

**MINUTES**  
**KENDALL COUNTY**  
**ZONING BOARD OF APPEALS MEETING**  
111 WEST FOX STREET, Room 209 and 210  
YORKVILLE, IL 60560  
**June 29, 2020 – 5:00 p.m.**

**CALL TO ORDER**

Chairman Randy Mohr called the Zoning Board of Appeals meeting to order at 5:01 p.m.

**ROLL CALL:**

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

Members Absent: Scott Cherry

Staff Present: Matthew Asselmeier, AICP, Senior Planner, Scott Koepfel, County Administrator (Attended Remotely)

Others Present: Elizabeth Flowers (Attended Remotely), Scott Gengler, Judy Gilmour, and Matthew Prochaska, Bill Ashton, Roger Bledsoe, Tom Casey (Attended Remotely), Larry Nelson, Ruben Rodriguez (Arrived at 5:05 p.m.), and Claire Wilson (Attended Remotely Starting at 5:41 p.m.), Aaron Rybski (Attended Remotely), David Guritz, Alyse Olson, Jason Langston, Meagan Briganti, Jeff Wehrli, Scott Gryder (Attended Remotely Starting at 5:41 p.m.), Mike Hoffman, Megan Andrews, and Audra Hendrix (Attended Remotely)

**PUBLIC COMMENTS:**

None

**NEW BUSINESS:**

Discussion of Amendments to the Kendall County Zoning Ordinance.

The Zoning Board of Appeals started their discussion with other advisory committees at 5:02p.m.

Mr. Asselmeier provided a history of the project and summarized the request.

Throughout the document, the following changes were proposed:

1. Section number changed from period separators to colon separators (i.e. Section 1.00 became Section 1:00).
2. General typographical errors were corrected.
3. Uses and definitions were moved to their proper place in alphabetical lists.
4. Words and numbers were added to the text without changing meaning (i.e. if the phrase “fifty feet” appeared in the text, the phrase “50” was added to the text.).

5. Abbreviations for certain terms replaced longer names in the text (i.e. Planning, Building and Zoning became PBZ, Zoning Board of Appeals became ZBA, Land Resource Management Plan became LRMP, etc.).
6. Incorrect citations were corrected and citations in general will be hyperlinked.
7. Sections were re-numbered and re-lettered without changing the meaning of the text.
8. Statements about complying with other sections of the Ordinance or other local, State, or Federal laws were removed because they are redundant (i.e. the statement "Signs must comply with Section 12 of the Ordinance" was used frequently throughout the document. The statement has no extra meaning because signs have to comply with the signage regulations whether or not this statement was included in the Ordinance).
9. If a use had multiple conditions, those conditions were listed in the first zoning district where the use occurred. In subsequent statements about the use, a reference to the original list of conditions and restrictions was added.
10. The phrases "date of adoption" and "date of amendment" were deleted and replaced with the date the section became effective.
11. In various sections, references to accessory uses meeting certain standards was deleted.
12. In various sections, references to home based businesses meeting applicable regulations was deleted.
13. In various sections, reference to small wind energy system standards were deleted.

In the Section 1:00 Title, the following change was proposed:

1. Only changes listed in the Throughout the Document section occurred.

In Section 2:00 Intent and Purpose, the following change was proposed:

1. The wording of the first paragraph regarding serving certain purposes was amended.

In Section 3:00 Rules and Definitions, the following changes were proposed:

1. Section 3:01 was amended by adding "Words and terms not defined shall have the meanings indicated by common dictionary definition."
2. The definitions of Automobile Service Station, Bus Lot, Garage (Bus), Erect (from the Sign Portion of the Ordinance), Garage (Public), Hotel (Apartment), Junker, Sign Advertising (Billboard), and Tourist Courts, Motor Lodges were deleted because the terms did not appear in the Ordinance or were duplicated, in whole or in part, by other terms.

