



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

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

AGENDA

June 28, 2021 – 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, Cliff Fox, Tom LeCuyer, Dick Thompson, and Dick Whitfield

MINUTES: Approval of Minutes from the May 3, 2021 Zoning Board of Appeals Hearing/Meeting (Pages 2-17)

PETITIONS:

1. **Petition 21 – 19 – Wanda and Thomas Hogan (Pages 18-76)**
Request: Special Use Permit to Operate a 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 Market on the Property; Property is Zoned A-1 Agricultural

2. **Petition 21 – 22 – James Bauler (Pages 77-91)**
Request: Variance to Section 4:14.A.3.a to Allow the Installation of Fence at a Maximum Height of Eight Feet Instead of Six Feet in the West Side Yard
PIN: 03-04-455-007
Location: 68 Saugatuck Road, Montgomery, Oswego Township
Purpose: Petitioner Wants to Install an Eight Foot Tall Fence on the West Side of the Property; Property is Zoned R-6 One Family Residence District

NEW BUSINESS/ OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

1. Petition 21-14 Special Use Permit for Winery at 9396 Plattville Road

PUBLIC COMMENT:

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

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
May 3, 2021 – 7:00 p.m.

CALL TO ORDER

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

ROLL CALL:

Members Present: Scott Cherry, Cliff Fox, Tom LeCuyer, Randy Mohr, Dick Thompson, and Dick Whitfield

Members Absent: Karen Clementi

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

Others Present: Michele Morris, Kathryn Ivec, Don Rickard, Stanley Haseltine, Laura Denges (Attended Remotely), and Luke Robinson

MINUTES:

Member Fox made a motion, seconded by Member Cherry, to approve the minutes of the March 29, 2021 hearing/meeting.

The votes were as follows:

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

The motion passed.

Without objection, Chairman Mohr combined Petitions 21-12 and 21-13.

Chairman Mohr swore in Michele Morris, Kathryn Ivec, Don Rickard, Stanley Haseltine, and Laura Denges.

PETITIONS

The Zoning Board of Appeals started their review of Petition 21-12 and 21-13 at 7:01 p.m.

Petition 21 – 12 – Patrick and Michele Morris

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

Petition 21 – 13 – Martin and Kathryn Ivec

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

Mr. Asselmeier summarized the requests.

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.

The application materials, plat of survey showing the proposed location of the fence, fence description, and the aerial of the property were provided.

The property was approximately two (2) acres in size.

The current land use was single-family residential.

The future land use was Rural Residential.

Joyce Court is a Local Road maintained by Na-Au-Say Township. There are no trails planned on the road.

There were no floodplains or wetlands on the property.

The adjacent land uses were single-family residential.

The adjacent zoning districts were RPD-2.

The area was planned to be Rural Residential.

The zoning districts in the area are A-1 and RPD-2.

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.

For Petition 21-12, as noted in the fence description, the Petitioner would like to install two (2) double gates, one (1) at each driveway entrance. The gates would be a maximum thirty-two feet (32') wide.

For Petition 21-13, as noted in the fence description, the Petitioner would like to install one (1) double gate, one (1) at the driveway entrance. The gate would be a maximum thirty-two feet (32') wide.

As can be viewed on the aerial, 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 was emailed this proposal on March 26, 2021. No comments were received.

The Oswego Fire Protection District was emailed this proposal on March 26, 2021. No comments were received.

The proposed Findings of Fact for both Petitions 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. 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.

Staff recommends approval of the requested variances for both Petitions 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 the site plan.
3. The fence shall be of the similar style as shown in the fence description provided in the fence description.
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.

Chairman Mohr opened the public hearing at 7:05 p.m.

Chairman Mohr asked if the easements would still remain. Mr. Asselmeier responded yes.

Chairman Mohr asked if any of the fences in the subdivision were four feet (4') in height. Michele Morris, Petitioner, responded, to her knowledge, all of the fences were over five feet (5') in height.

Chairman Mohr closed the public hearing at 7:05 p.m.

Member LeCuyer made a motion, seconded by Member Whitfield, to approve the Findings of Fact for both Petitions.

The votes were as follows:

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

The motion passed.

Member LeCuyer made a motion, seconded by Member Cherry, to approved the requested variances with the conditions proposed by Staff.

The votes were as follows:

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

The motion passed.

Na-Au-Say Township will be notified of the results of the hearing.

The Zoning Board of Appeals completed their review of Petitions 21-12 and 21-13 at 7:07 p.m.

Without objection, Chairman Mohr moved Petition 21-16 ahead of Petition 21-14 on the agenda.

The Zoning Board of Appeals started their review of Petition 21-16 at 7:07 p.m.

Petition 21 – 16 – Stanley Haseltine and Jackie Priorello

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

Mr. Asselmeier summarized the request.

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 is 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, site plan, and the aerial of the property were provided.

The property was approximately one point three (1.3) acres in size.

The current land use was agricultural/farmstead.

The future land use was Suburban Residential.

Route 126 is an Arterial Road maintained by the State. There are trails planned on the road.

There are no wetlands on the property.

The extreme southwest corner of the property is in the 100-year floodplain.

The adjacent land uses were agricultural and single-family residential.

The adjacent zoning districts were A-1 in the County and PUD Low Density Residential in Plainfield.

The area was planned to be Suburban Residential and Low Density Residential.

The zoning districts in the area were A-1 in the County and PUD Low Density Residential in Plainfield.

The Petitioner intends to convert the garage to living space.

Na-Au-Say Township was emailed this proposal on March 31, 2021. No comments were received.

The Plainfield Fire Protection District was emailed this proposal on March 31, 2021. No comments were received.

The Village of Plainfield was emailed this proposal on March 31, 2021. No comments were received.

The proposed Findings of Fact 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. 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 following applicable building code, the variance will not increase the danger of fire or negatively impact public safety.

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

1. The site shall be developed substantially in accordance with the site plan 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.

Chairman Mohr opened the public hearing at 7:10 p.m.

Chairman Mohr asked if the garage would remain if the request was denied. Mr. Asselmeier responded that the garage would remain. However, the Petitioner would not be able to connect the garage with the main house.

Don Rickard, Architect for the Petitioner, stated that he felt the Petition met the standards for approval. He also noted that an attached garage already existed which will be converted to living space and the detached garage will be used as a garage.

Chairman Mohr closed the public hearing at 7:12 p.m.

Member LeCuyer made a motion, seconded by Member Whitfield, to approve the Findings of Fact.

The votes were as follows:

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

The motion passed.

Member Fox made a motion, seconded by Member LeCuyer, to approved the requested variance with the conditions proposed by Staff.

The votes were as follows:

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

The motion passed.

Na-Au-Say Township will be notified of the results of the hearing.

The Zoning Board of Appeals completed their review of Petition 21-16 at 7:13 p.m.

The Zoning Board of Appeals started their review of Petition 21-14 at 7:13 p.m.

Petition 21 – 14 – Laura Denges

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

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. 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.

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 were provided.

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. 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 originally, but the Petitioner might want to install an illuminated sign in the future.

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 requested 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. 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. (Last Sentence 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. 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.

Chairman Mohr opened the public hearing at 7:23 p.m.

Laura Denges, Petitioner, stated that she was looking forward to starting this family-owned business.

Chairman Mohr asked how many grapes would be grown the property. Ms. Denges responded that, at this time, the number was unknown. The grapes growing area would be about one (1) acre.

Chairman Mohr expressed concerns about the compatibility of growing grapes near other agricultural products due to the spraying of pesticides.

It was noted that a Right to Farm condition was included in the special use permit. Chairman Mohr asked if the Petitioner understood the Right to Farm Clause. Ms. Denges responded yes.

Chairman Mohr asked about outdoor events. Ms. Denges responded they may have small tables for tasting.

Chairman Mohr closed the public hearing at 7:27 p.m.

Member LeCuyer made a motion, seconded by Member Whitfield, to approve the Findings of Fact.

The votes were as follows:

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

The motion passed.

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

The proposal goes to the Kendall County Planning, Building and Zoning Committee on May 10, 2021.

The Zoning Board of Appeals completed their review of Petition 21-14 at 7:29 p.m.

NEW BUSINESS/OLD BUSINESS

Discussion of June Hearing/Meeting Date and Location

Mr. Asselmeier reported that no Petitions were filed and the June 2nd meeting was cancelled. The next hearing/meeting will be June 28th in the County Board Room

REVIEW OF PETITIONS THAT WENT TO THE 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.

PUBLIC COMMENTS

Chairman Mohr stated that Yorkville Economic Development Committee will be meeting on May 4th to discuss future land use along the Eldamain Road corridor south of the Fox River. Members should contact Mr. Asselmeier if they would like the remote attendance instructions.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

The votes were as follows:

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

The motion passed.

The Zoning Board of Appeals meeting adjourned at 7:32 p.m.

The next hearing/meeting will be on June 28, 2021.

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

Exhibits

1. Memo on Petition 21-12 Dated March 26, 2021
2. Certificate of Publication for Petition 21-12 (Not Included with Report but on file in Planning, Building and Zoning Office)
3. Memo on Petition 21-13 Dated March 26, 2021
4. Certificate of Publication for Petition 21-13 (Not Included with Report but on file in Planning, Building and Zoning Office)
5. Memo on Petition 21-14 Dated April 29, 2021
6. Certificate of Publication for Petition 21-14 (Not Included with Report but on file in Planning, Building and Zoning Office)
7. Memo on Petition 21-16 Dated March 31, 2021
8. Certificate of Publication for Petition 21-16 (Not Included with Report but on file in Planning, Building and Zoning Office)

**KENDALL COUNTY
ZONING BOARD OF APPEALS
MAY 3, 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
Don Rickman		
Stanley Haseltine		
Michele Morris		
Kathy Ives		



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 21-19

Wanda and Thomas Hogan

**A-1 Special Use Permit for the Sale of Agricultural Products
and Pottery, Art and Home Decor Not Produced on the
Premises**

INTRODUCTION

In March 2021, the Petitioners submitted an application for a market at the subject property. At the Kendall County Regional Planning Commission meeting, Kendall County Zoning Board of Appeals hearing, and Kendall County Planning, Building and Zoning Committee meeting, concerns were raised about the intensity of the use, the compatibility of the use in relation to adjacent agricultural uses, the impact of the proposed use on property values, safety at the property and along Brisbin Road, and the appearance of the property. After receiving negative recommendations at the above meetings and hearing, the Petitioner withdrew the original Petition.

On May 13, 2021, the Petitioners submitted a revised Petition. According to the information provided to the County, the Petitioners would like to offer an outdoor, twenty (20) stall market on the subject property with food. The market would feature vendors, including the Petitioners, their family members, and other vendors, that would sell goods not produced on the premises. The Petitioners have removed some items from the property and have agreed to install a four foot (4') snow fence around the ponds when the market is occurring.

The application materials are included as Attachment 1. The plat of survey is included as Attachment 2. The original site plan is included as Attachment 3. The aerial of the property is included as Attachment 4. A revised site plan, updated after the Regional Planning Commission meeting, is included as Attachment 10.

SITE INFORMATION

PETITIONER Wanda and Thomas Hogan

ADDRESS 14975 Brisbin Road

LOCATION East Side of Brisbin Road Approximately 0.5 Miles South of Route 52



TOWNSHIP Lisbon

PARCEL # 08-13-400-013

LOT SIZE 3.86 Acres

EXISTING LAND USE Agricultural and Farmstead

ZONING A-1 Agricultural District

LRMP	Current Land Use	Agricultural
	Future Land Use	Rural Estate Residential (Max 0.45 Du/Acre)
	Roads	Brisbin Road is a Township Maintained Major Collector.
	Trails	None
	Floodplain/Wetlands	None

REQUESTED ACTION A-1 Special Use Permit for the Sale of Agricultural Products and Pottery, Art, and Home Décor Not Produced on the Premises

APPLICABLE REGULATIONS Section 7:01.D.47 – A-1 Special Uses – Permits Sales of Agricultural Products Not Grown on the Premises

Section 7:01.D.48 – A-1 Special Uses – Permits Sales of Pottery, Art, Home Décor Not Produced on the Premises with Restrictions

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	Rural Estate Residential (Max 0.45 DU/Acre) (County) Low Density Residential (Plattville)	A-1
South	Agricultural	A-1	Agricultural	A-1
East	Agricultural	A-1	Rural Estate Residential	A-1
West	Agricultural	A-1	Rural Estate Residential	A-1 and A-1 SU

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.

PHYSICAL DATA

ENDANGERED SPECIES REPORT

EcoCat submitted on February 2, 2021, and part of the original application and consultation was terminated (see Attachment 1, Pages 6-8).

NATURAL RESOURCES INVENTORY

NRI application submitted on January 28, 2021 as part of the original application. A revised application was submitted on May 13, 2021. The LESA Scores from both the original and revised applications was 190 indicating a low level of protection. The revised NRI Report is included as Attachment 6.

ACTION SUMMARY

LISBON TOWNSHIP

Lisbon Township was emailed information on May 18, 2021.

SEWARD TOWNSHIP

The property is in Lisbon Township, but Seward Township maintains Brisbin Road in this area. Seward Township was emailed information on May 18, 2021. Seward Township Highway Commissioner Scott Cryder sent a letter stating that he was withdrawing the objection of the previous Township Highway Commissioner and recommending approval of the requested special use permit. This letter is included as Attachment 9.

VILLAGE OF PLATTVILLE

The Village of Plattville was emailed information on May 18, 2021.

LISBON-SEWARD FIRE PROTECTION DISTRICT

Lisbon-Seward Fire Protection District was emailed information on May 18, 2021. The Fire Protection District requested two (2) fire extinguishers and two (2) basic first aid kits, one (1) at the entrance and one (1) in the middle of the market. The Fire Protection District’s email is included as Attachment 8.

ZPAC

ZPAC reviewed this proposal at their meeting on June 1, 2021. The Petitioner stated the food vendor would be similar to a food truck. The Petitioners agreed to install hand washing stations near the restrooms. Given the number of events, the use would not meet the requirements for testing under the State’s non-community well program. The Petitioners reiterated that no parking would occur along

Brisbin Road. The Petitioners' Attorney invited everyone onto the site and asked if something needed to be removed or relocated, to let the Petitioners know. ZPAC voted to recommend approval of the proposal by a vote of six (6) in favor and zero (0) in opposition; four (4) members were absent. The minutes of the meeting are included as Attachment 7.

