

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

111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

May 2, 2016 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

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

MINUTES: Approval of minutes from the November 2, 2015 Zoning Board of Appeals hearing

PETITIONS:

1. 16-06 – Harvest New Beginnings Church

Request: Variance from maximum allowable surface area of thirty-two (32) square feet for a free-standing ground mounted non-flashing illuminated sign

Location: 5315 Douglas Road, Oswego Township

Purpose: To install a sixty-three (63) square foot free-standing ground mounted non-flashing illuminated sign.

2. 16-05 – Brad and Treva Mathre d/b/a Mathre 1916

Request: Variance from the requirement for a banquet facility to have direct access onto an arterial roadway or major collector roadway

Location: 13889 Hughes Road, Fox Township

Purpose: To locate a banquet facility on a non-arterial and non-major collector roadway as part of a request for an A-1 Special Use

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

15-15 Peter and Mary Bielby - Variance from required setback distance of a proposed dog kennel structure – Special use request for a dog kennel approved by County Board on February 16, 2016

NEW BUSINESS/ OLD BUSINESS

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on May 31, 2016

KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
November 2, 2015 – 7:00 p.m.

CALL TO ORDER

At 7:00 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL

Members present: Randy Mohr (Chairman), Karen Clementi, Donna McKay (Vice- Chair), Tom LeCuyer, and Dick Thompson

Members absent: Scott Cherry and Dick Whitfield

Staff present: John Sterrett, Senior Planner

Public: Peter & Mary Bielby, Atty. Rick Slocum, Nick Bruscato

MINUTES

Ms. McKay made a motion, seconded by Mr. LeCuyer, to approve the corrected August 31, 2015 meeting minutes. With a voice vote of all ayes, the motion carried.

PETITIONS

15-15 Peter and Mary Bielby

Request: Variance from required setback distance of a proposed dog kennel structure
Location: 8573 Fox River Drive, Fox Township
Purpose: To use an existing 2,900 square foot structure as dog kennel that does not meet the require setback distance required for a dog kennel as part of a future A-1 Special Use application

Mr. Sterrett stated that the petitioners, Peter and Mary Bielby, are interested in operating a dog kennel at the subject property and using an existing 2,900 square foot structure to keep the dogs contained in. This type of use is permitted with a special use on an A-1 property with a required setback for the kennel facility to be located at least 250' from residentially zoned properties and properties identified on the LRMP as residential and located at least 150' from non-residentially zoned properties and properties identified on the LRMP as non-residential. The petitioners intend to seek approval for a special use to operate a dog kennel; however, current conditions on the property do not meet this requirement. It was the desire of the petitioners to seek a variance to this requirement prior to applying for the special use permit.

The existing structure is located 25' from the property to the west, which is zoned as A-1 Agricultural and depicted as non-residential on the LRMP, thus encroaching into the required setback by 125'. The structure is located 195' from the east property line, zoned as A-1 Agricultural and depicted as suburban residential on the LRMP thus encroaching into the required setback by 55'. Mr. Sterrett did clarify that the property to the east is within the

Village of Millbrook and the comprehensive plan for the Village indicates this property to be developed as a non-residential use. As such, staff is of the opinion that the current setback of 195' meets the required 150' setback distance from a non-residentially zoned lot and non-residential future land use. It was the preference of the petitioners to seek approval of the variance request for the separation distance of the kennel prior to filing an application for an A-1 Special Use for a dog kennel operation. If approved, the petitioners will be required to apply for a special use subject to a public meeting and public hearing in front of the Plan Commission and the Hearing Officer, respectively, with the County Board taking final action on the request.

Mr. Sterrett indicated that the narrow width of the lot does not allow for any structure, existing or proposed to meet the setback requirements for a dog kennel. While the County's LRMP identifies the property to the north as future residential and requires a kennel structure to be setback a distance of 250', the current use is considered governmental as it is the Fox Township building. An extensive amount of wooded areas exist between the proposed kennel structure and the property to the north thus limiting potential impact the distance the kennel structure has on the property. The property to the south is part of the Millbrook South Forest Preserve and is currently being used as farmland. Residential zoning would not be permitted to the immediate west of the subject property since the LRMP does not currently call for residential. Mr. Sterrett further noted that the subject building maintains a distance of 500' from the nearest residential property line in the Estates of Millbrook development to the southeast.

Staff recommends approval of the variance request with the understanding that the petitioner must apply for an A-1 Special Use and that approval of the special use is required prior to the converting the structure into a kennel. If the variance request is approved by the ZBA, staff recommends a condition be placed on the approval requiring the petitioner to submit an application for an A-1 Special Use to operate a kennel within ninety (90) of the date of approval. Mr. Sterrett stated that comments from the Village, the Township, and Forest Preserve have not been received.

Chairman Mohr opened the public hearing at 7:11pm. Rick Slocum, attorney for Peter and Mary Bielby, explained the variance request to the Zoning Board of Appeals. Attorney Slocum agreed with staff's recommendation and findings for the variance. Mary Bielby explained the existing conditions of the property to the southwest of the subject property and that there are grain bins and ag buildings located on the southwest property. The property is currently engaged in agricultural production. The Bielbys maintain a privacy fence between the subject property and the Forest Preserve property. Ms. Bielby pointed out that the operation will include boarding and daycare for dogs on a small scale with no more than 10-12 dogs boarded. The daycare component will have a few more. No breeding will occur. Ms. Bielby went onto describe her history with working at various dog boarding facilities. Modifications will be made to the existing building to convert it to a dog kennel. The operation will have no outdoor runs for the dogs but will have an outdoor play area behind the building towards the railroad tracks. All dogs will be kept inside at night. There were some concerns raised over the future use of the Forest Preserve property. Ms. Bielby stated that if a portion of the property adjacent to them

were available for sale they would explore purchasing it to create an additional buffer between the kennel and the nearest property.

Nick Bruscato of 21 Foxhurst Drive had initial concerns regarding the well-being of the dogs and stated many of his concerns were addressed previously by the petitioner during their testimony, including no breeding of dogs and the limit of dogs. Mr. Bruscato also had concerns regarding required shots the dogs must have to prevent diseases being spread to other dogs. Ms. Bielby stated that all dogs will be required to have a current distemper shot, a current negative fecal, a current rabies shot, and will be checked for fleas. Ms. Bielby also stated that regarding fecal, this will be a requirement every 6 months rather than the standard of every year. Mr. Bruscato's concerns were addressed by Ms. Bielby's responses.

