

Pickets: 6063 - T52

- **No Screws -**

Patented Hidden E-Clip
(Patent #US 7,152,849 B2)

Patented Rail Locks
(Patent #US 7,134,647 B2)

- **Gates - All Rails and Pickets are Welded.**

- **Lifetime Warranty[§].**

- **Standard Sections... Rack - 24" in 6'.**

- **Assembled Sections for Quick Installation.**

- **Eliminate Freight Damage with Company Owned Trucks and Securely Packaged Loads.**

§ 30-Year for Government, Municipalities and Corporations

SPECIFICATIONS

Hundred Series

	0131	0132	0141	0142	0220
Fence Heights	36", 42", 48", 60"	36", 42", 48", 60"	72"	72"	48"
Posts	2" x 2" x .060" wall w/6' centers	2" x 2" x .060" wall w/6' centers	2" x 2" x .090" wall w/6' centers	2" x 2" x .090" wall w/6' centers	2" x 2" x .060" wall w/6' centers
Gate Posts	2" x 2" (.060) w/Inserts = .190 Wall	2" x 2" (.060) w/Inserts = .190 Wall	2" x 2" (.090) w/Inserts = .220 Wall	2" x 2" (.090) w/Inserts = .220 Wall	2" x 2" (.060) w/Inserts = .190 Wall
Post Caps	2" Flat Cap/Standard 2" Ball Cap/Optional	2" Flat Cap/Standard 2" Ball Cap/Optional	2" Flat Cap/Standard 2" Ball Cap/Optional	2" Flat Cap/Standard 2" Ball Cap/Optional	2" Flat Cap/Standard 2" Ball Cap/Optional
Rails	1" Height x .085" Wall x 1 1/8" Width x .065" Wall	1" Height x .085" Wall x 1 1/8" Width x .065" Wall	1" Height x .085" Wall x 1 1/8" Width x .065" Wall	1" Height x .085" Wall x 1 1/8" Width x .065" Wall	1" Height x .085" Wall x 1 1/8" Width x .065" Wall
Pickets	5/8" x 5/8" x .045" Wall	5/8" x 5/8" x .045" Wall	5/8" x 5/8" x .045" Wall	5/8" x 5/8" x .045" Wall	5/8" x 5/8" x .045" Wall
Picket Spacing	3.792" between Pickets	3.792" between Pickets	3.792" between Pickets	3.792" between Pickets	3.792" between Pickets
Finial Option	Triad, Quad	Triad, Quad	Triad, Quad	Triad, Quad	
	0230	0233	0240	0243	
Fence Heights	36", 42", 48", 55"*, 60"	36", 42", 48", 55"*, 60"	72"	72"	
Posts	2" x 2" x .060" wall w/6' centers	2" x 2" x .060" wall w/6' centers	2" x 2" x .090" wall w/6' centers	2" x 2" x .090" wall w/6' centers	
Gate Posts	2" x 2" (.060) w/Inserts = .190 Wall	2" x 2" (.060) w/Inserts = .190 Wall	2" x 2" (.090) w/Inserts = .220 Wall	2" x 2" (.090) w/Inserts = .220 Wall	
Post Caps	2" Flat Cap/Standard 2" Ball Cap/Optional	2" Flat Cap/Standard 2" Ball Cap/Optional	2" Flat Cap/Standard 2" Ball Cap/Optional	2" Flat Cap/Standard 2" Ball Cap/Optional	
Rails	1" Height x .085" Wall x 1 1/8" Width x .065" Wall	1" Height x .085" Wall x 1 1/8" Width x .065" Wall	1" Height x .085" Wall x 1 1/8" Width x .065" Wall	1" Height x .085" Wall x 1 1/8" Width x .065" Wall	
Pickets	5/8" x 5/8" x .045" Wall	5/8" x 5/8" x .045" Wall	5/8" x 5/8" x .045" Wall	5/8" x 5/8" x .045" Wall	
Picket Spacing	3.792" between Pickets	3.792" between Pickets	3.792" between Pickets	3.792" between Pickets	
Finial Option		Triad, Quad		Triad, Quad	

* Meets National Pool Code Requirements for Height and Spacing. Check Local Pool Code Requirements.

Strong Wel

SINGLE & DOUBLE GATES



1230R - Double Drive Gate w/Continuous Arch

- *CourtYard® Gates use Non-corrosive Hardware.*
- *Single Gates up to 16' Wide.*
- *Double Gates up to 32' Wide.*



1131 - Single 36" Wide

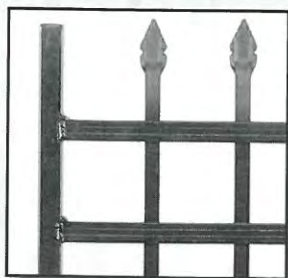


1233 - 72" Wide Gate w/Standard Brace

Stainless Steel
Medium Duty
Hinge



Stainless Steel
Gravity Latch



CourtYard® Gates -
All rails and Pickets
are welded.



Locking Latch



Self-Closing Hinge

ded Gates

MATCHING GATES WITH RINGS

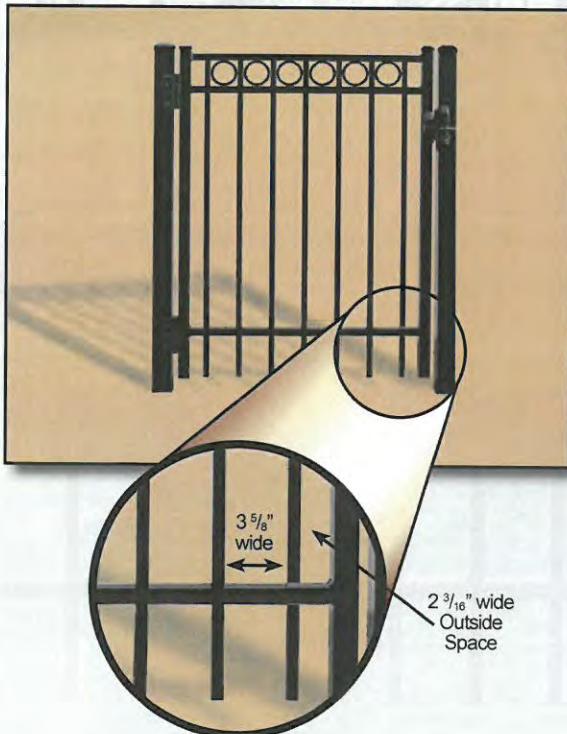
Your Choice - "Perfect Fit" or Standard Gates

- Matching Gates for 3 Residential Styles - 1131R, 1132R & 1230R.
- Available in Straight & Arched.



1230R - 48" Wide Arched "Perfect Fit"

1230R - 36" Wide Straight "Standard"



Gate Width Specifications

1131R & 1230R - "Perfect Fit" Gates

Gate Sizes	# of Pickets	# of Rings	Actual Width	Actual Opening
36" wide	6	7	33"	34 1/2"
42" wide	8	9	41 3/4"	43 1/4"
48" wide	9	10	46 3/16"	47 11/16"
60" wide	12	13	59 3/8"	60 7/8"
72" wide	14	15	68 1/8"	69 5/8"
72" wide	15	16	72 1/2"	74"

1132R - "Perfect Fit" Gates

Gate Sizes	# of Pickets	# of Rings	Actual Width	Actual Opening
36" wide	7	8	37 3/8"	38 7/8"
42" wide	7	8	37 3/8"	38 7/8"
48" wide	9	10	46 3/16"	47 11/16"
60" wide	11	12	55"	56 1/2"
72" wide	13	14	63 3/4"	65 1/4"
72" wide	15	16	72 1/2"	74"

1131R - Standard Gates

Gate Sizes	# of Pickets	# of Rings	Actual Width	Actual Opening	Approx. End Space
36" wide	7	6	34 1/2"	36"	2 3/16"
42" wide	8	7	40 1/2"	42"	3"
48" wide	10	9	46 1/2"	48"	1 9/16"
60" wide	12	11	58 1/2"	60"	3 3/16"
72" wide	15	14	70 1/2"	72"	2 9/16"

1132R - Standard Gates

Gate Sizes	# of Pickets	# of Rings	Actual Width	Actual Opening	Approx. End Space
36" wide	7	6	34 1/2"	36"	2 3/16"
42" wide	9	8	40 1/2"	42"	2 5/32"
48" wide	9	8	46 1/2"	48"	3 25/32"
60" wide	13	12	58 1/2"	60"	1"
72" wide	15	14	70 1/2"	72"	2 9/16"

1230R - Standard Gates

Gate Sizes	# of Pickets	# of Rings	Actual Width	Actual Opening	Approx. End Space
36" wide	7	6	34 1/2"	36"	2 3/16"
42" wide	8	7	40 1/2"	42"	3"
48" wide	10	9	46 1/2"	48"	1 9/16"
60" wide	12	11	58 1/2"	60"	3 3/16"
72" wide	15	14	70 1/2"	72"	2 9/16"

GATE SPECIFICATIONS

Heights: 36", 42", 48", 54", 60", 72"

Posts: 2 1/2" x 2 1/2" x .065" Wall w/6" centers

Gate Posts: 2 1/2" Gate Post w/Inserts = .190" Wall

Post Caps: 2 1/2" Flat Cap - Standard (2 1/2" Ball Cap - Optional)

Rails: 1" Height (.100" Wall) x 1 1/8" Width (.100" Wall)

Pickets: 3/4" x 3/4"

Picket Spacing: 3.65" between pickets

Rings: 3.620" Diameter x .375" Width x .625" Wall

* Meets BOCA Requirements for Height and Spacing.

Features and

**No UNSIGHTLY
SCREWS!**

**ELIMINATE
SCRATCHES**

Industrial



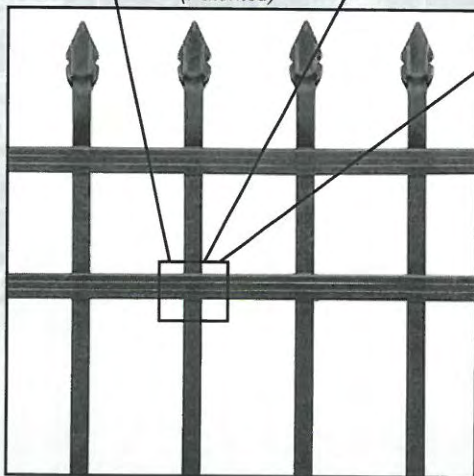
Residential



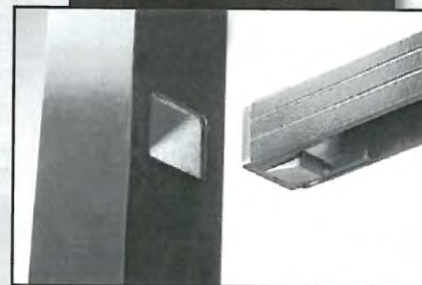
Commercial



**Hidden E-Clip
Fasteners
(Patented)**



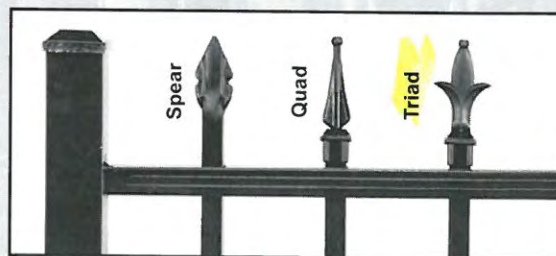
**Hidden Rail Locks
(Patented)**



Spear

Quad

Triad



Finials

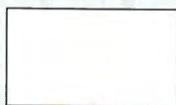
Spear • Quad • Triad

- **Aluminum Alloy**
- **Posts: 6063 - T6**
- **Rails: 6063 - T6**
- **Pickets: 6063**

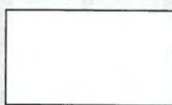


STANDARD COLORS

**Touch Up
Cans and
Pens**



Satin Black
DSI 101



Gloss White
DSI 102



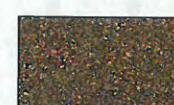
Gloss Beige
DSI 104



Black Fine Texture
DSI 106



Bronze Fine Texture
DSI 107



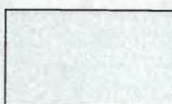
Speckled Walnut
DSI 121



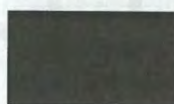
**DSI 110 (Optional)
Gold Accent
Fine Texture**



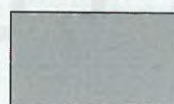
Sandy Shore
DSI 122



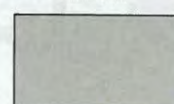
White Fine Texture
DSI 123



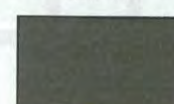
Chocolate
DSI 124



Silver*
DSI 125



Clay
DSI 128



Ninety Bronze
DSI 131

Colors shown are a close representation of the true color. Please consult actual samples for accurate powder coating colors.

* 15% upcharge applies to Silver with minimum order

Special Options



Standard Residential Section - Racks 20" in a 6' Section
Residential Section w/Rings - Racks 10" in a 6' Section
Double Punching Increases Racking Angle



Short Picket Option (Flat Rail Option Shown)

- *Per Foot Sections... Available from 3' to 6'* (Even spacing between verticals)
- *Per Inch Sections... Available from 36" to 72"* (Ring models do not apply)



Post Caps
Flat Ball



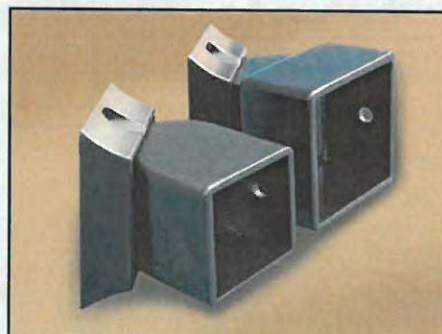
Gold Options



2-1/2" Post Mount Flair



Industrial Residential
Wall Mount



Residential Industrial
Swivel Mount




2-1/2" Post Mount

Kendall County Web GIS

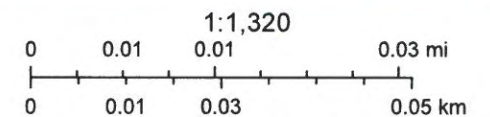


Attachment 4

March 22, 2021

 Kendall County Address Points Parcels

Ownership Parcel



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Kendall County Web GIS

View GIS Disclaimer at <https://www.co.kendall.il.us/departments/geographic-information-systems/gis-disclaimer-page/>.



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 21-14

Laura Denges

**A-1 Special Use Permit for Winery (Production and Sale of
Wine Utilizing Crops Not Grown on the Premises or In
Combination with Crops Grown on the Premises)**

INTRODUCTION

According to the information provided to the County, the Petitioner would like to operate a winery at the subject property.

The application materials, including the business plan are included as Attachment 1. The plat of survey is included as Attachment 2. The site plan is included as Attachment 3. The aerial of the property is included as Attachment 4.

SITE INFORMATION

PETITIONER Laura Denges

ADDRESS 9396 Plattville Road

LOCATION Southeast Corner of Plattville Road and Route 47



TOWNSHIP Lisbon

PARCEL # 08-09-200-003

LOT SIZE 3.19 +/- Acres

EXISTING LAND Agricultural and Farmstead
USE

ZONING A-1 Agricultural District

LRMP	Current Land Use	Agricultural
	Future Land Use	Agricultural
	Roads	Plattville Road is a County Maintained Major Collector.
	Trails	None
	Floodplain/Wetlands	None

REQUESTED ACTION A-1 Special Use Permit for a Winery (Production and Sale of Wine Utilizing Crops Not Grown on the Premises or In Combination with Crops Grown on the Premises)

APPLICABLE REGULATIONS Section 7:01.D.45 – A-1 Special Uses – Permits Sales of Wine by Production and Sale of Wine Utilizing Crops Not Grown on the Premises or In Combination with Crops Grown on the Premises

Section 13:08 – Special Use Procedures

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Agricultural (County) Commercial (Plattville)	A-1
South	Agricultural	A-1	Agricultural (County) Commercial (Plattville)	A-1
East	Agricultural	A-1	Agricultural (County) Commercial and Business Park/Office (Plattville)	A-1
West	Agricultural	A-1	Agricultural and Comed ROW (County) Commercial (Plattville)	A-1

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCat submitted on March 19, 2021, and consultation was terminated (see Attachment 1, Pages 19-21).

NATURAL RESOURCES INVENTORY

NRI application submitted on March 16, 2021 (see Attachment 1, Page 18). The LESA score was 199 indicating a low level of protection. The NRI Report is included as Attachment 8.

ACTION SUMMARY

LISBON TOWNSHIP

Lisbon Township was emailed information on March 23, 2021. The Lisbon Township Planning

Commission did not have a quorum for their meeting on April 13, 2021. The members in attendance did not have any objections to the proposal.

VILLAGE OF PLATTVILLE

The Village of Plattville was emailed information on March 23, 2021.

LISBON-SEWARD FIRE PROTECTION DISTRICT

Lisbon-Seward Fire Protection District was emailed information on March 23, 2021. The Fire District had no objections to the proposal. They did request to do a life safety inspection of the property. The email stating their opinion is included as Attachment 9.

ZPAC

ZPAC reviewed this proposal at their meeting on April 6, 2021. The Petitioner agreed to meet with the Kendall County Health Department regarding well, septic, and food permits. The Petitioner agreed that the business would not start before Noon any day of the week. The business would normally operate between March and December. Grapes would be grown on the property. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes are included as Attachment 7.

HPC

Though not required by the Kendall County Zoning Ordinance, the Kendall County Historic Preservation reviewed this proposal at their meeting on April 19, 2021. The Petitioner indicated that she will not be making any structural changes to the barn. The Petitioner has installed interior walls and insulation. The Petitioner plans to replace some windows; the windows are not the original windows to the barn. The Petitioner planned to install an entry door where the double doors are located. The Petitioner indicated that her objective was to preserve the rustic atmosphere of the property. The Kendall County Historic Preservation Commission recommended approval of the special use permit with the condition that the barn be preserved by vote of four (4) in favor and zero (0) in opposition. The minutes of the meeting are included as Attachment 10.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on April 28, 2021. Discussion occurred about having an illuminated sign; the Petitioner indicated that she might like to have an illuminated sign in the future. Discussion occurred about potentially annexing the property into the Village of Plattville; the Petitioner was open to consider annexation. The Commission was concerned about placing a burden on the Petitioner to preserve the red barn. The overflow parking area would be of a similar substance as the main parking area. The Petitioner stated that the red barn would be the only building used for the business and would be the only building that would not be considered agricultural exempt. Two (2) unisex bathrooms would be located inside the red barn. The Petitioner did not have any plans to have a rental space available for group meetings. The Petitioner indicated that she was evaluating the HVAC system inside the barn and a heating system would be installed in the barn at some point in the future. The Petitioner indicated that she was willing to work with the neighboring farmer regarding the spraying of the field; grapes would be planted away from the field. The Petitioner indicated that she hoped to plant grapes in the next two (2) or three (3) years and grapes need three (3) years in this area to produce good yields. The Petitioner explained the difference between blended and non-blended wines. The Kendall County Regional Planning Commission recommended approval of the proposal by a vote of nine (9) in favor and zero (0) in opposition with one (1) Commissioner absent. The minutes of the meeting are included as Attachment 11.