RPC

The Kendall County Regional Planning Commission reviewed this proposal at their meeting on June 23, 2021. The Petitioners clarified that the individual vendor stalls would be approximately fifteen feet by twenty feet (15'X20'). The Petitioners agreed that the request by the Lisbon-Seward Fire Protection District be added as a condition of the special use permit. Discussion occurred regarding overflow parking and the Petitioners agreed to amend the site plan showing additional parking to the west of the market area. Commissioners wanted to see no parking/tow zone signs installed by the Township in front of the subject property, if the Township could lawfully install such signs. Tom Anzelc felt the proposal was not the right fit for Lisbon Township. Cathleen Anzelc expressed concerns about precedent, noted that another market was in the area, felt that property values be negatively impacted, asked who would monitor the property for setup and teardown, and was concerned that the use will be incompatible with agricultural uses. Letters of support from neighbors Don and Jacque Schuck, Brenda and Dustin Walzer, and Carla and Sherman Tweet, Jr. were read. The Kendall County Regional Planning Commission voted to recommend approval of the proposal with the conditions proposed by Staff and that the Petitioners developed additional parking west of the site plan for overflow or vendor parking within one (1) year of the approval of the special use permit. The Commission also recommends that the applicable Township examine establishing a no parking or tow-away zone along Brisbin Road at the subject property. The vote was eight (8) in favor and two (2) in opposition. Chairman Ashton voted no because he was unsure if the Petitioners would install the extra parking. Member Stewart voted no because he did not believe the site had been satisfactorily cleaned up. The minutes of the meeting are included as Attachment 11.

GENERAL

According to the plat of survey (see Attachment 2), the original site plan (see Attachment 3), and the revised site plan (see Attachment 10), 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.

One (1) four foot (4') temporary snow fence will be installed around the ponds when the market is occurring.

Section 7:01.D.48 places several conditions and restrictions on special use permits regarding 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 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.

BUSINESS OPERATION

According to the business plan provided (see Attachment 1, Page 2), the Petitioner would like to operate the market a maximum two (2) weekends per month between April and October. The 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 Petitioners and their family, the business will not have any employees.

All vendors will have necessary insurance.

BUILDING CODES

No new structures are planned for the property.

A barrier will be installed by the propane tank.

ENVIRONMENTAL HEALTH

According to the site plan (see Attachment 3) and revised site plan (see Attachment 10), 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 Petitioners would make accommodations for vendors that want electricity. Solar panels are onsite.

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

STORMWATER AND DRAINAGE

The property drains to the east.

The Petitioners 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.

ROAD ACCESS

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

PARKING

Following the Regional Planning Commission meeting, the Petitioners updated the parking layout on the site plan. The site plan showed two (2) parking areas. The parking area by the existing steel barn consists of eight

(8) parking spaces including three (3) handicapped accessible parking spaces. The eight (8) parking stalls would be eight feet by fifteen feet (8'X15'). The three (3) handicapped parking spaces would be ten feet by fifteen feet (10'X15') with a five foot (5') landing area. An additional forty-seven (47) parking spaces were planned along the north and west sides of the site. Originally, the Petitioners planned to install thirteen (13) parking spaces along the north property line, but the Regional Planning Commission was concerned about overflow parking for patrons and vendor parking. The number of available parking spaces could be reduced if vendors with larger vehicles and trailers occupy the parking spaces along the western end of the site. The parking spaces would be gravel, hay, or grass with the exception of the three (3) 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.

LIGHTING

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).

SIGNAGE

The Petitioner plans to have a sign at Brisbin Road when the market is open. A picture of the sign is included as Attachment 5. 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.

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 to 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. 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 3-5 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.”

RECOMMENDATION

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 attached site plan (Attachment 10). 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 owner(s) or operator(s) of the business allowed by this special use permit must ensure the four foot (4') fence is erected around the ponds as shown on the attached site plan (Attachment 10) prior to the opening of the business allowed by this special use permit when the business is open to the public.
3. The subject parcel must remain at least (3) acres in size.
4. 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.
5. Retail and wholesale sales may occur outside existing buildings.
6. 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.
7. A maximum twenty (20) vendors and one (1) additional food vendor may be on the subject property.
8. 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. The uses allowed by this special use permit may be operational between the months of April and October.
9. Only the owners of the property and their family members shall be employees of the business allowed by this special use permit.
10. 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. The sign may be placed along Brisbin Road the day before the business allowed by this special use permit is open.
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 10). 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 be generated by the uses allowed this special use permit.
13. 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.
14. The operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.

15. 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.
16. On the days when the uses allowed by this special use permit are open to the public, two (2) fully functioning fire extinguishers and two (2) basic first aid kits shall be available, one (1) set of these items shall be located at the entrance to the market and the other set shall be located in the middle of the market.**(Added at Regional Planning Commission)**
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. This special use permit and the ordinance granting this special use permit shall be considered revoked on the tenth (10th) anniversary of the Kendall County Board's approval of this special use permit ordinance or when Thomas or Wanda Hogan no longer own the subject property, whichever occurs first. If Thomas or Wanda Hogan wish to continue the use allowed by this special use permit after the tenth (10th) anniversary of the Kendall County Board's approval of this special use permit ordinance or if a subsequent owner of the subject property wishes to operate the use allowed by this special use permit, a new special use permit shall be required. This condition shall not be eligible for a minor amendment.
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. NRI Report
7. June 1, 2021 ZPAC Minutes
8. June 21, 2021 Lisbon-Seward Fire Protection District Email
9. June 1, 2021 Letter from the Seward Township Highway Commissioner
10. Revised Site Plan (June 24, 2021)
11. June 23, 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 Hogan's Haven Market FILE #

NAME OF APPLICANT		
Wanda Hogan & Thomas K Hogan		
CURRENT LANDOWNER/NAME(s)		
Thomas K. & Wanda Hogan08		
SITE INFORMATION		
ACRES	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
App. one	14975 Brisbin Road, Mlnooka, IL. 60447	08-13-400-013
EXISTING LAND USE	CURRENT ZONING	LAND CLASSIFICATION ON LRMP
parking lot	A1	
REQUESTED ACTION (Check All That Apply):		
<input checked="" type="checkbox"/> SPECIAL USE	<input type="checkbox"/> MAP AMENDMENT (Rezone to <u> </u>)	<input type="checkbox"/> VARIANCE
<input type="checkbox"/> ADMINISTRATIVE VARIANCE	<input type="checkbox"/> A-1 CONDITIONAL USE for: <u> </u>	<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)		
¹PRIMARY CONTACT	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
Wanda Hogan	[REDACTED]	[REDACTED]m
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
[REDACTED]	[REDACTED]	[REDACTED]
²ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER OTHER # (Cell, etc.)
n/a	n/a	n/a
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
n/a	n/a	n/a
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	
[REDACTED]	5-13-21	

FEE PAID: \$ 1155.00
 CHECK #: 16468

¹Primary Contact will receive all correspondence from County
²Engineering Contact will receive all correspondence from the County's Engineering Consultants

HOGAN'S HAVEN COUNTRY MARKET

We want to start a country market, specializing in crafts, farmers market, and a select few flea market items.

We will be using the lot that is approximately one acre that is now being used for our equipment.

We would like to use this to supplement our S/S income.

We would only do this 1 to 2 weekends a month. Starting in April to Oct. Weather permitting.

We will use one space for our items. Also, we have family, kids and grandchildren that want space. The remaining spaces will be for any farmer's and vendors who wish to rent them as long as they are insurance. All VENDORS WILL BE REQUIRED TO HAVE INS. All vendors will be able to park in their space.

We will open 8 am to 5 pm. Vendors will be given ample time to set up before opening. 2 hours before and 2 after.

I am providing the site plan with drawing showing how we want to lay everything out. The sizes on spaces, parking ect. All signage for handicap parking, customer parking, pedestrian only signs. WE WILL be placing a 4 x6 sign by brisbin Road the night before the market and removed the Sunday evening after the market closes

WE WILL NOT BE BUILDING ANYTHING, WE WILL NOT Have any employees.

Legal Description

The South 250 feet, measured at right angles, to the South line of the Southeast $\frac{1}{4}$ of Section 13, Township 35 North, Range 7 East of the Third Principal Meridian, except the West 250 feet thereof, in the Township of Lisbon, Kendall County, Illinois

WARRANTY DEED
Joint Tenancy (Illinois)

THE GRANTORS, HAROLD D. KNUDSON and LINDA L. SHEELY KNUDSON, Husband and Wife,

of the _____ of _____
in the County of _____
and State of _____

For and in consideration of _____ Dollars in hand paid, CONVEY and WARRANT to
THOMAS HOGAN and WANDA HOGAN, Husband and Wife,
whose address is _____

not as tenants in common, but in JOINT TENANCY, the following described Real Estate situated
in the County of _____, in the State of Illinois to wit:

The South 250 feet, measured at right angles, to the South line of the Southeast
1/4 of Section 13, Township 25 North, Range 7 East of the Third Principal Meridian,
except the West 250 feet thereof, in the Township of Lisbon in Kendall County,
Illinois.

SUBJECT TO: Existing easements, covenants, and restrictions of record, and
1995 and subsequent years real estate taxes,

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of
the State of Illinois. TO HAVE AND TO HOLD said premises not in tenancy in common, but in
joint tenancy forever.

Permanent Real Estate Index Number: _____ 08-13-900-003

Address of Real Estate: _____
Brislin Road, Alton, IL

Given this _____ day of _____ November, 1995

HAROLD D. KNUDSON

LINDA L. SHEELY KNUDSON

Notary Public

Warranty Deed

STATE OF ILLINOIS)
) ss.
COUNTY OF KENDALL)

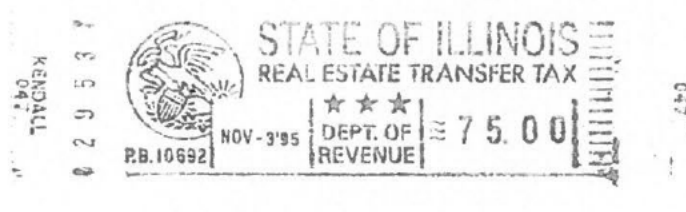
I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT HAROLD D. KNUDSON and LINDA L. SHELBY-KNUDSON by DANIEL J. *** personally known to me to be the same person s whose name s are _____ subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered thsi instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead

Given under my hand and notarial seal this 1st day of November, 1995.
*** KRAMER as Power of Attorney In Fact.

Notary Public

Send subsequent tax bills to:

Thomas Hogan and Wanda HOgan



This Document Prepared By:

Law Offices of
Daniel J. Kramer
1107A S. Bridge Street
Yorkville, IL 60560
708-553-9500

After Recording, Return To:

Attorney Ricahrd Jalovec
955 W. Madison
Chicago, IL 60607

COUNTY OF KENDALL
REAL ESTATE TRANSFER TAX
\$ 37.50 cmu



Applicant: Wanda Hogan **IDNR Project Number:** 2110032
Contact: Wanda Hogan **Date:** 02/02/2021
Address: [REDACTED] **Alternate Number:** 2110014

Project: Hogans Haven Market
Address: 14975 BRISBIN RD, MINOOKA

Description: we would to start a small Flea market/Crafts/Farmers market on the app.one now used for our equipment. we want to this 1 to 2 weekend a month to supplement our S/S.

Natural Resource Review Results

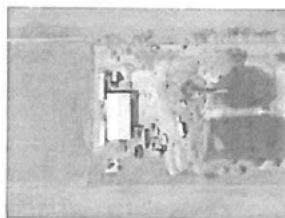
Consultation for Endangered Species Protection and Natural Areas Preservation (Part 1075)

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, 13

IL Department of Natural Resources
Contact
 Adam Rawe
 217-785-5500
 Division of Ecosystems & Environment

Government Jurisdiction
 Kendall County
 wanda Hogan
 [REDACTED]

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.

IDNR Project Number: 2110032

Terms of Use

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IDNR Project Number: 2110032



EcoCAT Receipt	Project Code 2110032
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APPLICANT	DATE
Wanda Hogan Wanda Hogan [REDACTED]	2/2/2021

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

Please fill out the following findings of fact to the best of your capabilities. §13:08.J of the Zoning Ordinance outlines findings that 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 it well not

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.

no it well not

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

already here

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

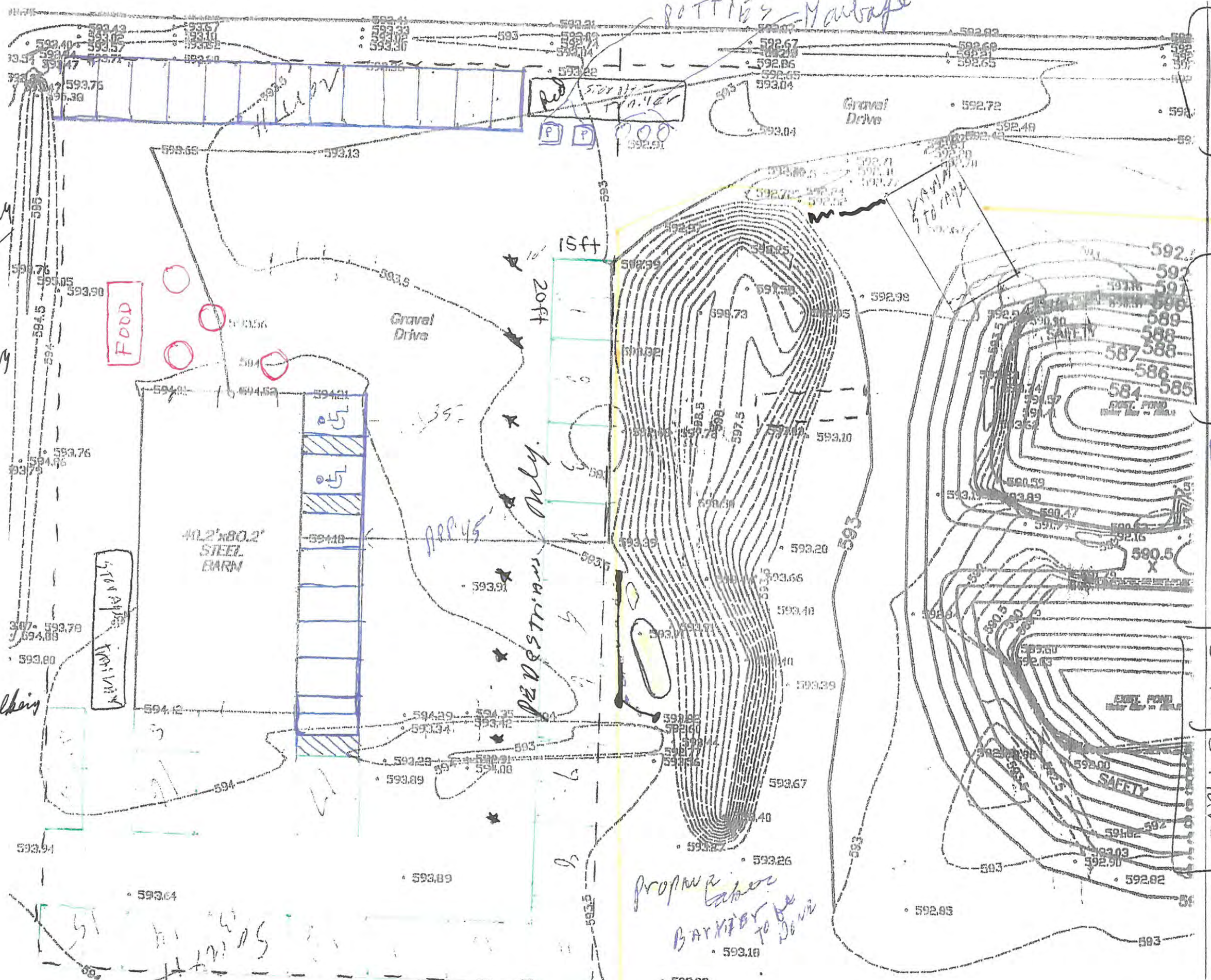
yes to the best of my knowledge.