Ms. McKay made a motion to approve the findings of fact along with the conditions recommended by staff. Mr. Thompson seconded. The findings of fact are 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 lot has a narrow width of 265' thus prohibits a new structure from being able to meet the required setback distances to the north and south lot lines.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **The lot size and dimensions of this parcel are not necessarily atypical of other lots zoned as agricultural.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The property was not platted by the petitioner and the existing structure was present on the site when the petitioner purchased the 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 existing structure, as accessory to the property, does still meet the required setbacks of an agricultural accessory building and should not have a detrimental effect on other properties.***

*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. **It does not appear that the existing structure itself currently impairs an adequate supply of light and air to the adjacent property. The proposed variation, along with the change in use of the structure to a dog kennel, will not have any additional impact on the existing structures impairment of the supply of light or air to adjacent property. As part of a special use, the conversion of the structure from storage to a commercial kennel is required to comply with required applicable codes.***

Chairman Mohr called for a vote. Mr. Sterrett called the roll: Ms. McKay – Yes, Mr. Thompson – Yes, Mr. Mohr – Yes, Ms. Clementi – Yes, Mr. LeCuyer – Yes. The finds of fact were approved 5-0

Ms. Clementi made a motion, seconded by Ms. McKay, to approve the variance request subject to special use approval with applicable conditions placed on the special use ordinance.

Chairman Mohr called for a vote. Mr. Sterrett called the roll: Ms. Clementi – Yes, Ms. McKay – Yes, Mr. Mohr – Yes, Mr. Thompson – Yes, Mr. LeCuyer – Yes. The motion carried 5-0.

REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES

None

NEW BUSINESS/OLD BUSINESS

2016 Meeting Schedule

Mr. Sterrett reviewed the 2016 meeting schedule with the ZBA. The Board stressed the importance of having the Board Room available for when ZBA meeting are scheduled to reduce any potential conflicts.

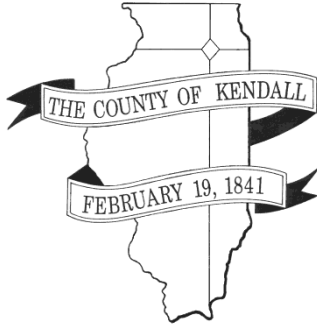
PUBLIC COMMENT - There were no additional comments by members in the audience.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Ms. McKay made a motion to adjourn the Zoning Board of Appeals meeting, Ms. Clementi seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:50 p.m.

Respectfully Submitted,

John H. Sterrett
Senior Planner



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 16-06

**Harvest New Beginnings Church
Variance – Free-Standing Sign**

SITE INFORMATION

PETITIONER Harvest New Beginnings Church

ADDRESS 5315 Douglas Road

LOCATION Northwest Corner of Plainfield Road and Douglas Road



TOWNSHIP Oswego

PARCEL # 03-34-100-007; -023

LOT SIZE 30.88 acres

EXITING LAND USE Place of Worship

ZONING A-1 Special Use

LRMP	Land Use	Rural Estate Residential (Max Density 0.45 DU/Acre)
	Roads	Plainfield Road is a County road classified as a Major Collector

	Road. Douglas Road is a Township Road classified as a Major Collector Road
Trails	None
Floodplain/ Wetlands	None

REQUESTED ACTION Request for a variance to the maximum permitted surface area of a free-standing sign to allow a sixty-three (63) square foot non-flashing illuminated free-standing ground mounted sign.

APPLICABLE REGULATIONS Section 12.08 A.2.a – Signs – Agricultural Districts – Permitted Signs - Wall or Free-Standing signs associated with government, institutional and approved special uses, not exceeding thirty-two square feet in gross surface area. One wall or free-standing sign shall be permitted on each frontage. Hours of illumination shall be limited from 6:00a.m. to 11:00p.m. daily except that public safety facilities may be illuminated 24 hours a day. Churches shall also be exempt for this provision on those days of the year when special services or events are held for the observance of religious holidays.

Section 13.04 – Variations

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Residential	A-1	Rural Estate Residential	A-1; A-1 SU; R-3
South	Agricultural/Residential	A-1	Rural Residential	A-1
East	Residential	R-3	Suburban Residential	R-3; A-1
West	Agricultural/Residential	A-1	Rural Residential	A-1; A-1 SU

ACTION SUMMARY

OSWEGO TOWNSHIP

The Oswego Township Board approved the variance request 3-0 at their April 12th meeting.

GENERAL

The petitioner, Harvest New Beginnings Church, is requesting a variance to the Agricultural sign regulations to install a non-flashing illuminated free-standing ground mounted sign towards the northwestern portion of the property along Plainfield Road that will exceed the maximum allowable surface area of thirty-two (32) square feet. The proposed sign is sixty-three (63) square feet. The petitioner has provided a landscape plan to provide landscaping around the proposed sign. An existing non-flashing illuminated free-standing ground mounted sign that totals thirty (30) square feet is located along Plainfield Road. The Church intends to relocate this existing sign to the Church entrance at Douglas Road. Both the proposed sign and the existing sign to be relocated are proposed to be ten (10) feet from the road right-of-way, as is required. The Church, having two roads fronting the property, is permitted to have one (1) non-flashing illuminated free-standing ground mounted sign on each road frontage. In theory, the Church could have two (2) thirty-two (32) square foot non-flashing illuminated free-standing ground mounted signs thus allowing sixty-four (64) square feet of total signage on the property.

In addition to the existing thirty (30) square foot free-standing ground mounted sign, the property has one (1) other free-standing sign advertising pre-school services. The construction of the proposed sixty-three (63) square foot sign will become the third freestanding sign on the property. This will exceed the total allowable amount of signs by one. A banner sign also is present on the property. Banner signs are permitted provided that they are not located on a property for more than sixty (60) days in a calendar year.

The Church has stated that the limited size of the existing sign creates difficulty for visitors to the Church coming from the northwest to notice the sign prior to passing Douglas Road. The Church believes the larger

sign will be more visible for drivers to see and allow them to prepare to turn left onto Douglas Road. The proposed sign will be located quite a distance from the required forty (40) foot site distance triangle at the intersection of Plainfield Road and Douglas Road.

RECOMMENDATION

If approved, staff recommends that at least one of the two existing free-standing signs on the property be removed to comply with the maximum allowable number of signs on a property. Staff would also recommend that the proposed landscape plan be incorporated into the approval and that existing and future banner signage shall comply with the temporary sign regulations.