3. The definitions of Awning Signs, Banner Signs, Changeable Copy Sign, Commercial Message, Construction Sign, Crop Identification Sign, External Illumination, Façade, Free-Standing Signs, Garage/Yard Sale Sign, Ground Sign, Illegal Sign, Illuminated Sign, Inflatable Sign, Instructional Sign, Internal Illumination, Marquee or Canopy, Marquee or Canopy Sign, Memorial or Tablet Sign, Non-Conforming Sign, Off Premise Identification Sign, Outdoor Advertising Structure (Billboard), Pennant, Political Sign, Portable Signs, Projecting Signs, Real Estate Sign, Roof Sign, Sign, Business, Sign Church Bulletin Board, Sign Contractor, Sign, Flashing, Sign, Gross Area Of, Sign Identification, Sign Structure, Sign Supports, Special Event Signs, Temporary Sign, Wall Sign, Window Area, and Window Sign were moved from the definitions section of the sign portion of the Ordinance (12:03) to this section.

Mr. Wehrli asked about limiting the types of banner signs. The consensus of attendees was to change the language to reference those signs as examples.

4. The definition of Bed and Breakfast was changed to more closely match the definition of bed and breakfast contained in the Illinois Bed and Breakfast Act.
5. The definition of Building, Completely Enclosed was changed regarding the separation from other structures and by removing the phrase other buildings.
6. The definition of Family was amended by deleting the phrase “group of”.
7. The definition of Floor Area For Determining Floor Area Ratio was amended by changing the calculation of floor area ratio for certain structures.
8. The definition of Grade was amended from the sign portion of the Ordinance.
9. The definition of Hotel, Motel, or Inn was amended to address short-term rentals. The consensus of attendees was to clarify that the thirty (30) days be consecutive days.
10. The definition of Kennel was amended to have the definition more closely the match the definition of kennel contained in the Illinois Animal Welfare Act.
11. The definition of Land Resource Management Plan was added to the Ordinance.
12. The definition of Loading and Unloading Space, Off Street was amended by deleting the phrase of land.
13. The definition of Microbrewery was amended by clarifying the Class 1 brewer reference from State law.
14. The definition of Non-Conforming Use was moved to the appropriate place alphabetically.
15. The reference “see Billboard” was added to the definition Outdoor Advertising Structure: Billboard.

16. The reference to eleemosynary institutions was removed from the definition of Philanthropic Institutions.
17. The definition of Railroad Right-of-Way was amended to clarify that the definition only applied to certain uses under regulation by the Interstate Commerce Commission.
18. The definition of Service Station was amended by replacing referencing with public garage with motor vehicle repair facility.
19. The definition of Short-Term Rental was added.

The consensus of attendees was to check with the State's Attorney's Office regarding whether or not the Zoning, Platting and Advisory Committee had to comply with the various regulations applying to public committees.

In Section 4:00 General Provisions, the following changes were proposed:

1. In Section 4:03, the buildings and structures shall conform to regulations, not just building regulations.
2. In Section 4:05.A.3, merchandise storage shall be on the same lot as the business use and not restricted to just retail services.
3. In Section 4:05.A.15, short-term rentals were added as accessory uses provided they are registered.
4. In Section 4:05.B, Permitted Obstructions Table, the reference to attached accessory buildings for eaves and gutters was removed.

Discussion occurred regarding swimming in relation to setbacks from wells and septic systems. The consensus of the attendees was to keep the distinction between the various types of swimming pools.

5. In Sections 4:06.1 and 4:07.1, research and development businesses were exempted from the requirement that they be conducted indoors.
6. In Section 4:06.6 and 4:07.7, noise, vibration, smoke, dust, odors, heat, glare, or electrical disturbances cannot be perceivable at the property line or cross the property line unless otherwise permitted by law.
7. In Section 4:18.L, the fee schedule for solar panels was adjusted to round kW up to the nearest whole number. The consensus of the attendees was to change the language to allow the County Board to set a fee, but the fee should be listed in the Planning, Building and Zoning Department's Fee Schedule Ordinance and not in the Zoning Ordinance.