GENERAL

According to the site plan (see Attachment 3), the Petitioner plans to operate the Gilted Edge Winery out of the existing barn located at southern end of the property. The barn is approximately two thousand seven hundred (2,700) square feet in size. A picture of the barn is included as Attachment 6.

The proposed sales area inside the barn will be approximately nine hundred (900) square feet.

Based on the square footage of the barn and the current Building Code, the maximum number of people allowed in the barn is sixty (60). The Petitioner indicated that they were aiming for twenty (20) to forty (40) people on the property.

The property presently consists of a single-family house and six (6) outbuildings.

No new buildings are planned for the site. No existing structures are planned for demolition.

The winery and special use permit would apply only to Parcel 1 of the plat of survey (see Attachment 2). The Petitioner also owns Parcel 2.

Section 7:01.D.45 places the following conditions on this type of special use permits:

1. Tasting, wholesale, and retail sale of wines are permitted.
2. The sale of ancillary items are permitted.
3. All required licenses and permits must be secured.
4. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet.
5. Sales areas shall be set back at least ninety feet (90') feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars.
6. Seasonal outdoor displays are also permitted.

If approved, this would be the third (3rd) special use permit for this type of use in the unincorporated area.

BUSINESS OPERATION

According to the business plan provided (see Attachment 1, Pages 2-13), the Petitioner would specialize in fruit wines and other classic wines with grapes sourced from California and Washington. They would initially produce twelve (12) varieties of wine with six (6) additional seasonal wines.

The Petitioner has conducted market analysis and has prepared a marketing and sales plan and financial plan.

In addition to the Petitioner and her investor, the business will have a manager and several servers.

Initial hours of operation would be on Friday from 5:00 p.m. until 9:00 p.m., Saturday from Noon until 8:00 p.m., and Sunday from Noon until 4:00 p.m. The hours of operation would expand as the business grows.

No food will be served at the property. Onsite operations will consist of a tasting room and retail center.

If approved, the Petitioner plans to start operations in August 2021.

BUILDING CODES

No new structures are planned for the property.

The remodeling of the barn will require proper building permits.

ENVIRONMENTAL HEALTH

According to the site plan (see Attachment 3, Page 2), a new septic system will be installed south of the existing barn.

No information was provided regarding a potable water source.

Electricity is onsite and they will be using a propane drop for heat.

A refuse area is planned southeast of the barn.

STORMWATER AND DRAINAGE

The property drains to the south and southeast.

Based on the information provided, no stormwater permits are required.

ROAD ACCESS

The property fronts Plattville Road. Patrons would use the existing farm access point to reach the parking lot.

PARKING

The site plan shows one (1) fourteen (14) stall gravel parking lot, including two (2) handicapped accessible parking spaces. The parking lot is approximately four thousand one hundred (4,100) square feet in size. The parking lot is connected to the winery by a walkway.

LIGHTING

No additional lighting was planned as part of this project.

SIGNAGE

The Petitioner plans to have a sign on Plattville Road. A picture of the sign is included as Attachment 5. No information was provided regarding sign dimensions or height. The sign will not be illuminated originally, but the Petitioner might want to install an illuminated sign in the future.

LANDSCAPING

No additional landscaping is planned.

NOISE CONTROL

No information regarding noise control was provided.

FINDINGS OF FACT

§ 13:08.J of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order recommend in favor of the applicant on special use permit applications. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*That 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. **The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan and conditions are placed in the special use permit governing hours of operation, noise levels, and number of people allowed on the property.***

*That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. **The proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise created from the proposed use. However, these negative impacts could be mitigated by restrictions related to hours of operation, noise regulations, and setting the maximum number of people allowed on the property.***

*That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. **True, the property has appropriate access from Plattville Road. The Petitioners are planning to install the necessary utilities. Drainage will not be an issue based on the proposed use and site plan.***

*That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. **This is true. The Petitioner is not requesting any variances.***

*That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. **True, the proposed use is consistent with an objective found on Page 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness."***

RECOMMENDATION

Staff recommends approval of the request special use permit subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the attached site plan (Attachment 3). An overflow parking lot may be installed east of the red barn.
2. The parking lot shown on the site plan (Attachment 3) shall be setback at least fifty-nine feet (59') from the centerline of Plattville Road; the same distance as the existing house. The business allowed by this special use permit shall not commence operations until the parking lot shown on the attached site plan (Attachment 3) is installed.
3. Tasting, wholesale, and retail sale of wines shall be permitted.
4. The sale of ancillary items related to the business allowed by this special use permit shall be permitted.
5. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Sales shall be restricted to inside the barn identified on the attached site plan (Attachment 3).
6. Seasonal outdoor displays related to the business allowed by this special use permit shall be permitted.
7. The business allowed by this special use permit may operate no earlier than Noon and no later than 9:00 p.m. any day of the week. The operators of the business allowed by this special use permit may conduct property maintenance outside the hours of operation. Business related deliveries may occur between 8:00 a.m. and 9:00 p.m. any day of the week.
8. The maximum number of employees of the business allowed by this special use permit shall be ten (10), including the business owners.
9. The maximum number of people allowed on the property in relation to the business allowed by this special use permit at any given time shall be sixty (60).
10. The owners of the business allowed by this special use permit may install one (1) business related sign along Plattville Road in substantially the location shown on the attached site plan (Attachment 3). The sign shall not be illuminated. **If the owner(s) or operators(s) of the business allowed by this special use permit want to install an illuminated sign in the future, the owner(s) or operator(s) of the business allowed by this special use permit must secure a variance to allow the placement of an illuminated sign. An amendment to this special use permit shall not be required for the placement of an illuminated sign. (Added after RPC Meeting).**
11. All trash and garbage generated by uses allowed by this special use permit shall be stored in the garbage areas designated on the site plan (Attachment 3). The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.
12. No music shall originate outside of any structure related to the operation of the business allowed by this special use permit.
13. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of

property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

14. None of the buildings associated with the business allowed by this special use permit shall be considered agricultural exempt structures. Applicable building and occupancy permits shall be secured for all new structures related to the business allowed by this special use permit. A new certificate of occupancy must be issued for the existing barn.
15. The owner(s) or operator(s) of the business allowed by this special use permit shall live at the subject property as their primary place of residence.
16. The owner(s) or operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. The owner(s) or operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
18. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

ATTACHMENTS

1. Application Materials
2. Plat of Survey
3. Site Plan
4. Aerial
5. Sign
6. Barn Picture
7. April 6, 2021 ZPAC Meeting Minutes
8. NRI Report
9. April 8, 2021 Lisbon-Seward Fire Protection District Email
10. April 10, 2021 Kendall County Historic Preservation Commission Minutes (This Petition Only)
11. April 28, 2021 Kendall County Regional Planning Commission Meeting Minutes



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

APPLICATION

PROJECT NAME WineryFILE # 21-14

NAME OF APPLICANT <u>Laura Denges</u>		
CURRENT LANDOWNER/NAME(S) <u>Laura Denges & Kenneth Loos</u>		
SITE INFORMATION ACRES <u>5.01</u>	SITE ADDRESS OR LOCATION <u>9396 Plattville Rd</u>	ASSESSOR'S ID NUMBER (PIN) <u>08-09-200-003</u>
EXISTING LAND USE <u>AG-1</u>	CURRENT ZONING <u>AG-1</u>	LAND CLASSIFICATION ON LRMP
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone to _____) <input type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: _____ <input type="checkbox"/> SITE PLAN REVIEW <input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT <u>Laura Denges</u>	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PR [REDACTED]
ENGINEER CONTACT [REDACTED]	ENGINEER MAILING ADDRESS [REDACTED]	ENGINEER EMAIL [REDACTED]
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [REDACTED]		DATE <u>2/17/21</u>

 FEE PAID: \$350.00 \$1158.00
 CHECK #: 153 155

RECEIVED
MAR 22 2021
KENDALL COUNTY
PLANNING, BUILDING
& ZONING

¹ Primary Contact will receive all correspondence from County

² Engineering Contact will receive all correspondence from the County's Engineering Consultants



Business Plan



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INTRODUCTION

Family Owned Winery Located just outside of Yorkville, IL. We are a small micro winery delivering true to grape flavor with ZERO Blend.

EXECUTIVE SUMMARY

- Opportunity: We will be the only family owned Winery in Kendall County.
- Mission: To provide superior product with small business approach and deliver a sense of family thru product and venue.
- Solution: Comes from a small family wanting to bring fun and atmosphere that can only be provided by a product made from the heart.
- Market Focus: We will target all ages from 21 years and older to provide a venue that brings people to see and product that keeps them coming back.
- Competitive Advantage: We are the only family owned winery in Kendall County that will provide tastings on site and retail space. We also do not blend any of our products we are true to the grapes and fruit we use.
- Ownership: Laura Denges and Kenneth Loos
- Expected Return: Year 1=\$57k Year 2= \$110k Year 3= \$150k
Growing year over year by 10% customer base and profitability.

COMPANY OVERVIEW

Welcome to Gilted Edge Winery; a family owned local winery. Who specializes in fruit wines with unique flavors without blending. Each of our wines are true to the product we put in them. We do not blend any of our wines together. We are young produced wine that has great flavor right up front due to the non-blending of our wines. We product not only fruit wines but we stay true to the classics. Such as Merlot, Cabernet, Moscato, Riesling, Table Red and Table White. Each of our grape wines are 100% sourced from California and Washington vineyards. We ask for 100% chosen grape which gives us the purist wine on the market.

With the non-blending properties we are able to produce in smaller quantities to keep over head down and produce a large varies of wines throughout the year. We stand to produce monthly roughly 300 bottles of our top producing wines and those that are produced in March are set to be able to purchase in Aug of 2021.

With this great feature we are able to produce young wine that taste like we have aged it for 1 to 3 years. With the flavor we produce as the experts say "Wine only gets better with Age" which is so true our wine will be able to stand up to 10 years bottled in our corks and still provide lasting taste that you had from 1st day of bottling.

BUSINESS DESCRIPTION

Gilted Edge Winery is a Micro Winery. Producing 12 different bottles of wine which is our staples in production. We will also produce up to 6 seasonal wines throughout the year. We consist of Fruit Wines and traditional wines. We are owned and operated by 2 sole investors myself and Kenneth Loos. We provide a family business experience local to the community and providing a source of Wine for the local community of family owned business. We look to stand out as the only Winery in the area of Yorkville providing a venue for tasting and onsite retail. We locally source all of our fruit in the area from Farmers Markets, Local retailers, and family owned business. We will also provide a small retail space where we stand to support other local businesses with an area to show off and sell their work.

We have source all of our seating from local area business such as Elburn, Aurora, Yorkville, and Morris to complete a tasting room and venue for our customers to come and visit and enjoy.

We will look to bring on board in the 1st year a Manager and servers that can help create the employees over time. The 1st year of operation will be a sourced from myself and Ken.

MARKET ANALYSIS

Current market analysis shows we are the only winery to establish in the Yorkville area. We have one set of competition which is currently up for sale in Kendall County. Standing to make us the only winery and tasting room in the local area. Setting us up for success vs competition.

We have done our research by visiting local wineries in Illinois and surrounding states. We stand to bring a unique environment with a 100 year old dairy barn converted to our tasting and production room. Giving a rustic platform and sense of charm that we have yet to see on the market thru our travels.

OPERATING PLAN

1st year plan: We will operate Friday Thru Sunday with limited hrs.

Friday- 5pm-9pm

Saturday 12p-8pm

Sunday 12p-4pm

We will not be serving any food at our location. We will be tasting room and retail center.

We will expand our hours of operation as business grows.

Payments done via credit or debit thru a credit card reader platform and with Cash.

We will use be using Square as our financial payment option and we will also be using QuickBooks for our book keeping portal as recommend by Legal.

We are focused on customers for repeat business and word of mouth. We will focus on local clients and social media outreach for further competitive edge.

Employees will be myself Laura Denges and Kenneth Loos.

We are working with Legal Zoom for all legal and tax advice.

MARKETING AND SALES PLAN

We currently have a Website and Blog from the onset of our company. This website is updated monthly with new content and products we are launching.

We will also be using a Social Media presence via Instagram and Facebook for events and product launches

We will use our Website as a sale portal for online shopping and pick up at location where we can validate ID's for age.

We will as have small local retailers in our shop as well providing Wine like products for décor.

We will also construct a sign on the front of the property which faces RT47 for advertising. We will also be connecting with our customers via word of mouth marketing.

We plan to have a wine of the month club and special occasions gift baskets thru out the year focusing on Holidays and weddings

FINANCIAL PLAN

We plan to open in Aug. of 2021. We are looking to Net Income in the first year of \$57K. We are looking to product around 1,000 gallons of wine in the first year doubling in year 2. Please see the break down In the sheet for Financial breakdown in Year 1.

12 MONTH PROFIT FIRST YEAR

(BASED ON 20 PEOPLE PER 3 DAYS OPEN AND \$18 PER TASTING INCLUDING GLASS)

**Please see separate Excel File.

Start Up Cost													
Gilted Edge Winery													
Revenue	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Estimate Product Sales	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	\$ 18,000.00
Less Sales Return & Discounts	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Service Revenue	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,610.00	\$ 8,610.00	\$ 8,610.00	\$ 8,610.00	\$ 8,610.00	\$ 43,050.00
Net Sales													\$ 61,050.00
Cost of Goods Sold								\$ (2,000.00)	\$ (2,000.00)	\$ (2,000.00)	\$ (2,000.00)	\$ (2,000.00)	\$ (10,000.00)
Gross Profit													\$ 51,050.00
Expenses	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Salaries & Wages													n/a
Marketing/Advertising	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 1,200.00
Utilities	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 1,920.00
Website Expenses													\$ 60.00
Internet/Phone	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 720.00
Insurance													\$ 1,400.00
Legal/Accounting													\$ 450.00
Office Supplies	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 3,000.00
Permits													\$ 2,730.00
Total Expenses													\$ 11,480.00
Income before Taxes													\$ 62,530.00
Income Tax Expenses													\$ (4,551.00)
Net Income													\$ 57,979.00

Year 1 Annual Avg thru Dec

Start Up Cost

Gilted Edge Winery

Revenue	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Estimate Product Sales	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	\$ 3,600.00	\$ 18,000.00
Less Sales Return & Discounts	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Service Revenue	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 8,610.00	\$ 8,610.00	\$ 8,610.00	\$ 8,610.00	\$ 8,610.00	\$ 43,050.00
Net Sales													\$ 61,050.00
Cost of Goods Sold								\$ (2,000.00)	\$ (2,000.00)	\$ (2,000.00)	\$ (2,000.00)	\$ (2,000.00)	\$ (10,000.00)
Gross Profit													\$ 51,050.00
Expenses	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Salaries & Wages													n/a
Marketing/Advertising	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 100.00	\$ 1,200.00
Utilities	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 1,920.00
Website Expenses													\$ 60.00
Internet/Phone	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 60.00	\$ 720.00
Insurance													\$ 1,400.00
Legal/Accounting													\$ 450.00
Office Supplies	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00	\$ 3,000.00
Permits													\$ 2,730.00
Total Expenses													\$ (11,880.00)
Income Before Taxes													\$ 39,170.00
Income Tax Expenses													\$ (4,551.00)
Net Income													\$ 34,619.00

Year 1 Annual Aug thru
Dec.

**TRUSTEE'S DEED
(ILLINOIS)**

File No. 20126087

THIS INDENTURE, made this 30th day of NOV, 2020 between Kathryn J. Penn, as Trustee under the provisions of a trust agreement dated June 24, 2013, and known as the Kathryn J. Penn Trust as to Parcel 1 and Kathryn J. Penn, married to Arthur Hiller, as to Parcel 2, Grantor, and Kenneth Loos and Laura Denges, ~~Grantee(s)~~ as Joint Tenants.

AN UNMARRIED MAN
** AN UNMARRIED WOMAN

WITNESSETH, that said Grantor(s) in consideration of the sum of Ten Dollars (\$10.00) receipt whereof is hereby acknowledged, and in pursuance of the power and authority vested in the Grantor(s) as said Trustee(s), and of every other power and authority the Grantor(s) hereunto enabling, do(es) hereby convey and warrants unto the Grantee(s), in fee simple, the following described real estate, situated in the County of Kendall, State of Illinois, to-wit:

PARCEL 1: THAT PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 35 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN BEING DESCRIBED BY COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE WESTERLY ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1820.00 FEET FOR THE POINT OF BEGINNING; THENCE SOUTHERLY AT RIGHT ANGLES TO SAID NORTH LINE, A DISTANCE OF 385.00 FEET; THENCE WESTERLY PARALLEL TO SAID NORTH LINE, A DISTANCE OF 397.00 FEET; THENCE NORTHERLY AT RIGHT ANGLES TO THE LAST DESCRIBED COURSE, A DISTANCE OF 385.00 FEET TO A POINT ON SAID NORTH LINE, SAID POINT BEING 397.00 FEET WESTERLY OF THE POINT OF BEGINNING; THENCE EASTERLY ALONG SAID NORTH LINE, 397.00 FEET TO THE POINT OF BEGINNING, IN THE TOWNSHIP OF LISBON, KENDALL COUNTY, ILLINOIS

PARCEL 2: THAT PART OF THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 35 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER, THENCE SOUTH 88 DEGREES 14' 18" WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 1820 94 FEET TO THE EAST LINE OF A TRACT (AS MONUMENTED) CONVEYED TO KATHRYN J PENN BY TRUSTEE'S DEED RECORDED JULY 19, 2010 AS DOCUMENT NUMBER 201000012473, THENCE SOUTH 01 DEGREE 45'42" EAST, ALONG SAID EAST LINE (AS MONUMENTED) BEING PERPENDICULAR TO THE LAST DESCRIBED COURSE, 385 0 FEET, THENCE SOUTH 88 DEGREE 14'18" WEST, ALONG THE SOUTH LINE OF SAID PENN TRACT (AS MONUMENTED) BEING PARALLEL WITH SAID NORTH LINE 397 0 FEET, THENCE NORTH 01 DEGREE 45'42" WEST, ALONG THE WEST LINE OF SAID PENN TRACT (AS MONUMENT) BEING PERPENDICULAR TO THE LAST DESCRIBED COURSE, 82 13 FEET FOR THE POINT OF BEGINNING, THENCE CONTINUING NORTH 01 DEGREE 45'42" WEST ALONG THE WEST LINE OF

SAID PENN TRACT (AS MONUMENTED), 257 0 FEET TO A SOUTHERLY LINE OF A TRACT CONVEYED TO THE PEOPLE OF THE STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION RECORDED MAY 14, 2014 AS DOCUMENT NUMBER, 201400006368, THENCE SOUTH 88 DEGREES 12'44" WEST, ALONG SAID SOUTHERLY LINE, 169 04 FEET, THENCE SOUTH 61 DEGREES 18'30" WEST, ALONG SAID SOUTHERLY LINE 103 67 FEET, THENCE SOUTH 00 DEGREE 14'11" EAST, ALONG ON EASTERLY LINE OF SAID DEPARTMENT OF TRANSPORTATION TRACT, 210 05 FEET TO A LINE DRAWN WESTERLY, PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, FROM THE POINT OF BEGINNING, THENCE NORTH 88 DEGREES 14'18" EAST, PARALLEL WITH SAID NORTH LINE, 267 06 FEET TO THE POINT OF BEGINNING IN LISBON TOWNSHIP, KENDALL COUNTY, ILLINOIS.

