

MINUTES
KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, COUNTY BOARD ROOM (ROOMS 209 and 210)
YORKVILLE, IL 60560
June 28, 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, Karen Clementi, Cliff Fox, Tom LeCuyer, Randy Mohr, and Dick Thompson

Members Absent: Dick Whitfield

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

Others Present: Wanda Hogan, Michael Mattingly, Judy Bush, Donna Sawicki, and James Bauler

MINUTES:

Member LeCuyer made a motion, seconded by Member Cherry, to approve the minutes of the May 3, 2021 hearing/meeting.

With a voice vote of five (5) ayes, the motion carried. Member Clementi abstained.

Chairman Mohr swore in Wanda Hogan, Michael Mattingly, Judy Bush, and Donna Sawicki.

PETITIONS

The Zoning Board of Appeals started their review of Petition 21-19 at 7:01 p.m.

Petition 21 – 19 – Wanda and Thomas Hogan

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

Mr. Asselmeier summarized the requests.

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 Petitioners 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, aerial of the property were provided and updated site plan 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. To date, no comments were received.

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 was provided.

The Village of Plattville was emailed information on May 18, 2021. To date, no comments were received.

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.

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 would 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 recommended 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 were provided.

According to the plat of survey, the original site plan, and the revised 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 and revised 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.

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.

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 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. 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. 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.

Member Fox asked about the processes about a major amendment to a special use permit and a new special use permit. Mr. Asselmeier said the processes were the same. The applicant would have to go through all of the meetings. A minor amendment requires only Staff review and review and approval by the Planning, Building and Zoning Committee.

Chairman Mohr opened the public hearing at 7:17 p.m.

Michael Mattingly, Attorney for the Petitioners, thanked the Board for the opportunity to present at the hearing. He stated that concerns were raised at the Regional Planning Commission regarding overflow parking. A revised plat showing overflow parking was provided. He noted the number of parking spaces increased from twenty-one (21) to forty-seven (47). He also noted that the additional parking area was under till and would be installed in 2022. He said both Petitioners live on the property. He also explained that the Petitioners have cleaned up the property. He stated that the new Seward Township Road Commissioner had no objections to the proposal. He said that they tried to meet with the adjoining neighbors and he noted four (4) of those neighbors have submitted letters of support. The Petitioners were looking to start in 2022, but could start in 2021. He noted the location of the snow fence on the site plan. The business would be a country market.

Wanda Hogan, Petitioner, said it was never going to be a flea market. It will be crafts and farmers' market. No junk would be offered for sale. She would review the products offered by vendors.

Chairman Mohr noted that he did not see the property unless he was looking for the property. He felt that the property had been cleaned up.

Member Clementi asked how would the County know that only two (2) per month would occur. Mr.

Asselmeier would said that if the County received a complaint about the number of times the market was open, the County would investigate. Also, if the market was advertised as being open more than allowed, the County would investigate.

Ms. Hogan invited Members to the market.

Mr. Mattingly noted that the other advisory boards and Staff have recommended approval of the request.

Mr. Asselmeier noted that condition 1 needed to be amended to reflect that parking spaces labeled 14-47 would need be installed by April 2022. It was the intent at the Regional Planning Commission that these spaces would not be in place in 2021. Mr. Mattingly said that recommended change would be consistent with what was stated at the Regional Planning Commission meeting.

Chairman Mohr requested that the Fire Protection District approve the fire extinguishers. Mr. Asselmeier noted the phrase "fully functioning" was placed in the restriction. Chairman Mohr requested the fire extinguishers be inspected annually.

Chairman Mohr also requested no parking signs erected along Brisbin Road. Mr. Asselmeier said discussion occurred at the Regional Planning Commission meeting regarding whether or not a township had a right to install no parking signs and establish no parking zones. Chairman Mohr acknowledged that it would be a long walk from Brisbin Road to the market area.

Without objection, Mr. Asselmeier read the letter of support from Jose Oliveres Guzman into the record.

Chairman Mohr closed the public hearing at 7:30 p.m.

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

The votes were as follows:

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

The motion passed.

Member Clementi made a motion, seconded by Member LeCuyer to recommend approval of the requested special use permit with the conditions proposed by Staff and an amendment to condition 1 that parking spaces 14-47 be installed by April 2022.

Chairman Mohr said that he would not press the issue with the fire extinguishers.

The votes were as follows:

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

The motion passed.

The proposal will go to the Kendall County Planning, Building and Zoning Committee on Monday, July 12, 2021.

Chairman Mohr suggested increasing the minimum lot size for this type of use be increased from three (3) acres to five (5) acres and having more than one (1) point of ingress and egress. He suggested having the matter discussed at the Annual Meeting.

The Zoning Board of Appeals completed their review of Petition 21-19 at 7:34 p.m.

The Zoning Board of Appeals started their review of Petition 21-22 at 7:34 p.m.

Petition 21 – 22 – James Bauler

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

Mr. Asselmeier summarized the request.

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, plat of survey showing the location of the fence, aerial of the property, and a picture of the fence were provided.

The property was approximately zero point three (0.3) acres in size.

The current land use was single-family residential.

The future land use was Suburban Residential.

Saugatuck Road is a Local Road maintained by Oswego Township. There were no trails planned on the road.

There are no wetlands or flood plain on the property.

The adjacent land uses were single-family residential and Comed ED right-of-way.

The adjacent zoning districts were R-6.

The area was planned to be Suburban Residential Comed ED right-of-way.

According to the information provided, the Petitioner wanted the fence for security reason. The Petitioner has not contacted the Kendall County Sheriff's Department regarding this matter.

Oswego Township was emailed this proposal on May 25, 2021. To date, no comments were received.

The Oswego Fire Protection District was emailed this proposal on May 25, 2021. They submitted an email on May 25th stating they have no comments regarding the proposal.

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 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.

Staff recommended denial of the request variance. However, if the Board wished to grant the variance, Staff recommended 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.

Member Fox asked if the fence was already in place. Mr. Asselmeier responded that the fence was already in place.

Chairman Mohr opened the public hearing at 7:37 p.m.

Judy Bush said that as a resident of Boulder Hill, she was against the variance. She did not see the need for the fence. Security issues should be addressed by Sheriff's Deputies. She has had bad neighbors, but has abided by the regulations. She was afraid that, if the variance was granted, others in Boulder Hill would pursue similar variances and open up other issues.

Donna Sawicki expressed concerns about Boulder Hill and the precedent what would be set. She suggested allowing a fence at a staggered height.

Chairman Mohr asked if there are other illegal fences in Boulder Hill. Member Clementi responded that there are unsightly things that are not in compliance.

Chairman Mohr swore in James Bauler.

James Bauler said that he installed the fence because there is a six foot (6') fence on the opposite side of his fence. He stated that his daughter and her friend saw a shadow of someone looking into his camper.

Member LeCuyer asked if he called the County before installing the fence. Mr. Bauler said that he called on a Saturday and a lady told him that no height restriction exists, a permit was not required, and that a metal fence was not allowed. It was noted that the County was not open Saturdays. The County allows chain link fence. Brian Holdiman told Mr. Bauler that he received faulty information.

Member Fox noted that the camper was open to the street and asked what the purpose was for the extra two feet (2'). Mr. Bauler said he has cameras.

Member Clementi asked if the police were called. Mr. Bauler said that he did not call the police.

Mr. Asselmeier noted that, if the Petition is denied, the fence would have to be lowered to six feet (6').

Member Clementi noted that people could look into the property from the Comed right-of-way.

Member Fox noted the issues in Newark of having people install different things on their property and concerns about precedent.

Chairman Mohr agreed on the issue of precedent.

Mr. Bauler noted his safety issues. He noted that someone was standing on the bottom frame.

Member Clementi noted the need to contact the police.

Ms. Sawicki agreed on the security issue and that the fence was nice. She stated that the fence height would not solve the matter. The police would not be able to see the issue.

Chairman Mohr closed the public hearing at 7:49 p.m.

It was noted that the Findings of Fact were made in the negative.

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

The votes were as follows:

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

The motion passed.

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

The votes were as follows:

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

The motion failed.

The Zoning Board of Appeals completed their review of Petition 21-22 at 7:52 p.m.

NEW BUSINESS/OLD BUSINESS

None

REVIEW OF PETITIONS THAT WENT TO THE COUNTY BOARD

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

PUBLIC COMMENTS

Mr. Asselmeier said there are two (2) Petitions for the August 2nd hearing, 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.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

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

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

The Zoning Board of Appeals meeting adjourned at 7:54 p.m.