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.

not sure, but our plan well not interfere with anything the county has in mind. since we are not building

anything!

(NORTH)



WE WILL NOT BE ANY DEMOLITION ANYTHING

WE WILL NOT BE BUILDING ANYTHING!

* ARE CURBS WITH CHAINS TO KEEP CARS AWAY FROM PEOPLE WALKING

SOUTH

7 parking spots + 2 handicap (84 x 15ft)

10ft x 15ft

5ft

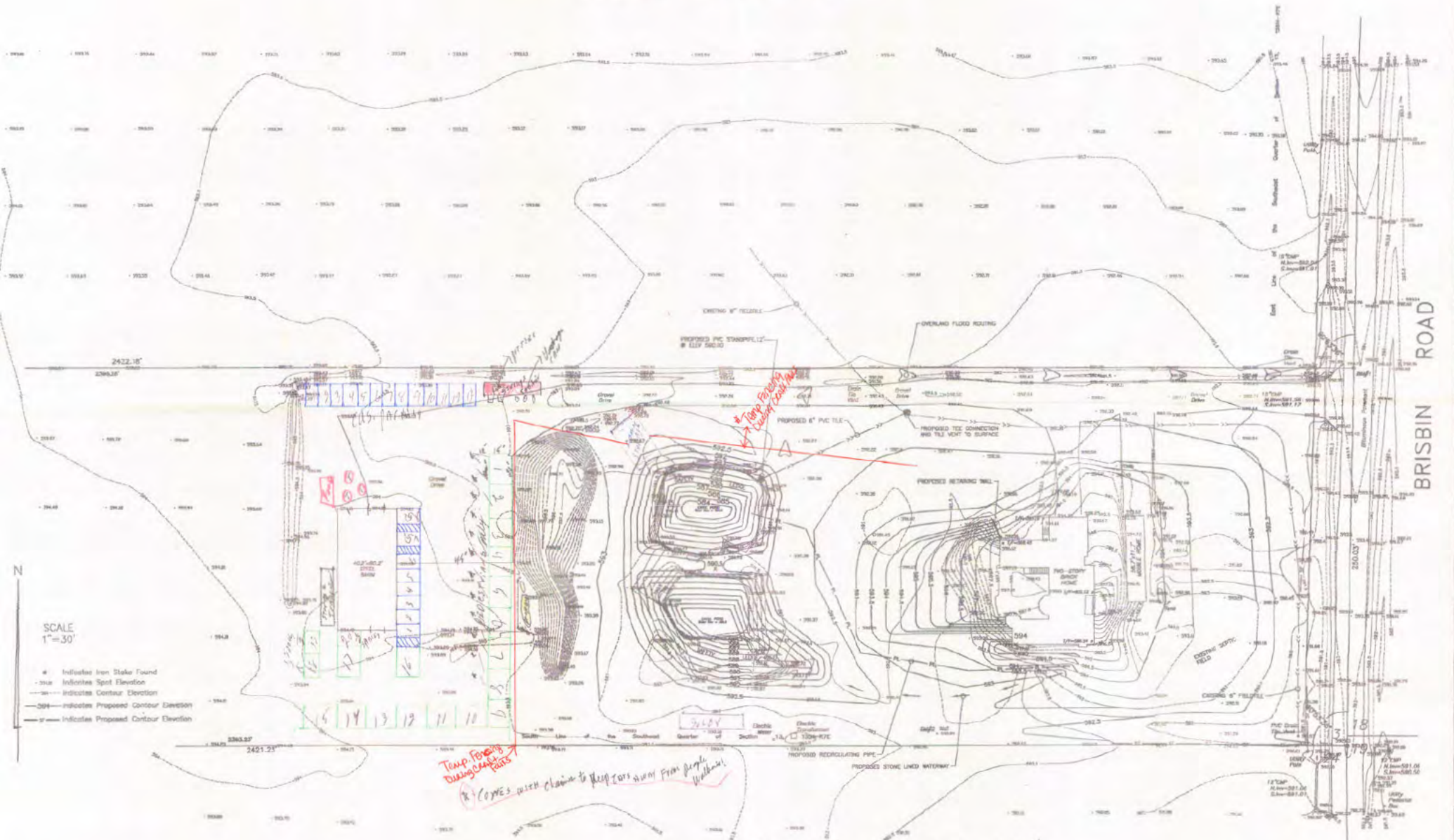
Jenny's plans

20 ft curb

20 ft curb

SITE PLAN

PART OF THE SOUTHEAST QUARTER OF SECTION 13, T35N-R7E, 3rd PM
LISBON TOWNSHIP KENDALL COUNTY ILLINOIS



BRISBIN ROAD

SCALE
1" = 30'

- Indicates Iron Stake Found
- Indicates Spot Elevation
- Indicates Contour Elevation
- - - - Indicates Proposed Contour Elevation
- Indicates Proposed Contour Elevation

BENCHMARKS --- (NAD83)

BM#1 - Top of Iron Pipe in Center of Pavement at Northeast Corner of Hogan Property. Elevation = 263.91

BM#2 - Top of Well Cap on Hogan Property. Elevation = 264.38

NOTES:
MAX SLOPES = 4:1
GRASSY AREAS DISTURBED BY EXCAVATION ACTIVITIES SHALL BE RESEEDED OR SOURED.

2 - party station by old survey center
3rd - various cuts of old stables & any other NEGRO through mt
Drain - various spaces - including those forming 15' x 30' - 17' +
3 half spaces if NEGRO 10th St
But this - 8 part 36 including 2 landscape along building
- 13 M. NORTH PROPERTY LINE
Metal shed built by property owner


PREPARED BY: [Redacted]
DATE: [Redacted]



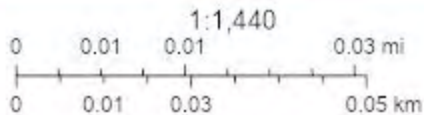
Kendall County Web GIS



February 8, 2021

 Kendall County Address Points Parcels

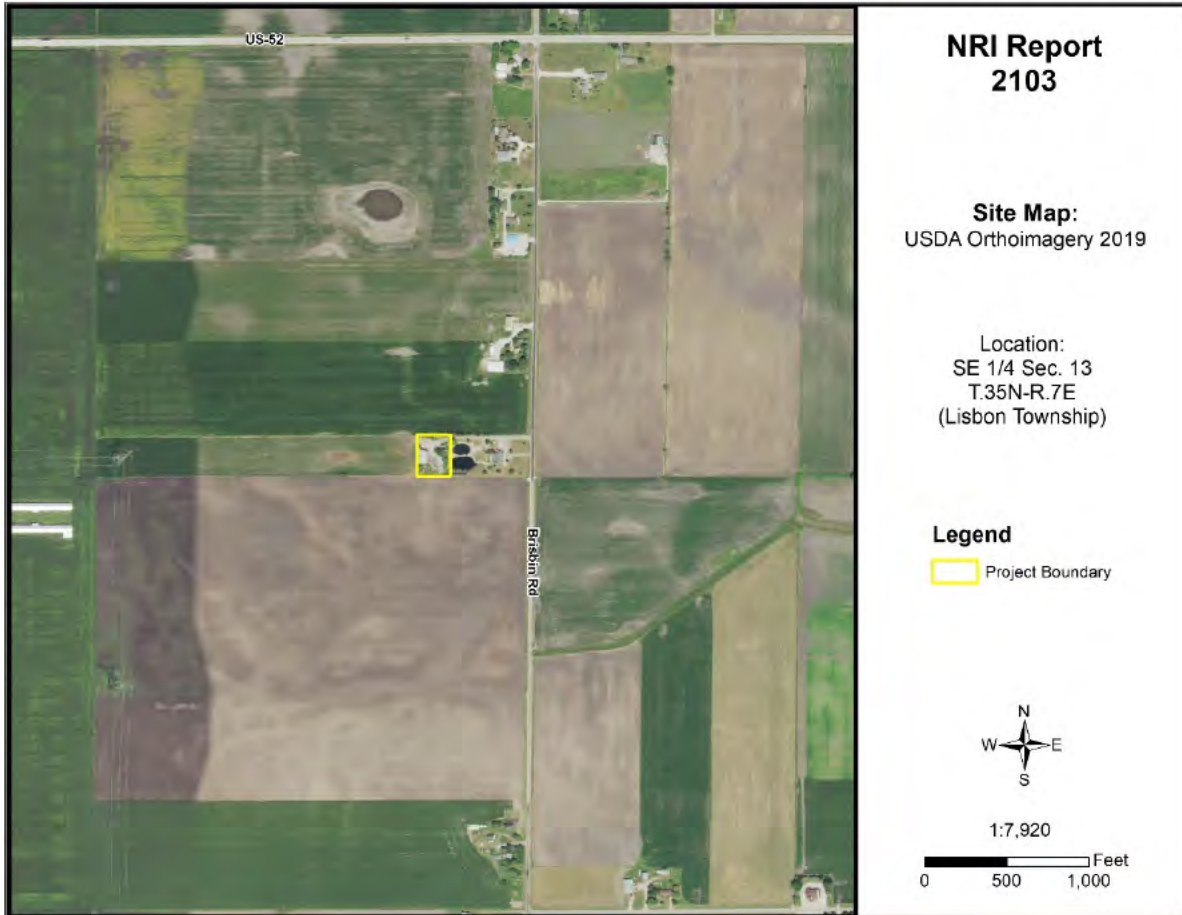
Ownership Parcel



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NATURAL RESOURCE INFORMATION (NRI) EXECUTIVE SUMMARY REPORT: #2103



Feb. 2021
Updated: May 2021

Petitioner: Hogan's Haven Country Market
Contact: Wanda Hogan

Prepared By:



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

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EXECUTIVE SUMMARY

Natural Resource Information Report Number	#2103
Petitioner	Hogan's Haven Country Market
Contact Person	Wanda Hogan
County or Municipality the Petition is Filed With	Kendall County
Location of Parcel	SE ¼ of Section 13, T.35N.-R.7E. (Lisbon Township) of the 3 rd Principal Meridian
Project or Subdivision Name	Hogan's Haven Country Market
Existing Zoning & Land Use	A-1 Agricultural; Rural Residence
Proposed Zoning & Land Use	No Change
Proposed Water Source	Well
Proposed Type of Sewage Disposal System	Septic
Proposed Type of Storm Water Management	Existing Configurations
Size of Site	1 (+/-) acres
Land Evaluation Site Assessment Score	190 (Land Evaluation: 85; Site Assessment: 105)

NATURAL RESOURCE CONSIDERATIONS

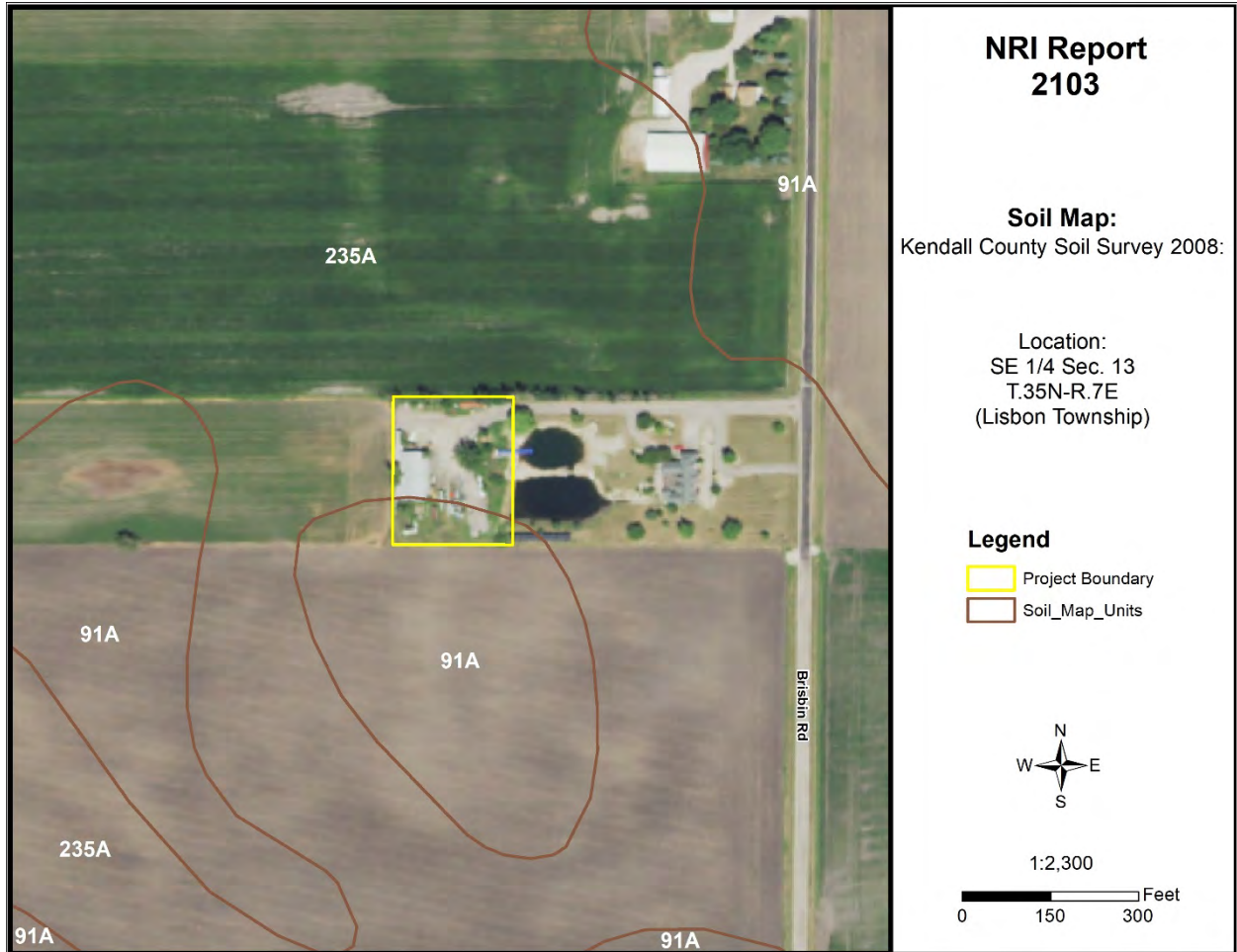


Figure 1: Soil Map

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
91A	Swygert silty clay loam, 0-2% slopes	Somewhat Poorly Drained	C/D	Non-hydric	Prime Farmland
235A	Bryce silty clay, 0-2% slopes	Poorly Drained	C/D	Hydric	Prime Farmland (if drained)

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, Bryce silty clay (235A) is classified as being a hydric soil and Swygert silty clay loam (91A) is classified as being a non-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, 28.1% are designated as prime farmland and 71.9% are designated as prime farmland if drained.

