

ORDINANCE NUMBER 2004- 04-09SPECIAL USE AMENDMENT ORDINANCE  
5000B GROVE ROAD.

WHEREAS, Ron Wehrli and Christine Barickman filed a petition to amend a Special Use within the A-1 District, for property located at 5000B Grove Road in Oswego Township; and

WHEREAS, said property was zoned A-1 Special Use as provided in Section 7.01 D. 26. of the Kendall County Zoning Ordinance to allow for the operation of a pottery studio, pottery demonstration area, and site for pottery sales, with one directional sign subject to the nine terms and conditions, as originally adopted by the County Board May 15, 2001 per ordinance # 2001-13; and

WHEREAS, said property is legally described in Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, said petition requests an amendment to said Special Use to allow for an expansion of the allowable uses to include the following:

- a) Pottery and art classes;
- b) Retail sales of accessory items sold as decorative elements used to enhance the display and presentation of the hand-painted pottery being offered for sale;
- c) The ability to hold private gatherings on the premises;
- d) The accessory sales and preparation of food items on the premises;
- e) Seasonal sales of agricultural products such as pumpkins or other similar agricultural products grown on the premises; and

WHEREAS, all procedures required by the Kendall County Zoning Ordinance were followed including notice for public hearing, preparation of the findings of fact; and

WHEREAS, the Kendall County Board finds that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED, that the Kendall County Board hereby grants approval of an amendment to the special use zoning for a pottery studio, pottery demonstration area, and hereby rescinds the previous conditions imposed on the premises and replaces them with the following conditions:

1. Review of all site plans by the County's Code Compliance Officer for compliance with the Americans with Disabilities Act accessibility provisions pertaining to the entire site.
2. Development and operation of the site in accordance with the site plan attached hereto and made a part hereof as Exhibit "B"; and
3. Parking for employees shall be in conformance with applicable Kendall County Ordinances.

4. Compliance with applicable building codes and securing of the required permits associated with any proposed remodeling, alteration, construction or expansion of existing or proposed structures on the premises.
5. The principal use of the property is for the retail sales of hand painted pottery including the following ancillary uses:
  - a) Pottery and art classes limited to a maximum of not more than 10 students at any one time;
  - b) Retail sales of accessory items sold as decorative elements used to enhance the display and presentation of the hand-painted pottery being offered for sale;
  - c) Use of the rear (southern) 528 square feet of the overall 1,750 square foot structure identified as "Metal Building" on the controlling site plan, as a meeting room for private gatherings limited to not more than 15 persons at any one time and including the accessory sales and preparation of food items limited to sandwiches, soups and salads for consumption on the premises.
  - d) Seasonal sales of agricultural products such as pumpkins or other similar agricultural products grown on the premises;
6. Except as otherwise provided for in condition #5 above, no goods produced off-site, other than pottery and earthenware, may be sold on the premises; and
7. Sales of pottery and earthenware on-site may only take place in the existing house; and
8. A private driveway leading to Stephens Road at least twelve (12) feet in width, which may remain paved with gravel at the discretion of the property owner, and which is otherwise in conformance with Kendall County Private Road Standards, shall be maintained by the property owner; and
9. Any areas covered by the special use permit which are dedicated to public rights-of-way will be automatically rescinded; and
10. The petitioner shall apply for a Stephens Road address within one (1) year of the entire length of Stephens Road being paved.

Failure to comply with the terms of this ordinance may be cited as a basis for amending or revoking this special use permit.

IN WITNESS OF, this ordinance has been enacted on February 17, 2004.

Paul Anderson

John A. Church

Attest:

John A. Church  
Kendall County Board Chairman

Paul Anderson  
Kendall County Clerk

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**Parcel One:**

That part of the Northeast 1/4 of Section 31, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: Commencing at the Northeast corner of said Northeast 1/4; thence North 89 degrees, 29 minutes, 30 seconds West along the North line of said Northeast 1/4, 810.86 feet; thence South 00 degrees, 09 minutes, 13 seconds East 1395.83 feet for the point of beginning; thence continuing South 00 degrees, 03 minutes, 13 seconds East 951.08 feet; thence South 89 degrees, 56 minutes, 47 seconds West perpendicular to the last described course 229.00 feet; thence North 00 degrees, 03 minutes, 13 seconds West perpendicular to the last described course 951.08 feet; thence North 89 degrees, 56 minutes, 47 seconds East perpendicular to the last described course 229.00 feet of the point of beginning, in the Township of Oswego, Kendall County, Illinois.

**Parcel Two:**

That part of the south East 1/4 of Section 30 and part of the Northeast 1/4 of Section 31, Township 37 North, Range 8 East of the Third Principal Meridian, described as follows: Beginning at the Southeast corner of said South East 1/4 of Section 30; thence North 89 degrees, 29 minutes, 30 seconds West along the south line of said South East 1/4, 810.86 feet; thence South 00 degrees, 03 minutes, 13 seconds East 1395.83 feet; thence South 89 degrees, 56 minutes, 47 seconds West perpendicular to the last described course 30.00 feet; thence North 00 degrees, 03 minutes, 13 seconds West perpendicular to the last described course 1426.13 feet; thence South 89 degrees, 29 minutes, 30 seconds East parallel with the aforesaid South line of the South East 1/4 840.07 feet to the East line of said South East 1/4; thence South 01 degrees, 34 minutes, 18 seconds East along said East line 30.02 feet to the point of beginning, in the Township of Oswego, Kendall County, Illinois.

**Parcel Three:**

Easement for ingress and egress created by Warranty Deed dated March 21, 1978 and recorded March 22, 1978 as Document 78-1663 made by Stewart, et al, to Pauline Wackerlin for the benefit of Parcels One and Two over the southerly 49.50 feet of the Southwest 1/4 of Section 29, in Township 37 North, Range 8 East of the Third Principal Meridian in the Township of Oswego, Kendall County, Illinois.

Commonly known as: 5000B Grove Road, Oswego, Illinois  
PIN: 03-31-200-002; 03-30-400-002



400

Morgan Creek

OSWEGO C.B.

240.04  
9-630

002  
58

STEPHENS RD

OSWEGO

20.00

PI 001  
PI 276.10

200

14.42

See attached  
Site Plan for Detail  
of this  
Section

EXHIBIT B  
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