In Section 5:00 Non-Conforming Buildings and Uses, the following change was proposed:

1. This Section was divided into parts A, B, and C. These partitions have been deleted.

In Section 6:00 Zoning Districts, the following changes were proposed:

1. In Section 6:01, the number of Zoning Districts was corrected from nineteen (19) to twenty (20).
2. In Section 6:01, the locations of certain districts within the Ordinance were reclassified based on the renumbering of certain sections and relocation of certain information.
3. In Section 6:01, the name of the M-3 District was changed to match its name in Section 10 of the Ordinance.
4. In Section 6:02, the location of the Official Zoning Map is more specifically defined and its location clarified.

In Section 7:00 Agricultural District, the following changes were proposed:

1. In Section 7:01.B.4, the Right to Farm Clause was added.
2. In Section 7:01.C.18.f., the procedure for classifying existing approved lots was deleted because the date referenced in the Section has passed.
3. In Section 7:01.D.13, the operational period for Bed and Breakfast Establishments was changed to match State law.
4. In Section 7:01.D.46, Riding Stables were deleted as a special use. Riding Stables were listed as both special and conditional uses. This deletion makes Riding Stables conditional uses in the A-1 District.
5. In Section 7:01.G.2.a and b, the measurement of the setbacks for primary and accessory structures in the A-1 District shall be either one hundred (100) feet from a dedicated road right-of-way or one hundred and fifty (150) feet from the center line of all adjacent roads and not whichever is greater.

In Section 8:00 Residential District, the following changes were proposed:

1. In Section 8:01, the last sentence in second paragraph regarding buffers was deleted and the Right to Farm Clause was added.
2. In Section 8:02.A.11.e, the phrase "or similar" was added to allowable farm animals. Alpacas were also added to the list of animals and the spelling of llamas was corrected.
3. In Section 8:02.B.1.b, remove the \$25 annual renewal and have the fee set by the County Board.
4. In Section 8:02.B.1.l, the administrative fee is removed.

Mr. Wehrli asked about wholesale food operations in residential districts. This use was allowed

because of the cupcake law.

5. In Section 8:02.C and other sections where they were listed as special uses, rest homes, nursing homes, and sanitariums will not be for human beings only.
6. In Section 8:03, the phrase “subject to approval of the County Board” was listed as footnote in several locations. This phrase was removed as a footnote and added to the body of the text where the footnote appeared.
7. In Section 8:03, the phrase, “as determined by the County Board or as identified in a local historic preservation plan” was listed as a footnote in several locations. This phrase was removed as a footnote and added to the body of the text where the footnote appeared.
8. In Section 8:03.H, the distinction between golf courses and par 3 golf courses was removed.
9. In Sections 8:04.C and 8:05.C, the phrase “and uses” was added to these sections confirming that uses in the RPD-1 were the same uses in the RPD-2 and RPD-3.
10. Section 8:06 was moved to Section 13 with the other procedures for approving zoning requests.

Discussion occurred about septic fields for certain retail uses in residential zoned areas. The consensus of attendees was not to make changes with regards to this issue.

11. In the R-2 and R-3 District, a title of “NO REZONING” was added to the paragraphs stating these rezoning to these districts cannot occur if the property was over a certain acreage.
12. In several districts, if there was only one conditional use, that use was listed in the introductory paragraph of the conditional use section instead of listing uses.

Discussion occurred regarding input from Homeowners’ Associations. The consensus of attendees was not to include regulations regarding input from Homeowners’ Associations.

In Section 9:00 Business Districts, the following changes were proposed:

1. Throughout this Section, telecommunication stations were included with telecommunication hubs.
2. In several districts, if there was only one conditional use, that use was listed in the introductory paragraph of the conditional use section instead of listing uses.
3. In Section 9:00, the Right to Farm Clause was added.
4. In Section 9:03, the self-storage facilities were removed as a conditional use because they are already special uses in the B-3 District.
5. In Section 9:04.G, the side and rear yard setback requirements were merged into one paragraph.