The next hearing/meeting will be on August 2, 2021.

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

Exhibits

1. June 23, 2021 Letter from Jose Oliveres Guzman
2. Memo on Petition 21-19 Dated June 25, 2021
3. Certificate of Publication for Petition 21-19 (Not Included with Report but on file in Planning, Building and Zoning Office)
4. May 25, 2021 Email from Alec Keenum
5. Memo on Petition 21-22 Dated May 25, 2021
6. Certificate of Publication for Petition 21-22 (Not Included with Report but on file in Planning, Building and Zoning Office)

**KENDALL COUNTY
ZONING BOARD OF APPEALS
JUNE 28, 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 | |
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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.

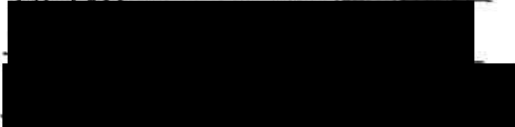
Signature:



Printed Name: Jose Ornelas Gurmeh

MM

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 21-19

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

Atty in Fact

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

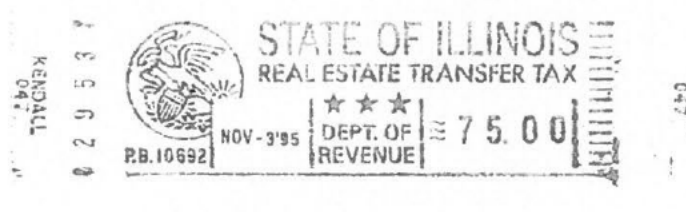
Given under my hand and notarial seal this 1st day of November, 1995.
*** KRAMER as Power of Attorney In Fact.

[Redacted Signature]

Notary Public

Send subsequent tax bills to:

Thomas Hogan and Wanda HOgan
[Redacted Address]



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

Contact: Wanda Hogan

Address: [Redacted]

IDNR Project Number: 2110032

Date: 02/02/2021

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.

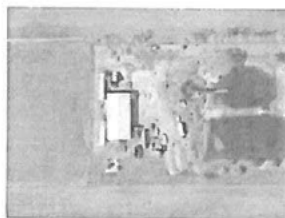
Consultation is terminated. This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented 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

By using this website, you acknowledge that you have read and agree to these terms. These terms may be revised by IDNR as necessary. If you continue to use the EcoCAT application after we post changes to these terms, it will mean that you accept such changes. If at any time you do not accept the Terms of Use, you may not continue to use the website.

1. The IDNR EcoCAT website was developed so that units of local government, state agencies and the public could request information or begin natural resource consultations on-line for the Illinois Endangered Species Protection Act, Illinois Natural Areas Preservation Act, and Illinois Interagency Wetland Policy Act. EcoCAT uses databases, Geographic Information System mapping, and a set of programmed decision rules to determine if proposed actions are in the vicinity of protected natural resources. By indicating your agreement to the Terms of Use for this application, you warrant that you will not use this web site for any other purpose.

2. Unauthorized attempts to upload, download, or change information on this website are strictly prohibited and may be punishable under the Computer Fraud and Abuse Act of 1986 and/or the National Information Infrastructure Protection Act.

3. IDNR reserves the right to enhance, modify, alter, or suspend the website at any time without notice, or to terminate or restrict access.

Security

EcoCAT operates on a state of Illinois computer system. We may use software to monitor traffic and to identify unauthorized attempts to upload, download, or change information, to cause harm or otherwise to damage this site. Unauthorized attempts to upload, download, or change information on this server is strictly prohibited by law.

Unauthorized use, tampering with or modification of this system, including supporting hardware or software, may subject the violator to criminal and civil penalties. In the event of unauthorized intrusion, all relevant information regarding possible violation of law may be provided to law enforcement officials.

Privacy

EcoCAT generates a public record subject to disclosure under the Freedom of Information Act. Otherwise, IDNR uses the information submitted to EcoCAT solely for internal tracking purposes.

IDNR Project Number: 2110032



| | |
|-----------------------|-----------------------------|
| EcoCAT Receipt | Project Code 2110032 |
|-----------------------|-----------------------------|

| | |
|------------------|-------------|
| APPLICANT | DATE |
|------------------|-------------|

| | |
|-------------|----------|
| Wanda Hogan | 2/2/2021 |
| Wanda Hogan | |
| [REDACTED] | |

| 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.

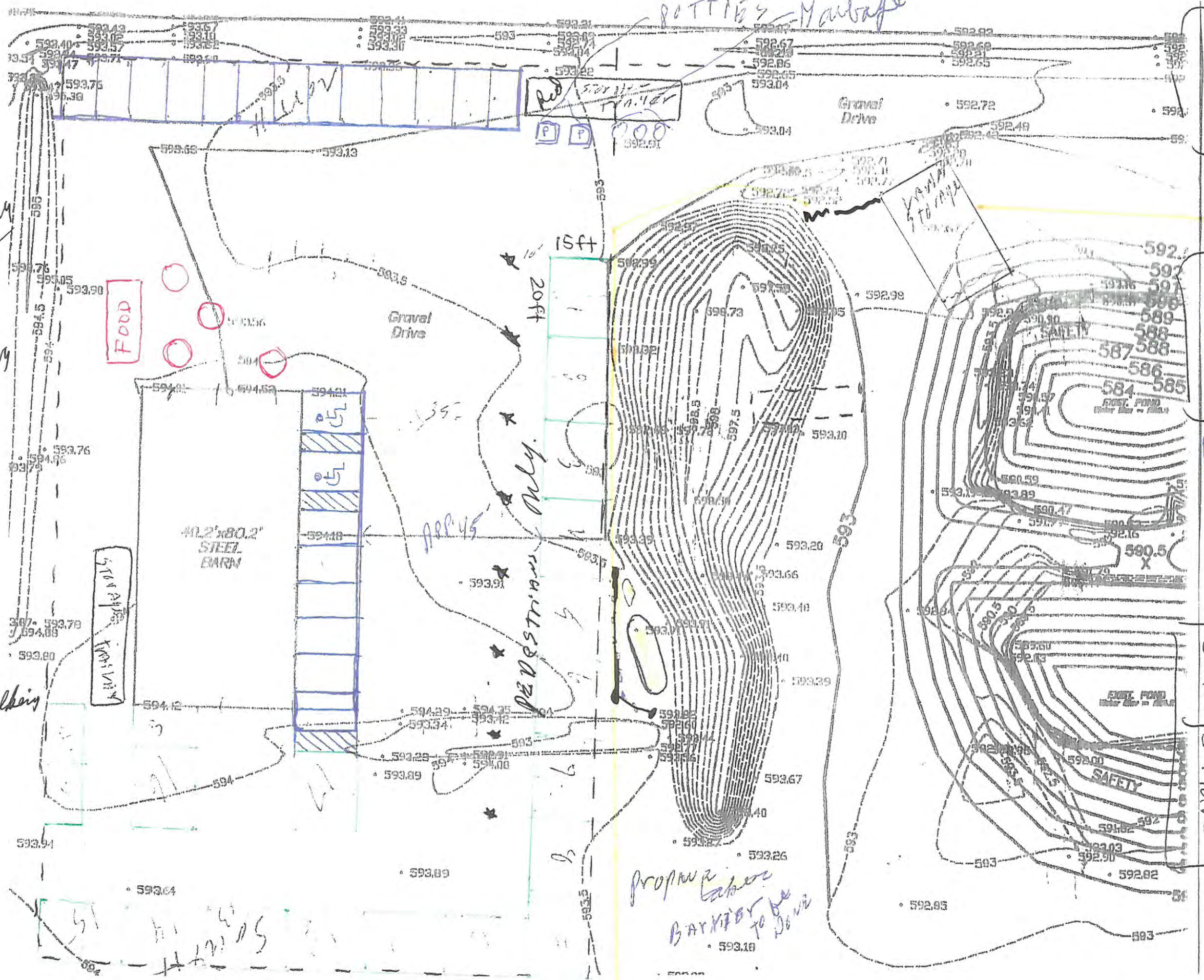
That the special use is consistent with the purpose and objectives of the Land Resource Management Plan and other adopted County or municipal plans and policies.

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

anything!