ATTACHMENTS

1. Findings of Fact prepared by Petitioner
2. Oswego Township Letter – April 21, 2016
3. Site Plan
4. Sign Drawing
5. Landscape Plan

FINDINGS of FACT

§ 13.04.2 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. The petitioner has provided the following Findings of Fact:

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 intent of the variance is to provide proper, legible signage for this public facility. The existing practical difficulty is clearly defined by a large range of in age not being able to see the existing free-standing sign. Automobiles traveling on Plainfield Road are moving at an average rate of 40-50 mph to keep up with traffic. While in motion drivers are in search of a sign that is most suitable for low speed residential areas.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Use of this facility is unique in that the public is welcome at any time of day or night. The church is used for a myriad of different events. A large public presence in agricultural zoning is applicable only to a church.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

The hardship is one of legibility and safety. All passers-by are at disadvantage in attempting to locate the name of the church.

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. An increase in legibility will combat any concern with one's ability to safely identify the location and react properly while driving.

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 property frontage along Plainfield Road is approximately 1,400ft. This provides more than substantial supply of light and air to adjacent properties. Increased legibility allows the driver proper reaction time thus avoiding congestion or endangering public safety.

OSWEGO TOWNSHIP

Est. 1849

84 Templeton
P.O. Box 792
Oswego, IL 60543-0792

April 21, 2016

Kendall Co. Planning, Bldg. & Zoning Dept.
111 West Fox St.
Yorkville, Il. 60560

Attn: John Sterrett

Dear Sir:

The Oswego Township Board upon motion of 3 "ayes" and one absent, moved to approve the request of Petition #16-06-Harvest New Beginnings Church for a variance to permit free-standing ground mounted sign and to relocate the existing sign.

This action will be so stated in the minutes of the meeting of April 12, 2016 of the Oswego Township Board of Trustees.

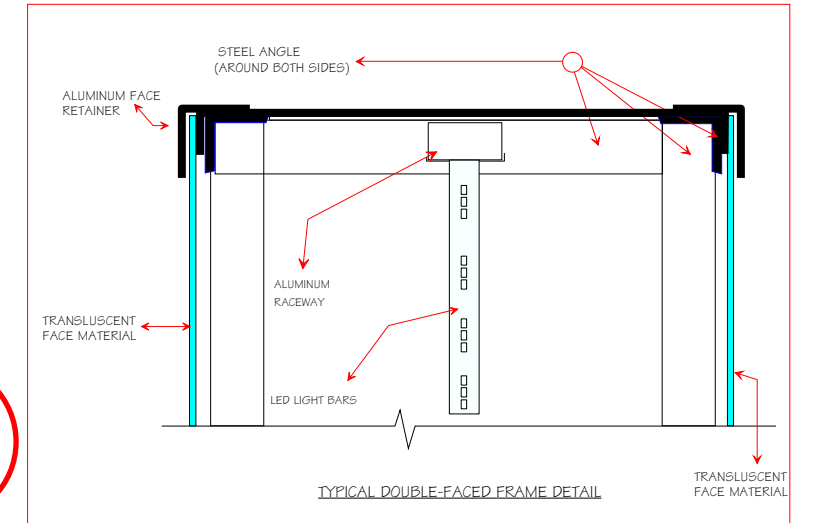
Sincerely,



James K. Detzler
Township Supervisor



SIGN TO BE UL LISTED



DOUBLE-FACED ILLUMINATED SIGN
 FABRICATE AND INSTALL SIGN OF ALUMINUM AND STEEL ANGLE.
 FACES TO BE WHITE LEXAN WITH COPY APPLIED FIRST SURFACE.
 EXPOSED METAL SURFACES TO BE COATED WITH ACRYLIC POLYURETHANE.
 INTERNAL ILLUMINATION TO BE WHITE LEDS.
 MASONRY TO BE SELECTED BY CLIENT.
 SCALE - 3/8" = 1'



INSTALLATION INSTRUCTIONS
 SET 2 - 4" X 12' STEEL PIPES IN CONCRETE FOOTINGS TO DEPTH OF 4'.
 SIGN TO BE PERPENDICULAR TO PLAINFIELD RD.
 CONNECT TO ELECTRICAL SERVICE TO BE PROVIDED BY OTHERS PRIOR TO INSTALL.



1100 Route 34 Aurora, Illinois 60503 630 898 5900 office 630 898 6091 fax	Prepared For: HARVEST NEW BEGINNINGS CHURCH	Address: 5315 DOUGLAS RD	Drwg: 215566	Sheet: 10	Design Date: 12/29/15	LANDLORD APPROVAL SIGNATURE	TITLE:
	Location Name:	City/State: OSWEGO, IL	Rev 1: Rev 2:	PRINT	DATE:		



RELOCATION OF SIGN IS PREFERRED
 REMOVE SIGN AND INSTALL AT ENTRANCE ON DOUGLAS RD

SCALE - 3/8" = 1'



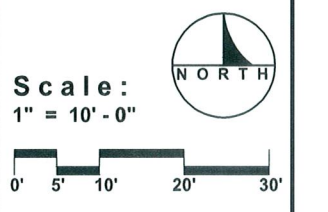
INSTALLATION INSTRUCTIONS
 REMOVE EXISTING SIGN FROM FOOTING.
 SET 2 PIPES (SIZE TBD) IN CONCRETE FOOTING
 TO DEPTH OF 4'.
 SIGN TO BE PERPENDICULAR TO WOLF RD.
 CONNECT TO ELECTRICAL SERVICE
 TO BE PROVIDED BY OTHERS
 PRIOR TO INSTALL.