In Section 10:00 Manufacturing Districts, the following changes were proposed:

1. Throughout the Section, miscellaneous uses were separated and listed alphabetically in the appropriate places.
2. In several districts, if there was only one conditional use, that use was listed in the introductory paragraph of the conditional use section instead of listing uses.
3. In Section 10:01.C.3, the location of adult regulated uses was changed based on area to be zoned, the distance from certain other zoning districts was expanded to 1,000 feet, and the certain other districts were expanded to include A-1 Special Use PUDs, all residential zoning districts, and all business zoning districts.
4. In Section 10:03.1, the Enforcement Officer was changed to Zoning Administrator.
5. In Section 10:03.1, the severability section was deleted because there is a severability section in Section 14 that applies to the entire Zoning Ordinance.

In Section 11:00 Off-Street Parking and Loading, the following changes were proposed:

1. In Section 11:02.C, the reference to the Shared Parking published by the Urban Land Instituted is deleted.
2. In Section 11:02.F.6, the Americans With Disabilities Act parking information is deleted and replaced with a link to the appropriate sections to the Americans With Disabilities Act.
3. In 11:02.F.8, the applicability of the screening requirements was changed from institutional premises to properties zoned business, manufacturing, and agricultural with a special use permit. Screening provisions could be approved as part of a special use permit and could be reduced upon approval by the Regional Planning Commission or upon appeal by the Planning, Building and Zoning Committee.
4. In Section 11:04, the parking calculation for restaurants, furniture and appliance stores, household equipment or furniture repair shops, and health clubs and fitness centers was clarified to be based on the square footage of the entire premises.
5. In Section 11:04, the parking requirement for warehouse and storage was clarified to not be applicable to self-storage facilities.
6. In the final paragraph of Section 11:04, the parking requirements for uses not included in the parking table is proposed to be determined by the special use permit in cases where special use permits are issued.
7. In Section 11:05.A.1.b, the parking requirements for recreational vehicles would be determined by the parking regulations of the zoning district where the property is located.

8. In Section 11:05.A.1.b, the fee for registering a recreational vehicle was deleted because recreational vehicles can no longer be registered.
9. In Section 11:05.D, references to the Planning, Building and Zoning Director were changed to the Zoning Administrator.
10. In Section 11:05.D.5, the phrase unless otherwise allowed by ordinance was added.
11. In Section 11:06.G, the square footage requirement numbers were changed to remove conflicts (i.e. instead of category of 5,000 to 10,000 square feet, 10,000 to 25,000 square feet, etc. the new categories are 5,000 to 10,000 square feet, 10,001 to 25,000 square feet were created).

Discussion occurred regarding parking regulations in relation to outdoor seating. The consensus of attendees was not make any changes to the proposal regarding parking for outdoor seating.

In Section 12:00 Signs, the following changes were proposed:

1. In Section 12:03, definitions were moved to Section 3:02 of the Zoning Ordinance.
2. In Section 12:04.A, signs approved by governmental entities were added as public or quasi-public informational signs.
3. In Section 12:04.J, the conflicting language regarding the removal of certain real estate signs was removed; for rent or for lease signs must be removed within 7 days of closing or lease initiation. Signs for open houses must be removed on the same day as the open house.
4. In Section 12:06.D, regarding replacement bonus for certain signs was deleted.
5. In Section 12:08.A.1.c, the reference to political signs was removed and the provision was made applicable to all temporary signs.
6. In Sections 12:08.A.3, the 60% size of changeable copy signs as a part of the whole sign area was removed; the scrolling period for signs in the A-1 District would be determined by the special use permit; message signs cannot pulsate; message must be visible for 2 seconds instead of 5 minutes to be considered flashing.
7. In Section 12:09.A.3, government use signs cannot be changeable in the Residential Districts and the changes made in Section 12:08.A.3 listed previously would also occur in Residential Districts.
8. In Section 12:10.B, the changes listed in Section 12:08.A.3. would apply to signs in Business and Manufacturing Districts.
9. In Section 12:14.B.4, the regulation regarding temporary event signs will be clarified to “may”.
10. In Section 12:17.K, outdoor advertising structures would be governed by their respective special use permits.