POTTIES - Manly

(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

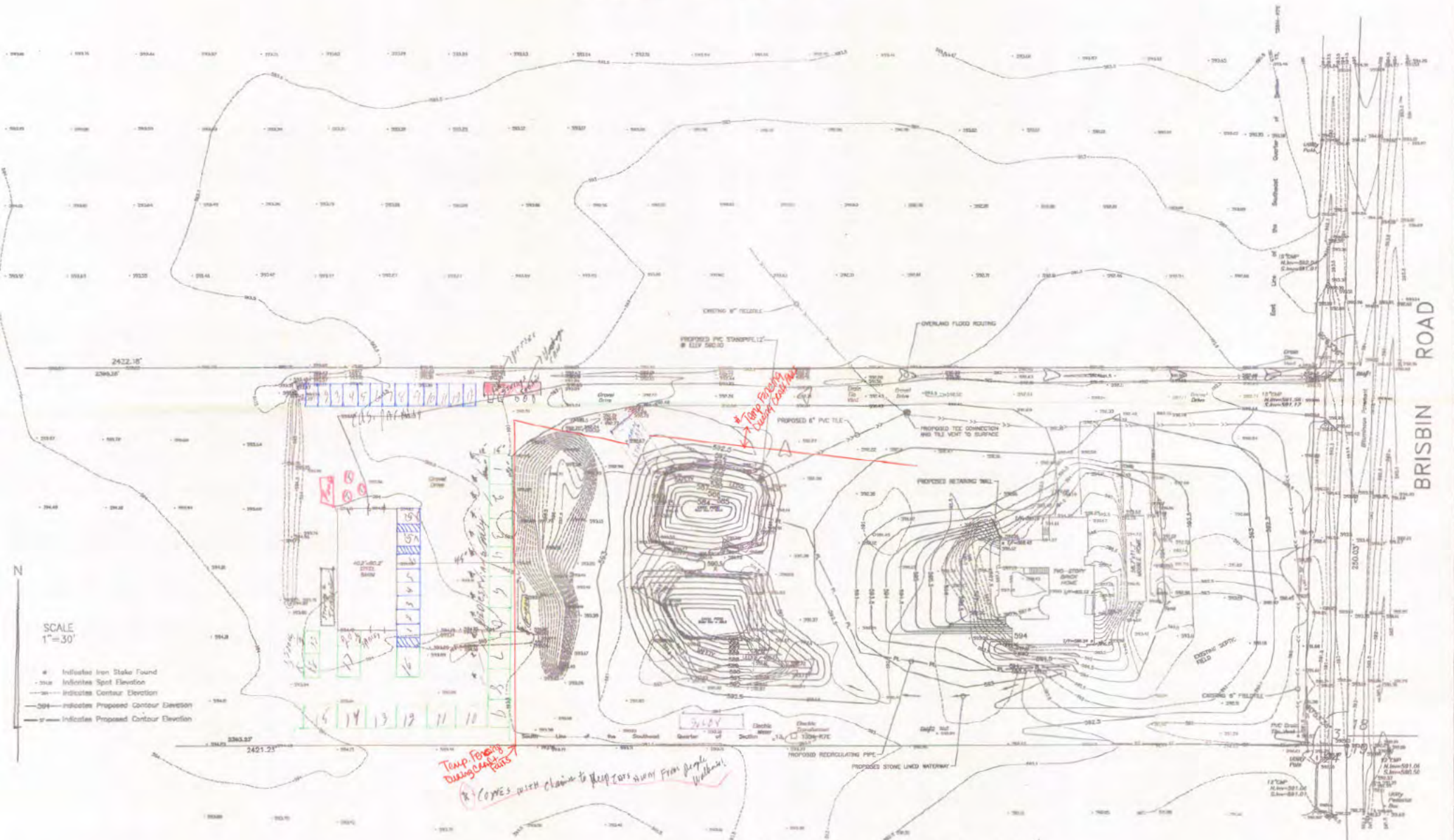
Jenny's plans

20ft

20ft

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.

Handwritten notes:
 2 - party station by old survey center
 3rd - various cuts of old stables & any other NEGRO through mt
 4th - various spaces - including those forming 15' x 30' - 17' +
 5th - various spaces if NEGRO 10th to
 6th - 8' parking including 2 landscape along building
 7th - 13' N. NORTH PROPERTY LINE
 8th - 1st shed built by program 1988


PREPARED BY: [Redacted]
 DATE: [Redacted]

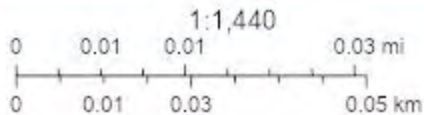


Kendall County Web GIS



February 8, 2021

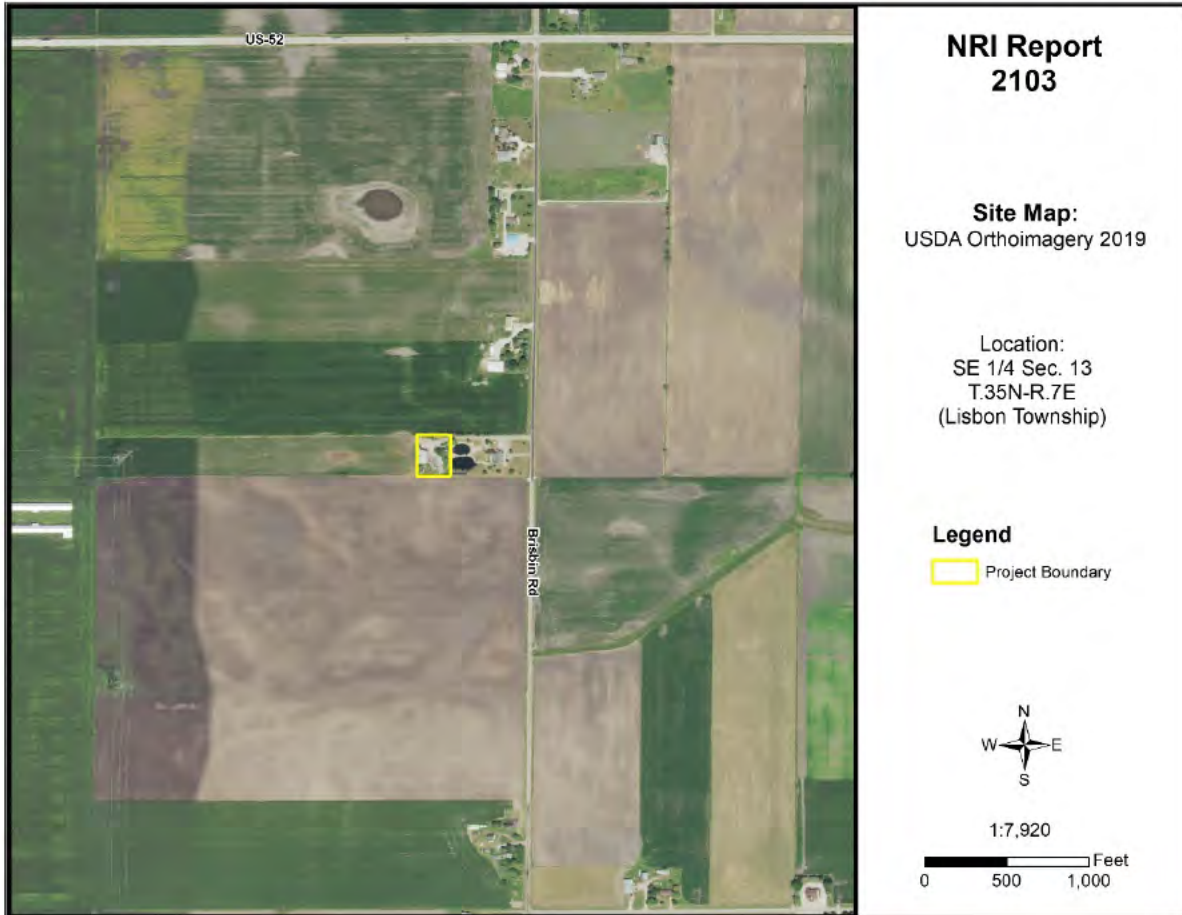
 Kendall County Address Points **Parcels**
Ownership Parcel



© OpenStreetMap (and) contributors, CC-BY-SA, Map data © OpenStreetMap contributors, Map layer by Esri