1100 Route 34 Aurora, Illinois 60503 630 898 5900 office 630 898 6091 fax	Prepared For: HARVEST NEW BEGINNINGS CHURCH	Address: 5315 DOUGLAS RD	Drwg: 215566	Sheet: 4	Design Date: 12/29/15	LANDLORD APPROVAL SIGNATURE	TITLE:
	Location Name:	City/State: OSWEGO, IL	Rev 1:			PRINT	DATE:
			Rev 2:				

Harvest Baptist Church
 Oswego, IL

Plainfield Road Entrance Sign Planting Plan



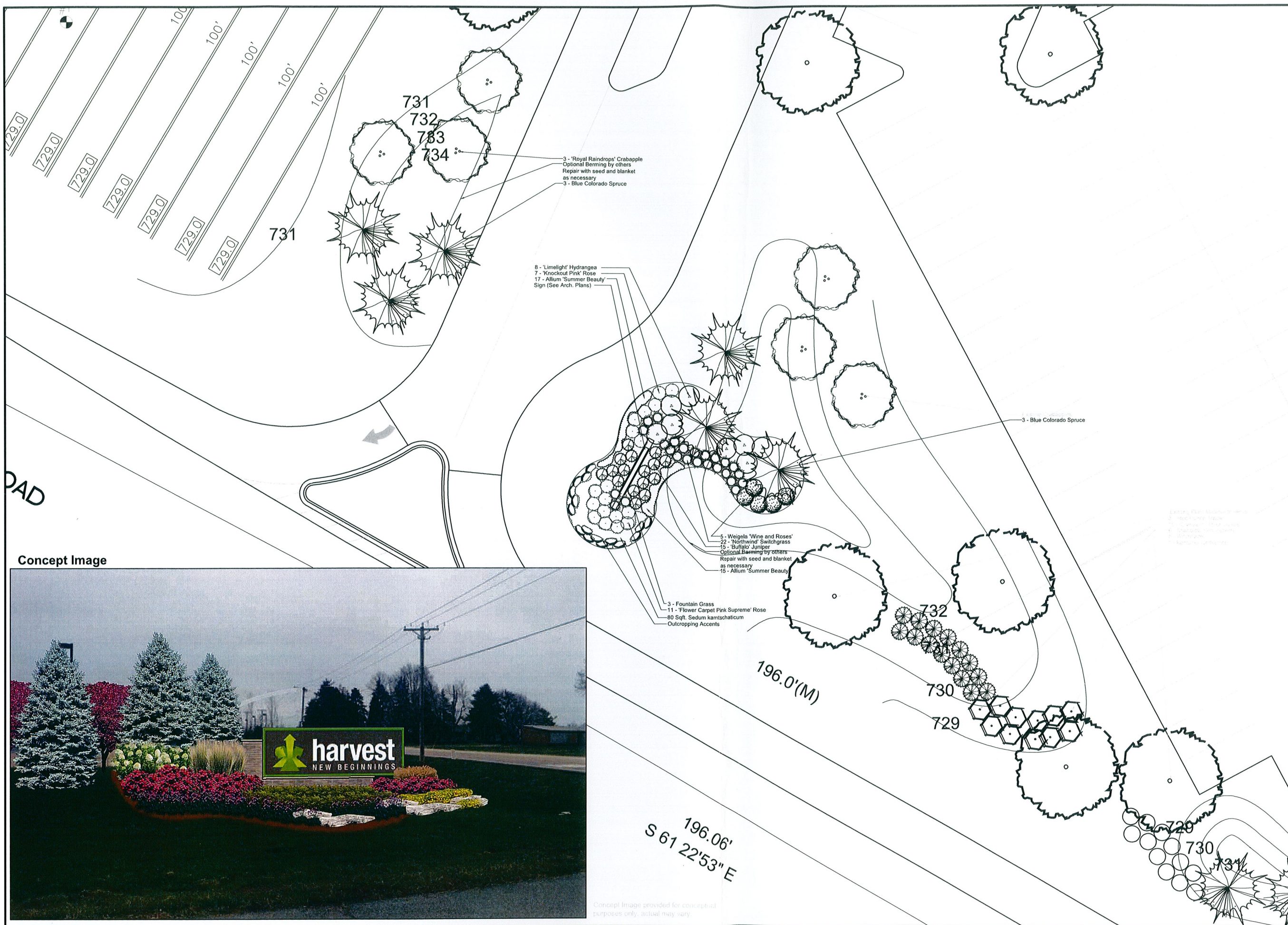
Date: 12/5/11
 Drawn By: SB
 Account Rep: KP
 Sheet #: 1 of 1
 Project #: 11.662.FV-sb

Revisions by:	Date:
sb	1-6-16

Copy To:	Date:

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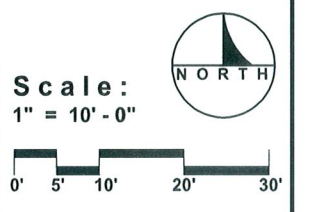
Concept Image



Concept Image provided for conceptual purposes only, actual may vary.

Harvest Baptist Church
 Oswego, IL

Plainfield Road Entrance Sign Planting Plan



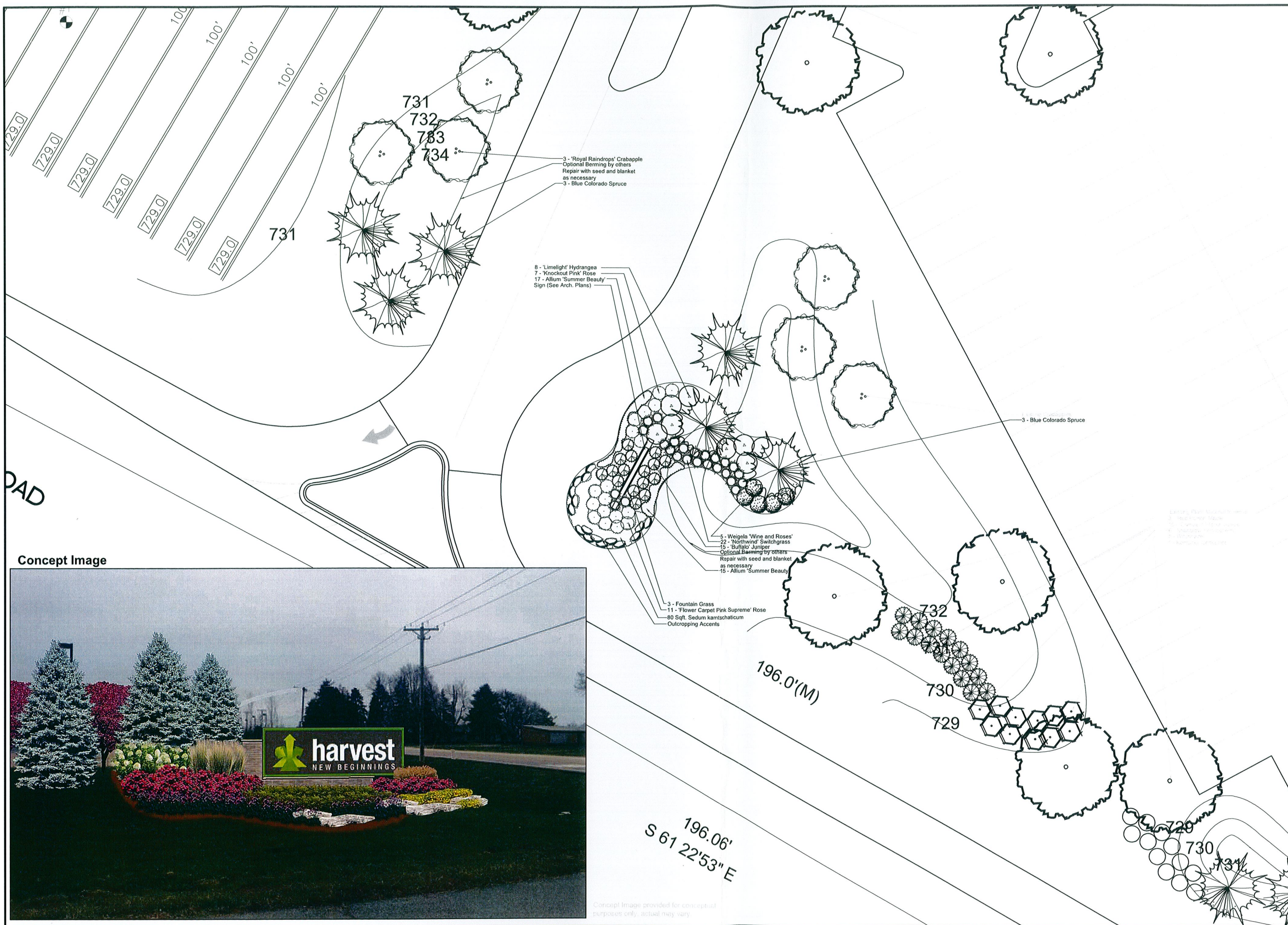
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Revisions by:	Date:
sb	1-6-16