11. Section 12:20 would be deleted because the amortization period has ended.

In Section 13 Administration, the following changes were proposed:

1. Throughout the Section, references to zoning maps are changed to the Official Zoning Map.
2. In Section 13:01.B.2, the terms of office for the original members of the Zoning Board of Appeals are deleted.
3. In Section 13:01.B.9, the notice requirement is changed from the newspaper notification between 30 and 15 days to notice by manner defined by applicable law. The members of the Zoning Board of Appeals had no objections to this change.
4. In Section 13:01.C.3, the Zoning Map will not be attached hereto.
5. In Section 13:03, the County issues completion permits in addition to occupancy permits; the section is amended to reflect this fact.
6. In Section 13:04.A.1, the language is clarified that variances can be granted for anything except use.
7. In Section 13:07.B, the Zoning Administrator was added to the list of entities that may initiate amendments.
8. In Section 13:07.D, the ZBA initiation of proceedings was deleted.
9. In Section 13:07.F, the language was clarified to require the Zoning Board of Appeals to issue a recommendation within 30 days after the close of the hearing. The members of the Zoning Board of Appeals had no objections to this change.
10. In Section 13:07.G.2, the language was amended to correspond with State law regarding written protests.
11. Section 8:06, regarding approval of RPDs, was moved to Section 13:09.
12. In Section 13:09.B.2, the language was clarified regarding membership on the Concept Plan Committee to include other affected districts.
13. In Section 13:09.D.3.b, the notification was clarified to the municipality with extra-territorial control.
14. In Section 13:09.D.3.g, the timeline of overview for the PBZ Committee was extended to 60 days to allow appropriate entities time to file legal objections.
15. In Section 13:10.F.1, the application deadline is changed from 7 to 14 days prior to ZPAC.

No changes were proposed in Section 14 Separability.

Discussion occurred about identifying the designee of the Zoning Administrator in the absence of the Zoning Administrator. The suggestion was made to have the Chairman of the Planning, Building and Zoning Committee as the designee.

Mr. Nelson suggested that the meetings of the Regional Planning Commission be called by the Chairman of the Regional Planning Commission.

Discussion occurred regarding the factors for designating open space. Mr. Rybski suggested that soils unsuitable for septic systems be considered for open space. ZPAC will propose language at their meeting on July 7, 2020.

The Kendall County Regional Planning Commission voted to initiate the text amendments. This matter goes to ZPAC on July 7, 2020.

The Zoning Board of Appeals concluded their discussion with other advisory committees at 6:58 p.m.

#### **MINUTES:**

Member Whitfield made a motion, seconded by Member Fox, to approve the minutes of the March 2, 2020 hearing/meeting. With a voice vote of six (6) ayes, the motion was approved.

#### **PETITIONS**

The Zoning Board of Appeals started their review of Petition 19-39 at 7:00 p.m.

**19 – 39 – John Dollinger on Behalf of Hansel Ridge, LLC (Current Owner), Jason Shelley on Behalf of Goprobball, LLC (Prospective Buyer), and James and Denise Maffeo (Prospective Buyer)**

Request: Map Amendment Rezoning the Subject Property from A-1 Agricultural to B-3 Highway Business District and Special Use Permits for Indoor and Outdoor Storage

PIN: Northeastern 8.69 +/- Acres of 09-13-200-002

Location: 195 Route 52, Seward Township

Purpose: Petitioners Would Like to Operate an Indoor and Outdoor Storage Facility on the Property.

Mr. Asselmeier summarized the request.

Goprobball, LLC would like to purchase the subject property and sell the northeastern portion of the property to James and Denise Maffeo for indoor and outdoor storage.

At the January 22, 2020, Kendall County Regional Planning Commission meeting, the Petitioners requested a layover in order to provide an updated site plan based on the comments and concerns expressed at previous meetings on this Petition.

On February 19, 2020, the Petitioner submitted an email requesting a layover until the April meetings.