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

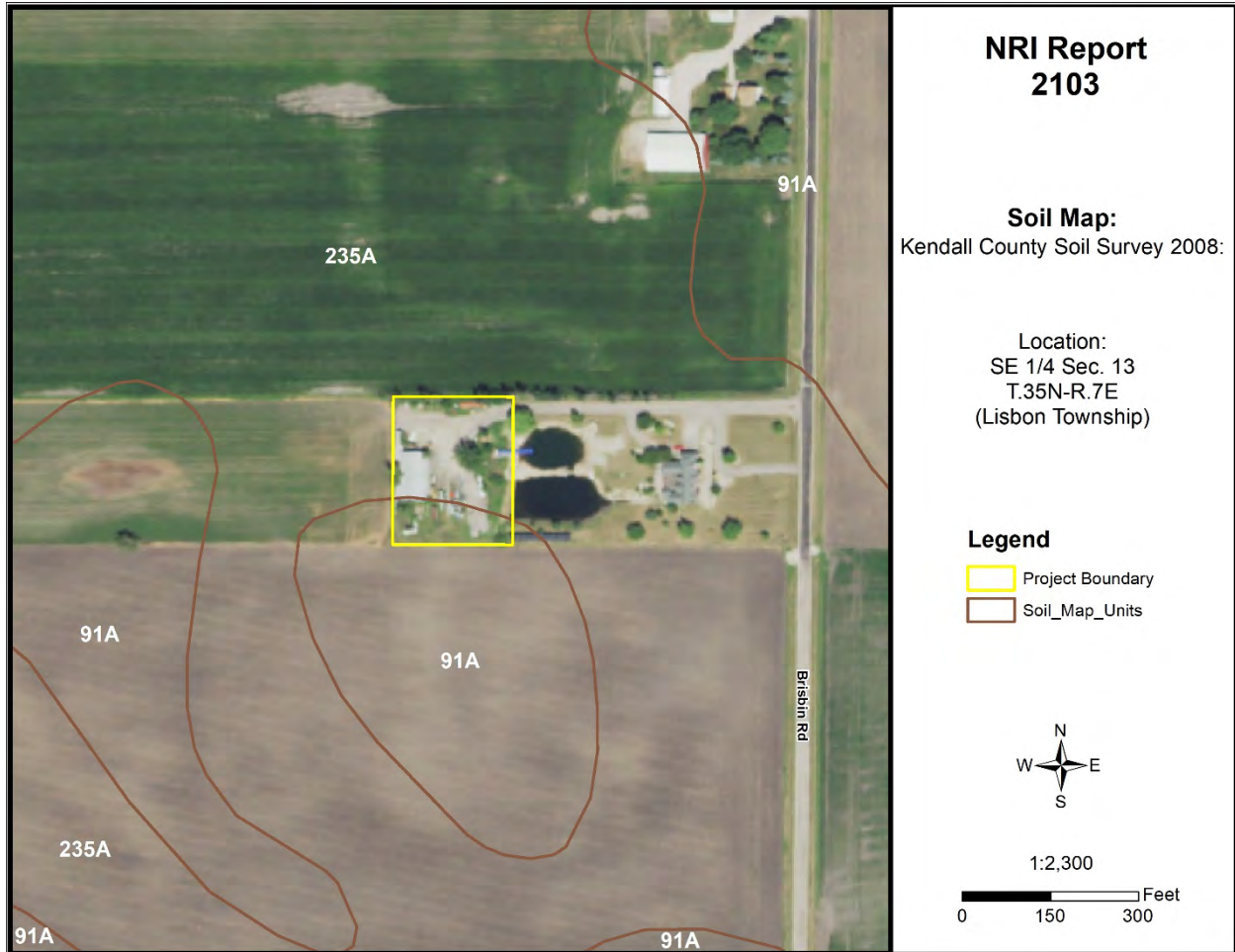


Figure 1: Soil Map

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% | | |

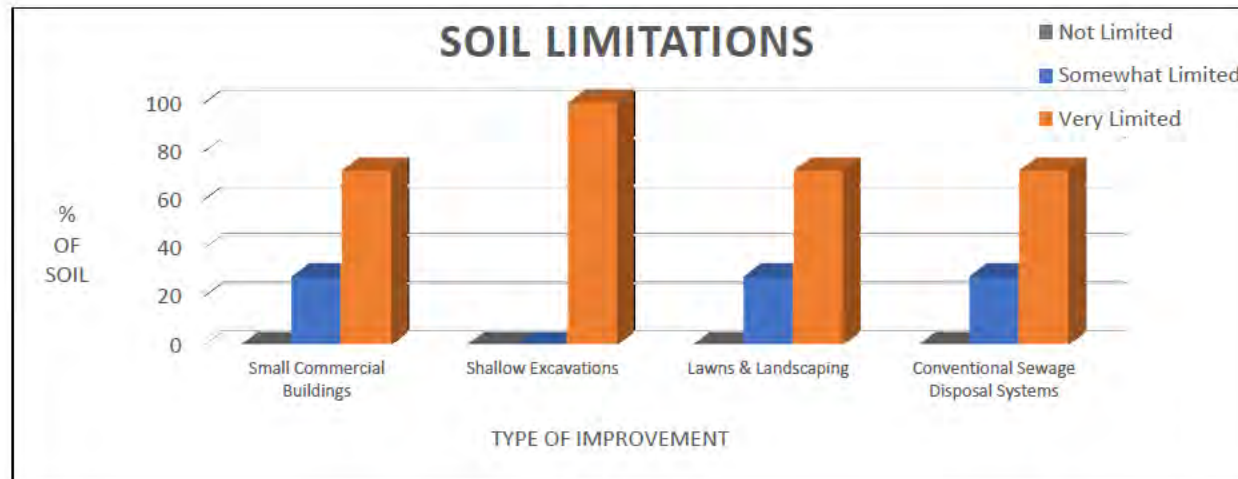


Figure 2: Soil Limitations

Building Limitations Maps:

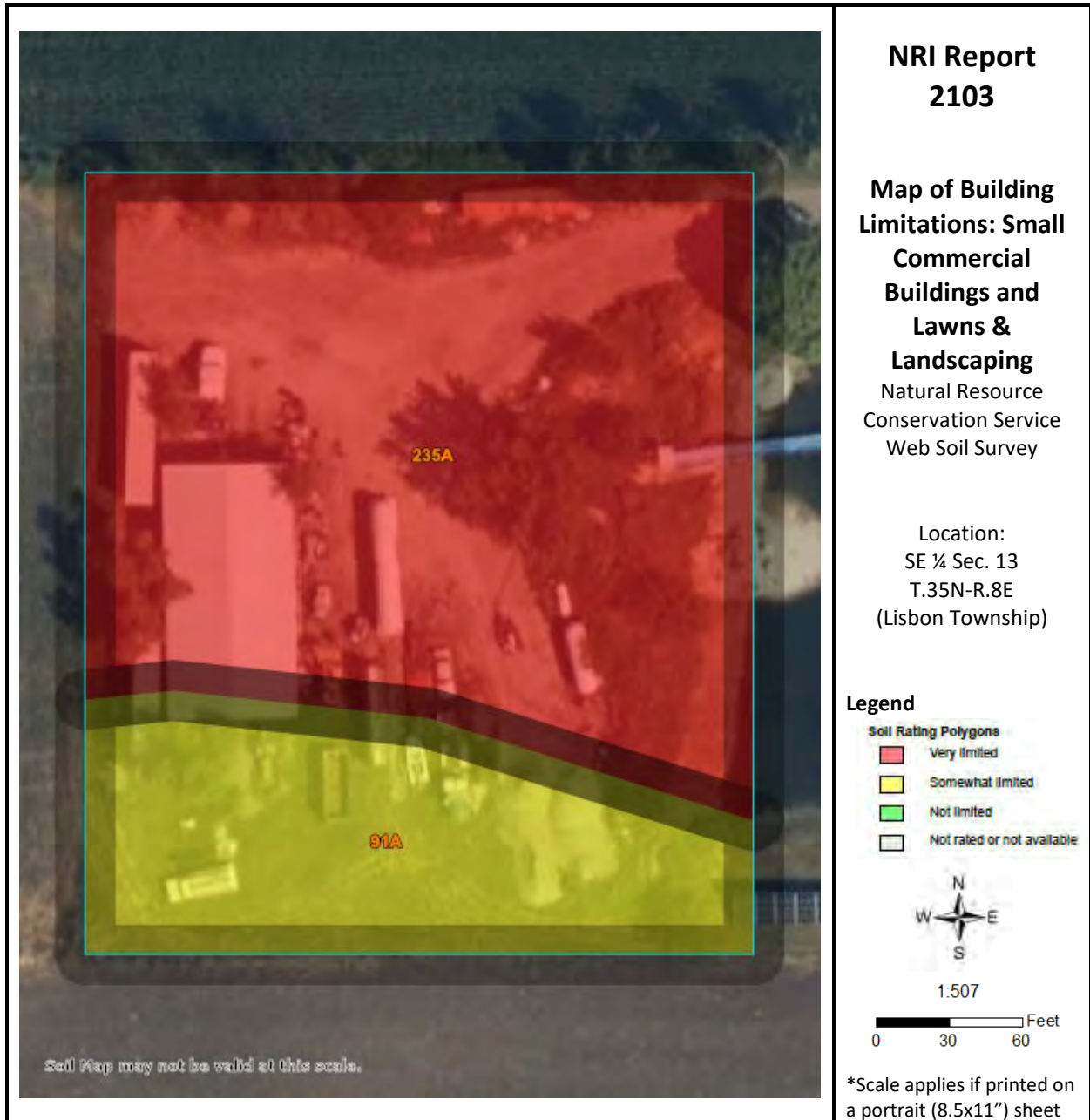


Figure 3A: Map of Building Limitations – Small Commercial Buildings and Lawns & Landscaping