Table 2: Water Features

Map Unit	Surface Runoff	Water Table	Ponding	Flooding
91A	Medium	<u>January – May</u> Upper Limit: 1.0'-2.0' Lower Limit: 2.9'-4.8' <u>June – December</u> Upper/Lower Limit: --	<u>January – December</u> Surface Water Depth: -- Duration: -- Frequency: None	<u>January – December</u> Duration: -- Frequency: None
235A	Negligible	<u>January – May</u> Upper Limit: 0.0'-1.0' Lower Limit: 6.0' <u>June – December</u> Upper/Lower Limit: --	<u>January – May</u> Surface Water Depth: 0.0-0.5' above surface Duration: Brief (2-7 days) Frequency: Frequent <u>June – 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.

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 are the characteristics and qualities of the soil that affect the limitations for absorbing waste from domestic sewage disposal systems. 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. For more information please contact the Kendall County Health Department 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, 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	Onsite Conventional Sewage Systems	Acres	%
91A	Somewhat Limited: Depth to saturated zone; Shrink-swell	Very Limited: Depth to saturated zone; Too clayey; Dusty; Unstable excavation walls	Somewhat Limited: Depth to saturated zone; Dusty	Suitable	0.3	28.1%
235A	Very Limited: Ponding; Depth to saturated zone; Shrink-swell	Very Limited: Ponding; Depth to saturated zone; Too clayey; Unstable excavation walls; Dusty	Very Limited: Ponding; Depth to saturated zone; Too clayey; Dusty	Unsuitable: Wet	0.9	71.9%
% Very Limited	71.9%	100%	71.9%	71.9%		

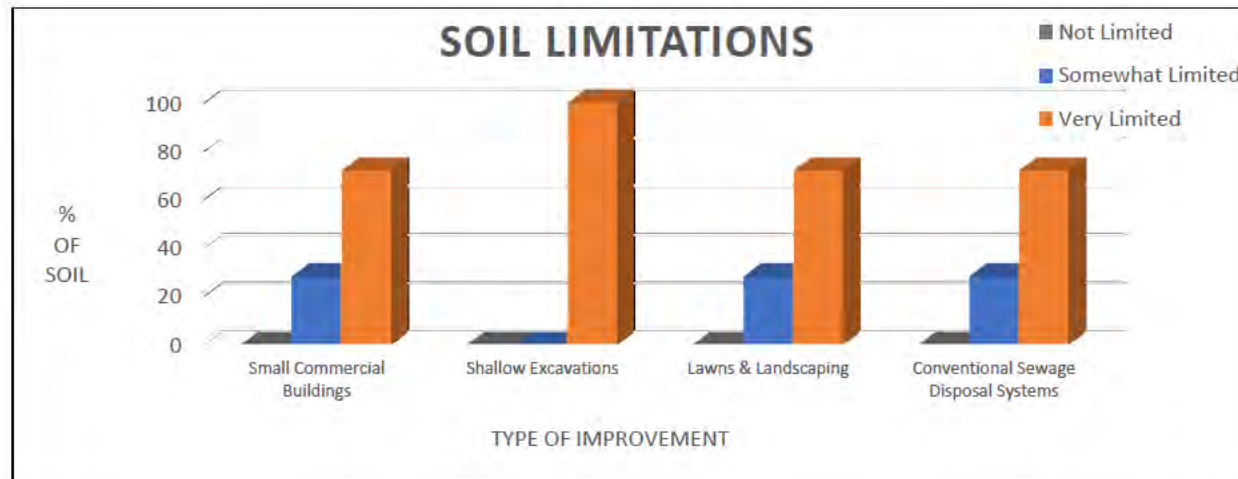


Figure 2: Soil Limitations

Building Limitations Maps:

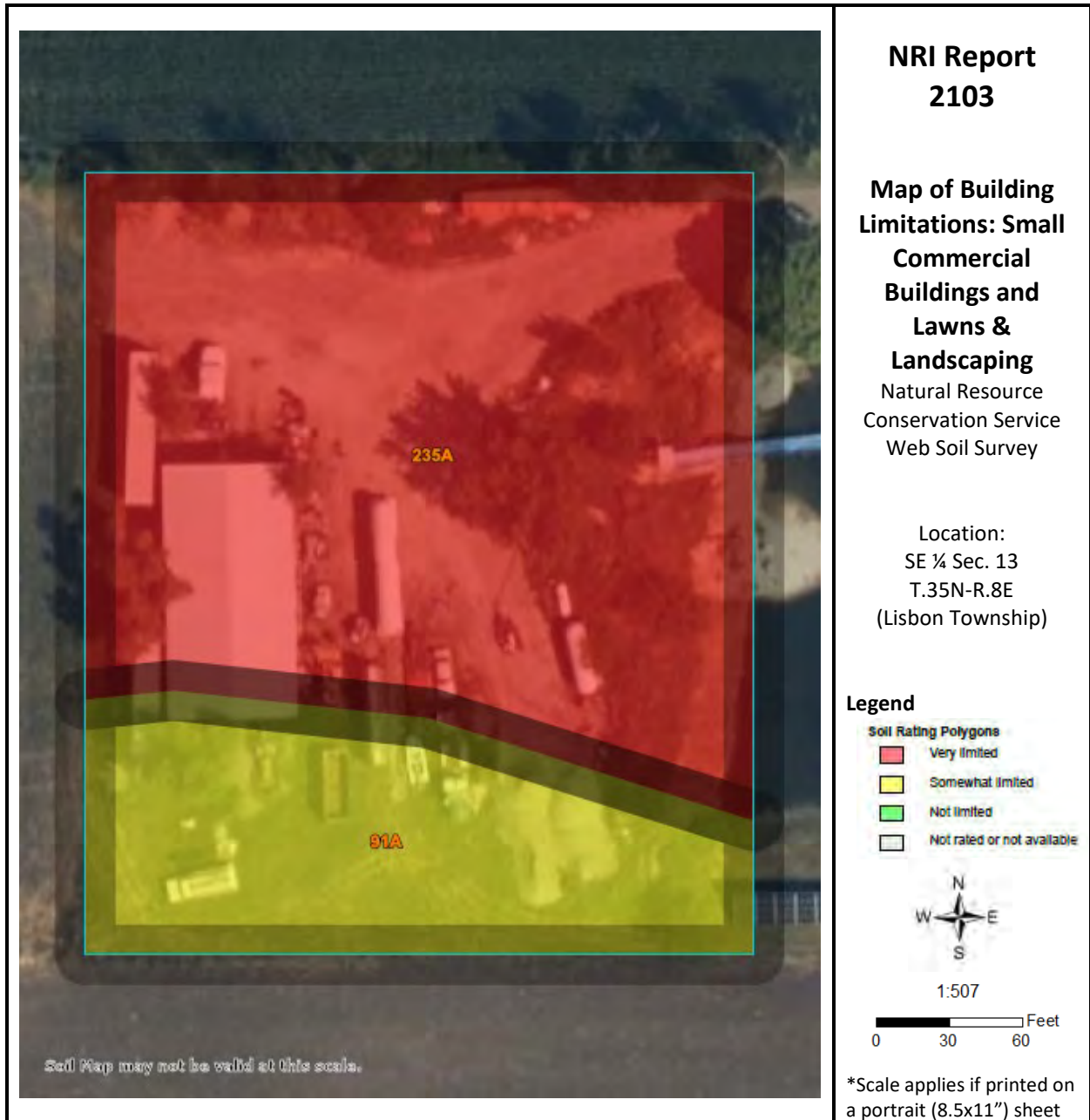


Figure 3A: Map of Building Limitations – Small Commercial Buildings and Lawns & Landscaping

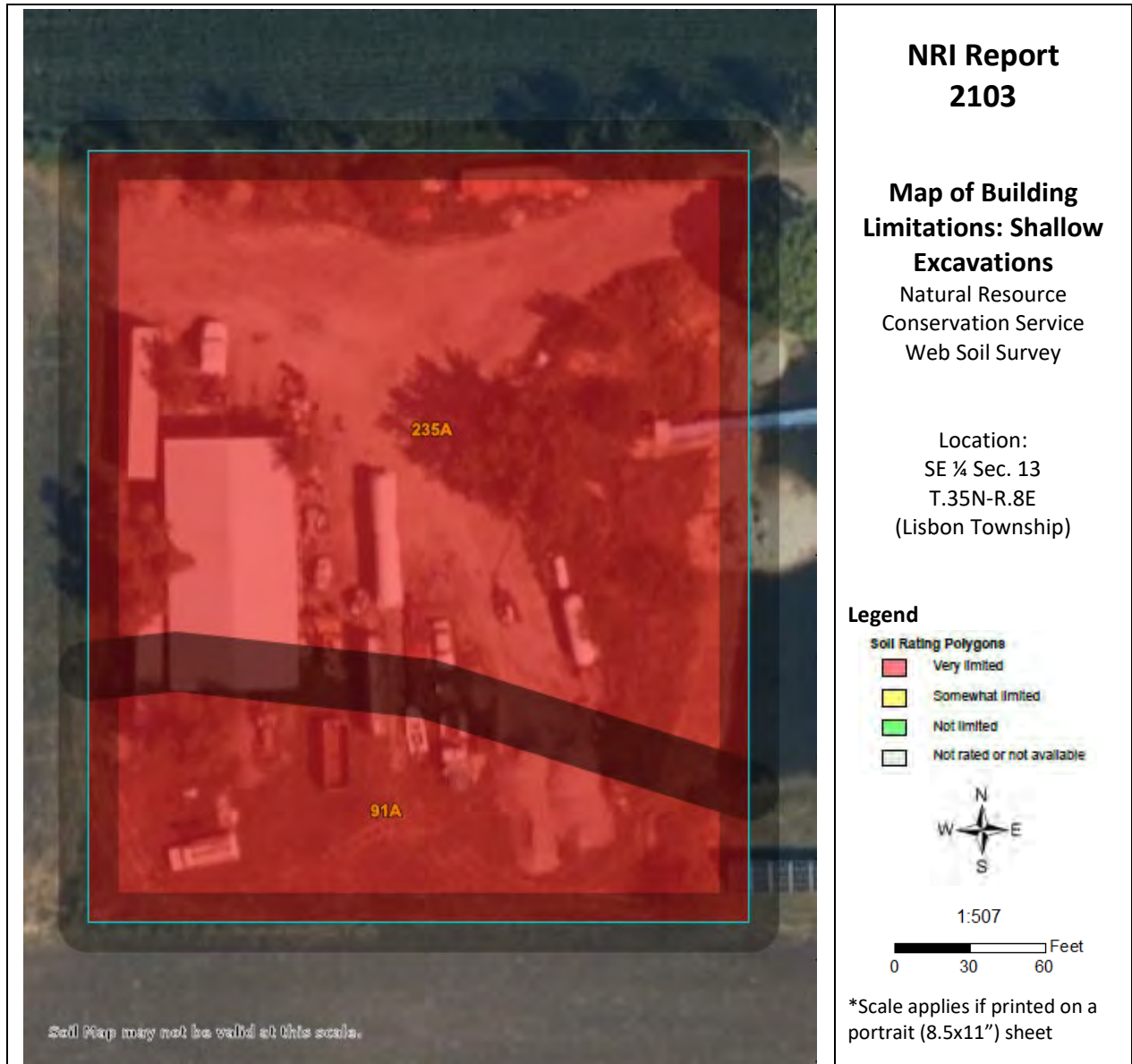


Figure 3B: Map of Building Limitations – Shallow Excavations

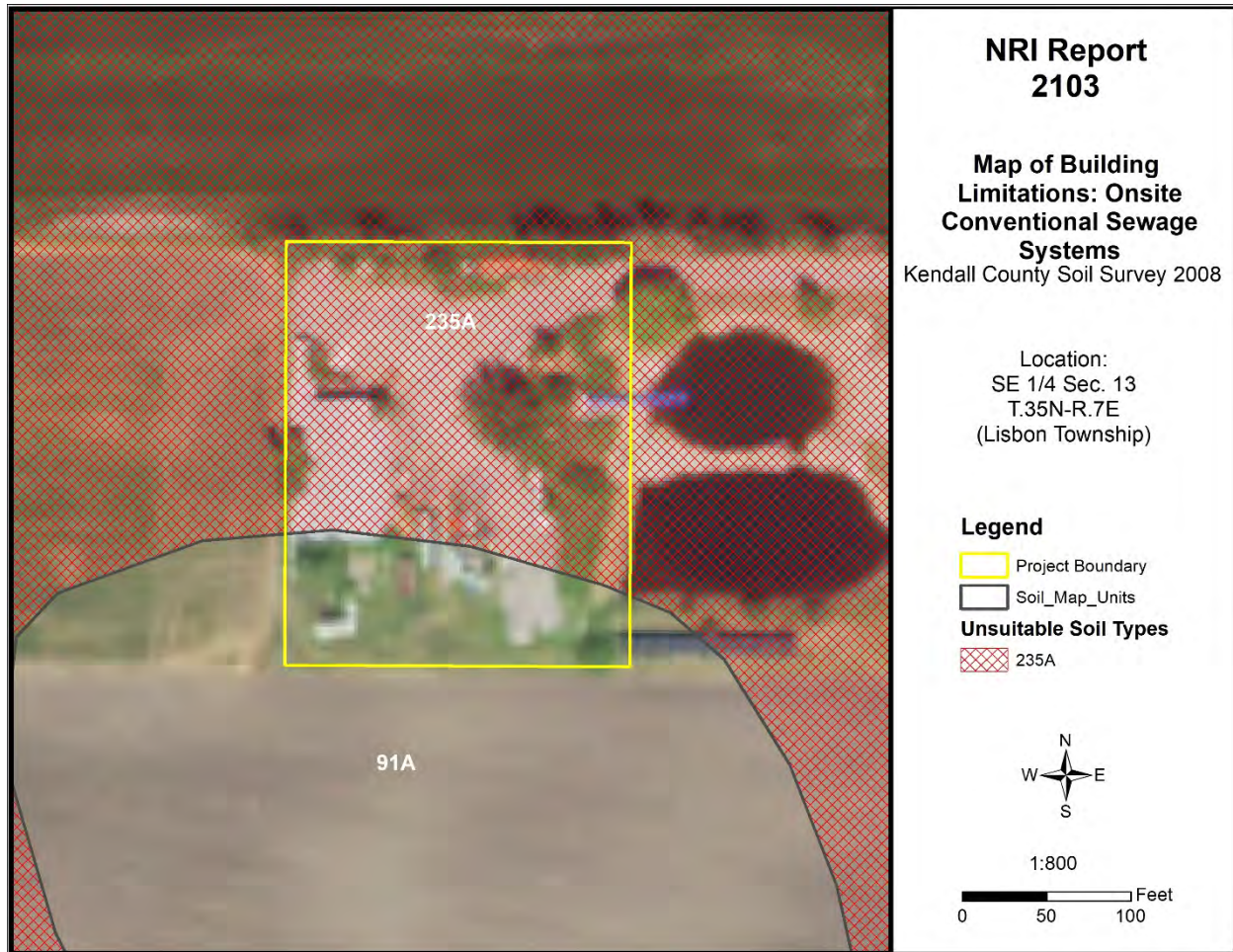


Figure 3C: Map of Building Limitations – Onsite Conventional Sewage System

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 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)
91A	4	79	0.3	23.7
235A	3	87	0.9	78.3
Totals			1.2	102
LE Calculation			(Product of relative value / Total Acres) 102 / 1.2 = 85	
LE Score			LE = 85	

The Land Evaluation score for this site is 85, 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 (85) is added to the Site Assessment value (105) to obtain a LESA Score of 190 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: 85 + Site Assessment Value: 105 = LESA Score: 190

The **LESA Score for this site is 190, 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.

