KENDALL COUNTY
ZONING BOARD OF APPEALS & SPECIAL USE HEARING OFFICER
111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

January 27, 2014 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

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

MINUTES: Approval of minutes from the December 9, 2013 Zoning Board of Appeals meeting

PETITIONS:
1. 13-33 Brandon Leggett
   Request: Variance
   Location: Hughes Road (Pin: 04-35-300-006)
   Purpose: Request a variance to allow their single family home to encroach into the front yard and side yard setback and lot size to be 2 acres instead of 130,000 square feet

2. 13-34 James & Susan Smith
   Request: Variance
   Location: 16031 Burr Oak Road, Plano
   Purpose: Request a variance to allow an addition to encroach into the side yard setback by 7.5’

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD- None

NEW BUSINESS

OLD BUSINESS
Vote on changes to the By-laws regarding the notification process

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on March 3, 2014

CALL TO ORDER – SPECIAL USE HEARING OFFICER

ROLL CALL: Walter Werderich, Hearing Officer

MINUTES: Approval of minutes from the December 9, 2013 Special use Hearing Officer Meeting

PETITIONS:
1. 13-31 Candice Hadley
   Request: R-3 Special Use
   Location: 1542 Plainfield Road, Oswego
   Purpose: Request for a special use to have weddings and special events on site. This use would be considered a unique use: (Uses, not otherwise listed herein, may be granted special use approval if such uses conform to the purpose, goals and objectives of the Residential Zoning Districts as described in Section 8.01.)

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
13-26: Green Organics Inc. (On the County Board Agenda on January 21, 2014)
NEW BUSINESS

OLD BUSINESS
Vote on changes to the By-laws regarding the notification process

PUBLIC COMMENT

ADJOURN SPECIAL USE HEARING OFFICER- Next meeting on March 3, 2014
CALL TO ORDER
At 7:01 p.m., Chairman Randy Mohr called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Randy Mohr (Chairman), Scott Cherry, Karen Clementi, Tom LeCuyer, Dick Thompson and Dick Whitfield
Also present was: Senior Planner Angela Zubko
Absent: Donna McKay
In the audience: Larry & Pam Nelson, Andrew Bobbitt, Michael & Cheryl Harvey

A quorum was present to conduct business.

MINUTES
Scott Cherry motioned to approve the September 30, 2013 ZBA meeting minutes. Dick Whitfield seconded the motion. All were in favor and minutes were approved.

PETITIONS
#13-27 Cheryl Harvey – Variance
Planner Zubko stated the property is located at 17418 Lisbon Center Road. The petitioner is requesting a variance to allow a grain bin to be located 35’ from the centerline of Lisbon Center Roadway. The current standard is 150’ from the centerline of the roadway, requesting a 115’ variance. Most of the land around is all farmland and in the packet there is a letter from Jeff Mathre, the Highway Commission, and he has no objections to the variance. Planner Zubko stated she has not received any calls with regards to this variance.

Chairman Mohr opened the meeting for public testimony.

With no testimony made, Chairman Mohr closed the testimony and reviewed the Findings of Fact for a variance, they were approved as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The petitioners propose to put it in that location due to the location of the driveway, barn and current utilities.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This variance could set precedence to other owners along the roadway if the roadway commissioner approves the variance.
That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The placement of the utilities was not done by the property owner.

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 affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The adjacent property to the north is farmland and a natural waterway so most likely nothing will be built across from this proposed bin.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Dick Thompson to approve the variance with staff’s findings of fact. With a roll call vote all were in favor and the variance passed.

#13-28 Fox Valley YMCA – Variance

Planner Zubko stated the property is located at 3875 Eldomain Road at the northwest corner of Eldomain Road and Route 34. The petitioner is requesting a variance to the parking lot lighting to allow the parking lot lighting to be 28’ in height. The current maximum is 20’. The petitioner has a hardship for the fact that these lights were donated from the Yorkville School District so could not specify the height of the lights. Planner Zubko stated the petitioner has talked to every entity, Plano, Yorkville and the Highway Department and they would all welcome the lighting as that intersection is dark. In the packet is a proposed site plan but they will need to meet the photometric standards but wanted to give a visual. The YMCA might put the lighting in the center of the parking lot.

Mr. Whitfield asked why the standard is 20’ in the Zoning Ordinance. Planner Zubko stated we copied from another entity but we might want to re-visit it. This is the first time we really have had to use the lighting height standards since we re-wrote the Zoning Ordinance in 2008.