Commonly known as: 9396 Plattville Rd, Newark, IL 60541

Permanent tax number: 08-09-200-003 08-09-200-006

together with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

This is not homestead property as it pertains to Arthur Hillier.

To have and to hold, the same unto said party of the second part, and to the proper use, benefit and behoove, forever, of said party of the second part.

This deed is executed by the part of the first part, as Trustee, as aforesaid, pursuant to and in the exercise of the power and authority granted to and vested in it by the terms of said Deed or Deeds in Trust and the provisions of said Trust Agreement above mentioned, and of every other power and authority thereunto enabling.

Releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

BEGINNING, THENCE CONTINUING NORTH 01 DEGREE 45'42" WEST ALONG THE WEST LINE OF SAID PENN TRACT (AS MONUMENTED), 257 0 FEET TO A SOUTHERLY LINE OF A TRACT CONVEYED TO THE PEOPLE OF THE STATE OF ILLINOIS, DEPARTMENT OF TRANSPORTATION RECORDED MAY 14, 2014 AS DOCUMENT NUMBER, 201400006368, THENCE SOUTH 88 DEGREES 12'44" WEST, ALONG SAID SOUTHERLY LINE, 169 04 FEET, THENCE SOUTH 61 DEGREES 18'30" WEST, ALONG SAID SOUTHERLY LINE 103 67 FEET, THENCE SOUTH 00 DEGREE 14'11" EAST, ALONG ON EASTERLY LINE OF SAID DEPARTMENT OF TRANSPORTATION TRACT, 210 05 FEET TO A LINE DRAWN WESTERLY, PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER, FROM THE POINT OF BEGINNING, THENCE NORTH 88 DEGREES 14'18" EAST, PARALLEL WITH SAID NORTH LINE, 267 06 FEET TO THE POINT OF BEGINNING IN LISBON TOWNSHIP, KENDALL COUNTY, ILLINOIS.

Commonly known as: 9396 Plattville Rd, Newark, IL 60541

Permanent tax number: 08-09-200-003 08-09-200-006

together with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

To have and to hold, the same unto said party of the second part, and to the proper use, benefit and behoove, forever, of said party of the second part.

This deed is executed by the part of the first part, as Trustee, as aforesaid, pursuant to and in the exercise of the power and authority granted to and vested in it by the terms of said Deed or Deeds in Trust and the provisions of said Trust Agreement above mentioned, and of every other power and authority thereunto enabling. This deed is made subject to the liens of all trust deeds and/or mortgages upon said real estate, if any, recorded or registered in said county.

Releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

IN WITNESS WHEREOF, Grantor, not individually, but as Successor Trustee aforesaid, has hereunto set her hand and seal the day and year first above written.

[Redacted Signature]

Kathryn J. Penn as Trustee, aforesaid

[Redacted Signature]

Kathryn J. Penn, aforesaid

State of Illinois, County of Will ss.

I, the undersigned, a Notary public in and for said County, in the State aforesaid, DO HEREBY CERTIFY THAT Kathryn J. Penn as Trustee as to Parcel 1 and Kathryn J. Penn as to Parcel 2, personally known to me to be the same person whose name is subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that she signed, sealed and delivered the said instrument as her free and voluntary act as such trustee, for the uses and purposes therein set forth.

Given under my hand and official seal, this 30th day of Nov, 2020.

Commission expires 6-5, 2022

[Redacted Signature]

PUBLIC



This Instrument was prepared by:
Wilco Title, LLC
623 Rollingwood Drive
Shorewood IL 60404

MAIL TO d

SEND SUBSEQUENT TAX BILLS TO:

Kenneth Loos & Laura Denges



MAIL TO:



**Kendall County Soil & Water
Conservation District**

7775A Route 47, Yorkville, Illinois 60560 • (630)553-5821 extension 3



www.kendallswcd.org

NATURAL RESOURCE INFORMATION (NRI) REPORT APPLICATION

Petitioner: Laura Denaes

Address: 9390 Plathville Rd

City, State, Zip: Newark, IL 60541

Phone Number: [REDACTED]

Email: [REDACTED]

Contact Person: Same

Please select: How would you like to receive a copy of the NRI Report? ☒ Email ☐ Mail

Site Location & Proposed Use

Township Name USBON

Township _____ N, Range _____ E, Section(s) _____

Parcel Index Number(s) _____

Project or Subdivision Name A

Number of Acres 5.01

Current Use of Site Residential AG-1

Proposed Use Winery

Proposed Number of Lots 1

Proposed Number of Structures 1

Proposed Water Supply Well

Proposed type of Wastewater Treatment Septic

Proposed type of Storm Water Management _____

Type of Request

☐ Change in Zoning from _____ to _____

☐ Variance (Please describe fully on separate page)

☒ Special Use Permit (Please describe fully on separate page)

Name of County or Municipality the request is being filed with: Kendall County

In addition to this completed application form, please including the following to ensure proper processing:

☐ Plat of Survey/Site Plan - showing location, legal description and property measurements

☐ Concept Plan - showing the locations of proposed lots, buildings, roads, stormwater detention, open areas, etc.

☐ If available: topography map, field tile map, copy of soil boring and/or wetland studies

☒ NRI fee (Please make checks payable to Kendall County SWCD)

The NRI fees, as of July 1, 2010, are as follows:

Full Report: \$375.00 for five acres and under, plus \$18.00 per acre for each additional acre or any fraction thereof over five.

Executive Summary Report: \$300.00 (KCSWCD staff will determine when a summary or full report will be necessary.)

Fee for first five acres and under \$ 375.00

_____ Additional Acres at \$18.00 each \$ _____

Total NRI Fee \$ 375.00

NOTE: Applications are due by the 1st of each month to be on that month's SWCD Board Meeting Agenda. Once a completed application is submitted, please allow 30 days for inspection, evaluation and processing of this report.

I (We) understand the filing of this application allows the authorized representative of the Kendall County Soil and Water Conservation District (SWCD) to visit and conduct an evaluation of the site described above. The completed NRI report expiration date will be 3 years after the date reported.

[Signature]
Petitioner or Authorized Agent

2/17/21
Date

This report will be issued on a nondiscriminatory basis without regard to race, color, religion, national origin, age, sex, handicap or marital status.

FOR OFFICE USE ONLY

NRI# _____ Date initially rec'd _____

Fee Due \$ _____ Fee Paid \$ _____

Date all rec'd _____

Check # 96

Board Meeting _____

Over/Under Payment _____

Refund Due _____



Applicant: Laura Denges

Contact: Laura Denges

Address: [REDACTED]

IDNR Project Number: 2111763

Date: 03/19/2021

Project: Winery

Address: 9396 Plattville Rd, Newark

Description: Converting a 1900 dairy barn into winery

Natural Resource Review Results

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

The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.

Consultation 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. Termination does not imply IDNR's authorization or endorsement.

Location

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

County: Kendall

Township, Range, Section:

35N, 7E, 9



IL Department of Natural Resources

Contact

Adam Rawe

217-785-5500

Division of Ecosystems & Environment

Government Jurisdiction

Building and Zoning Commission

Matt Asseimeier

111 West Fox Street

Yorkville, Illinois 60560

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.

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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.

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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.

**EcoCAT Receipt****Project Code** 2111763**APPLICANT****DATE**

Laura Denges
 Laura Denges
 9396 Plattville Rd
 Newark, IL 60541

3/19/2021

DESCRIPTION**FEE****CONVENIENCE FEE****TOTAL PAID**

EcoCAT Consultation

\$ 125.00

\$ 2.81

\$ 127.81

TOTAL PAID**\$ 127.81**

Illinois Department of Natural Resources
 One Natural Resources Way
 Springfield, IL 62702
 217-785-5500
dnr.ecocat@illinois.gov

of the Zoning Ordinance outlined in Attachment 1, Page 22. The Zoning Board of Appeals shall consider in rendering a decision, but is not required to make an affirmative finding on all items in order to grant a **special use**. They are as follows:

That the establishment, maintenance, and operation of the special use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare. NO

That the special use will not be substantially injurious to the use and enjoyment of other properties in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole.

yes

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided.

yes

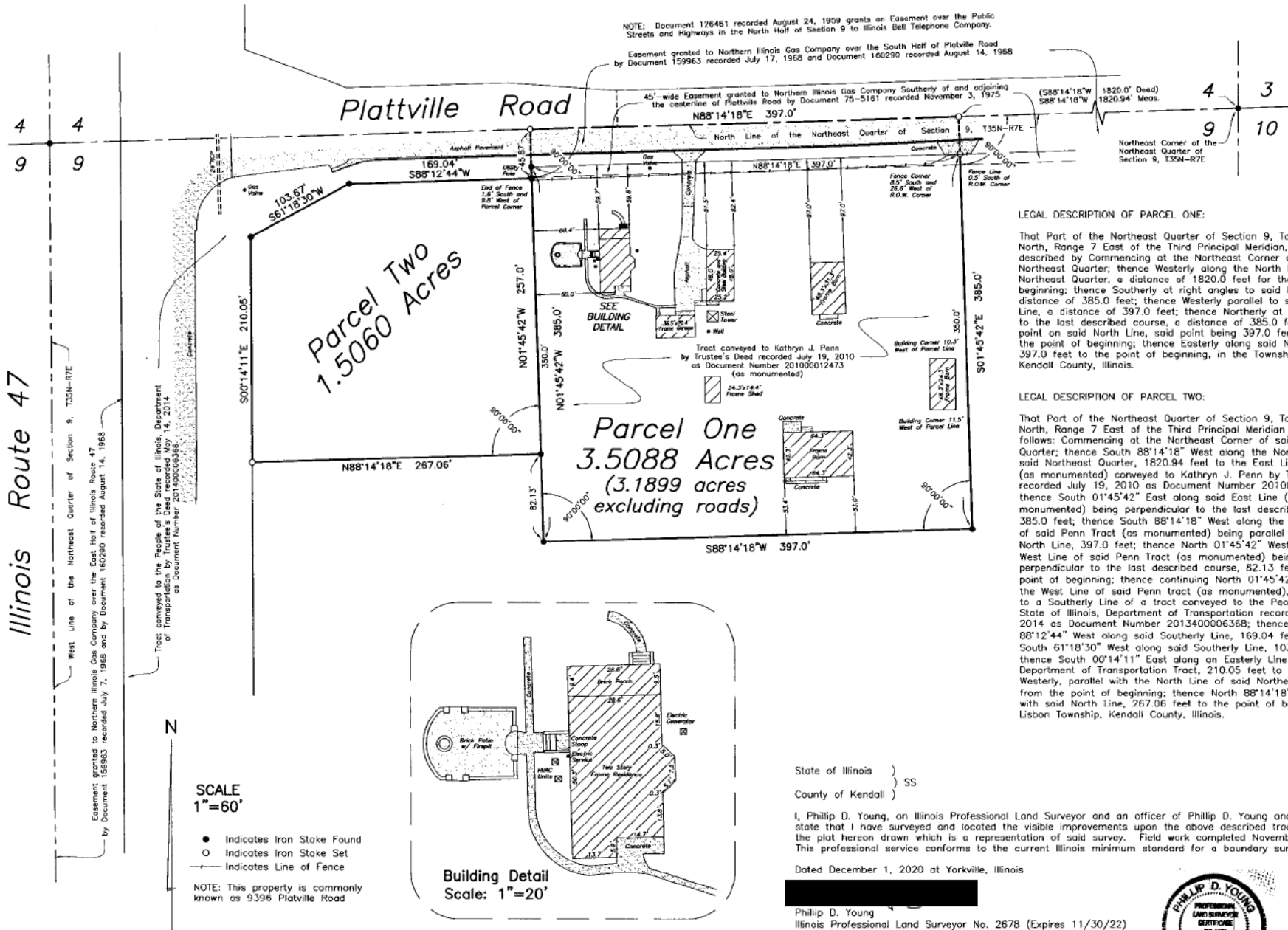
That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals yes

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

yes

PLAT OF SURVEY OF PART OF THE NORTHEAST QUARTER OF SECTION 9, T35N-R7E, 3rd PM LISBON TOWNSHIP KENDALL COUNTY ILLINOIS

NOTE: Document 126461 recorded August 24, 1959 grants an Easement over the Public Streets and Highways in the North Half of Section 9 to Illinois Bell Telephone Company.
Easement granted to Northern Illinois Gas Company over the South Half of Plattville Road by Document 159963 recorded July 17, 1968 and Document 160290 recorded August 14, 1968



LEGAL DESCRIPTION OF PARCEL ONE:

That Part of the Northeast Quarter of Section 9, Township 35 North, Range 7 East of the Third Principal Meridian, being described by Commencing at the Northeast Corner of said Northeast Quarter; thence Westerly along the North Line of said Northeast Quarter, a distance of 1820.0 feet for the point of beginning; thence Southerly at right angles to said North Line, a distance of 385.0 feet; thence Westerly parallel to said North Line, a distance of 397.0 feet; thence Northerly at right angles to the last described course, a distance of 385.0 feet to a point on said North Line, said point being 397.0 feet Westerly of the point of beginning; thence Easterly along said North Line, 397.0 feet to the point of beginning, in the Township of Lisbon, Kendall County, Illinois.

LEGAL DESCRIPTION OF PARCEL TWO:

That Part of the Northeast Quarter of Section 9, Township 35 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Northeast Corner of said Northeast Quarter; thence South 88°14'18" West along the North Line of said Northeast Quarter, 1820.94 feet to the East Line of a Tract (as monumented) conveyed to Kathryn J. Penn by Trustee's Deed recorded July 19, 2010 as Document Number 201000012473; thence South 01°45'42" East along said East Line (as monumented) being perpendicular to the last described course, 385.0 feet; thence South 88°14'18" West along the South Line of said Penn Tract (as monumented) being parallel with said North Line, 397.0 feet; thence North 01°45'42" West along the West Line of said Penn Tract (as monumented) being perpendicular to the last described course, 82.13 feet for the point of beginning; thence continuing North 01°45'42" West along the West Line of said Penn tract (as monumented), 257.0 feet to a Southerly Line of a tract conveyed to the People of the State of Illinois, Department of Transportation recorded May 14, 2014 as Document Number 2013400006368; thence South 88°12'44" West along said Southerly Line, 169.04 feet; thence South 61°18'30" West along said Southerly Line, 103.67 feet; thence South 00°14'11" East along an Easterly Line of said Department of Transportation Tract, 210.05 feet to a line drawn Westerly, parallel with the North Line of said Northeast Quarter, from the point of beginning; thence North 88°14'18" East parallel with said North Line, 267.06 feet to the point of beginning, in Lisbon Township, Kendall County, Illinois.

State of Illinois }
County of Kendall } SS

I, Phillip D. Young, an Illinois Professional Land Surveyor and an officer of Phillip D. Young and Associates, Inc., state that I have surveyed and located the visible improvements upon the above described tract as shown by the plat hereon drawn which is a representation of said survey. Field work completed November 30, 2020. This professional service conforms to the current Illinois minimum standard for a boundary survey.

Dated December 1, 2020 at Yorkville, Illinois

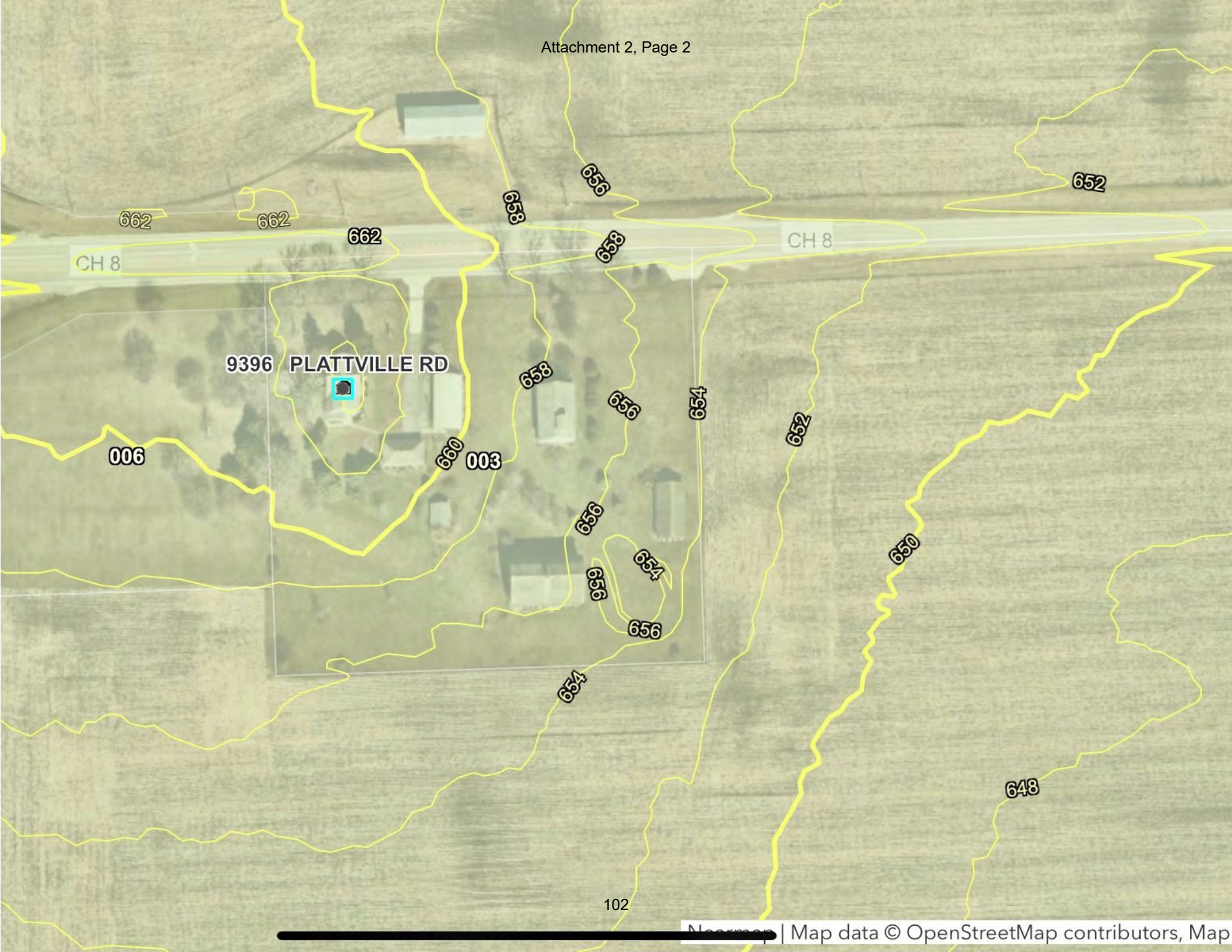
Philip D. Young
Illinois Professional Land Surveyor No. 2678 (Expires 11/30/22)