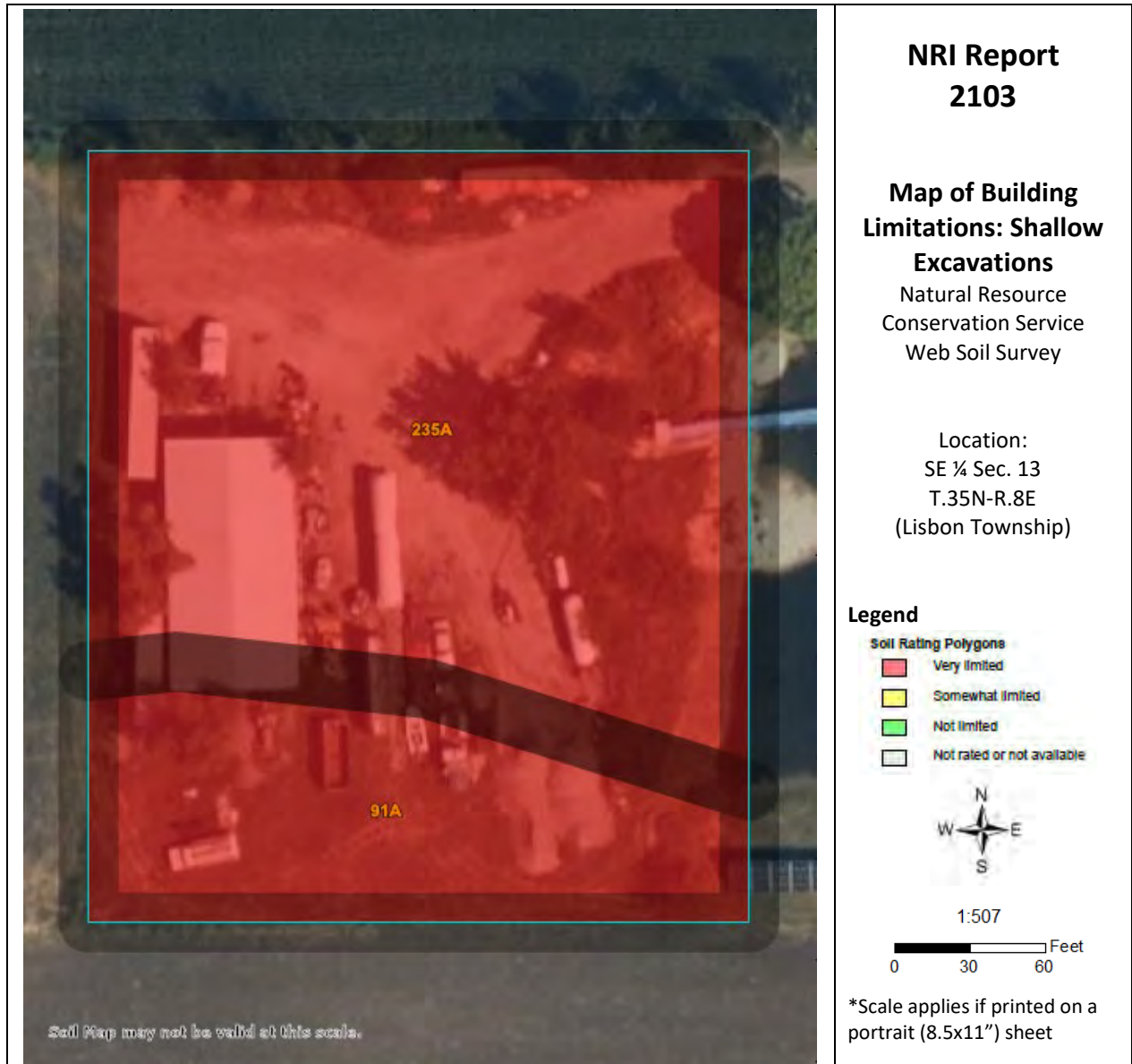


Figure 3B: Map of Building Limitations – Shallow Excavations

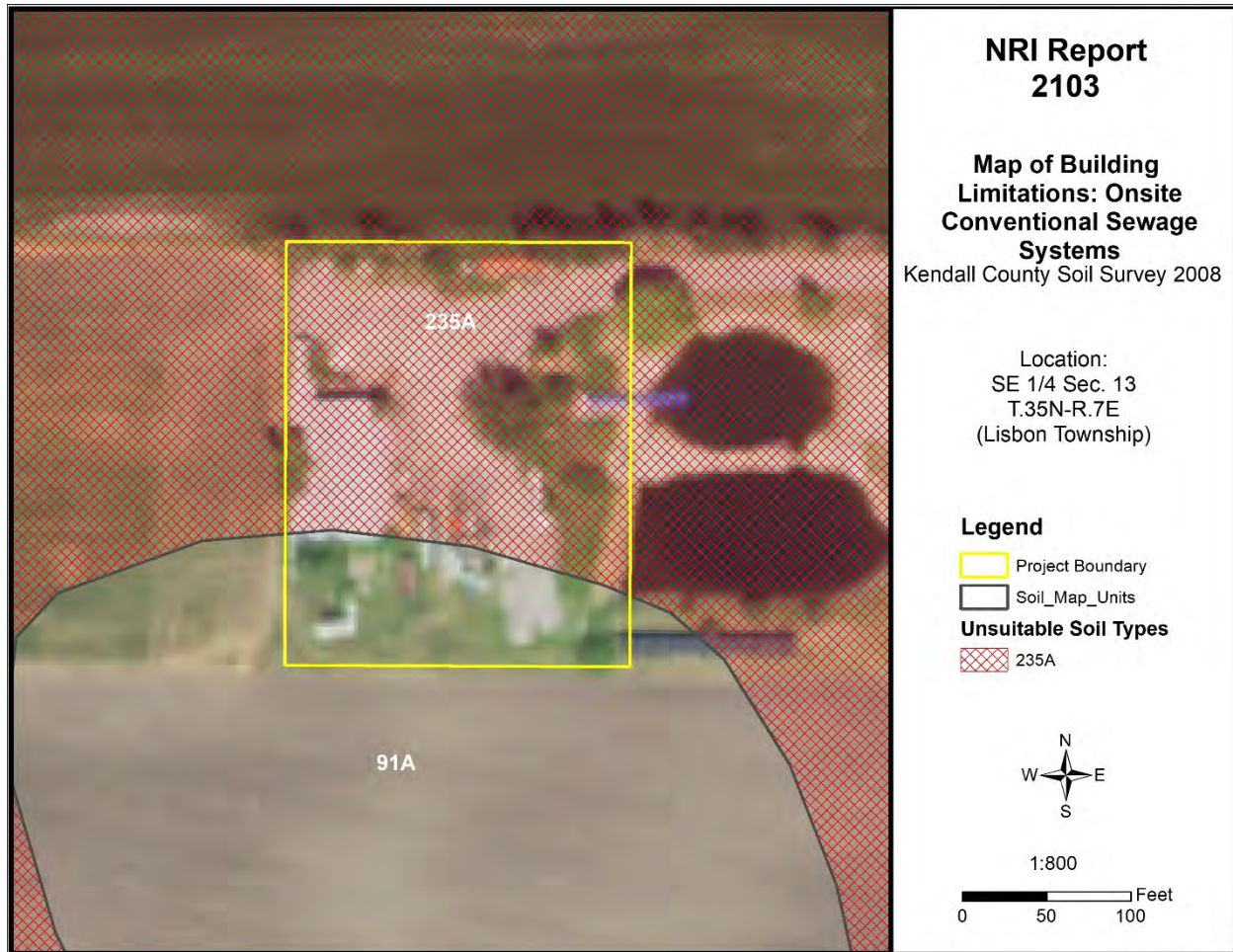


Figure 3C: Map of Building Limitations – Onsite Conventional Sewage System

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.