Mr. Nelson, Treasurer of the YMCA reiterated the requested variance and also not sure if the 20’ height in the Zoning Ordinance was really explored. Mr. Nelson just wanted to clarify we are not approving the site plan but the height.

Chairman Mohr opened the meeting for public testimony.

With no testimony made, Chairman Mohr closed the testimony and reviewed the Findings of Fact for a variance, they were approved as follows:

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The lighting was donated therefore the height could not be specified on the donations.
That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. There is limited B-4 Zoning within the unincorporated portions of the County.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. True. The lighting was donated and the height requirements were not known to whoever donated the lights.

That the granting of the variation will not materially be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. True. The lighting would help this area and create safety.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The variation will actually provide light to the adjacent properties but will still need to meet the photometric standards of the Zoning Ordinance.

That the proposed variance complies with the spirit and intent of the restrictions imposed by this amended ordinance. This site is unique that it is on 2 major roadways in the County where no street lighting is currently provided, adding any lighting in this area would improve the property.

With no further suggestions or changes Karen Clementi made a motion, seconded by Tom LeCuyer to approve the variance with staff’s findings of fact. With a roll call vote all were in favor and the variance passed.

REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES- None

NEW BUSINESS
Review and approval of the 2014 scheduled meeting dates- Scott Cherry made a motion to approve the 2014 meeting dates, Tom LeCuyer seconded the motion. All were in favor.

OLD BUSINESS
Review of By-laws and approval of notification process change- All were in favor of the proposed changes and this will be voted on at the next meeting.

PUBLIC COMMENT- There were no members in the audience that wanted to comment.

ADJOURNMENT OF THE ZONING BOARD OF APPEALS- Next meeting will be on January 27, 2014
Dick Whitfield made a motion to adjourn the ZBA meeting, Karen Clementi seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:16 p.m.
DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 203
Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

13-33
BRANDON LEGGETT
VARIANCES- FRONT YARD & SIDE YARD SETBACK FOR A
HOUSE & VARIANCE FOR LOT SIZE

SITE INFORMATION

PETITIONER       Brandon Leggett
ADDRESS          Hughes Road
LOCATION         On the south side of Hughes Road 0.6 miles west of Helmar Road
TOWNSHIP         Fox Township
PARCEL #         04-35-300-006
LOT SIZE         2 acres
EXITING LAND USE Vacant Land
ZONING           A-1 Agricultural

LRMP
| Land Use    | County: Agricultural |
| Roads       | Hughes Road is classified as a minor collector road |
| Trails      | None shown |

REQUESTED ACTION Request for variances to allow a single family home to be located 115' from the Centerline of Hughes Road and 30' from the east property line. The current standard is 150' from the centerline of the roadway and 50' from all other property lines. The petitioner is requesting a 35' variance and 20' variance respectively. The petitioner is also seeking a variance from Section 7.01.H.1 of the Kendall County Zoning Ordinance to allow a new single family home lot that was subdivided from a larger agricultural parcel be 87,120 square feet, seeking a variance of 42,880 square feet.

APPLICABLE
§ 7.01.H.1 (Lot Size)
§ 7.01.H.2 (Front & Side Yard Setbacks)
§ 13.04 (Variations)

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
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<tr>
<td>North</td>
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<tr>
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<td>Single Family Home</td>
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<td>A-1</td>
</tr>
</tbody>
</table>
REQUESTED ACTION
GENERAL

Request for variances to allow a single family home to be located 115' from the Centerline of Hughes Road and 30' from the east property line. The current standard is 150' from the centerline of the roadway and 50' from all other property lines. The petitioner is requesting a 35' variance and 20' variance respectively. The petitioner is also seeking a variance from Section 7.01.H.1 of the Kendall County Zoning Ordinance to allow a new single family home lot that was subdivided from a larger agricultural parcel be 87,120 square feet, seeking a variance of 42,880 square feet.

The petitioners have already submitted for an agriculturally exempt building permit and are permitted to build a home due to Allocation #15 registered in 2000.

This parcel was created in 1999 from a 40 acre tract.

The reason the petitions would like the variances is that the property will remain agriculture and they would like to put some type of farm animals on the property. Putting the home in this location will best utilize the smaller property for adequate pasture room. If they were to meet the setbacks the house would be in the middle of the lot making it harder to have pastures on the side of the home.