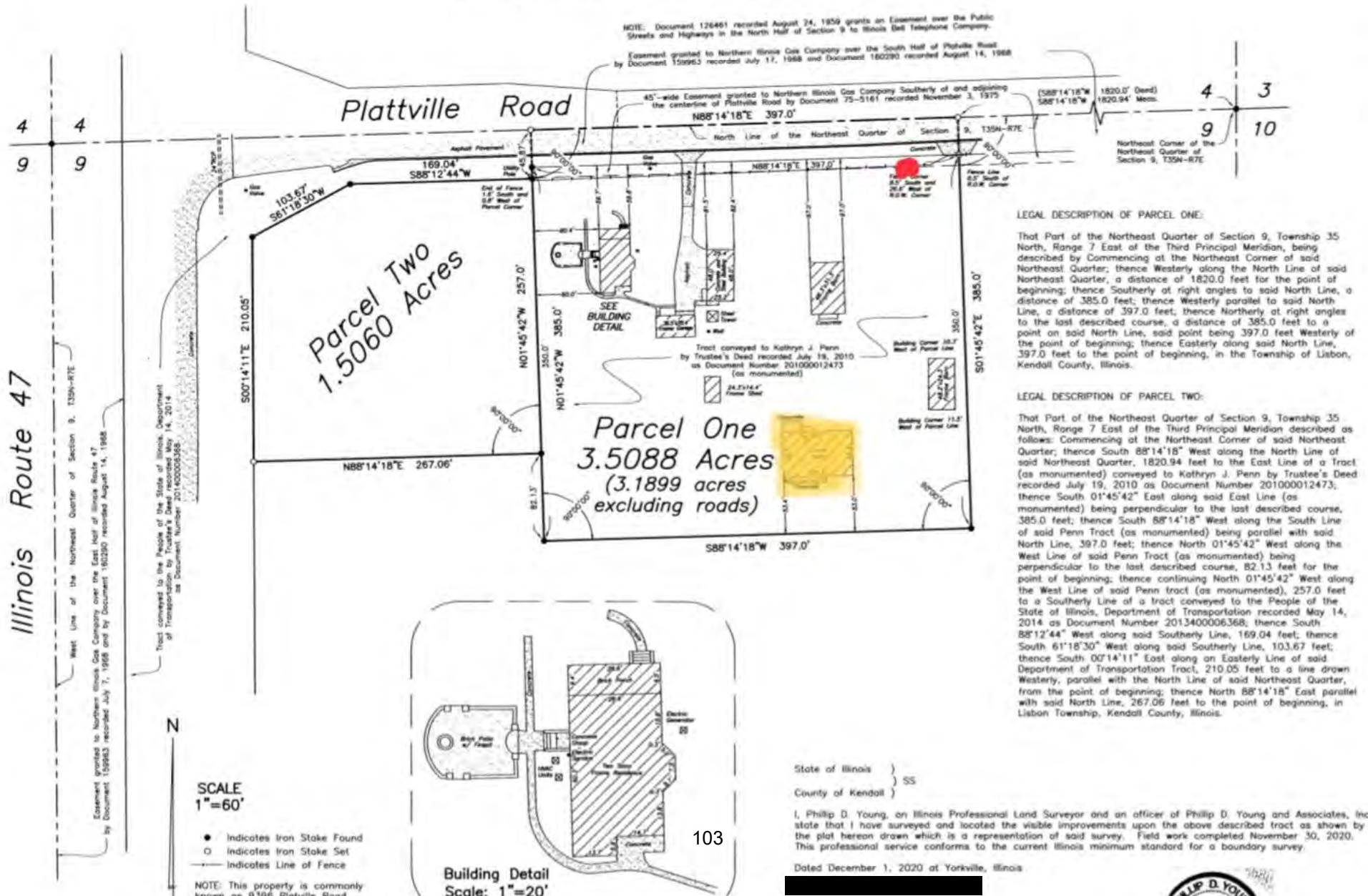
JOB NO. 20371
JOB NAME PENN
DWG FILE 20371

Philip D. Young and Associates, Inc.
LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775

11078 South Bridge Street
Yorkville, Illinois 60560
Telephone (630)553-1580



Red Dot-Sign Location



Plattville
KS

parking

field
septic

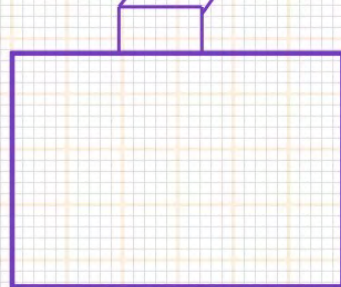
garage
septic

Plattville Rd

Handicap 2
12 standard

Parking Lot

Walk way
to winery



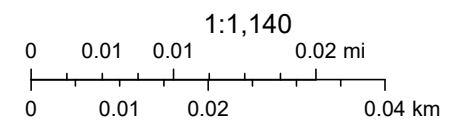


March 22, 2021

 Kendall County Address Points

Parcels

Ownership Parcel



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Kendall County Web GIS

View GIS Disclaimer at <https://www.co.kendall.il.us/departments/geographic-information-systems/gis-disclaimer-page/>.





03/23/2021 08:34

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
April 6, 2021 – Unapproved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:00 a.m.

Present:

Matt Asselmeier – PBZ Department
Scott Gengler – PBZ Committee Chair
Brian Holdiman – PBZ Department
Fran Klaas – Highway Department
Commander Jason Langston – Sheriff's Department (Attended Remotely)
Alyse Olson – Soil and Water Conservation District (Attended Remotely)
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS
Greg Chismark – WBK Engineering, LLC
David Guritz – Forest Preserve

Audience:

Laura Denges (Attended Remotely)

AGENDA

Mr. Klaas made a motion, seconded by Mr. Rybski, to approve the agenda as presented.

The votes were as follows:

Yeas (7): Asselmeier, Gengler, Holdiman, Klaas, Langston, Olson, and Rybski
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Guritz

The motion carried.

MINUTES

Mr. Holdiman made a motion, seconded by Mr. Klaas, to approve the March 2, 2021, meeting minutes.

The votes were as follows:

Yeas (7): Asselmeier, Gengler, Holdiman, Klaas, Langston, Olson, and Rybski
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Guritz

The motion carried.

PETITIONS

Petition 21-14 Laura Denges

Mr. Asselmeier summarized the request.

According to the information provided to the County, the Petitioner would like to operate a winery at the subject property.

The application materials, including the business plan, plat of survey, site plan, and aerial of the property were provided.

The property was located at 9396 Plattville Road and consisted of approximately three point one nine (3.19) acres.

The Future Land Use Map called for the property to be Agricultural.

Plattville Road is a Township maintained Major Collector. There are no trails planned along the road.

There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural.

The adjacent lands are zoned A-1.

The Future Land Use Map calls for the area to be Agricultural in the County and Commercial and Business Park/Office in Plattville.

EcoCat submitted on March 19, 2021, and consultation was terminated.

NRI application submitted on March 16, 2021.

Lisbon Township was emailed information on March 23, 2021.

The Village of Plattville was emailed information on March 23, 2021.

Lisbon-Seward Fire Protection District was emailed information on March 23, 2021.

According to the site plan, the Petitioner plans to operate the Gilted Edge Winery out of the existing barn located at southern end of the property. The barn is approximately two thousand seven hundred (2,700) square feet in size.

The proposed sales area inside the barn will be approximately nine hundred (900) square feet.

The property presently consists of a single-family house and six (6) outbuildings.

No new buildings are planned for the site. No existing structures are planned for demolition.

The winery and special use permit would apply only to Parcel 1 of the plat of survey. The Petitioner also owns Parcel 2.

Section 7:01.D.45 places the following conditions on this type of special use permits:

1. Tasting, wholesale, and retail sale of wines are permitted.
2. The sale of ancillary items are permitted.
3. All required licenses and permits must be secured.
4. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet.
5. Sales areas shall be set back at least ninety feet (90') feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars.
6. Seasonal outdoor displays are also permitted.

If approved, this would be the third (3rd) special use permit for this type of use in the unincorporated area.

According to the business plan provided, the Petitioner would specialize in fruit wines and other classic wines with grapes sourced from California and Washington. They would initially produce twelve (12) varieties of wine with six (6) additional seasonal wines.

The Petitioner has conducted market analysis and has prepared a marketing and sales plan and financial plan.

In addition to the Petitioner and her investor, the business will have a manager and several servers.

Initial hours of operation would be on Friday from 5:00 p.m. until 9:00 p.m., Saturday from Noon until 8:00 p.m., and Sunday from Noon until 4:00 p.m. The hours of operation would expand as the business grows.

No food will be served at the property. Onsite operations will consist of a tasting room and retail center.

If approved, the Petitioner plans to start operations in August 2021.

No new structures are planned for the property.

The remodeling of the barn will require proper building permits.

According to the site plan, a new septic system will be installed south of the existing barn.

No information was provided regarding a potable water source.

Electricity is onsite and they will be using a propane drop for heat.

A refuse area is planned southeast of the barn.

The property drains to the south and southeast.

Based on the information provided, no stormwater permits are required.

The property fronts Plattville Road. Patrons would use the existing farm access point to reach the parking lot.

The site plan shows one (1) fourteen (14) stall parking lot, including two (2) handicapped accessible parking spaces. The parking lot is approximately four thousand one hundred (4,100) square feet in size. The parking lot is connected to the winery by a walkway.

No additional lighting was planned as part of this project.

The Petitioner plans to have a sign on Plattville Road. A picture of the sign was provided. No information was provided regarding sign dimensions or height. The sign will not be illuminated.

No additional landscaping is planned.

No information regarding noise control was provided.

Before issuing a recommendation, Staff would like comments from ZPAC members, Lisbon Township, Lisbon-Seward Fire Protection District, and the Village of Plattville.

The following were the proposed conditions and restrictions for this special use permit:

1. The site shall be developed substantially in accordance with the site plan.
2. The parking lot shall be setback at least fifty-nine feet (59') from the centerline of Plattville Road; the same distance as the existing house. The business allowed by this special use permit shall not commence operations until the parking lot shown on the site plan is installed.
3. Tasting, wholesale, and retail sale of wines shall be permitted.
4. The sale of ancillary items related to the business allowed by this special use permit shall be permitted.
5. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Sales shall be restricted to inside the barn identified on the site plan.
6. Seasonal outdoor displays related to the business allowed by this special use permit shall be permitted.
7. The business allowed by this special use permit may operate no later than 9:00 p.m. any day of the week. The operators of the business allowed by this special use permit may conduct property maintenance after 9:00 p.m. Business related deliveries may occur between 8:00 a.m. and 9:00 p.m. any day of the week.
8. The maximum number of employees of the business allowed by this special use permit shall be ten (10), including the business owners.
9. The owners of the business allowed by this special use permit may install one (1) business related sign along Plattville Road in substantially the location shown on the site plan. The sign shall not be illuminated.
10. All trash and garbage generated by uses allowed by this special use permit shall be stored in the garbage areas designated on the site plan. The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.

11. No music shall originate outside of any structure related to the operation of the business allowed by this special use permit.
12. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.
13. None of the buildings associated with the business allowed by this special use permit shall be considered agricultural exempt structures. Applicable building and occupancy permits shall be secured for all new structures related to the business allowed by this special use permit. A new certificate of occupancy must be issued for the existing barn.
14. The owner(s) or operator(s) of the business allowed by this special use permit shall live at the subject property as their primary place of residence.
15. The operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
16. The operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
17. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
18. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Mr. Gengler asked about restrooms. Laura Denges, Petitioner, said that well and septic would be installed and restrooms would be installed near the retail space.

Mr. Rybski discussed the well, septic, and food permits required. Mr. Rybski requested a visit with the Petitioner to discuss these matters.

Discussion occurred regarding total occupancy of the barn. Mr. Holdiman responded that, based on the Building Code, the maximum occupancy would be sixty (60) people. The Petitioner planned to have between twenty (20) and forty (40) people on the property at a given time.

Discussion occurred regarding overflow parking. If another area was designed for parking, an amendment to the special use permit would be required.

The Petitioner hoped to operate from March through December.

The Petitioner agreed that the business would not open before Noon any day of the week.

The Petitioner plans to grow grapes on the property. Initially, the wines would be sourced from out of state.

Mr. Asselmeier made a motion, seconded by Mr. Klaas, to recommend approval of the Petition with the addition to setting the start of operations at Noon to the list of conditions.

The votes were as follows:

Yeas (7): Asselmeier, Gengler, Holdiman, Klaas, Langston, Olson, and Rybski
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Guritz

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on April 28, 2021.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 21-03 pertaining to Woody's Orchard was approved at the County Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Klaas made a motion, seconded by Mr. Holdiman, to adjourn.

The votes were as follows:

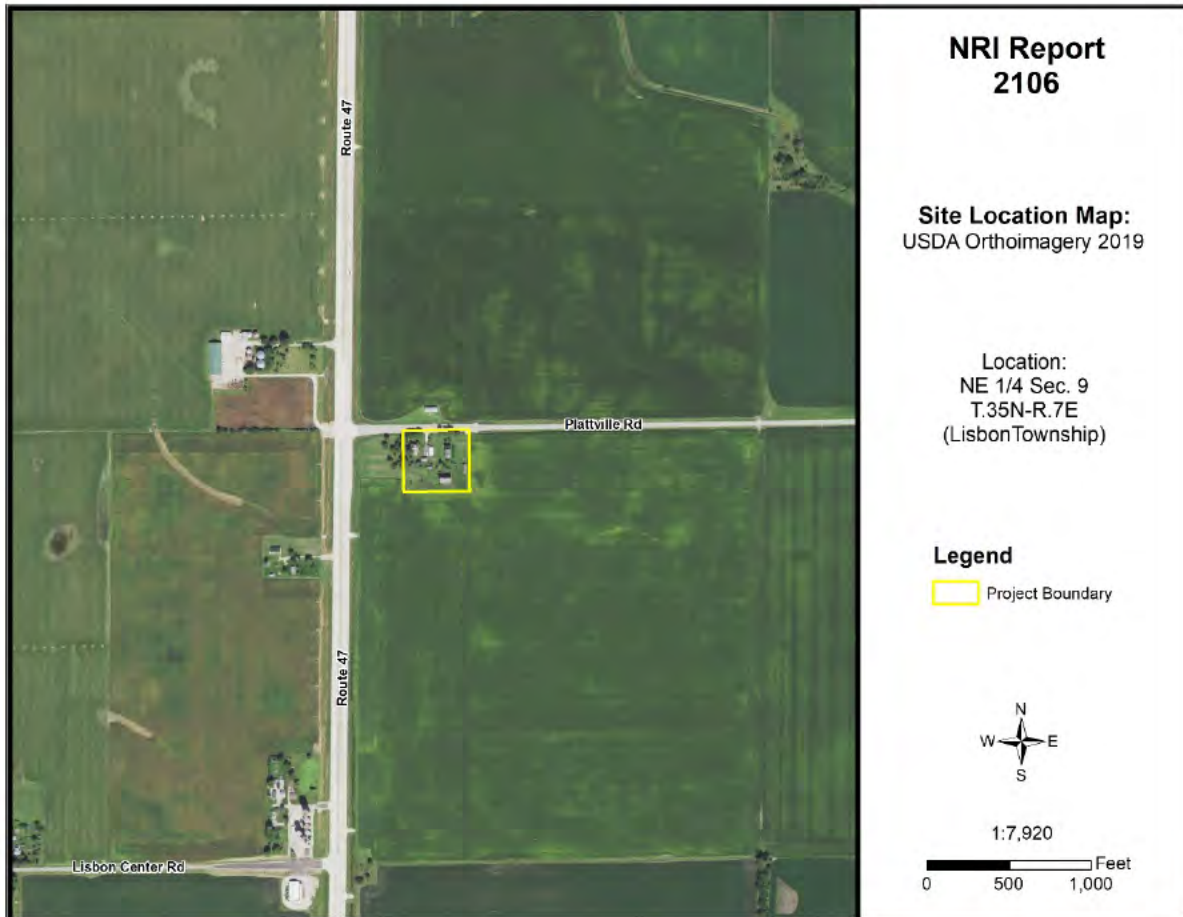
Yeas (7): Asselmeier, Gengler, Holdiman, Klaas, Langston, Olson, and Rybski
Nays (0): None
Abstain (0): None
Absent (3): Briganti, Chismark, and Guritz

The motion carried.