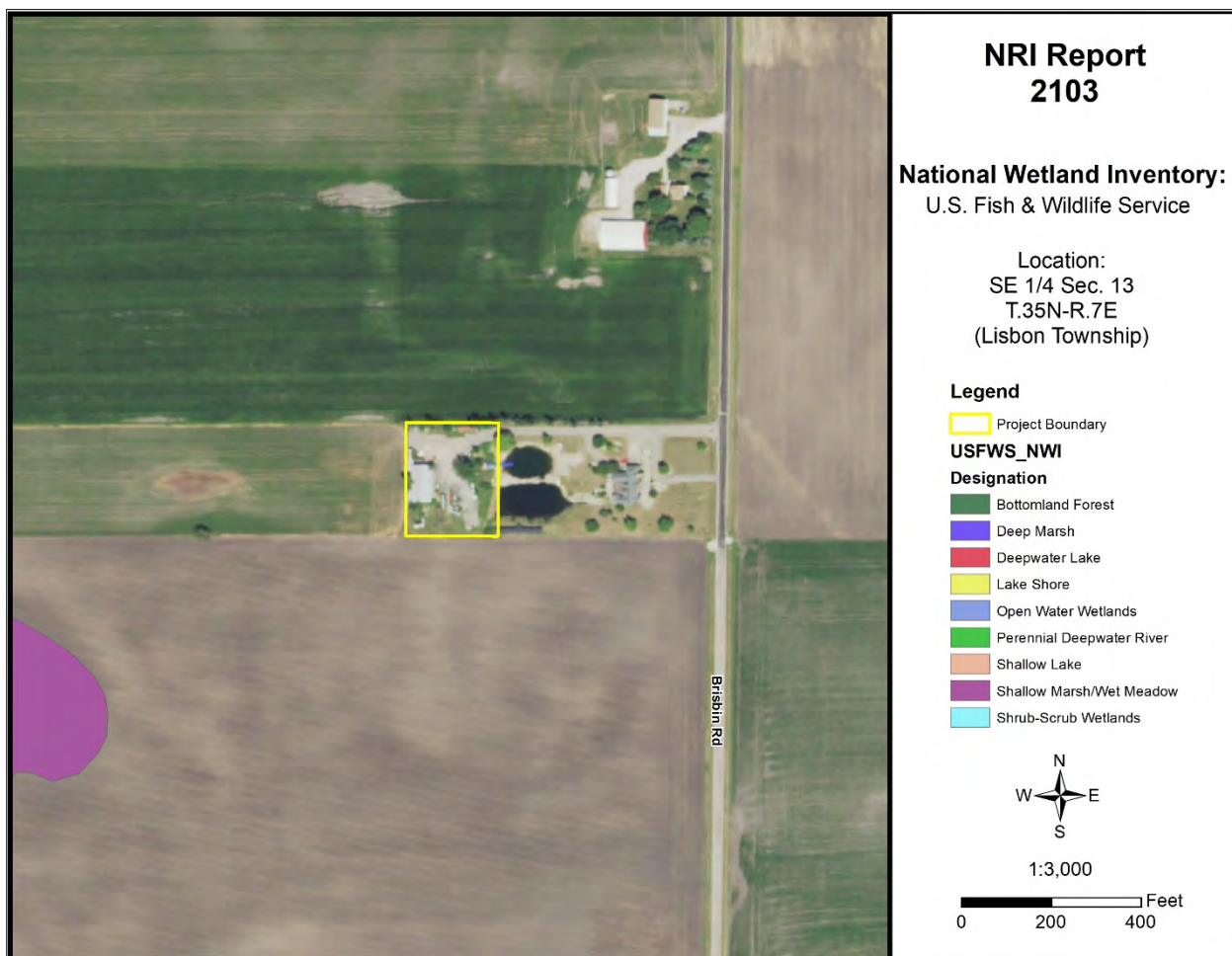


Figure 4: Wetland Map – USFWS National Wetland Inventory

FLOODPLAIN

The Federal Emergency Management Agency's (FEMA) Digital Flood Insurance Rate Map (DFIRM) for Kendall County, Community Panel No. 17093C0140H (effective date January 8, 2014) 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.

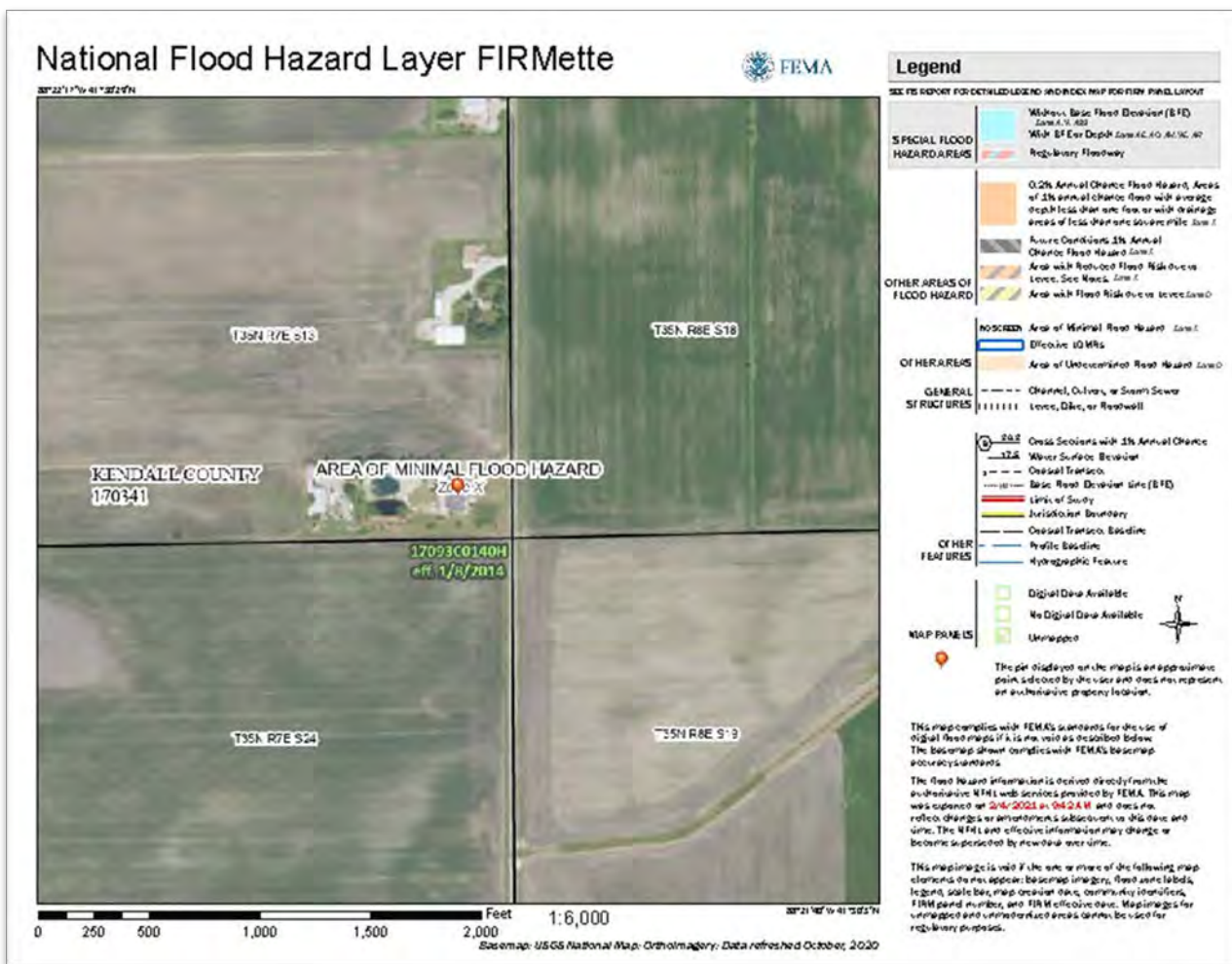


Figure 5: FEMA Floodplain Map

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 Wanda Hogan for the proposed Hogan’s Haven Country Market (A-1 Special Use Permit request) located in Lisbon Township of Kendall County in the SE ¼ of Section 13, 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, 28.1% are designated as prime farmland and 71.9% are designated as prime farmland if drained. 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 an 85 out of a possible 100 points indicating that the soils are well suited for agricultural uses. The total LESA Score for this site is 190 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 shallow excavations, 71.9% are very limited for small commercial buildings and lawns & landscaping, and 71.9% are unsuitable 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. 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 Statues, Ch. 70, Par 405/22.02a).

[Redacted Signature]

SWCD Board Representative

05-13-2021

Date

**ZONING, PLATTING & ADVISORY COMMITTEE (ZPAC)
June 1, 2021 – Unapproved Meeting Minutes**

PBZ Chairman Scott Gengler called the meeting to order at 9:09 a.m.

Present:

Matt Asselmeier – PBZ Department
Scott Gengler – PBZ Committee Chair
David Guritz – Forest Preserve
Fran Klaas – Highway Department
Alyse Olson – Soil and Water Conservation District
Aaron Rybski – Health Department

Absent:

Meagan Briganti – GIS
Greg Chismark – WBK Engineering, LLC
Brian Holdiman – PBZ Department
Commander Jason Langston – Sheriff's Department

Audience:

Wanda Hogan and Michael Mattingly

AGENDA

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

With a voice vote of six (6) ayes, the motion carried.

MINUTES

Mr. Guritz made a motion, seconded by Mr. Rybski, to approve the April 6, 2021, meeting minutes.

With a voice vote of six (6) ayes, the motion carried.

PETITIONS

Petition 21-19 Thomas and Wanda Hogan

Mr. Asselmeier summarized the request.

In March 2021, the Petitioners submitted an application for a market at the subject property. At the Kendall County Regional Planning Commission meeting, Kendall County Zoning Board of Appeals hearing, and Kendall County Planning, Building and Zoning Committee meeting, concerns were raised about the intensity of the use, the compatibility of the use in relation to adjacent agricultural uses, the impact of the proposed use on property values, safety at the property and along Brisbin Road, and the appearance of the property. After receiving negative recommendations at the above meetings and hearing, the Petitioner withdrew the original Petition.

On May 13, 2021, the Petitioner submitted a revised Petition. According to the information provided to the County, the Petitioners would like to offer an outdoor, twenty (20) stall market on the subject property with food. The market would feature vendors, including the Petitioners, their family members, and other vendors, that would sell goods not produced on the premises. The Petitioners have removed some items from the property and have agreed to install a four foot (4') snow fence around the ponds when the market is occurring.

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 as part of the original application. A revised application was submitted on May 13, 2021. The LESA Scores from both the original and revised applications was 190 indicating a low level of protection. The revised NRI Report was provided.

Lisbon Township was emailed information on May 18, 2021.

Seward Township was emailed information on May 18, 2021.

The Village of Plattville was emailed information on May 18, 2021.

Lisbon-Seward Fire Protection District was emailed information on May 18, 2021.

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.

One (1) four foot (4') temporary snow fence will be installed around the ponds when the market is occurring.

Section 7:01.D.48 places several conditions and restrictions on special use permits regarding 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 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 market a maximum two (2) weekends per month between April and October. The 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.

All vendors will have necessary insurance.

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 parking 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 eight (8) parking spaces including two (2) handicapped accessible parking spaces. The eight (8) 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 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 3-5 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."

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 owner(s) or operator(s) of the business allowed by this special use permit must ensure the four foot (4') fence is erected around the ponds as shown on the site plan prior to the opening of the business allowed by this special use permit when the business is open to the public.
3. The subject parcel must remain at least (3) acres in size.
4. 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.
5. Retail and wholesale sales may occur outside existing buildings.
6. 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.
7. A maximum twenty (20) vendors and one (1) additional food vendor may be on the subject property.
8. 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. The uses allowed by this special use permit may be operational between the months of April and October.

9. Only the owners of the property and their family members shall be employees of the business allowed by this special use permit.
10. 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. The sign may be placed along Brisbin Road the day before the business allowed by this special use permit is open.
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 be generated by the uses allowed this special use permit.
13. 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.
14. The operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. 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.
16. 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.
17. This special use permit and the ordinance granting this special use permit shall be considered revoked on the tenth (10th) anniversary of the Kendall County Board's approval of this special use permit ordinance or when Thomas or Wanda Hogan no longer own the subject property, whichever occurs first. If Thomas or Wanda Hogan wish to continue the use allowed by this special use permit after the tenth (10th) anniversary of the Kendall County Board's approval of this special use permit ordinance or if a subsequent owner of the subject property wishes to operate the use allowed by this special use permit, a new special use permit shall be required. This condition shall not be eligible for a minor amendment.
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. Rybski asked if the food vendor would be a mobile vendor. Michael Mattingly, Attorney for the Petitioner, responded the food vendor would be mobile, similar to a food truck.

Mr. Rybski asked if a hand washing station would be available. Wanda Hogan, Petitioner, responded that she can have a hand washing station near the restrooms.

Mr. Rybski discussed the non-community well program. Based on the information provided, the proposed use would not be active enough times during the year to qualify for the program.

Mr. Gengler asked if there were any other special use permits similar to this proposal. Mr. Asselmeier responded that this use, if approved, would be the tenth (10th) such use in the unincorporated area.

Mr. Gengler asked what concerns were expressed during the previous review of the proposal. Mr. Asselmeier responded that previous concerns included the intensity of the use, compatibility of the use in relation to adjacent agricultural uses, impact of the proposed use on property values, safety at the property and along Brisbin Road, and the appearance of the property.