FINDINGS OF FACT

§ 13.04.2 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are as follows:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. The petitioners did not create this 2 acre lot and without the variations for the house it would be set directly in the middle of the lot making it harder to use for agricultural uses.*

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Most properties are created to meet the minimum standards and the variations with regards to setbacks most likely would not be requested due to the size of most agriculturally zoned properties.*

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The size of the property was not created by petitioner. There really is not hardship to the location of the*
house except to utilize the property for agricultural uses more efficiently.

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 variances should not affect any of the neighbors nor 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. There is only one adjacent single family home and these variations being requested is to locate the home further from the adjacent home.

RECOMMENDATION

Staff would recommend approval of the 3 requested variances to allow a single family home to be located 115' from the centerline of Hughes Road, 30' from the east property line and the lot size be 2 acres (67,120 square feet).

ATTACHMENTS

1. Drawing
State of Illinois
County of Kendall:

This is to certify that we, James M. Olson Associates, Ltd., Illinois Professional Land Surveyors have surveyed The Westerly 250.0 feet of the Northerly 348.55 feet (as measured along the North and West line) of the East Half of the East Half of the Southwest Quarter of Section 35, Township 36 North, Range 6 East of the Third Principal Meridian in Fox Township, Kendall County, Illinois as shown by the plat hereon drawn which is a correct representation of said survey.


James M. Olson
Illinois Professional Land Surveyor No. 2253
James M. Olson Associates, Ltd.
107 West Madison Street
Yorkville, Illinois 60560
(939) 953-0050
DEPARTMENT OF PLANNING, BUILDING & ZONING
111 West Fox Street • Room 203
Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

13-34
JAMES & SUSAN SMITH
VARIANCE- SIDE YARD SETBACK FOR AN ADDITION

SITE INFORMATION

PETITIONER James & Susan Smith
ADDRESS 16031 Burr Oak Road
LOCATION On the north side of Burr Oak Road about 0.85 miles east of the intersection of Griswold Springs Road and Burr Oak Road
TOWNSHIP Little Rock
PARCEL # 01-32-226-007
LOT SIZE 1.97 acres
EXISTING LAND USE Single Family Home- existed when subdivision was proposed
ZONING R-2 PUD (Residential Planned Development) for the Deer Ridge Subdivision (Ordinance 1998-16)

LRMP

<table>
<thead>
<tr>
<th>Land Use</th>
<th>County: Countryside Residential</th>
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</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Burr Oak Road is classified as a minor collector road</td>
</tr>
<tr>
<td>Trails</td>
<td>Trail shown on the north side of Burr Oak Road</td>
</tr>
</tbody>
</table>

REQUESTED ACTION Request for a variance to allow an addition to encroach into the side yard setback by 7.5’. Making the addition 17.5’ from the west lot line

APPLICABLE RULES §8.07.E.2 (Side Yard Setbacks)

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
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<td>A-1</td>
</tr>
<tr>
<td>East</td>
<td>Single Family Home</td>
<td>R-2 PUD</td>
<td>Countryside Res.</td>
<td>R-2 PUD; A-1</td>
</tr>
<tr>
<td>West</td>
<td>Single Family Home</td>
<td>R-2 PUD</td>
<td>Countryside Res.</td>
<td>R-2 PUD; A-1; R-3</td>
</tr>
</tbody>
</table>

REQUESTED ACTION

GENERAL Request for a variance to allow an addition to encroach into the side yard setback by 7.5’. Making the addition 17.5’ from the west lot line

This home was built in the 1850's and existed before the subdivision was created. This home is mentioned in the subdivision approval but it was unclear at the time if...
the home was to remain or be demolished.

The home is entirely in the front yard setback as mentioned during the subdivision approval. Building the addition to the west is the best feasible option due to the layout of the historic home. The far north section of the addition will be a 2 car garage. Below is a 1939 aerial showing most structures still exist on this property including a barn on the property to the east which was converted into a single family home.
FINDINGS OF FACT

§ 13.04.2 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are 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. This home has existed since the 1850’s and building a subdivision around this lot created the hardships.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This home is unique in the fact that it is a historic home and so is the home to the east.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The lot was not created by the petitioner and would like to keep the original layout of the home and screened in porch on the east side of the home.

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 affect any of the neighbors nor be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. The variation will not impair an adequate supply of light and air to adjacent properties nor create any congestion in the public streets.