The ZPAC, at 9:20 a.m., adjourned.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: #2106



Apr.
2021

Petitioner: Gilted Edge Winery
Contact: Laura Denges

Prepared By:



7775A Route 47
Yorkville, Illinois 60560
Phone: (630) 553-5821 x3
Fax: (630) 553-7442
www.kendallswcd.org

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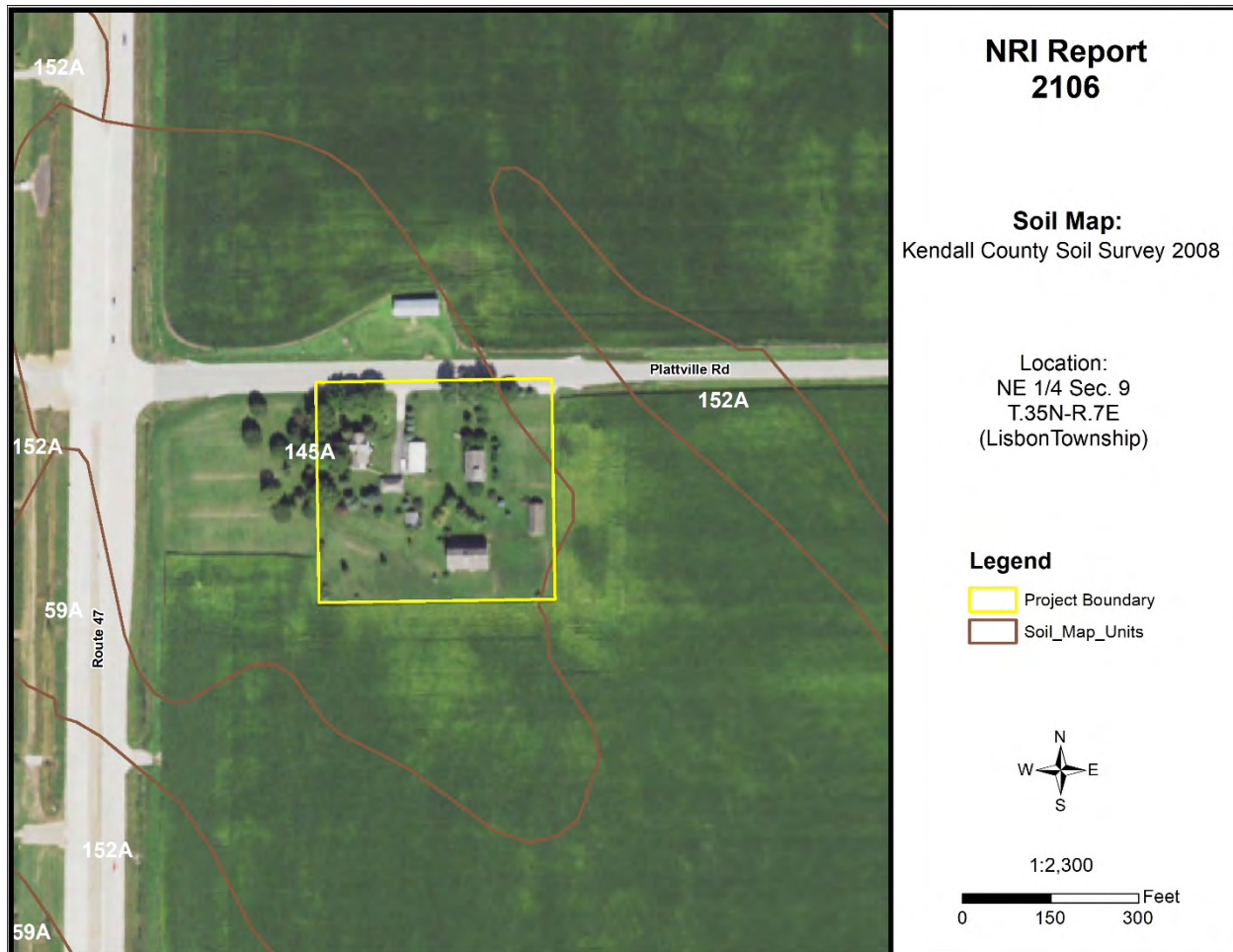
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EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2106
Petitioner	Gilted Edge Winery
Contact Person	Laura Denges
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	NE ¼ of Section 9, T.35N.-R.7E. (Lisbon Township) of the 3 rd Principal Meridian
Project or Subdivision Name	Gilted Edge Winery
Existing Zoning & Land Use	A-1 Agricultural; Rural Residence
Proposed Zoning & Land Use	A-1 Special Use; Rural Residence & Winery
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	N/A
Size of Site	(+/-) 3.5 acres
Land Evaluation Site Assessment Score	199 (Land Evaluation: 94; Site Assessment: 105)

NATURAL RESOURCE CONSIDERATIONS**Figure 1: Soil Map****SOIL INFORMATION**

Based on information from the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) 2008 Kendall County Soil Survey, this parcel is shown to contain the following soil types (please note this does not replace the need for or results of onsite soil testing; if completed, please refer to onsite soil test results for planning/engineering purposes):

Table 1: Soils Information

Map Unit	Soil Name	Drainage Class	Hydrologic Group	Hydric Designation	Farmland Designation
59A	Lisbon silt loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-hydric	Prime Farmland
145A	Saybrook silt loam, 0-2% slopes	Moderately Well Drained	C	Non-hydric	Prime Farmland

Hydrologic Soil Groups – Soils have been classified into four (A, B, C, D) hydrologic groups based on runoff characteristics due to rainfall. If a soil is assigned to a dual hydrologic group (A/D, B/D or C/D), the first letter is for drained areas and the second letter is for undrained areas.

- **Hydrologic group A:** Soils have a high infiltration rate (low runoff potential) when thoroughly wet. These consist mainly of deep, well drained to excessively drained sands or gravelly sands. These soils have a high rate of water transmission.
- **Hydrologic group B:** Soils have a moderate infiltration rate when thoroughly wet, consist chiefly of moderately deep to deep, moderately well drained to well drained soils that have a moderately fine to moderately coarse texture. These soils have a moderate rate of water transmission.
- **Hydrologic group C:** Soils having a slow infiltration rate when thoroughly wet. These consist chiefly of soils having a layer that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission.
- **Hydrologic group D:** Soils having a very slow infiltration rate (high runoff potential) when thoroughly wet. These consist chiefly of clays that have a high shrink-swell potential, soils that have a high water table, have a claypan or clay layer at or near the surface, and soils that are shallow over nearly impervious material. These soils have a very slow rate of water transmission.

Hydric Soils – A hydric soil is one that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part of the soil profile that supports the growth or regeneration of hydrophytic vegetation. Soils with hydric inclusions have map units dominantly made up of non-hydric soils that may have inclusions of hydric soils in the lower positions on the landscape. Of the soils found onsite, none are classified as being a hydric soil.

Prime Farmland – Prime farmland is land that has the best combination of physical and chemical characteristics for agricultural production. Prime farmland soils are an important resource to Kendall County and some of the most productive soils in the United States occur locally. Of the soils found onsite, 100% are designated as prime farmland.

Soil Water Features – Table 2 gives estimates of various soil water features that should be taken into consideration when reviewing engineering for a land use project.

Table 2: Water Features

Map Unit	Surface Runoff	Water Table	Ponding	Flooding
59A	Low	<u>January – May</u> Upper Limit: 1.0'-2.0' Lower Limit: 2.0'-4.0' <u>June – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
145A	Low	<u>January</u> Upper/Lower Limit: -- <u>February – April</u> Upper Limit: 2.0'-3.5' Lower Limit: 2.2'-3.8' <u>May – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None

Surface Runoff – Refers to the loss of water from an area by flow over the land surface. Surface runoff classes are based upon slope, climate and vegetative cover and indicates relative runoff for very specific conditions (it is assumed that the surface of the soil is bare and that the retention of surface water resulting from irregularities in the ground surface is minimal). The surface runoff classes are identified as: negligible, very low, low, medium, high, and very high.

Months – The portion of the year in which a water table, ponding, and/or flooding is most likely to be a concern.

Water Table – Water table refers to a saturated zone in the soil and the data indicates, by month, depth to the top (upper limit) and base (lower limit) of the saturated zone in most years. These estimates are based upon observations of the water table at selected sites and on evidence of a saturated zone (grayish colors or mottles (redoximorphic features)) in the soil. Note: A saturated zone that lasts for less than a month is not considered a water table.

Ponding – Ponding is standing water in a closed depression. Unless a drainage system is installed, the water is removed only by percolation, transpiration, or evaporation. Duration is expressed as very brief (less than 2 days), brief (2 to 7 days), long (7 to 30 days), very long (more than 30 days). Frequency is expressed as none (ponding is not probable), rare (unlikely but possible under unusual weather conditions), occasional (occurs, on average, once or less in 2 years) and frequent (occurs, on average, more than once in 2 years).

Flooding – Temporary inundation of an area caused by overflowing streams, by runoff from adjacent slopes, or by tides. Water standing for short periods after rainfall or snowmelt is not considered flooding, and water standing in swamps and marshes is considered ponding rather than flooding. Duration is expressed as brief (2 to 7 days) and frequent meaning that it is likely to occur often under normal weather conditions.

SOIL LIMITATIONS

According to the USDA-NRCS, soil properties influence the development of building sites, including the selection of the site, the design of the structure, construction, performance after construction and maintenance. This report gives ratings for proposed uses in terms of limitations and restrictive features. The tables list only the most restrictive features. Ratings are based on the soil in an undisturbed state, that is, no unusual modification occurs other than that which is considered normal practice for the rated use. Even though soils may have limitations, an engineer may alter soil features or adjust building plans for a structure to compensate for most degrees of limitations. The final decision in selecting a site for a particular use generally involves weighing the costs for site preparation and maintenance.

- **Not Limited:** Indicates that the soil has features that are very favorable for the specified use; good performance and low maintenance can be expected.
- **Somewhat Limited:** Indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation; fair performance and moderate maintenance can be expected.
- **Very Limited:** Indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation,

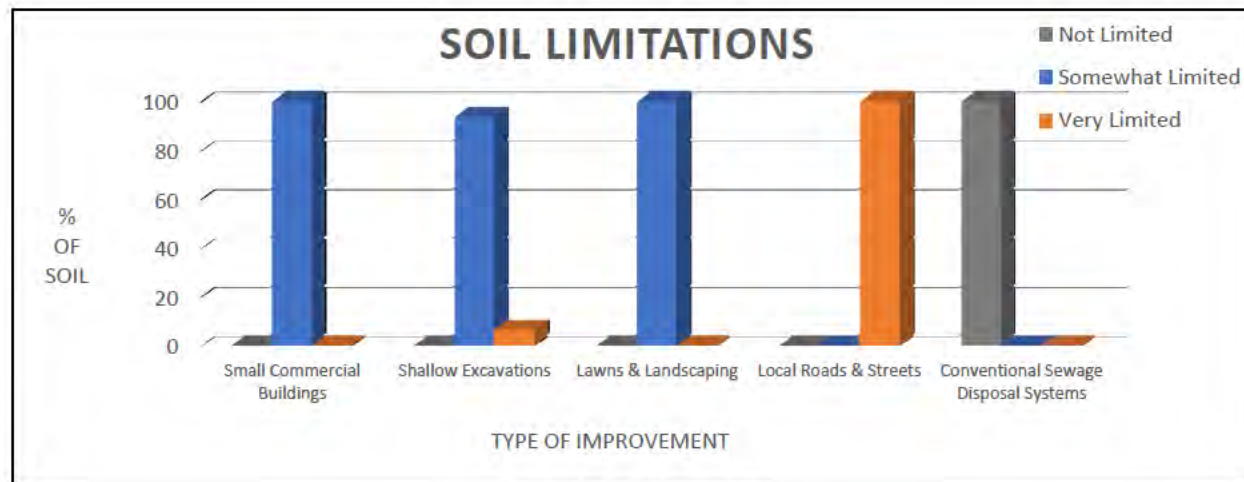
special design, or expensive installation procedures; poor performance and high maintenance can be expected.

Conventional Septic System Rating Criteria – The factors considered for determining suitability include the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. The major features considered are soil permeability, percolation rate, groundwater level, depth to bedrock, flooding hazards, and slope. Soils that are deemed unsuitable for installation of an on-site sewage disposal system, per the Kendall County Subdivision Control Ordinance, may necessitate the installation of a non-conventional onsite sewage disposal system. If the scope of the project may include the use of on-site septic systems please consult with the Kendall County Health Department – Environmental Health Services located at 811 W. John Street, Yorkville, IL; (630) 553-9100 ext. 8026.

Limitations are listed below for small commercial buildings, shallow excavations, lawns and landscaping, local roads & streets (paved and unpaved), and onsite conventional sewage disposal systems. Please note this information is based on soils in an undisturbed state as compiled for the USDA-NRCS 2008 Soil Survey of Kendall County, IL and the Kendall County Subdivision Control Ordinance; this does not replace the need for site specific soil testing or results of onsite soil testing.

Table 3: Building Limitations

Soil Type	Small Commercial Buildings	Shallow Excavations	Lawns & Landscaping	Local Road & Streets (Paved & Unpaved)	Onsite Conventional Sewage Systems	Acres	%
59A	Somewhat Limited: Depth to saturated zone; Shrink-swell	Very Limited: Depth to saturated zone; Dense layer; Dusty; Unstable excavation walls	Somewhat Limited: Depth to saturated zone; Dusty	Very Limited: Frost action; Low strength; Depth to saturated zone; Shrink-swell	Suitable	0.2	6.4%
145A	Somewhat Limited: Shrink-swell	Somewhat Limited: Depth to saturated zone; Unstable excavation walls; Dusty	Somewhat Limited: Dusty	Very Limited: Frost action; Low strength; Shrink-swell	Suitable:	3.3	93.6%
% Very Limited	0%	6.4%	0%	100%	0%		

**Figure 2:** Soil Limitations

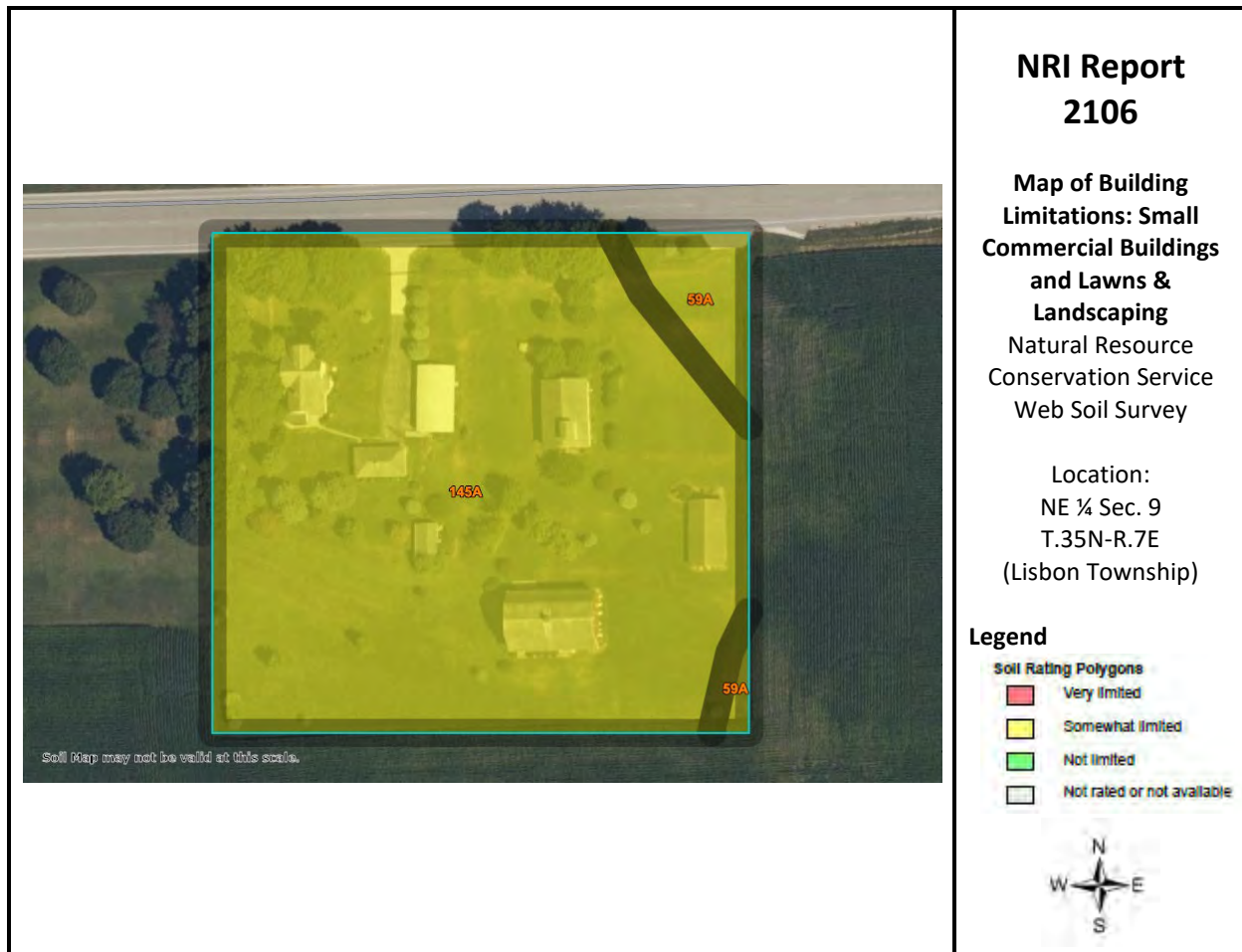
Building Limitations Maps:**Figure 3A:** Map of Building Limitations – Small Commercial Buildings and Lawns & Landscaping



Figure 3B: Map of Building Limitations – Shallow Excavations

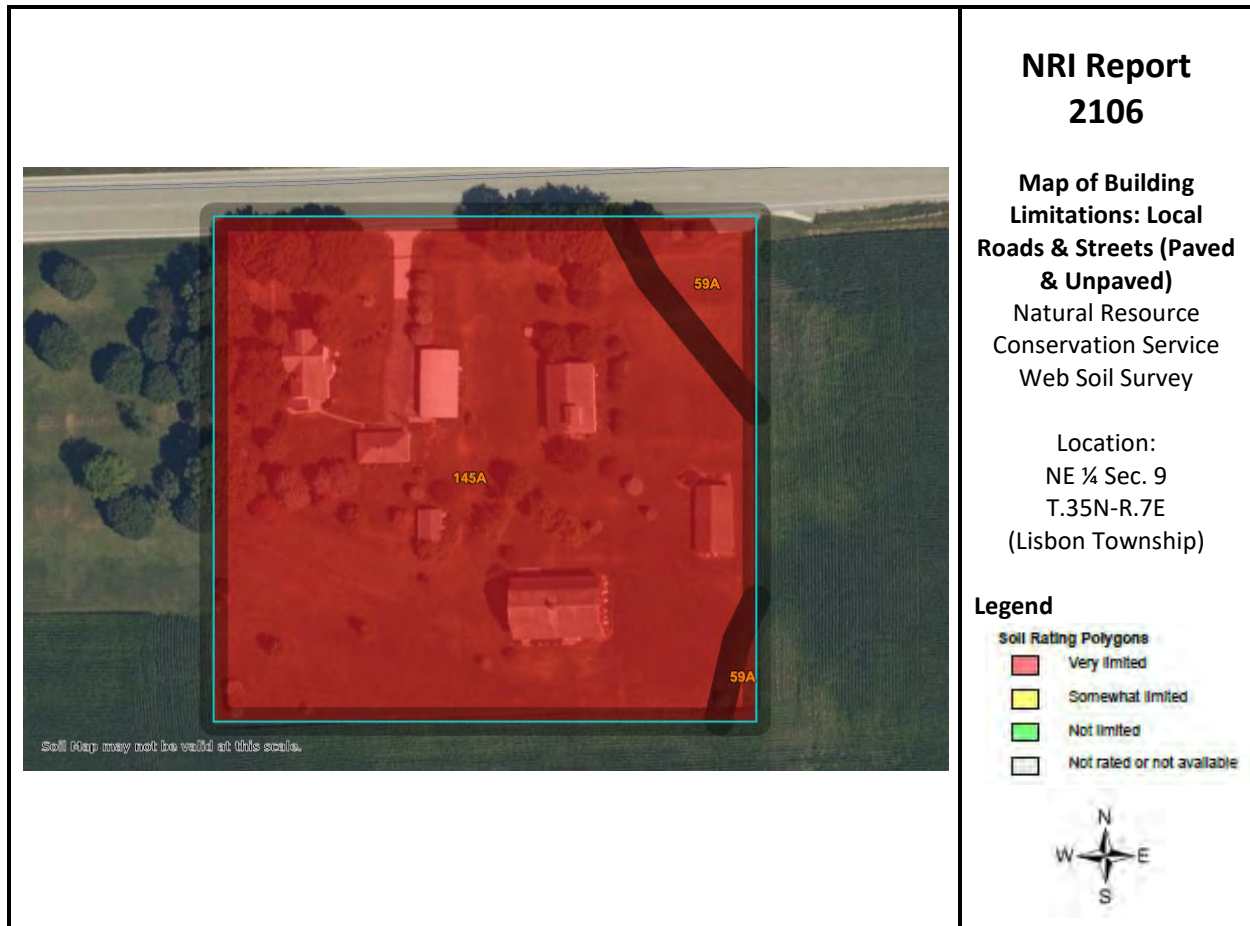


Figure 3C: Map of Building Limitations – Local Roads & Streets (Paved & Unpaved)