Copy To:	Date:

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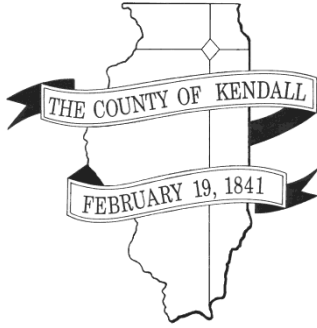
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DEPARTMENT OF PLANNING, BUILDING & ZONING

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Petition 16-05

**Treva and Brad Mathre d/b/a Mathre 1916 LLC
A-1 Special Use/Variance – Banquet Facility**

SITE INFORMATION

PETITIONER Treva and Brad Mathre d/b/a Mathre 1916 LLC

ADDRESS 13889 Hughes Road

LOCATION North side of Hughes Rd; ½ mi east of Hollenback Rd; 1 mi west of Helmar Rd



TOWNSHIP Fox

PARCEL # Pt. 04-35-100-002

LOT SIZE 5.0 acres; Overall property is 80 acres

EXITING LAND USE Agricultural/Single Family Residential

ZONING A-1 Agricultural District

LRMP	Land Use	Agricultural
	Roads	Hughes Road is a township road classified as a non-Collector Road
	Trails	None
	Floodplain/ Wetlands	None

REQUESTED ACTION

A-1 Special Use to operate a banquet facility. Variance to operate a banquet facility without direct access to a major collector roadway or an arterial roadway

APPLICABLE REGULATIONS

Section 7.01 D.10 – A-1 Special Uses – Permits Banquet Facilities to be located in the A-1 District with approval of a Special Use provided that the banquet meets certain conditions including direct access to a road designated either as an arterial roadway or major collector road as identified in the Land Resource Management Plan.

Section 13.08 – Special Use Procedures

Section 13.04 – Variations

SURROUNDING LAND USE

Location	Adjacent Land Use	Adjacent Zoning	Land Resource Management Plan	Zoning within ½ Mile
North	Agricultural	A-1	Agricultural	A-1
South	Agricultural	A-1	Agricultural	A-1
East	Agricultural	A-1	Agricultural	A-1
West	Agricultural/Farmstead	A-1	Agricultural	A-1



PHYSICAL DATA

ENDANGERED SPECIES REPORT

None received. Required prior to RPC

NATURAL RESOURCES INVENTORY

No NRI report needed.

ACTION SUMMARY

FOX TOWNSHIP

No comments have been received from Fox Township.

UNITED CITY OF YORKVILLE

The City's Plan Commission will review the petition at their May meeting.

ZPAC (4.5.16)

Brian Holdiman stated a change of occupancy permit to ensure basic life safety requirements for the barn structure is required. Per written comments from the Health Department, portable toilets are

acceptable. Commander Peters stated that the condition regarding noise cannot be enforced by the Sheriff's Office since the property is zoned as Agricultural and therefore not subject to the County's Noise Ordinance. The Sheriff's Office can assist with the investigation of any noise complaint. Fran Klaas stated that there is little traffic on Hughes Road and that the proposed use will not have an impact on the roadway. The Committee recommended that employees outside of those living on the property should be permitted. The Committee voted unanimously to forward the petition onto the Plan Commission with a favorable recommendation.

KCRPC (4.27.16)

The Plan Commission will meet on Wednesday, April 27th. A summary of the meeting will be provided prior to the ZBA Hearing.

GENERAL

The petitioners, Brad and Treva Mathre, d/b/a Mathre 1916, LLC, are requesting an A-1 Special Use to operate a banquet facility at the subject property and use an existing 3,728 square foot barn structure. 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 5 acres.
- c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
- d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
- e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
- f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
- g. 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.

BUSINESS OPERATION

The petitioners have provided details regarding the operation of the banquet facility. The facility will primarily be used for weddings beginning in May and ending in early November each year. There will be no employees other than the petitioners. The petitioners live on the property and the principal use of the property will remain as a residence. The hours of operation for the day before an event will be from 12:00pm to 11:30pm and from 8:00am to 11:30pm the day of the event. A list of recommended food vendors will be provided to clients. Alcohol will not be served or encouraged. Small amounts of wine or champagne for toasts will be permitted. No cash bar or kegs will be permitted. No alcohol shall be brought on the premises. No sale of any alcohol will occur.

BARN STRUCTURE

The petitioner will utilize an existing 3,728 square foot barn structure for the banquet events. A Change of Occupancy permit will be required for the structure. The purpose of this permit is to evaluate the structure for proper ingress/egress, occupant load, life safety and health. Compliance with 2012 IBC existing structure provisions must be met.