RECOMMENDATION

Staff would recommend approval of the variance to allow an addition to encroach into the side yard setback by 7.5’. Making the addition 17.5’ from the west lot line.

ATTACHMENTS

1. Plat of Survey
ZONING SKETCH


LOT 3
84,311.25 SQ. FT.

01-32-228-007

DEED:
1992.00

STAN STAIGER & KAREN L. COTTER
16657 BURR OAK ROAD

01-32-228-005

ROBERT & BEVERLY ANDERSON
16801 BURR OAK ROAD

BURR OAK ROAD

ZONING: R2-SU-PUD

DEVELOPER/DOWNER:
JIM & SUSAN SMITH
16601 BURR OAK ROAD
PLANO, IL 60545

RB & ASSOCIATES
CONSULTING, INC
4 W MAIN STREET
PLANO, IL 60545
(800) 652-7652
www.rb-associatesinc.com

PREPARED: JANUARY 14, 2014

DWG # 2014-14533-002 B (ZONE)
KENDALL COUNTY ZONING BOARD OF APPEALS AND SPECIAL USE HEARING OFFICER  
GENERAL RULES AND BY-LAWS

Article I Definitions
Section 1. "Board", "Zoning Board" shall mean the Kendall County Zoning Board of Appeals.

Section 2. "County Board," "Appointing Authority," or "Governing Body" shall mean the County Board of Kendall County, Illinois.

Section 3. "Hearing Officer" shall mean the Special Use Hearing Officer

Article II General Provisions
Section 1. These rules are supplementary to the provisions of the zoning ordinance of the County of Kendall, Illinois as they relate to procedures of the Board of Appeals and the Hearing Officer.

Section 2. Any member who has any direct interest in a matter before the Board shall not vote thereon and shall not participate as a board member.

Section 3. Nothing herein shall be construed to give or grant to the Board the power or authority to alter or change the zoning ordinance including the zoning map, which authority is reserved to the governing body.

Section 4. The State's Attorney shall be consulted in cases where the powers of the Board are not clearly defined.

Section 5. The Office of the Board shall be located at Kendall County Planning, Building and Zoning Office, 111 West Fox Street Room 316 203, Yorkville, Illinois, 60560.

Section 6. Each Zoning Board of Appeals member shall strive to attend each meeting of the Zoning Board of Appeals. Each member shall contact the Chairman, Zoning Administrator or Zoning Administrator Deputies, whenever he or she knows in advance that they will not be attending a Zoning Board meeting. Failure to attend three (3) or more meetings in a twelve (12) month period may be cited as a basis for removing the member from the Zoning Board.

Section 7. All members of the Zoning Board shall be residents of different townships.

Article III Officers and Duties
Section 1. The officers of the Board shall be a Chairman, an Acting Chairman, and a Secretary.

Section 2. The County Board shall appoint the Chairman of the Board. The Zoning Board shall elect from amongst its members the Acting Chairman when the Chairman is absent. The Zoning Board shall designate the Secretary who may, or may not, be a member of the Board.

Section 3. The Chairman shall supervise the affairs of the Board of Appeals. He shall preside at all meetings of the Board, shall appoint such committees and sub-committees as may be necessary to carry out the purposes of the Board, and shall provide for the oath to be administered to all witnesses in cases before the Board. The Chairman shall be an ex-officio member of all committees and sub-committees so appointed.

Section 4. The Acting Chairman, in the absence or disability of the Chairman, shall perform all the duties and exercise all the powers of the Chairman.

Section 5. The Secretary shall record and maintain permanent minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize accurately the testimony of those appearing before the Board or keep a verbatim transcript of all hearings; shall record the names and addresses of all persons appearing before the Board; Shall, subject to the Board and Chairman, conduct the correspondence of the Board and have published in a local newspaper public notices of meetings or hearings as required by law and these rules of procedures; shall file said minutes and records in the office of the Board which minutes and records shall be a public record, and shall be the custodian of the files of this Board and keep all records.

Section 6. The County Board shall appoint the Special Use Hearing Officer who may or may not be a member of the Zoning Board.