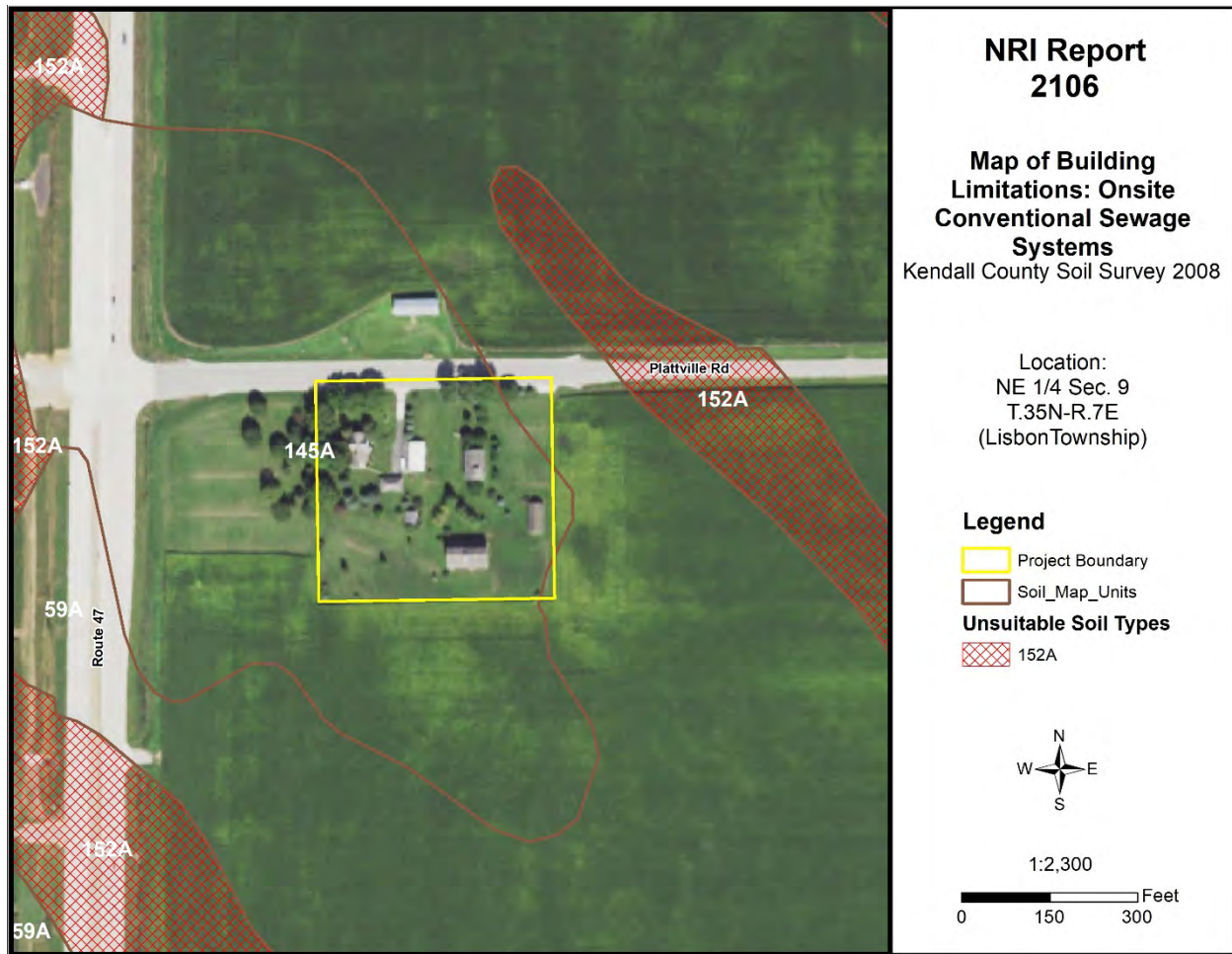


Figure 3D: Map of Building Limitations – Onsite Conventional Sewage System

KENDALL COUNTY LAND EVALUATION AND SITE ASSESSMENT (LESA)

Decision-makers in Kendall County use the Land Evaluation and Site Assessment (LESA) system to determine the suitability of a land use change and/or a zoning request as it relates to agricultural land. The LESA system was developed by the United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) and takes into consideration local conditions such as physical characteristics of the land, compatibility of surrounding land-uses, and urban growth factors. The LESA system is a two-step procedure that includes:

- **Land Evaluation (LE):** The soils of a given area are rated and placed in groups ranging from the best to worst suited for a stated agriculture use, cropland, or forestland. The best group is assigned a value of 100 and all other groups are assigned lower values. The Land Evaluation value accounts for 1/3 of the total score and is based on data from the Kendall County Soil Survey. The Kendall County Soil and Water Conservation District is responsible for this portion of the LESA system.
- **Site Assessment (SA):** The site is numerically evaluated according to important factors that contribute to the quality of the site. Each factor selected is assigned values in accordance with the local needs and objectives. The Site Assessment value is based on a 200-point scale and accounts for 2/3 of the total score. The Kendall County LESA Committee is responsible for this portion of the LESA system.

Table 4A: Land Evaluation Computation

Soil Type	Value Group	Relative Value	Acres	Product (Relative Value x Acres)
59A	2	94	0.2	18.8
145A	2	94	3.3	310.2
Totals			3.5	329
LE Calculation			(Product of relative value / Total Acres) 329 / 3.5 = 94	
LE Score			LE = 94	

The Land Evaluation score for this site is 94, indicating that this site is currently designated as prime farmland that is well suited for agricultural uses.

Table 4B: Site Assessment Computation

A.	Agricultural Land Uses	Points
	1. Percentage of area in agricultural uses within 1.5 miles of site. (20-10-5-0)	20
	2. Current land use adjacent to site. (30-20-15-10-0)	30
	3. Percentage of site in agricultural production in any of the last 5 years. (20-15-10-5-0)	0
	4. Size of site. (30-15-10-0)	0
B.	Compatibility / Impact on Uses	
	1. Distance from city or village limits. (20-10-0)	20
	2. Consistency of proposed use with County Land Resource Management Concept Plan and/or municipal comprehensive land use plan. (20-10-0)	0
	3. Compatibility of agricultural and non-agricultural uses. (15-7-0)	0
C.	Existence of Infrastructure	
	1. Availability of public sewage system. (10-8-6-0)	10
	2. Availability of public water system. (10-8-6-0)	10
	3. Transportation systems. (15-7-0)	7
	4. Distance from fire protection service. (10-8-6-2-0)	8
	Site Assessment Score:	105

The Site Assessment score for this site is 105. The Land Evaluation value (94) is added to the Site Assessment value (105) to obtain a LESA Score of 199 out of a possible 300. The table below shows the level of protection for the proposed project site based on the LESA Score.

Table 5: LESA Score Summary

LESA SCORE	LEVEL OF PROTECTION
0-200	Low
201-225	Medium
226-250	High
251-300	Very High

Land Evaluation Value: 94 + Site Assessment Value: 105 = LESA Score: 199

The **LESA Score for this site is 199, which indicates a low level of protection** for the proposed project site. Note: Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

WETLANDS

The U.S. Fish & Wildlife Service's National Wetland Inventory map does not indicate the presence of a wetland(s) on the proposed project site. To determine if a wetland is present, a wetland delineation specialist, who is recognized by the U.S. Army Corps of Engineers, should determine the exact boundaries and value of the wetlands.

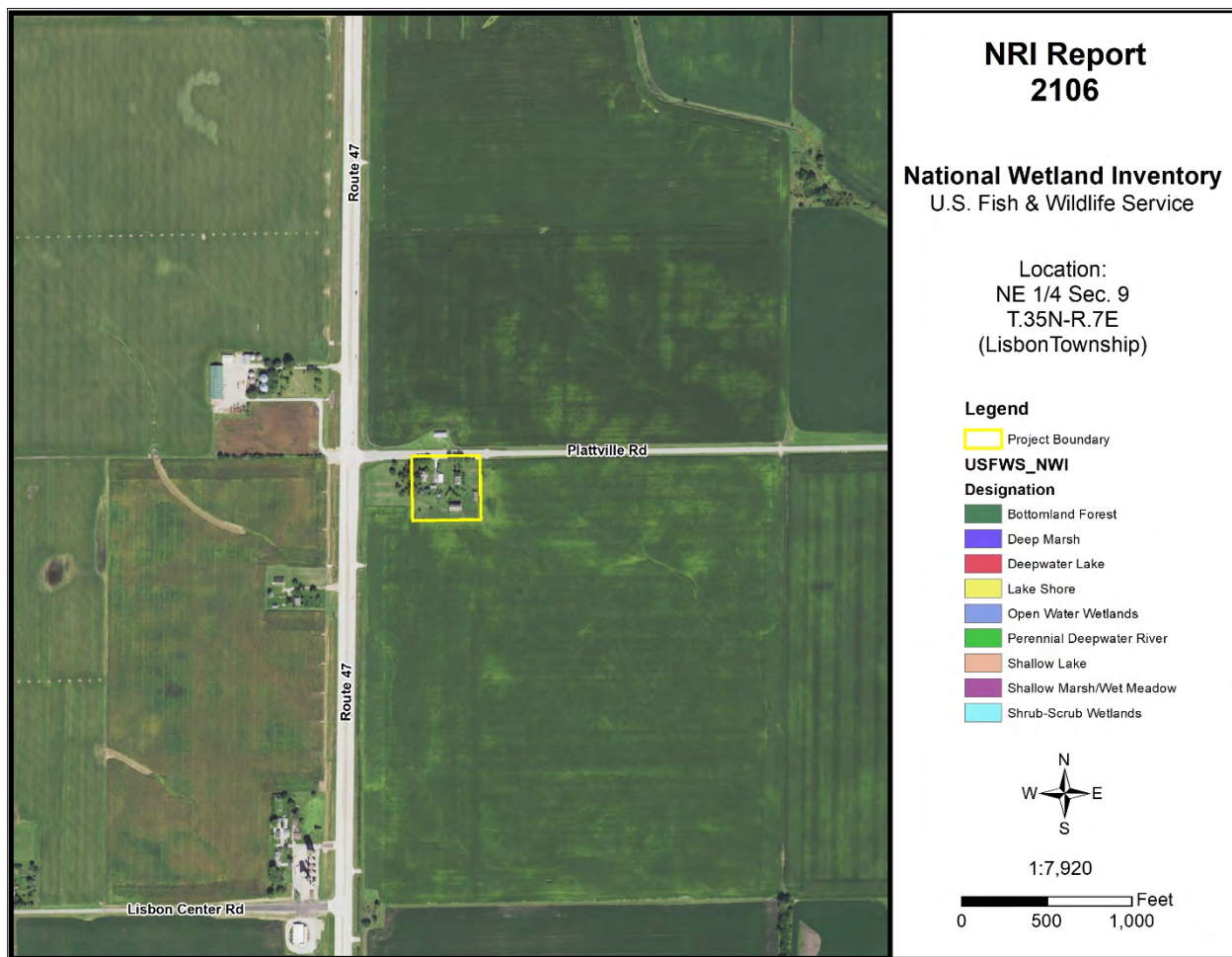


Figure 4: Wetland Map – USFWS National Wetland Inventory

FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Digital Flood Insurance Rate Map (DFIRM) for Kendall County, Community Panel No. 17093C0125G (effective date February 4, 2009) was reviewed to determine the presence of floodplain and floodway areas within the project site. According to the map,

the parcel is not located within the floodplain or floodway and is considered an area of minimal flood hazard.

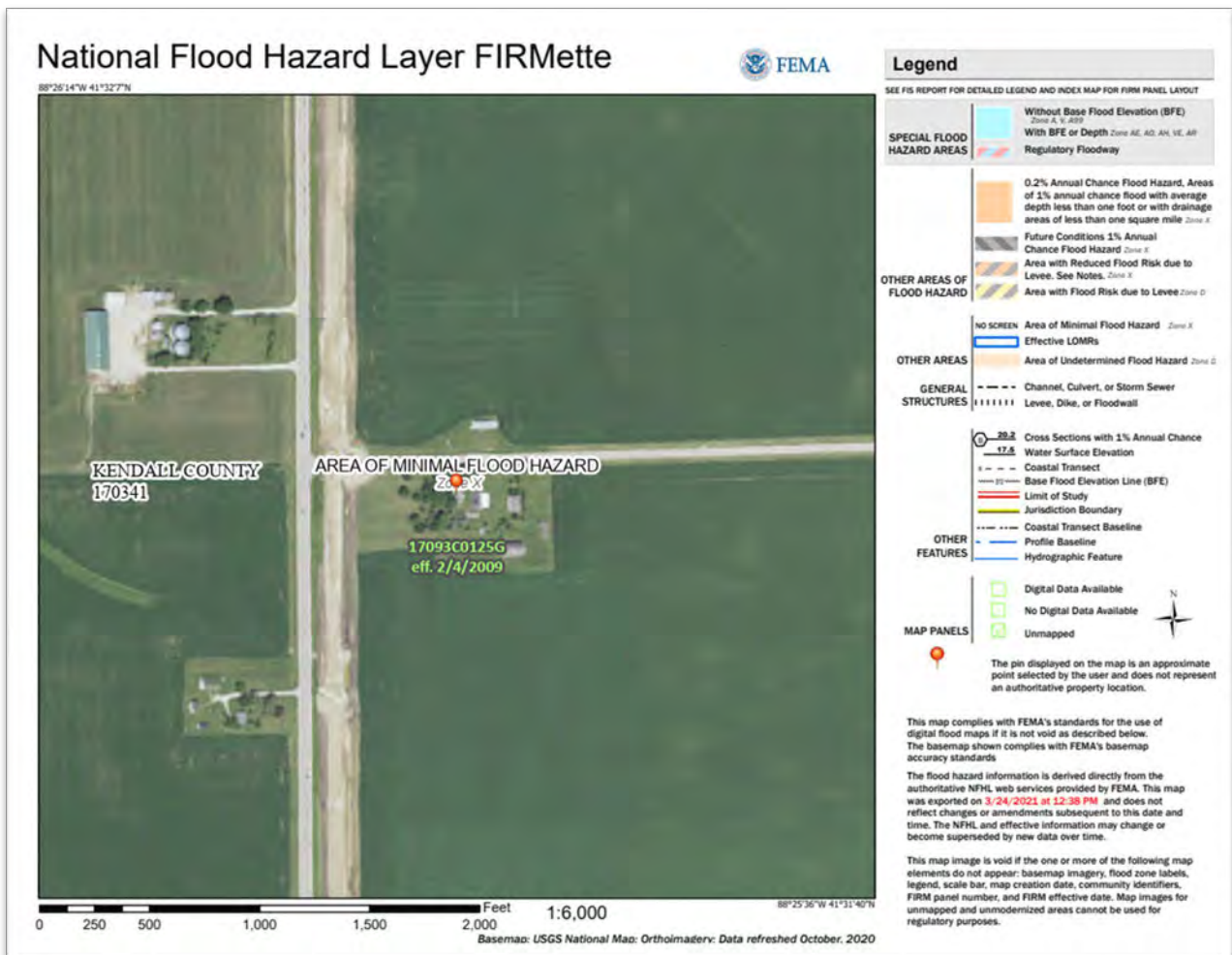


Figure 5: FEMA Floodplain Map

SEDIMENT AND EROSION CONTROL

Development on this site should include an erosion and sediment control plan in accordance with local, state, and federal regulations. Soil erosion on construction sites is a resource concern because suspended sediment from areas undergoing development is a primary nonpoint source of water pollution. Please consult the *Illinois Urban Manual* (<https://illinoisurbanmanual.org/>) for appropriate best management practices.

LAND USE FINDINGS

The Kendall County Soil and Water Conservation District (SWCD) Board has reviewed the proposed site plans for Petitioner Laura Denges for the proposed Gilted Edge Winery (A-1 Special Use Permit request) located in Lisbon Township of Kendall County in the NE ¼ of Section 9, Township 35N, and Range 7E of the 3rd Principal Meridian. Based on the information provided by the petitioner and a review of natural resource related data available to the Kendall County SWCD, the SWCD Board presents the following information.

The Kendall County SWCD has always had the opinion that Prime Farmland should be preserved whenever feasible. Of the soils found onsite, 100% are designated as prime farmland. A land evaluation, which is a part of the Land Evaluation and Site Assessment (LESA) was conducted on this parcel. The soils on this parcel scored a 94 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA Score for this site is 199 out of a possible 300, which indicates a low level of protection for the proposed project site. Selecting the project site with the lowest total points will generally protect the best farmland located in the most viable areas and maintain and promote the agricultural industry in Kendall County. If the project is agricultural in nature, however, a higher score may provide an indication of the suitability of the project as it relates to the compatibility with existing agricultural land use.

Soils found on the project site are rated for specific uses and can have potential limitations for development. Soil types with severe limitations do not preclude the ability to develop the site for the proposed use, but it is important to note the limitation that may require soil reclamation, special design/engineering, or maintenance to obtain suitable soil conditions to support development with significant limitations. This report indicates that for soils located on the parcel, 100% are very limited for local roads and streets (paved and unpaved), 6.4% are very limited for shallow excavations, and 0% are very limited for small commercial buildings and lawns & landscaping. The remaining soils are classified as either somewhat limited or not limited for these types of developments. Additionally, 100% of the soils appear to be suitable for conventional septic systems. This information is based on the soil in an undisturbed state. If the scope of the project may include the use of onsite septic systems, please consult with the Kendall County Health Department.

This site is located within the Upper Illinois River Watershed and the West Branch Aux Sable Creek/Lisbon Creek sub watershed. If development should occur on this site, a soil erosion and sediment control plan should be implemented during construction. Sediment may become a primary non-point source of pollution; eroded soils during the construction phase can create unsafe conditions on roadways, degrade water quality and destroy aquatic ecosystems lower in the watershed.

For intense use it is recommended that a drainage tile survey be completed on the parcel to locate subsurface drainage tile. That survey should be taken into consideration during the land use planning process. Drainage tile expedites drainage and facilitates farming. It is imperative that these drainage tiles remain undisturbed. Impaired tile may affect a few acres or hundreds of acres of drainage.