ENVIRONMENTAL HEALTH

With the current business proposal, portable toilets will be permitted for sewage. If the business expands and intensifies, the petitioner will need to put together a plan for a more permanent solution that will lead to a large scale septic system to comply with Health Department requirements. The Health Department encourages the petitioners to work with them early in this process. With respect to water, the well does not qualify as a non-community water source and therefore does not need to be brought into this program. It is strongly recommended by the Health Department that the supply is sampled for nitrates and coliform bacteria. There are no major concerns regarding food since the petitioner will be use outside caterers.



PARKING

The proposed use is considered a place of assembly and is required to provide parking stalls in an amount at least 25% of the maximum capacity of the banquet facility structure. Per the building code, the maximum capacity of the structure is 120 persons and will therefore require thirty (30) parking stalls, two (2) of which must be reserved for ADA access.

The petitioner has indicated on their site plan that fourteen (14) 9'x20' parking stalls will be placed on the east side of the building on an existing concrete surface. Fourteen (14) 9'x20' parking stalls will be placed further west of the building over existing gravel. Additional gravel will be added to this parking area. Two (2) 16'x20' parking stalls will be reserved for ADA access. These stalls shall be constructed with a hard surface. A reserved parking sign for ADA compliance shall be installed for each of the two (2) parking stalls reserved for ADA access. The petitioner has indicated that the large field to the west of the parking area can be used for overflow parking if needed.

LIGHTING/SIGNAGE

The petitioner has indicated that no new signage associated with the business operation will be installed on the property. Staff recommends that a condition be placed on the controlling special use ordinance reflecting this. No new lighting is proposed on the property. Exterior lighting on the barn structure and the rear of the house currently exists to illuminate the parking areas.

ACCESS

Section 7.01.D.10.a states that a banquet facility shall direct access onto either an arterial road or a major collector road. A variance to this requirement will be required from the County's Zoning Board of Appeals since the property does not have direct access onto either an arterial road or a major collector road. Hughes Road is classified as a local township road. Hughes Road has direct access to State Route 71, which is an arterial roadway. The property is two (2) miles from State Route 71. The property is located 1.5 miles from Walker Road, a major collector road. Hughes Road is accessible from Walker Road through Helmar Road. During the ZPAC meeting, Fran Klaas, the County Highway Engineer, stated that he does not have concerns regarding the amount of traffic that will be generated from the proposed use.



CONCLUSION

The proposed banquet facility use is permitted as special use in the A-1 District with the required conditions outlined above. The proposed use complies with all conditions with the exception of the access onto either an arterial road or a major collector road. The petitioners are seeking a variance from the County's Zoning Board of Appeals to the condition requiring direct access onto either an arterial roadway or a major collector roadway.

RECOMMENDATION

Staff recommends approval of the Variance request to be located on a non-arterial and non-collector roadway for the use of a banquet facility.

ATTACHMENTS

1. Findings of Fact
2. Detailed Description of proposed use - prepared by the petitioners
3. ZPAC Meeting Minutes
4. RPC Minutes – **To be distributed prior to ZBA Hearing**
5. Proposed Site Plan

FINDINGS of FACT

§ 13.04.2 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. **The property is currently located on a roadway not designated as either an arterial roadway or a major collector roadway.**

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **The requirement for direct access onto an arterial roadway or a major collector roadway is unique only to A-1 Agricultural properties that are to be used as a banquet facility and not a standard requirement for other A-1 Agricultural district uses.**

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The designation as a non-arterial and non-collector roadway is from the Transportation Plan of the County's Land Resource Management Plan**

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 use of the property, and the traffic generated from such use, will not have a negative impact on the roadway. The County Engineer of the Highway Department has stated that Hughes Road is adequate to handle this type of use.**

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 propose use will generate a relatively low volume of traffic that will typically occur only one day each week and only during the months between May and November. Restrictions have been placed on the controlling special use ordinance to ensure the volume of traffic from the use remains low and that no additional points of access are being sought.**

MATHRE1916 weddings/events Venue

Treva Mathre
13889 Hughes Road
Newark, IL 60541
815-600-4469

Detailed description of purposed use:

The business plan for Mathre 1916 is to provide an events/wedding venue to clients looking for a rustic setting. The season of operations will begin in May of each year through early November of each year.

Mathre 1916 will maintain a strict "Family Friendly Facility." This is primarily our home, and we expect persons renting the barn for any occasion to respect the property as such. Our intensions are to have a few events or wedding receptions throughout the open season. Basically, we are providing a barn structure including tables, chairs, and linens. Myself, Treva Mathre will be on site for each event providing "Day Of" floor plans, timelines, and to make sure everything goes as planned by and for the client. There are no other employees. Hours of operation would be the day before the event from 12:00 noon until 11:30 p.m., and on the day of the event 8:00 a.m. until 11:30 p.m. Other than that, a list of recommended vendors will be provided to each client.

Alcohol is not served or encouraged at Mathre 1916. Small amounts of wine or champagne for toasts will be permitted. Beyond these parameters, details must be provided by the client and agreed to by Mathre 1916. No cash bar or kegs will be permitted; no alcohol shall be brought on the premises or consumed except that which has been provided by the event organizer/licensed caterer. No minors may be served alcohol, and no alcohol may be consumed outdoors by any guest in any event at any time.

This year - 2016 is one of trial and error. If the scheduled events/receptions prove to be profitable, manageable, and not an overwhelming endeavor, the future business plan is to grow accordingly while keeping the homestead intact. This is a family farm that has been in our family for over 100 years. We have no intentions of changing that. This business is to supplement our income as farmers.

Mathre 1916 weddings/events Venue
Treva Mathre

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
April 5, 2016 – Meeting Minutes**

Senior Planner John Sterrett called the meeting to order at 9:01 a.m.

Present:

Scott Gryder – PBZ Committee Chair
Fran Klaas – Highway Department
David Guritz- Forest Preserve
Brian Holdiman- PBZ Department
Commander Mike Peters – Sheriff's Office
John Sterrett – PBZ Department

Absent:

Aaron Rybski – Health Department
Megan Andrews – Soil & Water Conservation District
Greg Chismark – WBK Engineering, LLC

Audience: Treva Mathre, Mathre 1916 LLC

AGENDA

Mr. Gryder made a motion, seconded by Mr. Gurtiz, to approve the agenda as written. With a voice vote of all ayes the motion carried.

MINUTES

Mr. Gryder made a motion, seconded by Mr. Klaas, to approve the January 5, 2016 meeting minutes as written. With a voice vote of all ayes the motion carried.

PETITIONS

#16-05 – Brad and Treva Mathre d/b/a Mathre 1916 LLC.