Mr. Gengler asked the distance to the nearest residence not including the owner. Mr. Mattingly responded approximately one quarter (1/4) mile.

No parking would occur along Brisbin Road.

Mr. Gengler asked about items laying around the property. Mr. Mattingly stated that the Petitioners have been cleaning up and the property and invited everyone to visit the property. If something needed to be removed or stored differently, please let the Petitioners know.

A snow fence will be erected around the ponds during the days when the market is open to the public.

Mr. Guritz made a motion, seconded by Mr. Klaas, to recommend approval of the proposal.

The votes were as follows:

Yeas (6): Asselmeier, Gengler, Guritz, Klaas, Olson, and Rybski

Nays (0): None

Abstain (0): None

Absent (4): Briganti, Chismark, Holdiman, and Langston

The motion carried.

The proposal goes to the Kendall County Regional Planning Commission on June 23, 2021.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petitions 20-32, 21-06, 21-08, 21-10, and 21-14 were approved by the County Board.

OLD BUSINESS/NEW BUSINESS

None

CORRESPONDENCE

None

PUBLIC COMMENT

None

ADJOURNMENT

Mr. Guritz made a motion, seconded by Mr. Rybski, to adjourn.

With a voice vote of six (6) ayes, the motion carried.

The ZPAC, at 9:26 a.m., adjourned.

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

Matt Asselmeier

From: Tim Wallace <lsfpd202@aol.com>
Sent: Monday, June 21, 2021 9:33 AM
To: Matt Asselmeier
Subject: [External]Re: Kendall County Zoning Petition 21-19

Matt, sorry for the late reply, the only item that the Lisbon Seward Fire Protection District would like to see, would be two strategically placed fire extinguishers along with two basic first aid kits, one at the entrance and one in the middle of the market. Any questions, let me know, thanks, Tim

Attachment 8



Seward Township Highway Commissioner
14719 N. O'Brien Rd.
Minooka, IL 60447
(815)267-1011

June 1, 2021

Matthew H. Asselmeier, AICP,CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 W. Fox St.
Yorkville, IL 60560

RE: Thomas & Wanda Hogan
Approval of Special Use Permit

Mr. Asselmeier,

I, Scott Cryder, am the newly elected Seward Township Highway Commissioner. I have reviewed the site plan for the proposed Special Use Permit for Mr. and Mrs. Hogan. My findings indicate that the parking for the Special Use Permit is planned to be on the property site. In no way will this proposed Special Use be a negative impact on Seward Township's road system. All vehicles should be on the homeowners property. Therefore, I withdraw the objection of the former highway commissioner and advise the Kendall County Planning Commission that my office has no objection to the Special Use Permit application for the Hogan property.

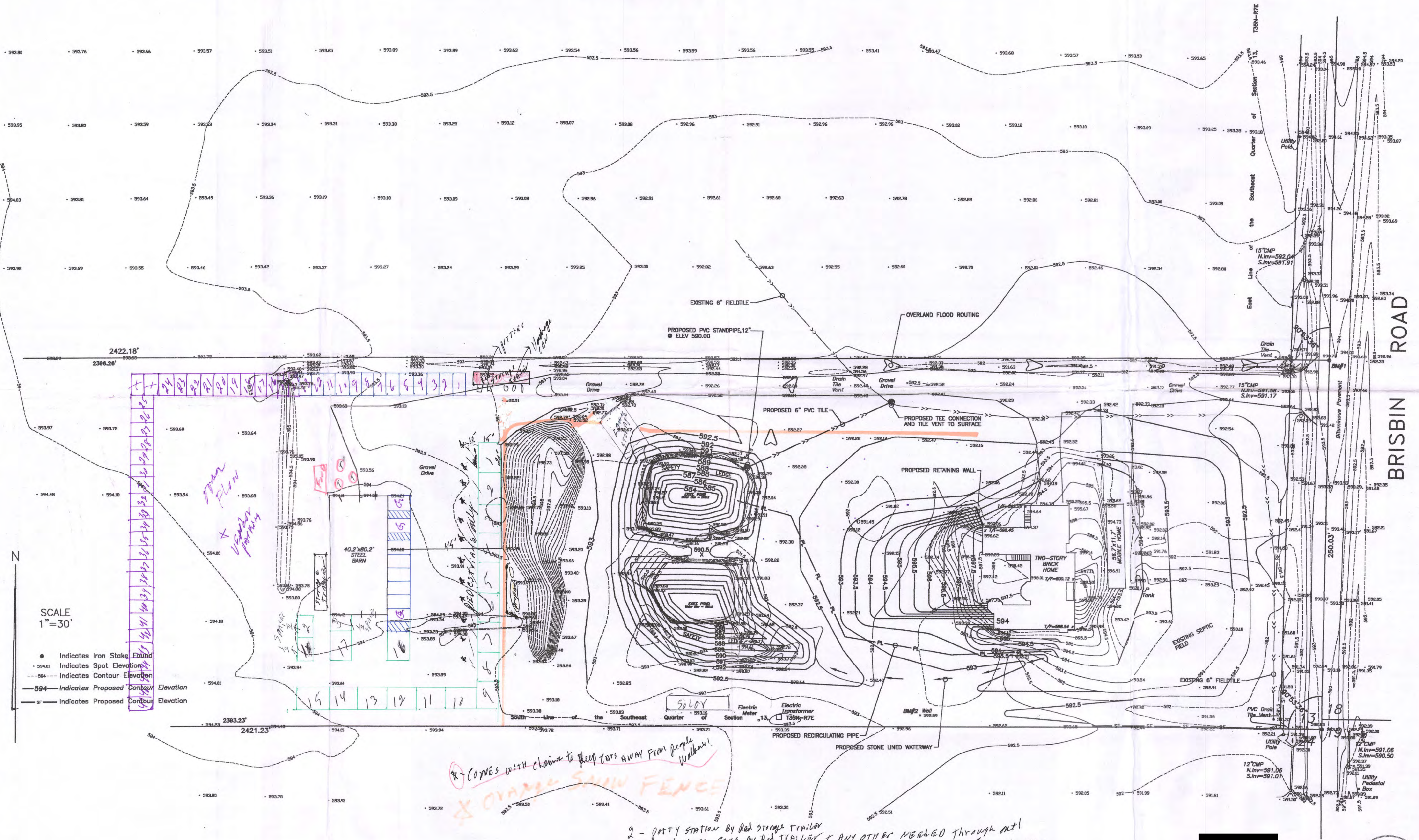
Sincerely,



Scott Cryder

SITE PLAN

PART OF THE SOUTHEAST QUARTER OF SECTION 13, T35N-R7E, 3rd PM
LISBON TOWNSHIP KENDALL COUNTY ILLINOIS



SCALE
1"=30'

- Indicates Iron Stake Found
- Indicates Spot Elevation
- Indicates Contour Elevation
- 594— Indicates Proposed Contour Elevation
- 59— Indicates Proposed Contour Elevation

BENCHMARKS --- (NGVD29)

BM#1 - Top of Iron Pipe in Center of Pavement at Northeast Corner of Hogan Property. Elevation = 593.91

BM#2 - Top of Well Cap on Hogan Property. Elevation = 594.38

NOTES:
MAX SLOPES = 4:1
GRASSY AREAS DISTURBED BY EXCAVATION ACTIVITIES SHALL BE RESEEDED OR SODDED.

Handwritten notes:

2 - PARTY STATION BY Red Storage TRAILER

3rd - VENDOR CANS BY Red TRAILER + ANY OTHER NEEDED THROUGH OUT!

BROWN - VENDOR SPACES - INCLUDING THEIR PARKING 15' X 20' - 17 + 3 HALF SPACES IF NEEDED TOTAL 20

PURP - 8 parking including 2 Handicap ALONG BUILDING

15' ON NORTH PROPERTY LINE

33' ON WEST PROPERTY LINE

METAL Guard Rail by property owner

OWNER:
TOM HOGAN

PREPARED BY:
JEFFREY J. ALLEN, P.E., #062-048873

DATED: 8-15-00



GEOTECH INC.
CONSULTING ENGINEERS - LAND SURVEYORS
JOLET, ILLINOIS 60435 815/730-1010
1207 CEDARWOOD DRIVE

TOM HOGAN

SITE PLAN

DRAWN BY: J.J.A. JOB # 08/10/00
CHECKED BY: DATE:

DATE BY REVISION

Attachment 11, Page 1
KENDALL COUNTY
REGIONAL PLANNING COMMISSION

Kendall County Office Building
Rooms 209 and 210
111 W. Fox Street, Yorkville, Illinois

Unapproved - Meeting Minutes of June 23, 2021 - 7:00 p.m.

Chairman Ashton called the meeting to order at 7:05 p.m.

ROLL CALL

Members Present: Bill Ashton, Roger Bledsoe, Tom Casey, Dave Hamman, Karin McCarthy-Lange, Larry Nelson, Ruben Rodriguez, Bob Stewart, Claire Wilson, and Seth Wormley

Members Absent: None

Staff Present: Matthew H. Asselmeier, Senior Planner

Others Present: Wanda Hogan, Michael Mattingly, Tom Anzelc, Cathleen Anzelc, and Joe Slivka

APPROVAL OF AGENDA

Member McCarthy-Lange made a motion, seconded by Member Wilson, to approve the agenda. With a voice of ten (10) ayes, the motion carried.

APPROVAL OF MINUTES

Member Casey made a motion, seconded by Member Hamman, to approve the minutes of the April 28 2021, meeting. With a voice of ten (10) ayes, the motion carried.

PETITIONS

Petition 21-19 Wanda and Thomas Hogan

Mr. Asselmeier summarized the request.

In March 2021, the Petitioners submitted an application for a market at the subject property. At the Kendall County Regional Planning Commission meeting, Kendall County Zoning Board of Appeals hearing, and Kendall County Planning, Building and Zoning Committee meeting, concerns were raised about the intensity of the use, the compatibility of the use in relation to adjacent agricultural uses, the impact of the proposed use on property values, safety at the property and along Brisbin Road, and the appearance of the property. After receiving negative recommendations at the above meetings and hearing, the Petitioner withdrew the original Petition.

On May 13, 2021, the Petitioners submitted a revised Petition. According to the information provided to the County, the Petitioners would like to offer an outdoor, twenty (20) stall market on the subject property with food. The market would feature vendors, including the Petitioners, their family members, and other vendors, that would sell goods not produced on the premises. The Petitioners have removed some items from the property and have agreed to install a four foot (4') snow fence around the ponds when the market is occurring.

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 as part of the original application. A revised application was submitted on May 13, 2021. The LESA Scores from both the original and revised applications was 190 indicating a low level of protection. The revised NRI Report was provided.

Lisbon Township was emailed information on May 18, 2021.

The property is in Lisbon Township, but Seward Township maintains Brisbin Road in this area. Seward Township was emailed information on May 18, 2021. Mr. Asselmeier read a letter from Seward Township Highway Commissioner Scott Cryder stating that he was withdrawing the objection of the previous Township Highway Commissioner and recommending approval of the requested special use permit.

The Village of Plattville was emailed information on May 18, 2021.

Lisbon-Seward Fire Protection District was emailed information on May 18, 2021. The Fire Protection District requested two (2) fire extinguishers and two (2) basic first aid kits, one (1) at the entrance and one (1) in the middle of the market. The Fire Protection District's email was provided.

ZPAC reviewed this proposal at their meeting on June 1, 2021. The Petitioner stated the food vendor would be similar to a food truck. The Petitioner agreed to install hand washing stations near the restrooms. Given the number of events, the use would not meet the requirements for testing under the State's non-community well program. The Petitioner reiterated that no parking would occur along Brisbin Road. The Petitioner's Attorney invited everyone onto the site and asked if something needed to be removed or relocated, to let the Petitioner know. ZPAC voted to recommend approval of the proposal by a vote of six (6) in favor and zero (0) in opposition; four (4) members were absent. The minutes of the 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.

One (1) four foot (4') temporary snow fence will be installed around the ponds when the market is occurring.

Section 7:01.D.48 places several conditions and restrictions on special use permits regarding 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 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 to operate the market a maximum two (2) weekends per month between April and October. The 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 Petitioners and their family, the business will not have any employees.

All vendors will have necessary insurance.

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 Petitioners 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 Petitioners 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 parking 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 eight (8) parking spaces including two (2) handicapped accessible parking spaces. The eight (8) 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 Petitioners plans to have a sign at Brisbin Road when the 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 3-5 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.”

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 owner(s) or operator(s) of the business allowed by this special use permit must ensure the four foot (4') fence is erected around the ponds as shown on the site plan prior to the opening of the business allowed by this special use permit when the business is open to the public.
3. The subject parcel must remain at least (3) acres in size.
4. 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.

5. Retail and wholesale sales may occur outside existing buildings.
6. 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.
7. A maximum twenty (20) vendors and one (1) additional food vendor may be on the subject property.
8. 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. The uses allowed by this special use permit may be operational between the months of April and October.
9. Only the owners of the property and their family members shall be employees of the business allowed by this special use permit.
10. 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. The sign may be placed along Brisbin Road the day before the business allowed by this special use permit is open.
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 be generated by the uses allowed this special use permit.
13. 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.
14. The operator(s) of the uses allowed by this special use permit acknowledge and agree to follow Kendall County's Right to Farm Clause.
15. 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.
16. 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.
17. This special use permit and the ordinance granting this special use permit shall be considered revoked on the tenth (10th) anniversary of the Kendall County Board's approval of this special use permit ordinance or when Thomas or Wanda Hogan no longer own the subject property, whichever occurs first. If Thomas or Wanda Hogan wish to continue the use allowed by this special use permit after the tenth (10th) anniversary of the Kendall County Board's approval of this special use permit ordinance or if a subsequent owner of the subject property wishes to operate the use allowed by this special use permit, a new special use permit shall be required. This condition shall not be eligible for a minor amendment.
18. If one or more of the above conditions is declared invalid by a court of competent jurisdiction, the remaining conditions shall remain valid.

Member McCarthy-Lange asked about the location of the thirteen (13) parking spaces. The parking spaces are located on the north side of the property. The parking spaces are for customers; vendors will park at their vending stations.

Member Rodriguez asked about the differences between the current proposal and the proposal the Petitioner previously submitted. Mr. Asselmeier responded that fencing has been added around the pond, the months of operation were added to the proposal, the condition regarding tying the special use permit with the owner and the special use permit sunset provision.

Member Wilson asked about the location of vendor parking. Michael Mattingly, Attorney for the Petitioners, stated that vendors will park in the vendor area. The vendor area will be fifteen feet by twenty feet (15'X20').

Mr. Mattingly noted that the new Seward Township Highway Commissioner did not object to the proposal.

Mr. Mattingly agreed to the request by the Lisbon-Seward Fire Protection District to install two (2) fire extinguishers and two (2) first aid kits.