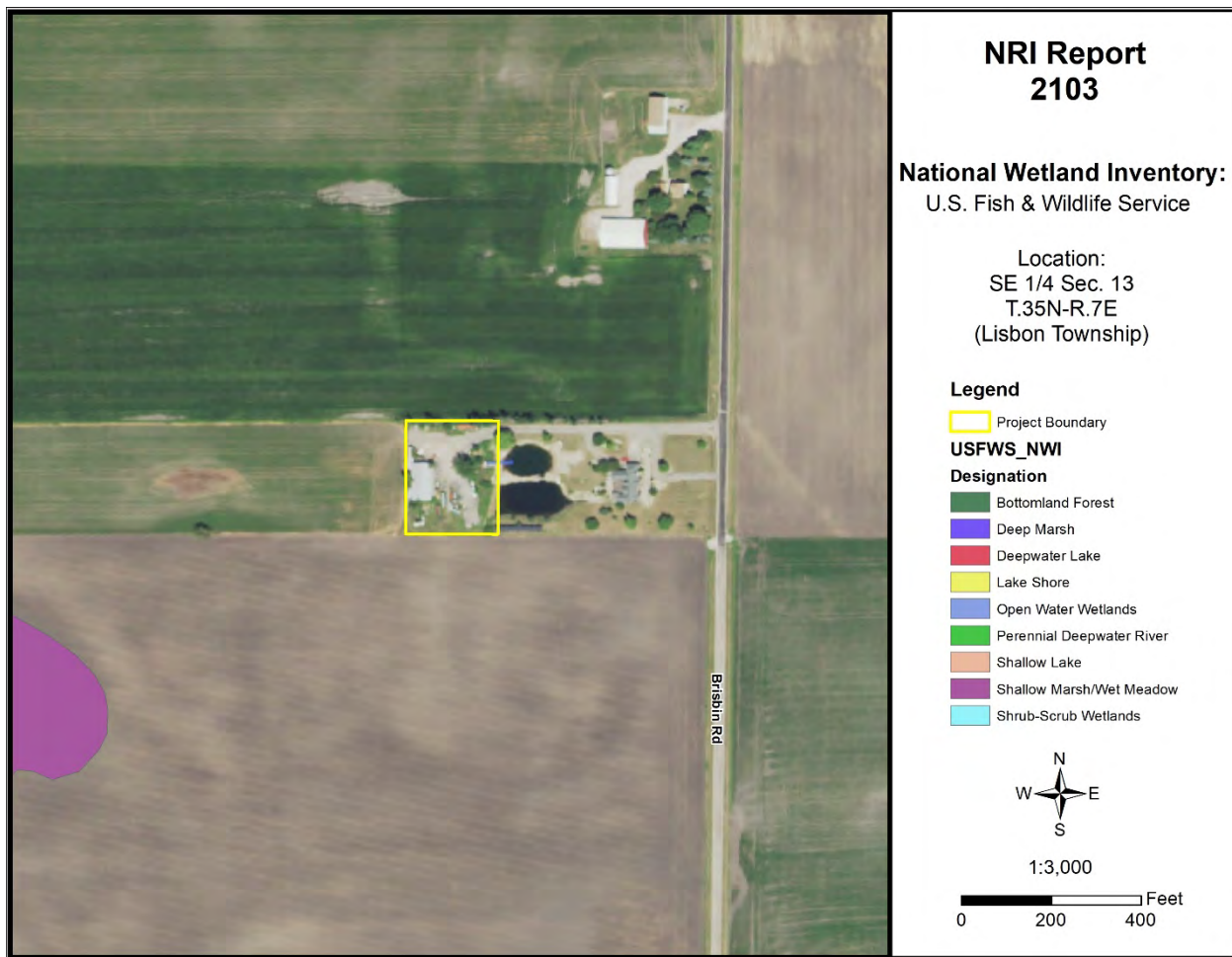


Figure 4: Wetland Map – USFWS National Wetland Inventory

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.

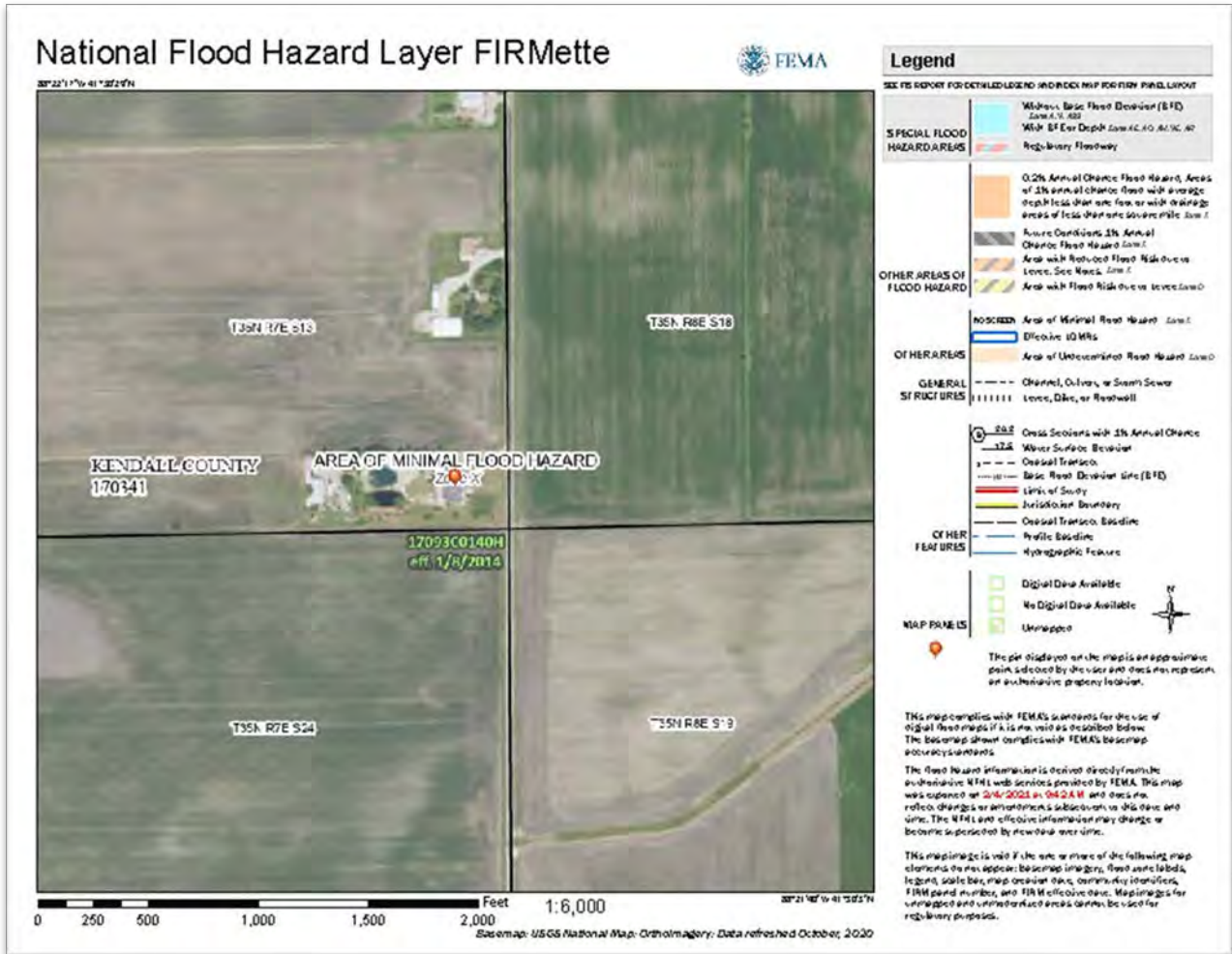


Figure 5: FEMA Floodplain Map

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).