Mr. Sterrett summarized the zoning request, which is a request for an A-1 Special Use to operate a banquet facility on a 5 acre property at 13889 Hughes Road in Fox Township. The petitioners reside on the property. An existing 3,728 square foot barn structure will be used for banquets, primarily wedding receptions. A change of occupancy permit will be required for the barn structure. Thirty parking stalls will be provided to accommodate 25% of the maximum capacity of the structure. Mr. Sterrett explained that a banquet facility is required to have direct access onto an arterial roadway or a major collector roadway. Hughes Road is neither and therefore a variance is required to seek relief from this requirement. Staff is recommending approval of the special use request with the following conditions:

1. The property shall be developed in substantial compliance with the submitted site plan prior to any event occurring
2. Parking stalls reserved for ADA access shall be paved with a hard surface
3. A change of occupancy permit shall be secured prior to any event occurring
4. Events shall occur from May thru the second full week of November
5. The maximum number of patrons for each event shall be limited to 120, including any vendors working on the property for an event
6. No new signage associated with the banquet facility shall be permitted
7. No alcohol sales and no cash bar shall be permitted and all regulations of the Kendall County Liquor Control Ordinance shall be followed
8. Food shall be provided only by licensed caterers
9. Employees shall be limited to individuals residing on the property
10. Hours of operation for an event shall be between 8:00am and 11:30pm
11. A reserved parking sign for ADA compliance shall be installed for each of the two (2) parking stalls reserved for ADA access.
12. The banquet facility shall conform to the regulations of the Kendall County Health Department
13. Retail sales are permitted provided that the retail sales will be ancillary to the main operation and such sales occur only during an event

14. No additional lighting shall be added unless a photometric and lighting plan has been approved by the PBZ Department
15. 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.

Mr. Holdiman explained that a change of occupancy permit will be required. Commander Peters stated that the County's Noise Ordinance would not apply to this property because it is zoned A-1. Commander Peters explained that the Sheriff's Office could assist with the investigation into noise violations but enforcement action cannot be taken from the Sheriff's Office. Mr. Guritz pointed out possible noise issues that occur with banquet facilities. The Committee discussed the difference between conditions on a special use regulating noise versus the County's established Noise Ordinance.

Ms. Mathre stated that there will be no retail sale of alcoholic beverages and that wedding parties will be required to obtain a licensed caterer. Ms. Mathre also expressed a desire to have two employees to help with events. Mr. Holdiman shared comments from the Health Department including that portable toilets will be acceptable in the first year of operation based on the low intensity of the proposed use. If the use intensifies then the need for a remodel permit to add bathrooms of the building will need to be reviewed. Mr. Klaas stated that Hughes Road has very little traffic and that the traffic generated from the proposed use will not have an impact on the roadway.

Mr. Klaas made a motion, seconded by Mr. Gurtiz, to forward the petition onto the April 27th Regional Plan Commission. With a voice vote of all ayes, the motion carried.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Sterrett reviewed the petitions that were approved by the County Board including:

- 15-17 – Kevin Calder – A-1 Special Use – Landscape Operation – 9923 Walker Road, Kendall Township
- 16-01 – Peter and Mary Bielby – A-1 Special Use – Kennel Operation – 8573 Fox River Drive, Fox Township
- 16-02 – Fox Metro Water Reclamation District – Stormwater Management Ordinance Variance – Fee-in-Lieu of Stormwater Detention – 682 Route 31, Oswego Township