Mr. Mattingly noted that Lisbon Township approved the special use request the first time the proposal was submitted. He stated that Lisbon Township did not request a meeting on the proposal.

Chairman Ashton asked about overflow parking, Mr. Mattingly said that the Petitioners will put a chain across the driveway to prevent additional vehicles from entering the site. Discussion occurred about the legality of people parking on Brisbin Road. Further research would be necessary to see if Seward Township can create a no parking/tow away zone. The driveway is wide enough for cars to park and for a fire truck to access the market area.

Member Wormley asked about the progress to clean up the property. Mr. Mattingly reported that the items have been removed. The trees on the side of the hill have been trimmed. The Petitioners were working to get the machinery fixed.

Member Nelson asked if a special use permit can have a sunset provision. Mr. Asselmeier responded yes. Mr. Mattingly stated that the Petitioners were agreeable to that condition. The Petitioners understood that the property could not be sold with the special use permit attached.

Chairman Ashton asked if the Petitioners had an objection to the placement of no parking signs on Brisbin Road, if Seward Township could lawfully place the signs. Wanda Hogan, Petitioner, said she had no objections. Ms. Hogan will count cars and when the parking is full, no one will be allowed onto the property.

Member Nelson stated that it was not usually against the law to park on a public right-of-way. He requested that Seward Township be asked to pass a law preventing parking on Brisbin Road.

Member Wilson asked if it was possible to establish an additional parking area to the west of the market area. Member Rodriguez expressed concerns about vendors having enough space to park in their vending area. The Petitioners own the farmland to the west of market area. The area was currently tilled. Member Wilson suggested turning that area into additional parking starting in 2022. Member Wormley suggested using another acre of the field for farming. The Petitioner was agreeable to this suggestion and would work on a specific site layout. The parking would be grass or hayfield.

Discussion occurred about amending the special use permit in the future. The Petitioner could do a major or minor amendment to the site plan. The Petitioner cannot do a minor amendment regarding the sunset provision only.

Tom Anzelc, Lisbon Township Trustee, said that the Petition has not changed greatly from the previous proposal. He did not believe the proposal was the right fit for the Township.

Cathleen Anzelc expressed concerns about precedent. She noted that another market was in the area. She did not believe property values would increase if this proposal was approved. She questioned the items that would sold at the property. She also questioned who would monitor the site for setup and teardown. She expressed concerns that the use will be incompatible with agricultural uses. She lives in approximately four (4) miles from the subject property.

Joe Slivka, Lisbon Township Supervisor, reviewed the site plan. He did not feel that a snow fence was adequate barrier. He felt that the special use permit placed a liability on Lisbon Township and the County. Member Nelson questioned if the Township or County had liability.

Mr. Asselmeier read letters of support from Don and Jacque Schuck, Brenda and Dustin Walzer, and Carla and Sherman Tweet, Jr.

Member Wilson made a motion, seconded by Member Nelson, to recommend approval of the Petition subject to the conditions proposed by Staff and that the Petitioner developed additional parking west of the site plan for overflow or vendor parking within one (1) year of the approval of the special use permit. The Commission also recommends that the applicable Township examine establishing a no parking or tow-away zone along Brisbin Road at the subject property.

The votes were as follows:

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

Nays (2): Ashton and Stewart

Absent (0): None

The motion carried.

This proposal will go to the Kendall County Zoning Board of Appeals on June 28, 2021.

Chairman Ashton voted no because he was unsure if the Petitioner would install the extra parking.

Member Stewart voted no because he did not believe the site had been satisfactorily cleaned up. Mr. Mattingly invited Commissioners onto the property.

Member Wilson questioned whether or not the County can deny a special use permit based on the appearance of a property.

CITIZENS TO BE HEARD/ PUBLIC COMMENT

None

NEW BUSINESS

None

OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

Mr. Asselmeier reported that Petition 21-14 was approved at the County Board.

OTHER BUSINESS/ANNOUNCEMENTS

Mr. Asselmeier said there are two (2) Petitions for the July meeting, the renewal of the special use permit for a billboard at Route 34 and Hafenrichter and the owners of the banquet facility at 10978 Crimmin Road have proposed some amendments related to banquet center operations.

Member Casey asked about the large pile of dirt at 195 Route 52. Mr. Asselmeier reported that agricultural uses are exempt from the Stormwater Management Ordinance. The property owner was claiming to be a forester, which is an agricultural purpose, per State law. State law did not define a forestry business. The County was still exploring its options.

Chairman Ashton expressed concerns about people operating businesses without proper zoning. He was concerned that some people were following the rules, getting proper zoning, and spending money to be in compliance while others are operating illegally. Mr. Asselmeier provided an update on some zoning cases mentioned and the County's policy of voluntary compliance. He also explained the enforcement procedure. The forty (40) acre rule was also discussed.

ADJOURNMENT

Member Casey made a motion, seconded by Member Wilson, to adjourn. With a voice of ten (10) ayes, the motion carried.

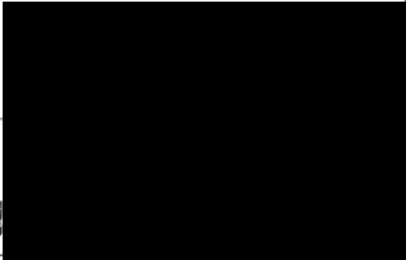
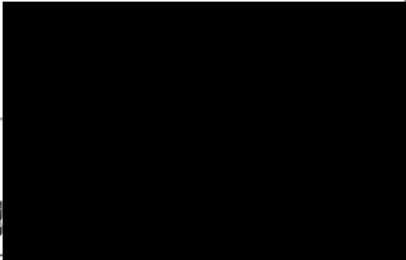
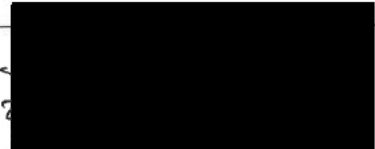
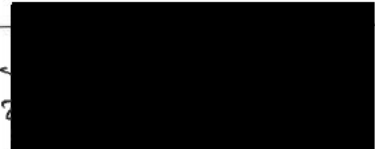


The Kendall County Regional Planning Commission meeting adjourned at 8:28 p.m.

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

Encs.

**KENDALL COUNTY
REGIONAL PLANNING COMMISSION
JUNE 23, 2021**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Michael Muttighy		
Cathleen Orzylek		
Tom Anzic	LISBON TOWNSHIP TRUSTEE	
Joe Shrike	Supervisor	
Wanda Hogg		



Seward Township Highway Commissioner
14719 N. O'Brien Rd.
Minooka, IL 60447
(815)267-1011

June 1, 2021

Matthew H. Asselmeier, AICP,CFM
Senior Planner
Kendall County Planning, Building & Zoning
111 W. Fox St.
Yorkville, IL 60560

RE: Thomas & Wanda Hogan
Approval of Special Use Permit

Mr. Asselmeier,

I, Scott Cryder, am the newly elected Seward Township Highway Commissioner. I have reviewed the site plan for the proposed Special Use Permit for Mr. and Mrs. Hogan. My findings indicate that the parking for the Special Use Permit is planned to be on the property site. In no way will this proposed Special Use be a negative impact on Seward Township's road system. All vehicles should be on the homeowners property. Therefore, I withdraw the objection of the former highway commissioner and advise the Kendall County Planning Commission that my office has no objection to the Special Use Permit application for the Hogan property.

Sincerely,



Scott Cryder



To: Kendall County Plan Commission

I am one of the neighbors of Thomas and Wanda Hogan, 14975 Brisbin Road, Minooka, Illinois. I am writing to you regarding the Hogan's request to acquire a special use permit to hold a country market on their property which shall be called Hogan's Haven Country Market, I do not object to the Hogan's site plan or the proposed special use and would hope the board will consider this letter as proof that their neighbors who live on Brisbin Road near the property do not object to the proposed special use permit.

Because of work schedules or health problems, I may not be able to attend these very important meetings but would like the boards that run Kendall County to take my wishes into consideration when making their decisions.

Signature: 

Jacore Schuck

Printed Name: Don Schuck

Address: 

Subscribed and sworn to this 7th day of June, 2021




Notary Public



To: Kendall County Plan Commission

I am one of the neighbors of Thomas and Wanda Hogan, 14975 Brisbin Road, Minooka, Illinois. I am writing to you regarding the Hogan's request to acquire a special use permit to hold a country market on their property which shall be called Hogan's Haven Country Market, I do not object to the Hogan's site plan or the proposed special use and would hope the board will consider this letter as proof that their neighbors who live on Brisbin Road near the property do not object to the proposed special use permit.

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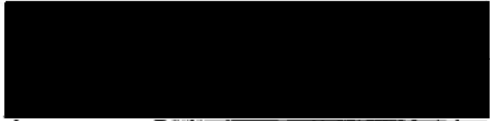
Signature:



Printed Name:

Brenda Walzer and Dustin Walzer

Address:



Subscribed and sworn to this 19th day of June, 2021

Notary Public



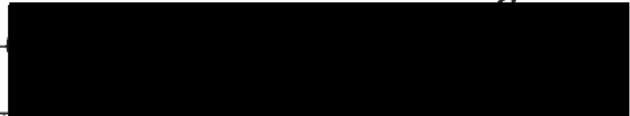
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Because of work schedules or health problems, I may not be able to attend these very important meetings but would like the boards that run Kendall County to take my wishes into consideration when making their decisions.

Signature: 

Printed Name: Sherman Tweet JR.
Carla J. Tweet

Address: 

Subscribed and sworn to this 23rd day of June, 2021




Notary Public



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203
 Yorkville, IL • 60560
 (630) 553-4141 Fax (630) 553-4179

**Petition 21-22
 James Bauler
 Fence Building Height Variance**

INTRODUCTION

The Petitioner owns 68 Saugatuck Road (Lot 53 in Boulder Hill Unit 19) and installed a fence eight feet (8') in height on the west side of the property. The Petitioner was advised that Section 4:14.A.3.a restricts the height of fences to six feet (6') in the side and rear yards. The Petitioner installed a fence at six feet (6') in height on the east and south sides of the property. Rather than lower the portion of the fence that is above the required height, the Petitioner chose to seek a variance.

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

SITE INFORMATION

PETITIONER James Bauler

ADDRESS 68 Saugatuck Road, Montgomery

LOCATION Lot 53 in Boulder Hill Unit 19

TOWNSHIP Oswego

PARCEL # 03-04-455-007

LOT SIZE 0.3 +/- Acres

EXITING LAND USE Single Family Residential

ZONING R-6 One Family Residence District

LRMP	Current Land Use	Single Family Residential
	Future Land Use	Suburban Residential (1.00 DU/Acre Max)
	Roads	Saugatuck Road is a Local Road Maintained by Oswego Township.
	Trails	None
	Floodplain/Wetlands	None

REQUESTED ACTION Variance to allow installation of a fence at eight feet (8') in height instead of the maximum six feet (6') in the side yard.

APPLICABLE § 4:14.A.3.a – 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	R-6	Suburban Residential (1.00 DU/Acre Max)	N/A
South	Comed ROW	R-6	Comed ROW	N/A
East	Single-Family Residential	R-6	Suburban Residential	N/A
West	Single-Family Residential	R-6	Suburban Residential	N/A

GENERAL INFORMATION

According to Attachment 1, Page 4, the Petitioner wants the fence for security reason. The Petitioner has not contacted the Kendall County Sheriff’s Department regarding this matter.

OSWEGO TOWNSHIP

Oswego Township was emailed this proposal on May 25, 2021.

OSWEGO FIRE PROTECTION DISTRICT

The Oswego Fire Protection District was emailed this proposal on May 25, 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 no topographic conditions that result in a particular hardship or practical difficulty.**

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **Any property owner with R-6 zoned property, including other properties in Boulder Hill, could request a similar variance and for the same reasons.**

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The owner does not have a hardship, but would like to keep the fence at the height 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 denial of the request variance. However, if the Board wishes to grant the variance, Staff recommends the following conditions:

1. The maximum height of the fence shall be eight feet (8') on the west side of the subject property.
2. The variance shall apply to fences on the west side of the subject property only.
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. Plat of Survey
3. Aerial
4. Fence Picture



DEPARTMENT OF PLANNING, BUILDING & ZONING

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

APPLICATION

PROJECT NAME Approval of 8ft fence FILE #: _____

NAME OF APPLICANT		
<u>James Bauler</u>		
CURRENT LANDOWNER/NAME(S)		
<u>James Bauler 108 Saugatuck Rd Montgomery, IL</u>		
SITE INFORMATION	SITE ADDRESS OR LOCATION	ASSESSOR'S ID NUMBER (PIN)
ACRES		
<u>.31 Acres</u>	<u>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"/> 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
<u>James Bauler</u>	[REDACTED]	[REDACTED]
PRIMARY CONTACT PHONE #		PRIMARY CONTACT PHONE #
[REDACTED]		[REDACTED]
ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
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		DATE
[REDACTED]		<u>4/20/2021</u>

FEE PAID:\$ 475.00
 CHECK #: [REDACTED]

¹Primary Contact will receive all correspondence from County

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

To whomever this may concern,

Hello, my name is James Bauler, and I am the proudful homeowner that resides at 68 Saugatuck Rd in Montgomery Illinois. I live with my beautiful girlfriend of 16 years and have 2 Kids our daughter who is [REDACTED] and our son who is [REDACTED]. I am writing to the County in regards to my fence height located on the west side of my property. The height for that fence is for good reason as I will detail later.

To begin with when I sat down with my girlfriend about a fence, she had agreed with me on putting a higher side, but had asked what I had to do in order to start this whole fence process.

I told her I did not know but to make a phone call to the County to see what was OK and what wasnt. I call Kendall County and a lady answered saying not her name but Kendall County, I said "Hi I have a few questions about putting up a fence," she replied "I can help you with that" so Im thinking awesome not knowing she would grant me faulty information.

I had asked her 3 questions, Do I need a permit? Why cant I put a metal fence up? and what are my height requirements?

She had replied well what is your address and I told her, She said you're unincorporated Montgomery and you dont need a permit, she said Montgomery doesnt want metal fences up because after years they dont look as good unless there is already a metal fence up then it can stay. She said if you wanted to replace the metal fence then it would have to be done with a wood or plastic one, then she said since you're unincorporated your height restrictions are waved. I said well im not looking to put up 10 foot fences, I just want to all around except the west side. I only want an 8 foot on that side. She not once said anything to me about zoning or that I could apply for a Variance. She gave me my answers and I called a fence company.

I made the phone call, I thought I did what I was suppose to do, but according to Brian Holdiman I had recieved faulty information. I seek no harm and only try

to do what's right, if I would have known I had to apply for this variance first I surely would have done so. I don't look to neglect rules or laws, I would have done the right thing in the first place had I received correct guidance.