Article IV Order of Business
Section 1. All meetings of the Board shall proceed as follows:
   a. Roll call
   b. Approval Treasurer's Report
   c. Approval of Minutes
   d. Petitions on agenda and requests for continuances. Continuances may be granted at the discretion of the Board in any case for good cause shown and to any interested party who has entered his appearance.
   f. Hearing of petitions on agenda.
Article V Procedure for Types of Applications

Section 1. All requests for Zoning map amendments, special uses, appeals and variations shall be submitted on forms prescribed by the Board to the secretary. Upon receipt of the properly filed application and proof of receipt of fee, the secretary of the Board shall assign a case number. Applications shall be assigned for a hearing by the chairman of the Zoning Board.

Article VI Notice for Hearings

Section 1. In instances which Kendall County Board is the petitioner, the Secretary of the Board shall provide for a public notice to be published at least once in a newspaper published in the County not more than thirty (30) days nor less than fifteen (15) days before the hearing. Said notice shall provide a brief statement of the nature of the petition and all other information as required by State Statute. Said notice shall be delivered to all parties, if any, as required by State Statute.

Section 2. In instances in which the property petitioned is located in an Agricultural District, the petitioner shall notify all property owners, as determined by County tax records, within five hundred (500) feet of the overall parent parcel property. The petitioner shall provide proof of notification of said property owners to the Secretary.

Section 3. In all other instances, the petitioner shall provide proof of notification and publication as required by Kendall County Ordinance and State Statute to the Secretary.

Article VII Procedures on Hearings

Section 1. At the time of the hearing, the applicant may appear in his own behalf or be represented by counsel or agent.

Section 2. All witnesses shall testify under oath.

Section 3. Evidence shall be presented in the following order:
   a) The applicant or his representative may make a statement outlining the nature of his request prior to introducing evidence.
   b) Board and/or objectors cross-examine applicant's witnesses.
   c) Objectors present evidence.
   d) Board and/or applicant cross-examine objector's evidence.
c) Rebuttal by applicant.
f) Evidence solicited by Board.

Section 4. The Board shall not be bound by the strict rules of evidence, but it may exclude irrelevant, immaterial, incompetent or unduly repetitious testimony or other evidence.

Section 5. An applicant or objector, or his agent or attorney, may submit a list of the persons favoring or opposing the application. Such list will be accepted as an exhibit if it contains nothing more than a brief statement of the position of the persons favoring or opposing the appeal or application, together with the signature of the persons subscribing to such statement.

Section 6. The Chairman shall rule on all questions relating to the admissibility of evidence, which may be overruled by a majority of the Board.

Section 7. Upon approval of a majority of the Board, a joint hearing of the Zoning Board of Appeals and the Special Use Hearing Officer may convene

Section 8. Failure of Applicant to Appear

(1) The Chairman may entertain a motion from the Board to dismiss the case for want of prosecution. In the absence of a motion by the Board, the chair shall rule.

(2) In cases which are dismissed for want of prosecution, the applicant will be furnished written notice by the Zoning Administrator or Zoning Administrator Deputies.

(3) The applicant shall have seven (7) days from date of notice of dismissal to apply for reinstatement of the case. In such cases, applicant must file written request with the Secretary for reinstatement. Reinstatement shall be at the discretion of the Chairman for good cause shown, and upon payment of a minimum fee of $150 dollars, plus court reporter fees.

(4) In all cases reinstated in above described manner, the case will be docketed and re-advertised in the usual manner prescribed for new cases.

Article VIII Decisions on Variations and Appeals

Section 1. The Board shall conduct its vote in public session at the meeting in which evidence is concluded, unless the Board considers additional time for deliberation necessary, in which case final decisions or recommendations shall be made within 30 days from the date of the hearing at a public session.

Section 2. A concurring vote of four (4) members of a five (5) member board, or five
(5) members of a seven (7) member Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or Zoning Administrator Deputies, or to grant any variation in the ordinance or to recommend any variation or modification in the ordinance to the County Board.

Section 3. All decisions of the board shall be made at a public hearing by motion made, seconded, and the Secretary polling the membership by a roll call vote. The motion which decides the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board. If conditions are imposed in the granting of a variation such conditions shall be included in the motion.

Section 4. The transcript of the case shall be acknowledged as to accuracy by the Chairman and the Secretary and shall be a part of the public record of the Board.

Section 5. Notice of the decision of the Board shall be given to the applicant, the Zoning Administrator or Zoning Administrator Deputies, and other interested parties as soon as possible after the decision is reached.

Section 6. After all present members cast a vote, any member casting a dissenting vote shall have an opportunity to state the reason for such vote for the record.