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



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,

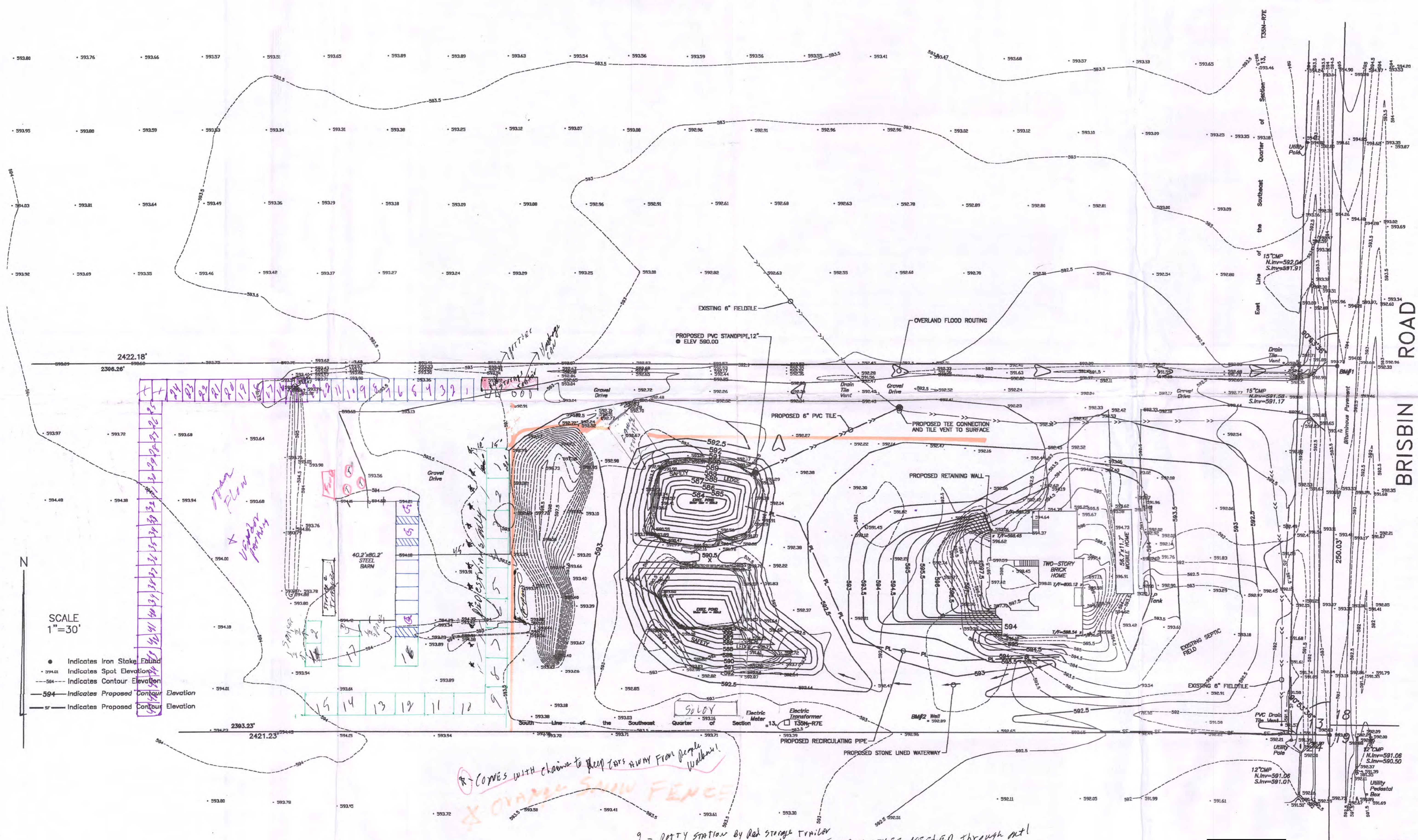
I, Scott Cryder, am the newly elected Seward Township Highway Commissioner. I have reviewed the site plan for the proposed Special Use Permit for Mr. and Mrs. Hogan. My findings indicate that the parking for the Special Use Permit is planned to be on the property site. In no way will this proposed Special 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



● Indicates Iron Stake Found
 -394.01 Indicates Spot Elevation
 -584- Indicates Contour Elevation
 -594- Indicates Proposed Contour Elevation
 -57- 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.

*2 - party station by Red storage trailer
 3nd - Storage cans by Red trailer + ANY OTHER NEEDED through out!
 BREEN - Vendor spaces - Enclosing their parking 15' x 20' - 17 +
 3 half spaces if NEEDED TOTAL 20
 Our plot - 8 parking including 2 Handicap along building
 15' on NORTH PROPERTY LINE
 33' on WEST PROPERTY LINE
 METAL Guard rail by property line*

OWNER:
 TOM HOGAN

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

DATED: 8-15-00



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

TOM HOGAN

SITE PLAN

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

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.

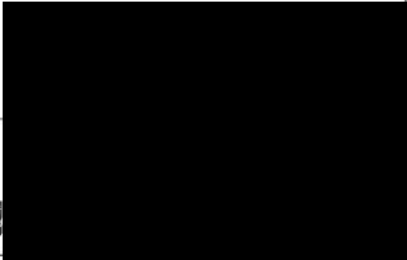
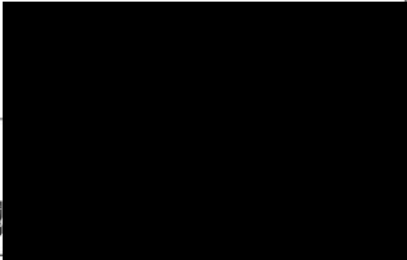
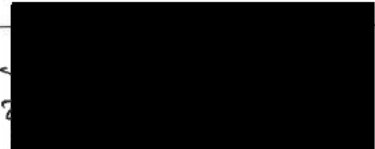
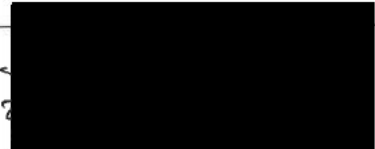


The Kendall County Regional Planning Commission meeting adjourned at 8:28 p.m.

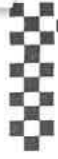
Respectfully submitted by,
Matthew H. Asselmeier, AICP, CFM
Senior Planner

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.

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:

Brenda Walzer and Dustin Walzer

Address:



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

Notary Public



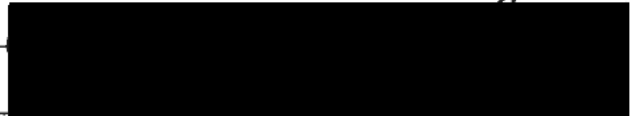
To: Kendall County Plan Commission

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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

Matt Asselmeier

From: Alec Keenum <akeenum@oswegofire.com>
Sent: Tuesday, May 25, 2021 2:17 PM
To: Matt Asselmeier
Subject: [External]RE: Kendall County Zoning Petition 21-22

Hi Matt...

Oswego Fire has no comments

Alec



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.