My reasoning for putting up that 8 foot fence on the west side of my property is because in July of 2020, the weekend before my daughter's birthday which was the 11th into the 12th, she and her friend were wanting to sleep in our camper which is parked in front of our garage on the west side of driveway. It was late at night and they were heading in the camper with her friend going in first and my daughter behind her and my daughter said she had seen the silhouette of someone looking into the camper from behind the next door neighbor's yard. Now her mom and I usually check on our kids a lot even when they're in the house, but when she came back inside within minutes I knew something wasn't right.

I had asked her are you ok? whats wrong because she is now scared and she said she saw someone she didnt know who, or have any description looking directly at her and when she made a face like "oh my God" who ever it was realized they had been seen and took off. so I had went outside to check around the yard and back behind where Comeds property is and I didnt see anything.

I did not go next door and tell them anything because our relationship with them is simply a Hi and a bye, we dont really talk. We had no description she didnt know who it could have been, but she was now scared and wasnt sure about being outside on her own property at her own home. I and her mom put this 8 foot fence up on the west side of our home for the safety of our kids and any kid for this matter.

She now has peace of mind and cant wait to sleep in the camper. It was more than comforting when the fence was finished her telling me thank you cause now she feels safe. Even though shes young she still deserves privacy and quality of life

and I know we did that by only adding 2 feet to the west side. So I ask all involved with the Variance process to please let me keep this side of the fence at 8 feet. our kids are our future and the next generation deserves that privacy as well.

Thank you -



Legal Description

Lot 53 in Boulder Hill, Unit No. 19, in the Township of Oswego, Kendall County, Illinois

MIN	LOAN # [REDACTED]
FHA Case No	[REDACTED]

FIXED INTEREST RATE RIDER
FHA

THIS Fixed Interest Rate Rider is made this **21ST** day of **November, 2013** and is incorporated into and shall be deemed to amend and supplement the Mortgage (the "Security Instrument") of the same date given by the undersigned (the "Borrower") to secure Borrower's Note to **NewCastle Home Loans, LLC, a Limited Liability Company**

(the "Lender") of the same date and covering the Property described in the Security Instrument and located at **68 Saugatuck Road
Montgomery, IL 60538**

Fixed Interest Rate Rider COVENANT In addition to the covenants and agreements made in the Security Instrument, Borrower and Lender further covenant and agree that

The interest that is referenced in subsections (a) and (b) of the first paragraph is at the rate of **4.250 %**

BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Fixed Interest Rate Rider

[Signature] _____ **11/21/13** (Seal)
JAMES BAULER _____ **DATE**

FHA Illinois Fixed Interest Rate Rider
Ellie Mae Inc



Attachment 1 Page 9
Please fill out the following findings 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:

This variance is based on my minor childrens privacy and their right to obtain that privacy on 68 Saugatuck, not where the fence is located. The county can come over and see it all out.

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.

Every party involved with this variance is more than welcome to come to my house and see for themselves.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.

This Variation Application is completely on my property as seen on my plat of survey. Everything is legit.

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

Nope, I plan on being here at this property for a long time. My kids love it here and feel much safer now.

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.

Its Neighbor to Neighbor theres no street signs or buisness that its blocking. Its from the southwest end to about 140 Feet North from there.

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.

Not at all, this fence is on the West side of my property only, and does not impaire sight from Saugatuck Road what so ever.



LOCATION MAP
N.T.S.

SURVEYOR
CHAMLIN & ASSOCIATES, INC.
221 WEST WASHINGTON STREET
MORRIS, IL 60450
MORRIS@CHAMLIN.COM

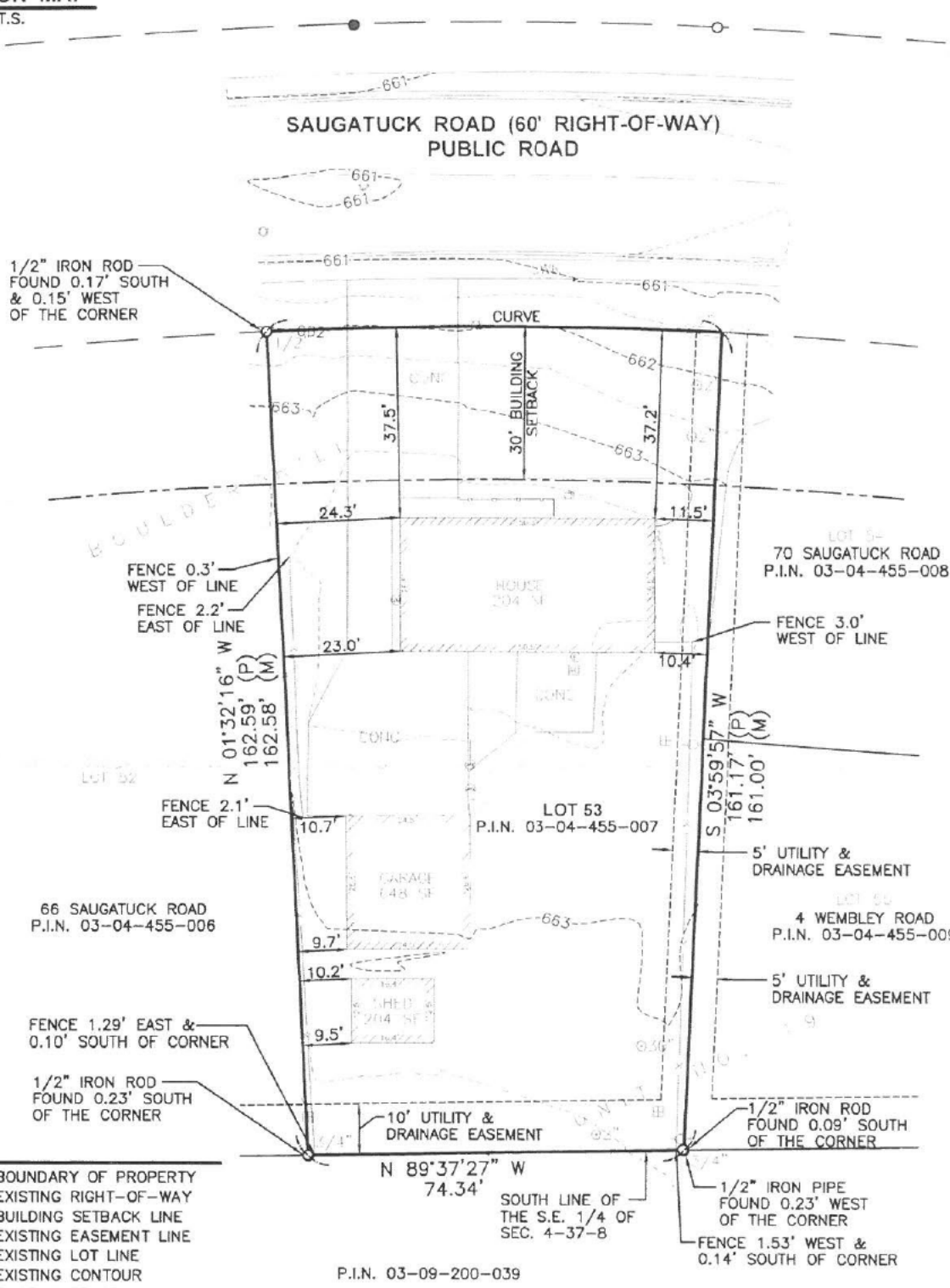
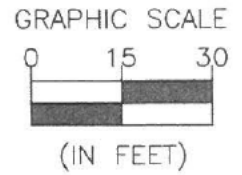
OWNER / ADDRESS

JAMES BAULER
68 SAUGATUCK ROAD
MONTGOMERY, IL 60538
P.I.N. 03-04-455-007

ZONING
R6 - ONE FAMILY RESIDENTIAL

NOTES

1. NO PART OF PROPERTY IS LOCATED WITHIN A FLOODPLAIN ACCORDING TO FEMA FLOOD MAP PANEL 17093C0054G DATED 2-4-2009
2. VERTICAL DATUM NAVD-88 GPS OBTAINED



CURVE
Δ = 05°32'16"
R = 931.16'
T = 45.04'
L = 90.00'
CHORD
S 88°27'58" E
89.96'

LEGEND

- BOUNDARY OF PROPERTY
- - - - EXISTING RIGHT-OF-WAY
- - - - BUILDING SETBACK LINE
- - - - EXISTING EASEMENT LINE
- - - - EXISTING LOT LINE
- - - - ELEV.
- - - - EXISTING CONTOUR
- x EXISTING FENCE
- EXISTING HANDRAIL
- o EXISTING MANHOLE
- o EXISTING CATCH BASIN
- o EXISTING CLEANOUT
- o EXISTING WATER SERVICE VALVE
- o EXISTING ELECTRIC BOX
- o EXISTING TV CABLE BOX
- o EXISTING TELEPHONE BOX
- o EXISTING GAS METER
- o EXISTING ELECTRIC METER
- o EXISTING AIR CONDITIONER
- o EXISTING LIGHT
- o EXISTING UTILITY POLE
- o EXISTING TREE
- o EXISTING GATE POST
- o 3/4" IRON PIPE FOUND
- o 1/2" IRON ROD FOUND
- o CONC
- (M) MEASURED
- (P) PLAT

LEGAL DESCRIPTION

Lot 53 in Boulder Hill, Unit No. 19, in the Township of Oswego, Kendall County, Illinois.

CERTIFICATION

I, Michael W. Soenksen, Professional Land Surveyor No. [REDACTED] do hereby certify that the within plat is true and correct representation of a survey made under my direction for James Bauler being completed in the field April 29, 2021. This Professional Service conforms to the current Illinois minimum standards for a boundary survey.

This certificate runs to the benefit of James Bauler and creates no rights in or responsibility to any party not named in this certificate.

Dated this 12th day of May, A.D., 2021.

[REDACTED]
Michael W. Soenksen
Illinois Professional Land Surveyor
Number [REDACTED]
License Expires November 30, 2022

CHAMLIN & ASSOCIATES, INC. © 2021
Drawing Name: M:\AUGUST\18980-00_BAULER_JAMES.mxd
Date: 05/17/2021
User: Mike Chamlin

Professional Design Firm
License No. [REDACTED]



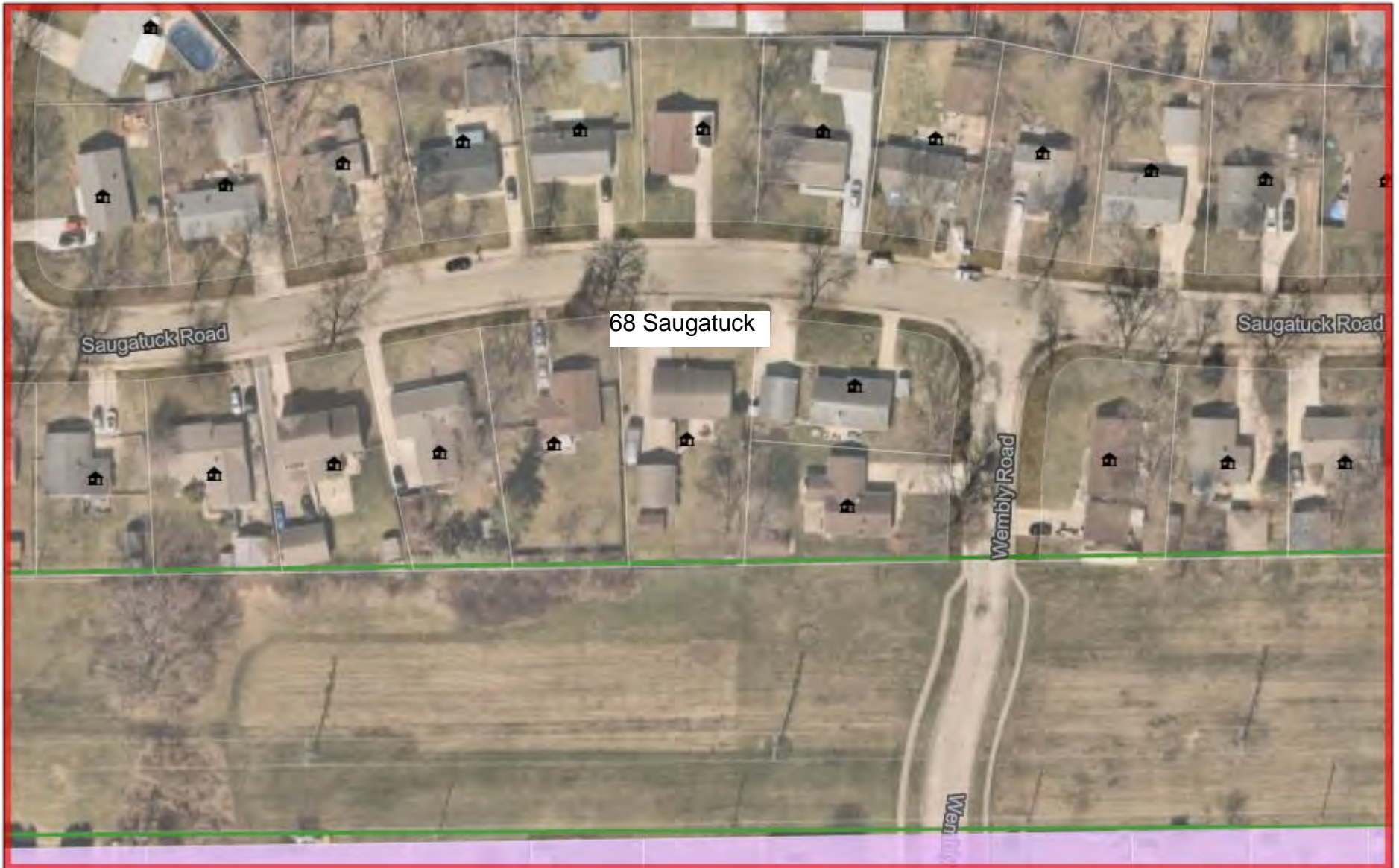
REVISIONS

NO.	DATE	DESCRIPTION






JAMES BAULER - LOT 53 BOULDER HILL, UNIT NO. 19, S.E. 1/4 SEC. 14-37-8, 3RD P.M. OSWEGO TOWNSHIP, KENDALL COUNTY, ILLINOIS		
DRAWN BY: NET	SURVEYED BY: KH & KH	SHEET NUMBER: 1 OF 1
SCALE: AS NOTED	DATE: 05/17/21	FILE NUMBER: 13593
PLAT OF SURVEY		JOB NUMBER: M8980-00

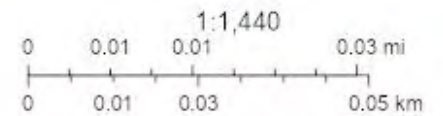
Chamlin and Assoc., Inc.

Attachment 3
Kendall County Web GIS



May 20, 2021

-  Kendall County Address Points
-  Incorporated Areas
-  Parcels
-  Oswego
-  Ownership Parcel



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