Article IX Recommendations on Zoning Map Amendments and Text Amendments

Section 1. The Board shall conduct its vote in public session at the meeting in which evidence is concluded, unless the Board considers additional time for deliberation necessary, in which case final decisions or recommendations shall be made within 30 days from the date of the hearing at a public session.

Section 2. A majority vote of the Board shall be necessary to recommend approval of any zoning map amendment or text amendment to the County Board.

Section 3. All recommendations of the board shall be made at a public hearing by motion made, seconded, and the Secretary polling the membership by a roll call vote. The motion which recommends a decision of the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board.

Section 4. The transcript of the case shall be acknowledged as to accuracy by the Chairman and the Secretary and shall be a part of the public record of the Board.
Section 5. Notice of the recommendation of the Board shall be given to the applicant, the Zoning Administrator or Zoning Administrator Deputies, and other interested parties as soon as possible after the decision is reached.

Section 6. After all present members cast a vote, any member casting a dissenting vote shall have an opportunity to state the reason for such vote for the record. Such recorded statements will be for the benefit of the County Board when a case is discussed by the County Board.

Article X Recommendations on Special Uses
Section 1. The Hearing Officer shall conduct his/her findings of fact in public session at the meeting in which evidence is concluded, unless the Hearing Officer considers additional time for deliberation necessary, in which case final decisions or recommendations shall be made within 30 days from the date of the hearing at a public session.

Section 2. All recommendations of the hearing officer shall be made at a public hearing. The motion which recommends a decision of the issue shall be in the form of findings of fact and shall state the reasons for the findings by the Board.

Section 3. The transcript of the case shall be acknowledged as to accuracy by the Chairman and the Secretary and shall be a part of the public record of the Board.

Section 4. Notice of the findings of fact made by the Hearing Officer and any recommendations of the Hearing Officer shall be given to the applicant, the Zoning Administrator or Zoning Administrator Deputies, and other interested parties as soon as possible.

Article X Records
Section 1. A file of materials and decisions relating to each case shall be kept by the secretary as part of the records of the Board.

Section 2. All records of the Board shall be a public record.

Article XI Amendment of Rules
Section 1. These rules may be amended by an affirmative majority vote of all members of the Board.

Section 2. The proposed amendment must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.

Having been presented at a public hearing on December 5, 2011, the foregoing rules and regulations are hereby adopted by the Board of Appeals of Kendall County on Monday.
December 5, 2011.

Randy Mohr, Chairman

Dick Thompson, Member

Scott Cherry, Member

Tom LeCuyer, Member

Karen Clementi, Member

Donna McKay, Member

Dick Whitfield, Member
CALL TO ORDER- SPECIAL USE HEARING OFFICER
At 7:18 p.m., Chairman Wally Werderich called the Special Use Hearing Officer meeting to order.

ROLL CALL
Members present: Walter Werderich

In the audience: David Gravel (Green Organics Vice President), Jessie Sexton (Green Organics Manager), Attorney Gregg Ingemunson and Jeff Milroy

MINUTES
Wally Werderich motioned to approve the October 15, 2013 Special Use Hearing Officer Meeting minutes as written.

Chairman Werderich swore in all members of the audience that wished to talk about the special use.

PETITIONS
#13-26 Green Organics Inc.
Senior Planner Angela Zubko briefly explained the request of the petitioner, Green Organics Inc. is requesting a major amendment to their special use to continue operation of their regional compost facility at 1270 E. Beecher Road modifying the site plan to eliminate about 10.5 acres, add about 9.5 acres northeast in the City of Yorkville and seek new conditions on property. Nothing on the Kendall County side is changing; the parts that are changing are on the east in the City of Yorkville. The petitioners are going to continue maintaining the existing berms and plantings. The County along with some County Board members did a site visit including Megan Andrews and Planner Zubko to discuss the operation and the proposed changes. The petitioners went to the Bristol Township Board on December 4th where they tabled the petition till the January 8th meeting. Planner Zubko is working with the City of Yorkville to make cohesive conditions so they don’t have 2 sets of rules for the same property. Through the City of Yorkville they are amending their annexation agreement as this property is planned to be the Westbury subdivision. There is a stipulation that reads “the existing uses on the property may continue to operate as non-conforming uses until such time as a final plat is approved for the affected portion of the property.” The portion on Kendall County will remain. The city of Yorkville is going to impose a condition on ‘their side” that states something to the point that once a principal structure is within 1/8th of a mile or 660’ the operation must cease. The facility is also regulated through the IEPA and Green Organics, Inc. has a bond with the EPA if for some reason something happens and they shut the doors, the County or City would have no responsibility with any compost left on site. Also to note that Green Organics’ leases the property so have lease agreements with each owner. The facility was initially designed to process 150,000 cubic yards of source-separated landscape materials (brush, leaves, tree trimmings, and grass) into usable organic products such as high-quality soil amendments. The State of IL changed the legislation to allow composting facilities to take up to 10% of their volume in food scraps without changing the compost designation. The State of Illinois in conjunction with the EPA believes that percentage is an allowable
amount without having to go through the full citing requirements. So in 2010, the facility was permitted to accept food scraps for composting equating at most 10% of the total allowed site volume. The petitioner has stated that typically they take fruit and vegetable materials with some breads, they are not allowed to take in truckloads of renderings or meat products, nor do they want to. They currently have not hit the full 10% allowable amount. The food scraps are mixed with the end product but kept in separate windrows.