The information that is included in this Natural Resources Information Report is to assure that the Land Developers take into full consideration the limitations of the land that they wish to develop. Guidelines and recommendations are also a part of this report and should be considered in the planning process. The Natural Resource Information Report is required by the Illinois Soil and Water Conservation District Act (Ill. Compiled Statutes, Ch. 70, Par 405/22.02a).


SWCD Board Representative

4/12/21
Date

Matt Asselmeier

From: Tim Wallace [REDACTED]
Sent: Thursday, April 8, 2021 10:09 AM
To: Matt Asselmeier
Subject: [External]Re: Kendall County Zoning Petition 21-14

Matt, the fire department has no objections, we would like to do a site inspection for any life safety hazards, exit signs, fire extinguishers, ect. Any questions feel free to call my cell phone, [REDACTED] thanks, Tim Wallace

Attachment 10, Page 1
KENDALL COUNTY
Historic Preservation Commission
Kendall County Historic Courthouse
Third Floor Courtroom (Hybrid Meeting)
109 W. Ridge Street, Yorkville, Illinois
6:30 p.m.
April 19, 2021-Unofficial Until Approved

CALL TO ORDER

Chairman Jeff Wehrli called the meeting to order at 6:30 p.m.

ROLL CALL

Present: Eric Bernacki (Secretary), Elizabeth Flowers (Vice-Chairwoman) (Attended Remotely), Kristine Heiman (Attended Remotely), and Jeff Wehrli (Chairman)

Absent: None

Also Present: Matt Asselmeier (Senior Planner), Laura Denges (Attended Remotely), and June McCord (Attended Remotely)

NEW BUSINESS

Recommendation on Petition 21-14, Request from Laura Denges for a Special Use Permit to Operate a Winery (Production and Sale of Wine Utilizing Crops Not Grown on the Premises or In Combination with Crops Grown on the Premises) on A-1 Zoned Property at 9396 Plattville Road (PIN: 08-09-200-003) in Lisbon Township; Petitioner Wishes to Convert a Circa 1900 Barn for Wine Tasting/Sales

Chairman Wehrli asked if the Petitioner planned to make changes to the inside of the barn. Laura Denges, Petitioner, responded that she built interior walls, but have not made any structural changes to the barn. Her wish was to preserve the barn as much as possible because she would like to keep the rustic atmosphere of the property. The walls are insulated with a drywall frame.

Member Heiman asked about exterior renovations. Ms. Denges responded that exterior renovations included replacing some windows. The windows were previously replaced and the new windows would similar to the ones that were replaced. An entry door would also be added where the double doors were located. The structure would remain the same.

Member Flowers asked about the roofing material. Ms. Denges responded that the roof is a slate tile roof original to the property.

Chairman Wehrli asked Mr. Asselmeier if there was anything the Commission could do to assist the Petitioner. Mr. Asselmeier responded the Petitioner could apply to landmark the property or apply for historic tax credits since the property will be used for a commercial purpose.

Member Bernacki asked about timing for requesting financial incentives. Mr. Asselmeier responded, based on the Petitioner's proposed plans for the property, the timing was not sensitive.

Chairman Wehrli made a motion, seconded by Member Bernacki to recommend approval of the special use permit on the condition that the barn is preserved as discussed.

The votes were as follows:

Yeas (4): Bernacki, Flowers, Heiman, and Wehrli
Nays (0): None
Absent (0): None
Abstain (0): None

The motion carried.

This matter will go to the Kendall County Regional Planning Commission on April 28, 2021.

Plattville Mayor June McCord attended the meeting during the next agenda item and left the meeting without providing comments regarding the special use request.

PUBLIC COMMENT

None

ADJOURNMENT

Chairman Wehrli made a motion, seconded by Member Bernacki, to adjourn.

The votes were as follows:

Yeas (4): Bernacki, Flowers, Heiman, and Wehrli
Nays (0): None
Absent (0): None
Abstain (0): None

The motion carried.

The Historic Preservation Commission adjourned at 7:16 p.m.

Respectfully Submitted,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

Attachment 11, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

Kendall County Historic Courthouse
Third Floor Courtroom
110 W. Madison Street (109 W. Ridge Street), Yorkville, Illinois

Unapproved - Meeting Minutes of April 28, 2021 - 7:00 p.m. (Hybrid Meeting)

Chairman Ashton called the meeting to order at 7:02 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey (Started Attending Remotely at 7:04 p.m.), Dave Hamman (Arrived at 7:06 p.m.), Karin McCarthy-Lange (Attended Remotely), Larry Nelson, Ruben Rodriguez, Claire Wilson (Attended Remotely), and Seth Wormley

Members Absent: Bob Stewart

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Laura Denges (Attended Remotely) and Luke Robinson (Attended Remotely)

APPROVAL OF AGENDA

Member Rodriguez made a motion, seconded by Member Wilson, to approve the agenda.

The votes were as follows:

Ayes (7): Ashton, Bledsoe, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (3): Casey, Hamman, and Stewart

The motion carried.

APPROVAL OF MINUTES

Member Wilson made a motion, seconded by Member McCarthy-Lange, to approve the minutes of the March 24, 2021, meeting.

Member Casey started attending remotely at this time (7:04 p.m.).

The votes were as follows:

Ayes (8): Ashton, Bledsoe, Casey, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley

Nays (0): None

Absent (2): Hamman and Stewart

The motion carried.

PETITIONS

Petition 21-14 Laura Denges

Mr. Asselmeier summarized the request.

Member Hamman arrived at this time (7:06 p.m.).

According to the information provided to the County, the Petitioner would like to operate a winery at the subject property.

The application materials, including the business plan, plat of survey, site plan, and aerial of the property were provided.

The property was located at 9396 Plattville Road and consisted of approximately three point one nine (3.19) acres.

The Future Land Use Map called for the property to be Agricultural.

Plattville Road is a Township maintained Major Collector. There are no trails planned along the road. There are no floodplains or wetlands on the property.

The adjacent land uses are Agricultural.

The adjacent lands are zoned A-1.

The Future Land Use Map calls for the area to be Agricultural in the County and Commercial and Business Park/Office in Plattville.

EcoCat submitted on March 19, 2021, and consultation was terminated.

NRI application submitted on March 16, 2021. The LESA score was 199 indicating a low level of protection. The NRI was provided.

Lisbon Township was emailed information on March 23, 2021. The Lisbon Township Planning Commission did not have a quorum for their meeting on April 13, 2021. The members in attendance did not have any objections to the proposal.

The Village of Plattville was emailed information on March 23, 2021.

Lisbon-Seward Fire Protection District was emailed information on March 23, 2021. The Fire District had no objections to the proposal. They did request to do a life safety inspection of the property. The email stating their opinion was provided.

ZPAC reviewed this proposal at their meeting on April 6, 2021. The Petitioner agreed to meet with the Kendall County Health Department regarding well, septic, and food permits. The Petitioner agreed that the business would not start before Noon any day of the week. The business would normally operate between March and December. Grapes would be grown on the property. ZPAC recommended approval of the proposal by a vote of seven (7) in favor and zero (0) in opposition with three (3) members absent. The minutes were provided.

Though not required by the Kendall County Zoning Ordinance, the Kendall County Historic Preservation reviewed this proposal at their meeting on April 19, 2021. The Petitioner indicated that she will not be making any structural changes to the barn. The Petitioner has installed interior walls and insulation. The Petitioner plans to replace some windows; the windows are not the original windows to the barn. The Petitioner planned to install an entry door where the double doors are located. The Petitioner indicated that her objective was to preserve the rustic atmosphere of the property. The Kendall County Historic Preservation Commission recommended approval of the special use permit with the condition that the barn be preserved by vote of four (4) in favor and zero (0) in opposition. The minutes of the meeting were provided.

According to the site plan, the Petitioner plans to operate the Gilded Edge Winery out of the existing barn located at southern end of the property. The barn is approximately two thousand seven hundred (2,700) square feet in size. A picture of the barn was provided.

The proposed sales area inside the barn will be approximately nine hundred (900) square feet.

Based on the square footage of the barn and the current Building Code, the maximum number of people allowed in the barn is sixty (60). The Petitioner indicated that they were aiming for twenty (20) to forty (40) people on the property.

The property presently consists of a single-family house and six (6) outbuildings.

No new buildings are planned for the site. No existing structures are planned for demolition.

The winery and special use permit would apply only to Parcel 1 of the plat of survey. The Petitioner also owns Parcel 2.

Section 7:01.D.45 places the following conditions on this type of special use permits:

1. Tasting, wholesale, and retail sale of wines are permitted.
2. The sale of ancillary items are permitted.
3. All required licenses and permits must be secured.
4. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet.
5. Sales areas shall be set back at least ninety feet (90') feet from the center line of all adjacent roads with off-street parking for a minimum of five (5) cars.
6. Seasonal outdoor displays are also permitted.

If approved, this would be the third (3rd) special use permit for this type of use in the unincorporated area.

According to the business plan, the Petitioner would specialize in fruit wines and other classic wines with grapes sourced from California and Washington. They would initially produce twelve (12) varieties of wine with six (6) additional seasonal wines.

The Petitioner has conducted market analysis and has prepared a marketing and sales plan and financial plan.

In addition to the Petitioner and her investor, the business will have a manager and several servers.

Initial hours of operation would be on Friday from 5:00 p.m. until 9:00 p.m., Saturday from Noon until 8:00 p.m., and Sunday from Noon until 4:00 p.m. The hours of operation would expand as the business grows.

No food will be served at the property. Onsite operations will consist of a tasting room and retail center.

If approved, the Petitioner plans to start operations in August 2021.

No new structures are planned for the property.

The remodeling of the barn will require proper building permits.

According to the site plan, a new septic system will be installed south of the existing barn.

No information was provided regarding a potable water source.

Electricity is onsite and they will be using a propane drop for heat.

A refuse area is planned southeast of the barn.

The property drains to the south and southeast.

Based on the information provided, no stormwater permits are required.

The property fronts Plattville Road. Patrons would use the existing farm access point to reach the parking lot.

The site plan shows one (1) fourteen (14) stall gravel parking lot, including two (2) handicapped accessible parking spaces. The parking lot is approximately four thousand one hundred (4,100) square feet in size. The parking lot is connected to the winery by a walkway.

No additional lighting was planned as part of this project.

The Petitioner plans to have a sign on Plattville Road. A picture of the sign was provided. No information was provided regarding sign dimensions or height. The sign will not be illuminated.

No additional landscaping is planned.

No information regarding noise control was provided.

The proposed Findings of Fact were as follows:

That 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. The establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, or general welfare, provided that the site is developed in accordance with an approved site plan and conditions are placed in the special use permit governing hours of operation, noise levels, and number of people allowed on the property.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The proposed use could be injurious to the enjoyment of other property in the immediate vicinity due to noise created from the proposed use. However, these negative impacts could be mitigated by restrictions related to hours of operation, noise regulations, and setting the maximum number of people allowed on the property.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. True, the property has appropriate access from Plattville Road. The Petitioners are planning to install the necessary utilities. Drainage will not be an issue based on the proposed use and site plan.

That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the County Board pursuant to the recommendation of the Zoning Board of Appeals. This is true. The Petitioner is not requesting any variances.

That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies. True, the proposed use is consistent with an objective found on Page 3-6 of the Kendall County Land Resource Management Plan which states as an objective "Encourage Agriculture and Agribusiness."

Staff recommended approval of the request special use permit subject to the following conditions and restrictions:

1. The site shall be developed substantially in accordance with the site plan. An overflow parking lot may be installed east of the red barn.
2. The parking lot shown on the site plan shall be setback at least fifty-nine feet (59') from the centerline of Plattville Road; the same distance as the existing house. The business allowed by this special use permit shall not commence operations until the parking lot shown on the site plan is installed.
3. Tasting, wholesale, and retail sale of wines shall be permitted.
4. The sale of ancillary items related to the business allowed by this special use permit shall be permitted.
5. The total retail sales area on site within any building or combination of buildings shall not exceed one thousand (1,000) square feet. Sales shall be restricted to inside the barn identified on the site plan.
6. Seasonal outdoor displays related to the business allowed by this special use permit shall be permitted.
7. The business allowed by this special use permit may operate no earlier than Noon and no later than 9:00 p.m. any day of the week. The operators of the business allowed by this special use permit may conduct property maintenance outside the hours of operation. Business related deliveries may occur between 8:00 a.m. and 9:00 p.m. any day of the week.
8. The maximum number of employees of the business allowed by this special use permit shall be ten (10), including the business owners.
9. The maximum number of people allowed on the property in relation to the business allowed by this special use permit at any given time shall be sixty (60).
10. The owners of the business allowed by this special use permit may install one (1) business related sign along Plattville Road in substantially the location shown on the site plan. The sign shall not be illuminated.
11. All trash and garbage generated by uses allowed by this special use permit shall be stored in the garbage areas designated on the site plan. The owner(s) or operator(s) of the business allowed by this special use permit shall ensure that garbage and trash shall be removed from the property at least one (1) time per week or as necessary to maintain the property clear of garbage and trash.
12. No music shall originate outside of any structure related to the operation of the business allowed by this special use permit.
13. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty-five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty-five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

14. None of the buildings associated with the business allowed by this special use permit shall be considered agricultural exempt structures. Applicable building and occupancy permits shall be secured for all new structures related to the business allowed by this special use permit. A new certificate of occupancy must be issued for the existing barn.
15. The owner(s) or operator(s) of the business allowed by this special use permit shall live at the subject property as their primary place of residence.
16. The owner(s) or operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
17. The owner(s) or operator(s) of the uses allowed by this special use permit shall follow all applicable Federal, State, and Local laws related to the operation of this type of use.
18. Failure to comply with one or more of the above conditions or restrictions could result in the amendment or revocation of the special use permit.
19. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Member Nelson suggested that Petitioner be allowed to have a lighted sign because the hours of operation will have the business open after dark.

Member Nelson asked if the Petitioner was agreeable to annex the property, or at least the portion of the property where sales occurred, into the Village of Plattville. Laura Denges, Petitioner, responded that she would not be opposed to annexation, but she would like more information. Member Nelson did not want the Petitioner to pay any costs associated with the annexation. Member Wilson expressed concerns regarding the Village of Plattville implementing property taxes in the future. Members Nelson and Wilson favored Plattville offering less restrictive zoning regulations for the business than if the property remained in the unincorporated area.

Member Casey asked if there had been a proposal for a bed and breakfast at this property in the past. Chairman Ashton responded that the request had been for a wedding venue. The property does not presently have any special use permits and the previous request was not connected to this request.

Member Wilson expressed concerns about the request that the barn be preserved. This request was not the same as listing the property on the National Register of Historic Places. Member Wilson expressed concerns about burdening the Petitioner with this type of requirement.

Member Wilson questioned the requirement regarding agricultural exempt structures. Mr. Asselmeier clarified the restriction applies only to buildings where the proposed use would occur. As proposed, the use would only apply to the one (1) barn. The other buildings on the property would remain agricultural exempt unless the winery use expanded to those structures in the future.

Mr. Asselmeier stated that the reason the special use was required was because the Petitioner planned to make and sell wine using grapes not grown on the premises. If the Petitioner sold wine using grapes grown the premises, a special use permit would not be required and the use would be exempt from zoning as an agricultural purpose.

Ms. Denges explained that the main (red) barn was divided into two (2) areas, a retail area and tasting room area and a fermenting and bottling area. None of the other buildings on the property would be used for any business related activities, including business related storage.

Member Wilson asked where the bathrooms would be located. Ms. Denges responded that two (2) unisex bathrooms would be located inside the red barn, just off the retail space area.

Member Wilson asked if a group meeting space area would be located on the premises. Ms. Denges responded having that type of meeting space was not her intention.

Member Rodriguez asked if the barn would be insulated. Ms. Denges responded that a heating system would be installed; they were still looking at the HVAC system. Ms. Denges believed that the barn was well insulated. A heating system would be installed in the barn at some point in the future.

The barn was not served with a septic system; that system will be installed per the site plan.

Chairman Ashton asked about the timeline for planting grapes on the property. Ms. Denges responded that grapes were a three (3) year project because of the time needed to get good yields. She hoped to plant within the next two (2) or three (3) years.

Chairman Ashton asked about the impact of spraying impacting the grapes. Ms. Denges stated that she talked to the neighboring farmer. She stated that growing grapes in this area is not always successful; that was why they were importing grapes from the west coast. The grape growing area would be away from the field.

Member Wilson asked about the overflow parking area. Ms. Denges responded that the overflow parking area would be installed east of the barn. The parking lot would be limestone compact of the same type as the main parking area.

Member Rodriguez asked about blend wines. Ms. Denges explained the various types of wines; there wine would not be blended which is unique in this market. Merlots produced on premises will be made from one hundred percent (100%) merlot grapes.

Member Nelson made a motion, seconded by Member McCarthy-Lange, to recommend approval of the requested special use permit.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley
Nays (0): None
Absent (1): Stewart

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on May 3, 2021.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

Appointment of Matthew Prochaska to the Comprehensive Land Plan and Ordinance Committee

Chairman Ashton announced the appointment of Matthew Prochaska to the Comprehensive Land Plan and Ordinance Committee.

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 20-32, 21-06, 21-08, and 21-10 were approved at the County Board. Petition 21-07 was withdrawn, but the Petitioner indicated that she would reapply.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier said the Commission's meetings will be held in the County Board Room at 111 W. Fox Street starting with the next meeting. There are no Petitions for the May meeting.

Member Casey expressed concerns regarding the large pile of material at 195 Route 52. Mr. Asselmeier explained the investigation that has occurred at the property. Discussion occurred regarding the potential fire hazard of the mulch pile.

ADJOURNMENT

Member Wilson made a motion, seconded by Member Rodriguez, to adjourn.

The votes were as follows:

Ayes (9): Ashton, Bledsoe, Casey, Hamman, McCarthy-Lange, Nelson, Rodriguez, Wilson, and Wormley
Nays (0): None
Absent (1): Stewart

The motion carried.

The Kendall County Regional Planning Commission meeting adjourned at 7:48 p.m.

Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM
Senior Planner



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 21-16**Stanley Haseltine and Jackie Priorello
Side Yard Setback Variance****INTRODUCTION**

The Petitioners recently purchased the subject property and they would like to construct an addition connecting the existing home to the existing detached garage.

The existing detached garage is approximately thirty-two feet (32') from the western property line which is beyond the ten foot (10') required side yard setback for accessory structures on A-1 zoned property. However, if the addition constructed as proposed, the garage would become attached to the primary structure and would be considered part of the primary structure. Primary structure side yard setbacks on the A-1 zoned property is fifty feet (50'). Per the site plan, an eighteen foot (18') setback variance would be required.

The application materials are included as Attachment 1. The site plan is included as Attachment 2. The aerial of the property is included as Attachment 3.