OLD BUSINESS

None

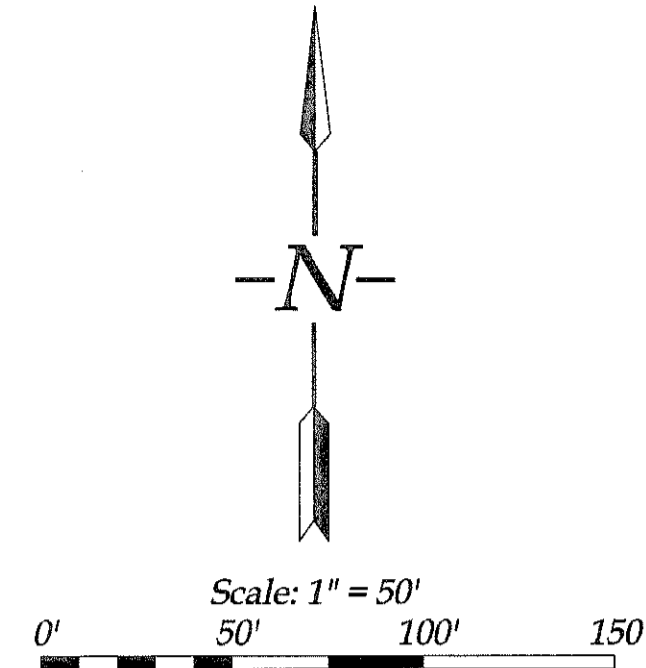
NEW BUSINESS

None

ADJOURNMENT

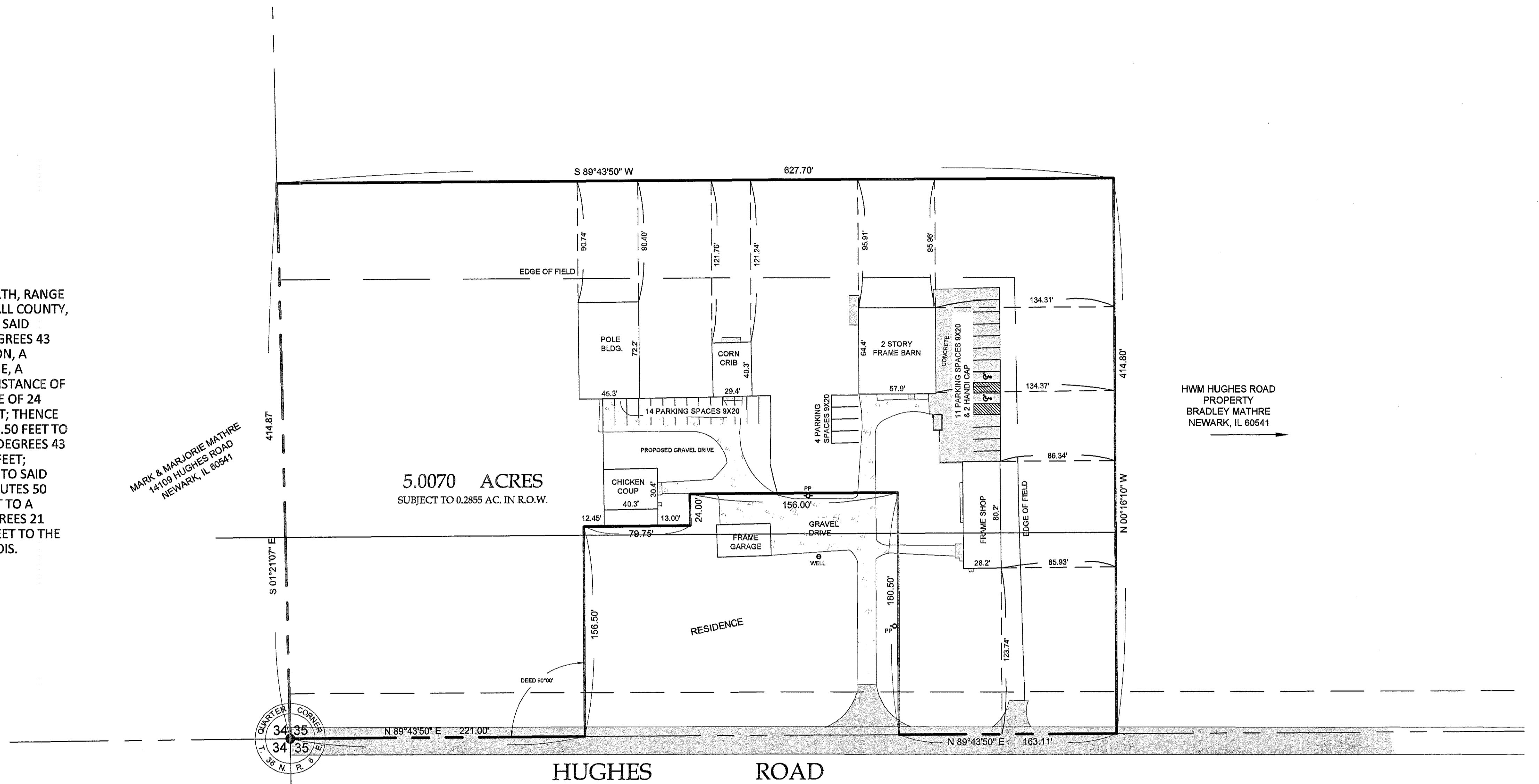
Mr. Gryder made a motion, seconded by Mr. Guritz, to adjourn. With a voice vote of all ayes, the motion carried. The ZPAC, at 9:22am, adjourned.

ZONING SKETCH



LEGAL DESCRIPTION

THAT PART OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 36 NORTH, RANGE 6 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF FOX, KENDALL COUNTY, ILLINOIS BEING DESCRIBED BY COMMENCING AT THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER FOR THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 43 MINUTES 50 SECONDS EAST ALONG THE SOUTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 221.0 FEET; THENCE NORTH PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 156.5 FEET; THENCE EAST PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 79.75 FEET; THENCE NORTH PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 24 FEET; THENCE EAST PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 156 FEET; THENCE SOUTH PERPENDICULAR TO THE LAST DESCRIBED COURSE, A DISTANCE OF 180.50 FEET TO A POINT ON THE SOUTH LINE OF SAID QUARTER SECTION; THENCE NORTH 89 DEGREES 43 MINUTES 50 SECONDS EAST ALONG SAID SOUTH LINE, A DISTANCE OF 163.11 FEET; THENCE NORTH 00 DEGREES 16 MINUTES 10 SECONDS WEST PERPENDICULAR TO SAID SOUTH LINE, A DISTANCE OF 414.80 FEET; THENCE SOUTH 89 DEGREES 43 MINUTES 50 SECONDS WEST PARALLEL WITH SAID SOUTH LINE, A DISTANCE OF 627.70 FEET TO A POINT ON THE WEST LINE OF SAID QUARTER SECTION; THENCE SOUTH 01 DEGREES 21 MINUTES 07 SECONDS EAST ALONG SAID WEST LINE, A DISTANCE OF 414.87 FEET TO THE POINT OF BEGINNING ALL IN THE TOWNSHIP OF FOX, KENDALL COUNTY, ILLINOIS.



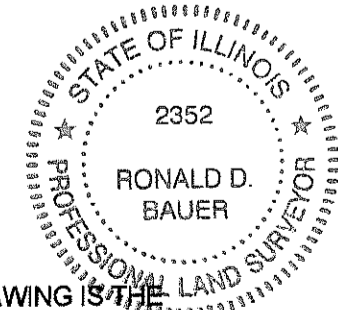
SURVEYOR'S CERTIFICATE

STATE OF ILLINOIS)
 COUNTY OF KENDALL) SS

THIS IS TO CERTIFY TO THE CLIENT, HOWARD AND TREVA MATHRE, THAT I, RONALD D. BAUER, AN ILLINOIS PROFESSIONAL LAND SURVEYOR IN AFORESAID COUNTY AND STATE, HAVE COMPLETED A BOUNDARY SURVEY ON THE GROUND OF THE PROPERTY HEREON DESCRIBED. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY AND THAT THE ZONING SKETCH HEREON DRAWN REPRESENTS THE FACTS FOUND AT THE TIME OF THE SURVEY. I ALSO CERTIFY THAT THERE WERE NOT ANY PROPERTY IRONS SET WITH THIS SURVEY DUE TO SAME OWNER OWNER THE PROPERTY ADJOINING SAID PARCEL. THIS SURVEY DOES NOT CONSTITUTE A RECORD TITLE SEARCH AND ALL EASEMENTS AND OR SETBACKS SHOWN ARE EITHER THOSE DESIGNATED ON THE RECORDED SUBDIVISION PLAT OR THOSE PROVIDED TO US BY OTHER DOCUMENTATION. NO ATTEMPT HAS BEEN MADE TO OBTAIN OR SHOW DATA CONCERNING EXISTENCE OF PUBLIC UTILITIES OR STORM WATER RUNOFF EITHER ONTO OR OFF FROM THE SITE. THE FINAL FIELD WORK WAS COMPLETED ON THE 14th DAY OF MARCH, 2016.

GIVEN UNDER MY HAND AND SEAL AT PLANO, ILLINOIS THIS 15th DAY OF MARCH, 2016 A.D.

Ronald D. Bauer
 ILLINOIS PROFESSIONAL LAND SURVEYOR #2352
 REGISTRATION EXPIRES 11-30-2016



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