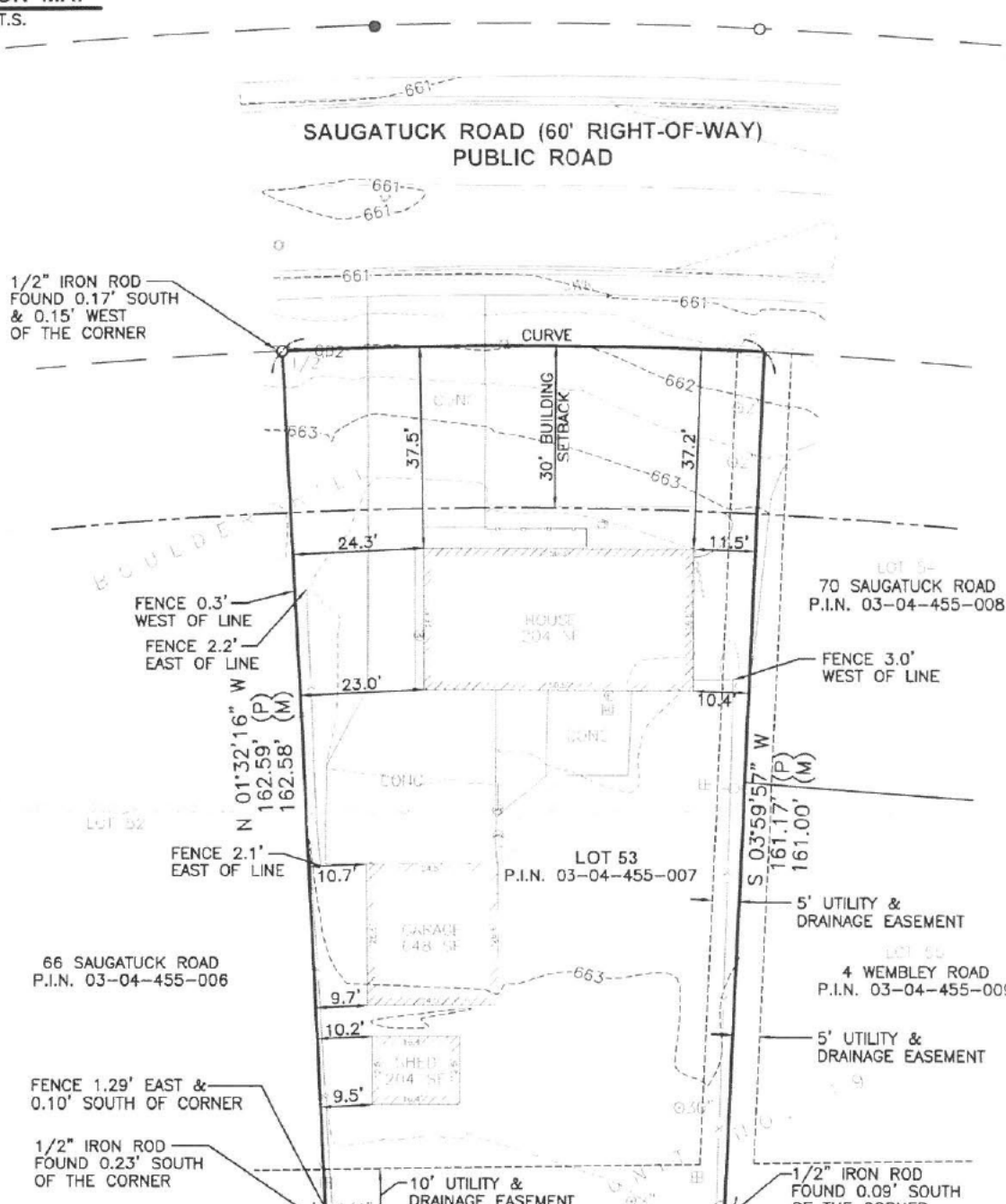
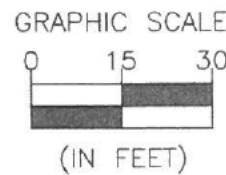
LOCATION MAP
N.T.S.

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
- EXISTING MANHOLE
- EXISTING CATCH BASIN
- EXISTING CLEANOUT
- EXISTING WATER SERVICE VALVE
- EXISTING ELECTRIC BOX
- EXISTING TV CABLE BOX
- EXISTING TELEPHONE BOX
- EXISTING GAS METER
- EXISTING ELECTRIC METER
- EXISTING AIR CONDITIONER
- EXISTING LIGHT
- EXISTING UTILITY POLE
- EXISTING TREE
- EXISTING GATE POST
- 3/4" IRON PIPE FOUND
- 1/2" IRON ROD FOUND
- CONC
- (M) MEASURED
- (P) PLAT

LEGAL DESCRIPTION

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

CERTIFICATION

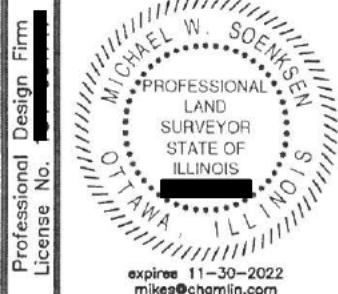
I, Michael W. Soenksen, Professional Land Surveyor No. [redacted] do hereby certify that the within plat is true and correct representation of a survey made under my direction for James Bauler being completed in the field April 29, 2021. This Professional Service conforms to the current Illinois minimum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

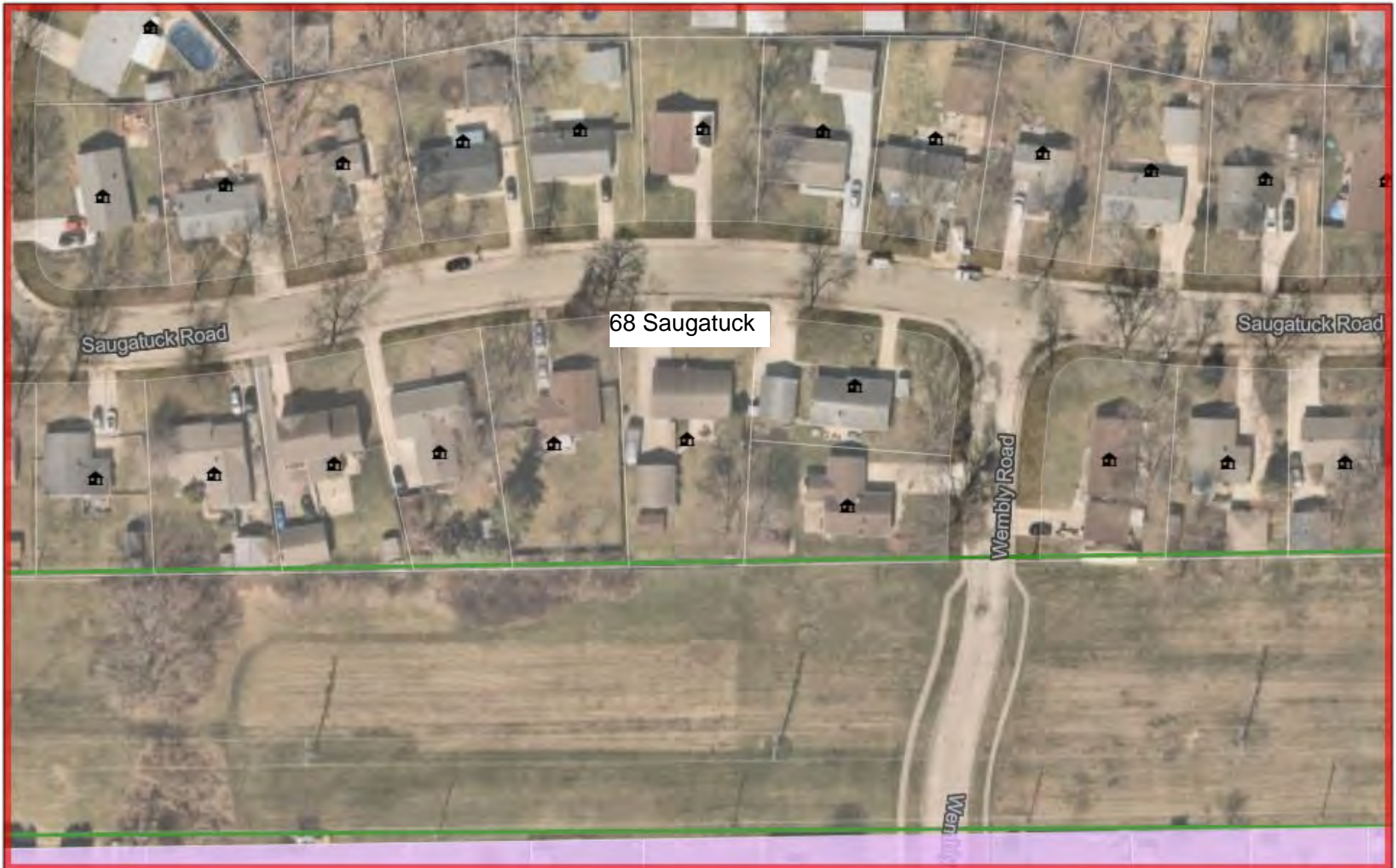
[redacted]
Michael W. Soenksen
Illinois Professional Land Surveyor
Number [redacted]
License Expires November 30, 2022

CHAMLIN & ASSOCIATES, INC. © 2021
Drawing Name: M:\AUGUST\158980-00_BAULER_JAMES.dwg
User: MikeS
Date: 05/17/2021
Time: 8:40:00 AM








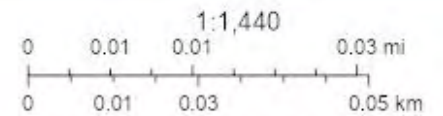
| REVISIONS | | |
|---|----------------------|----------------------|
| | | |
| JAMES BAULER - LOT 53 BOULDER HILL, UNIT NO. 19, S.E. 1/4 SEC. 14-37-8, 3RD P.M. OSWEGO TOWNSHIP, KENDALL COUNTY, ILLINOIS | | |
| DRAWN BY: NET | SURVEYED BY: KH & KH | SHEET NUMBER: 1 OF 1 |
| SCALE: AS NOTED | DATE: 05/17/21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

Attachment 3
Kendall County Web GIS



May 20, 2021

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



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