The notice of the Zoning Board of Appeals hearing was already printed prior to the ZPAC meeting. The Petitioner requests that the hearing be continued until after the finalized site plan and landscaping plan are submitted.

Chairman Mohr re-opened the public hearing at 7:00 p.m.

Member Fox made a motion, seconded by Member Whitfield to lay over this Petition to July 27, 2020, at the request of the Petitioner.

The votes were as follows:

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

Nays (0): None

Absent (1): Cherry

The motion passed.

Chairman Mohr recessed the public hearing at 7:01 p.m.

The Zoning Board of Appeals completed their review of Petition 19-39 at 7:01 p.m.

#### **NEW BUSINESS/OLD BUSINESS**

None

#### **REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD**

Petition 19-34, regarding an outdoor storage business at 7821 Route 71 was withdrawn by the Petitioner.

Petition 19-37 and 19-38, regarding the LRMP amendment and map amendment for the indoor athletic facility at the northwestern corner of 195 Route 52 were approved by the County Board.

Petition 19-41 regarding citation authority was approved by the County Board.

#### **PUBLIC COMMENTS**

None

#### **ADJOURNMENT OF THE ZONING BOARD OF APPEALS**

Member LeCuyer made a motion, seconded by Member Whitfield, to adjourn.

The votes were as follows:

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

Nays (0): None

Absent (1): Cherry

The motion passed.

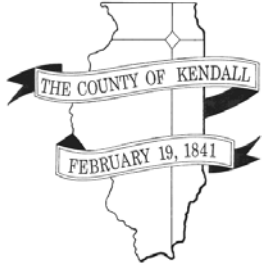
The Zoning Board of Appeals meeting adjourned at 7:02 p.m.

The next hearing/meeting will be on July 27, 2020.

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

Exhibits

1. Memo on Petition 19-39 Dated June 23, 2020
2. Certificate of Publication and Mailings for Petition 19-39 (Not Included with Report but on file in Planning, Building and Zoning Office).



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 204

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(630) 553-4141

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**MEMORANDUM**

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To: Kendall County Zoning Board of Appeals

From: Matthew H. Asselmeier, AICP, Senior Planner

Date: June 23, 2020

Re: Petition 19-39 Request for a Special Use Permit for Indoor and Outdoor Storage at 195 Route 52 in Seward Township– Petitioner Requests a Layover

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Goprobball, LLC would like to purchase the subject property and sell the northeastern portion of the property to James and Denise Maffeo for indoor and outdoor storage.

At the January 22, 2020, Kendall County Regional Planning Commission meeting, the Petitioners requested a layover in order to provide an updated site plan based on the comments and concerns expressed at previous meetings on this Petition.

On February 19, 2020, the Petitioner submitted an email requesting a layover until the April meetings.

On June 22, 2020, the Petitioner submitted the attached email requesting a layover until the July meetings.

The notice of the Zoning Board of Appeals hearing was already printed prior to the ZPAC meeting. The Petitioner requests that the hearing be continued until after the pre-annexation agreement with the Village of Shorewood is finalized.

If you have any questions regarding this request, please let me know.

Thanks,

MHA

## **Matt Asselmeier**

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**From:** Daniel J Kramer <dkramer@dankramerlaw.com>  
**Sent:** Monday, June 22, 2020 2:30 PM  
**To:** Matt Asselmeier  
**Cc:** Engel\_Natalie; Chrissy\_Kelley (kchrissy@vil.shorewood.il.us)  
**Subject:** [External]Four Seasons

Matt I just spoke with Natalie Engel at Shorewood. She asked if we could bump the Regional Plan Commission hearing to the July Meeting so they could finish their Pre-annexation Process with the Village. Their Staff has been very cooperative with my Clients. I have no objection to doing so. Could you consider this our formal request to Continue Hearing to the July Regional Plan Com and zoning Bd Hearing dates?

Very Truly Yours,

Daniel J. Kramer  
Attorney at Law  
1107A S. Bridge Street  
Yorkville, IL. 60560  
Phone-630.553.9500  
Fax-630.553.5764

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