SITE INFORMATION

PETITIONER Stanley Haseltine and Jackie Priorello

ADDRESSES 1650 Route 126, Plainfield

LOCATION Approximately 0.64 Miles West of Old Ridge Road on the South Side of Route 126

TOWNSHIP Na-Au-Say

PARCEL #S 06-14-100-012

LOT SIZE 1.34 +/- Acres

EXITING LAND USE Single-Family Residential

ZONING A-1 Agricultural

LRMP	Current Land Use	Agricultural/Farmstead
	Future Land Use	Suburban Residential (1.00 DU/Acre Max)
	Roads	Route 126 is an Arterial Road maintained by the State of Illinois.
	Trails	The County has a trail planned along Route 126.
	Floodplain/Wetlands	There are no wetlands on the property. The extreme southwest corner of the property is in the 100-year floodplain

REQUESTED ACTION Variance to allow a primary structure to be approximately thirty-two feet (32') from the western property line instead of the required fifty feet (50').

APPLICABLE REGULATIONS § 7:01.G.2.a – Primary Structure Setbacks on A-1 Zoned Property
§13:04 – Variation Procedures and Requirements

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Agricultural	PUD Low Density Single-Family Residential (Plainfield)	Low Density Residential (Plainfield)	PUD Low Density Single-Family Residential (Plainfield) A-1 (County)
South	Agricultural	A-1	Suburban Residential (1.00 DU/Acre Max)	A-1
East	Single-Family Residential/Farmstead	A-1	Suburban Residential	PUD Low Density Single-Family Residential (Plainfield) A-1 (County)
West	Agricultural	A-1	Suburban Residential	PUD Low Density Single-Family Residential (Plainfield) A-1 (County)

GENERAL INFORMATION

The Petitioner intends to convert the garage to living space.

NA-AU-SAY TOWNSHIP

Na-Au-Say Township was emailed this proposal on March 31, 2021.

PLAINFIELD FIRE PROTECTION DISTRICT

The Plainfield Fire Protection District was emailed this proposal on March 31, 2021.

VILLAGE OF PLAINFIELD

The Village of Plainfield was emailed this proposal on March 31, 2021.

FINDINGS OF FACT

§ 13:04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to

grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **There are several existing, mature trees around the subject property. The well is located to the north of the existing house and the septic field is located south of the existing house. The site limits options for expanding the house. The only way that the house can be expanded, without removing the trees or relocating the existing well and septic system is to encroach into the west side yard setback.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **The number of properties zoned A-1 with mature trees and with a well and septic field placements in relation to existing houses on parcels of land of this size in the A-1 District is unknown.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The current owner did not plant the trees or select the location for the well or septic field. The current owner also did not select the location of the house or garage on the subject property.***

*That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. **The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.***

*That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. **The requested variance will not impair light reaching other properties, cause congestion on any public street, or diminish or impair property values. Provided the addition is constructed applicable building code, the variance will not increase the danger of fire or negatively impact public safety.***

RECOMMENDATION

Staff recommends approval of the requested variance subject to the following conditions:

1. The site shall be developed substantially in accordance with the site plan (Attachment 2) and no part of the primary structure shall encroach within thirty-two feet (32') of the existing western property line.
2. The owner of the property shall comply will all applicable federal, state, and local laws with regards to constructing and/or renovating structures on the subject property.
3. This variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns.

ATTACHMENTS

1. Application (Including Petitioner's Findings of Fact)
2. Site Plan
3. Aerial



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

APPLICATION

PROJECT NAME Haseltine Addition and Remodel

FILE # 24-16

NAME OF APPLICANT Stanley Haseltine and Jackie Priorello		
CURRENT LANDOWNER/NAME(s) Stanley Haseltine and Jackie Priorello		
SITE INFORMATION ACRES 1.34 acres	SITE ADDRESS OR LOCATION 1650 Rt. 126 Plainfield, Illinois 60544	ASSESSOR'S ID NUMBER (PIN) 06-14-100-012
EXISTING LAND USE Agricultural	CURRENT ZONING A-1 Agricultural	LAND CLASSIFICATION ON LRMP Agricultural
REQUESTED ACTION (Check All That Apply): <input type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone to <input type="checkbox"/>) <input checked="" type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: <input type="checkbox"/> SITE PLAN REVIEW <input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) <input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
PRIMARY CONTACT Stanley Haseltine	PRIMARY CONTACT MAILING ADDRESS [REDACTED]	PRIMARY CONTACT EMAIL [REDACTED]
PRIMARY CONTACT PHONE # [REDACTED]	PRIMARY CONTACT FAX # [REDACTED]	PRIMARY CONTACT OTHER # (Cell, etc.) [REDACTED]
ENGINEER CONTACT Don Rickard, Architect	ENGINEER MAILING ADDRESS [REDACTED]	ENGINEER EMAIL [REDACTED]
ENGINEER PHONE # [REDACTED]	ENGINEER FAX # [REDACTED]	ENGINEER OTHER # (Cell, etc.) [REDACTED]
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT [REDACTED]		DATE 3-29-21

FEE PAID: \$ 475.00

CHECK #: [REDACTED]

RECEIVED

MAR 29 2021

KENDALL COUNTY
PLANNING, BUILDING
& ZONING

Date Stamp Here If
Checklist Is Complete

¹ Primary Contact will receive all correspondence from County

² Engineering Contact will receive all correspondence from the County's Engineering Consultants

Exhibit A - Legal Description

THAT PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 14, THENCE SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS WEST, FOR A DISTANCE OF 710 FEET ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF SECTION, THENCE SOUTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST, FOR A DISTANCE OF 40.00 FEET TO THE SOUTH LINE OF THE EXISTING RIGHT OF WAY LINE OF ILLINOIS ROUTE 126 FOR A POINT OF BEGINNING, THENCE CONTINUING SOUTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST, FOR A DISTANCE OF 260.00 FEET, THENCE SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS WEST, FOR A DISTANCE OF 225.00 FEET, THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS WEST, FOR A DISTANCE OF 260.00 FEET TO THE SOUTH LINE OF THE EXISTING RIGHT OF WAY LINE OF ILLINOIS ROUTE 126, SAID LINE BEING 40.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SAID NORTHWEST 1/4 OF SECTION 14, THENCE NORTH 90 DEGREES, 00 MINUTES, 00 SECONDS EAST ALONG SAID LINE, FOR A DISTANCE OF 225.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.342 ACRES, MORE OR LESS, SITUATED IN NA-AU-SAY TOWNSHIP, IN KENDALL COUNTY, ILLINOIS.

STATE OF ILLINOIS)
) SS
COUNTY OF WILL)

AFFIDAVIT OF TITLE

Your affiant JJJ Holdings LLC, an Illinois Limited Liability Company, by all of its Managers, namely Julie A. Pristas, Jeffery Pristas and Jerry Nelson, being first duly sworn and on oath state, covenant and warrant to grantees, Jaclyn Priorello and Stanley Haseltine, as follows:

1. That your affiants have an interest in the premises described below (or in the proceeds thereof) or are the grantors in a warranty deed dated March 16, 2021 to grantee, conveying the following described premises:

Please see LEGAL DESCRIPTION on back page.

That since January 29, 2021, the effective date of a title commitment issued by Stewart Title on the above property, your affiants have not done or caused to be done anything that could effect title to the premises, and no proceedings have been filed by or against affiants, nor has any judgment or decree been rendered against affiants, nor is there any judgment, note or other instrument which could result in a judgment or decree against affiants within five (5) days from the date hereof.

2. That no security agreements or financing statement have been executed on any fixture or fixtures attached to or a part of the improvements on the above described premises itself, which have not been fully paid for, satisfied and released.
3. That no labor or material has been furnished for the premises within the last four (4) months that has not been fully paid for.
4. That all water, electric, gas, taxes and other utilities have been fully paid and satisfied, except the current bills for each.
5. That your affiants have not received notice of any alleged or pending ordinance violation of any city or county government governing the above premises.

FURTHER AFFIANTS SAYETH NAUGHT.

JJJ Holdings LLC

By: Julie A. Pristas, Manager

By: Jerry Nelson, Manager

By: Jeffery Pristas, Manager

Subscribed and sworn to before me this March 16, 2021.



Notary Public

Notary Public

ALTA COMMITMENT FOR TITLE INSURANCE SCHEDULE A

ISSUED BY
STEWART TITLE GUARANTY COMPANY

Exhibit A - Legal Description

THAT PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF SECTION 14, TOWNSHIP 36 NORTH, RANGE 8, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 14, THENCE SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS WEST, FOR A DISTANCE OF 710 FEET ALONG THE NORTH LINE OF SAID NORTHWEST 1/4 OF SECTION, THENCE SOUTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST, FOR A DISTANCE OF 40.00 FEET TO THE SOUTH LINE OF THE EXISTING RIGHT OF WAY LINE OF ILLINOIS ROUTE 126 FOR A POINT OF BEGINNING, THENCE CONTINUING SOUTH 00 DEGREES, 00 MINUTES, 00 SECONDS EAST, FOR A DISTANCE OF 260.00 FEET, THENCE SOUTH 90 DEGREES, 00 MINUTES, 00 SECONDS WEST, FOR A DISTANCE OF 225.00 FEET, THENCE NORTH 00 DEGREES, 00 MINUTES, 00 SECONDS WEST, FOR A DISTANCE OF 260.00 FEET TO THE SOUTH LINE OF THE EXISTING RIGHT OF WAY LINE OF ILLINOIS ROUTE 126, SAID LINE BEING 40.00 FEET SOUTH OF AND PARALLEL TO THE NORTH LINE OF THE SAID NORTHWEST 1/4 OF SECTION 14, THENCE NORTH 90 DEGREES, 00 MINUTES, 00 SECONDS EAST ALONG SAID LINE, FOR A DISTANCE OF 225.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.342 ACRES, MORE OR LESS, SITUATED IN NA-AU-SAY TOWNSHIP, IN KENDALL COUNTY, ILLINOIS.

This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.

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008UN - ALTA Commitment For Title Insurance (8/1/16)



Please fill out the following findings of fact to the best of your capabilities. § 13.04 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall take into consideration the extent to which the following conditions have been established by the evidence:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out,

The existing physical surroundings create a practical difficulty for expansion. The practical solution to expanding the living space is by converting the existing attached garage to living space and adding a small addition to the west of the garage. There are difficulties in expanding in the other three directions. The well is in the North yard and there is a septic tank and field in the South yard and The East doesn't allow use of the existing attached garage space. There are a significant amount of mature trees in these same three yards that would have to come down to make an addition work.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.

The existing conditions are unique to this property. These are existing conditions and existing circumstances. This is not a typical property layout in the Agricultural zoning district.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

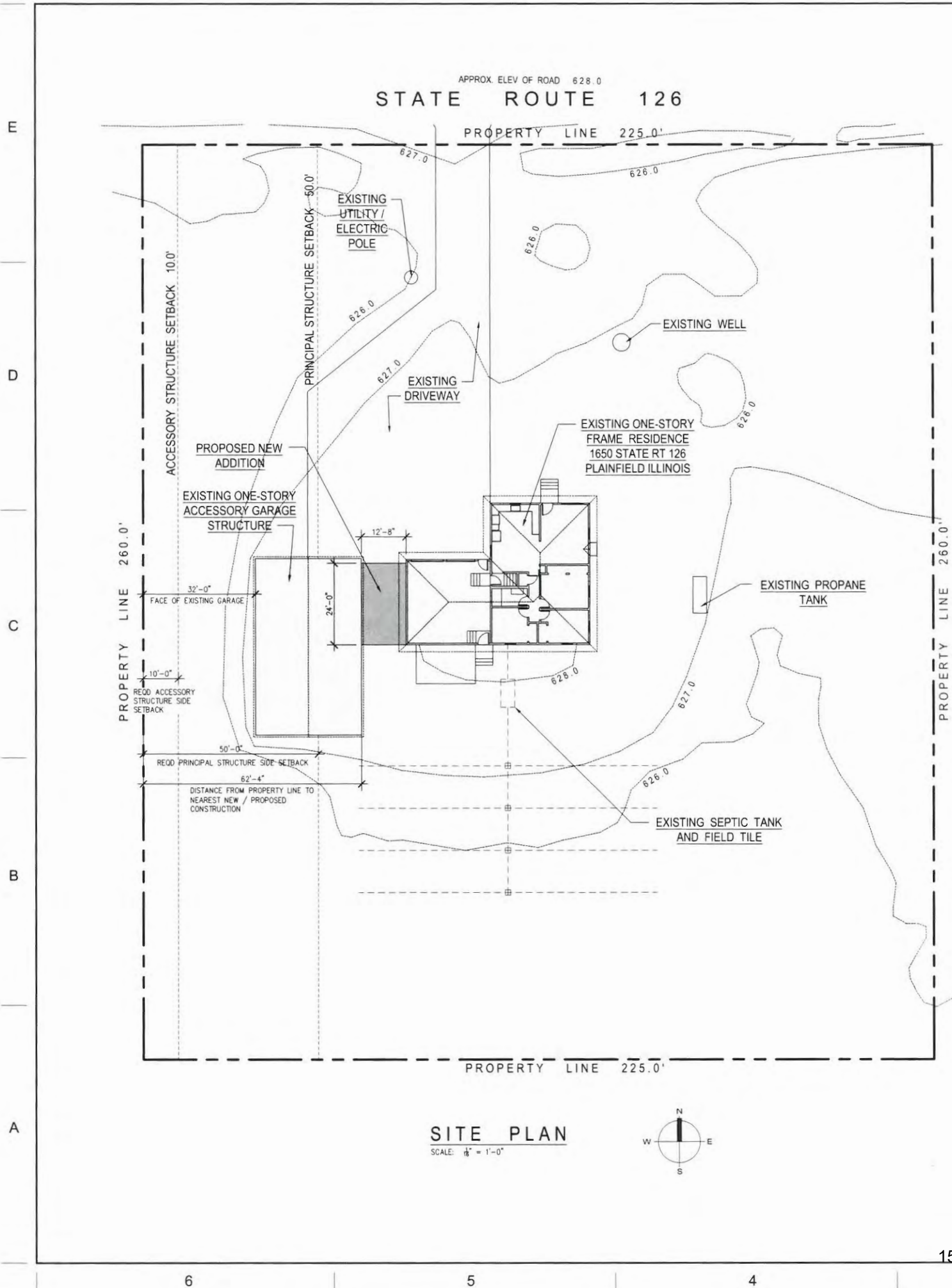
The applicant is a new purchaser and did not build either of the 2 buildings and did not develop or subdivide the property. These are long standing existing conditions that were created by prior owners. The current applicant did not create these conditions.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.

This variance, if granted, would not be materially detrimental to the public or injurious to any of the surrounding properties. The existing barn is approximately 30' from the West property line and that will not change. All new proposed construction would happen between the two existing buildings and would not project beyond the North or South faces of the existing structures.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.

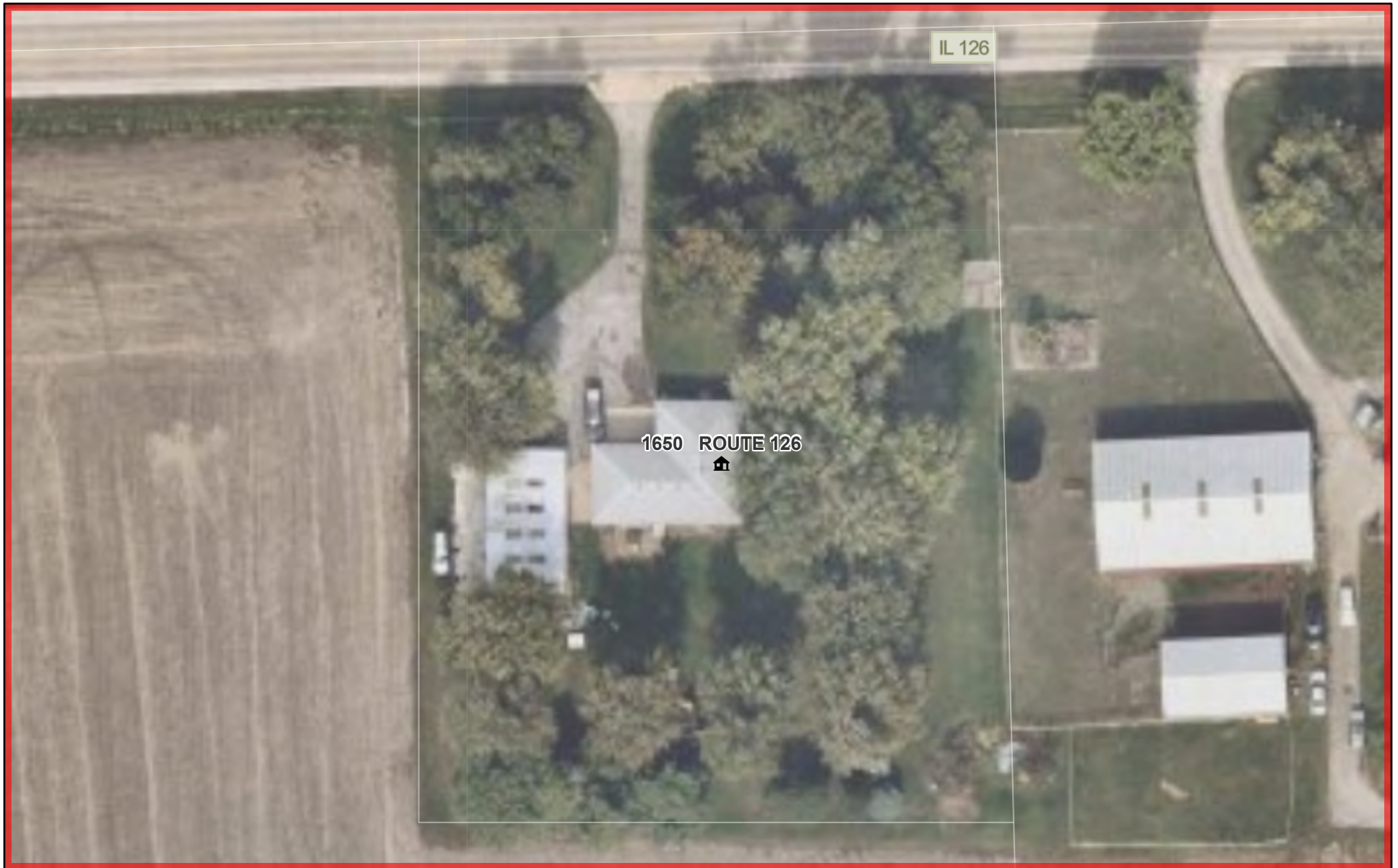
This variance would not impair adequate supply of light or air to any surrounding property. This variance will not create any congestion in the streets. This variance will not create any danger related to fire or any public safety concerns. This variance would not have any negative impact on property values.




COUNTY GIS TOPO PLAN

SCALE: NTS



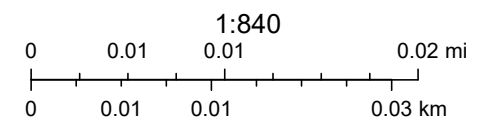


March 29, 2021

 Kendall County Address Points

Parcels

Ownership Parcel



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