In the packet it goes through the entire process when the material is brought on the site till it is hauled off as the product. As part of the request to reconfigure the site they are also seeking to increase the amount of permitted materials to 175,000 cubic yards as the new site plan will be more efficient. We are currently discussing host fees and weather the City of Yorkville should be receiving any. The County has been doing all the inspections and received 100% of the host fees since 1993 even though some of the property was annexed in 1998. Per the ILEPA permit, Green Organics is permitted to receive incoming materials at the facility between the hours of 7:00 am to 6:00 pm Monday through Saturday. Typically the site is closed by 4:00 pm. There is enough parking and signage that exists. Since the newer sites will be in the City of Yorkville we have asked their engineer to take a look at the proposed engineering instead of the County’s engineer. In the report are all the previous conditions from 2000, 2008 and today’s proposed conditions. Also Marlin Hartman from the County Health Department does go to the site regularly for inspections and has not had any issues.

Staff does recommend approval of the major amendment to their special use with Organics Inc. with the following conditions.

1. The facility shall comply with the conditions listed in Section 7.01.D.15 (composting of landscape waste and food waste) of the Zoning Ordinance:
   Composting of landscape waste and food waste, subject to the following:
   a. The facility shall meet all Illinois Environmental Protection Agency requirements as identified in Title 35, Subtitle G, Chapter 1, Sub-chapter 1, Park 830, Standards for compost facilities.
   b. Operational personnel shall be present on site during all hours which the facility is open for the receipt of landscape waste.
   c. The hours during which landscape waste may be received shall be 7:00am to 4:00pm Monday through Friday and 7:00am to 12:00 noon Saturday. Processing operations shall cease after each day’s receipts have been processed and placed in windrows, not to exceed three (3) additional hours.
   d. The decibel levels at the property line shall not exceed Illinois Pollution Control Board standards.
   e. A locked gate shall restrict vehicle access during closed hours except that a “lock-box” shall allow access to emergency vehicles.
   f. Water samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
   g. Soil samples shall be taken by an independent testing service and analyzed by an independent laboratory. The locations, methods and frequency of sampling and testing shall be approved by the Kendall County Environmental Health Department Director. The test results shall be sent to the Environmental Health Department within forty-five (45) days of sampling.
   h. Authorized Kendall County personnel shall be allowed on site during business hours for inspection and testing.
   i. The facility operator shall send up-to-date copies of the State permit and related documents.
including Operational Plan, Surface water management Plan, Pest Control Plan, Site Drawing, and an Annual Report to the County Solid Waste Coordinator.

j. Truck weights shall be limited to 73,280 pounds.
k. The operator shall provide weight receipts to Kendall County.
l. Off-site debris and trash generated by the site must be cleaned-up on a daily basis on surrounding properties with the owner’s permission.
m. Other conditions as appropriate for the particular facility. (Amended 6/20/2006)

2. The site plan shall be kept on file as “Exhibit A” attached hereto
3. The facility operator shall maintain plantings on the berm and ditch as shown on “Exhibit B” attached hereto
4. The facility operator shall maintain the gate and landscaping as indicated on “Exhibit C” attached hereto
5. A host fee shall be paid to the County on a monthly basis in accordance with the schedule on “Exhibit D”
6. The facility operator shall maintain a sampling schedule as shown on “Exhibit E” attached hereto
7. The County Solid Waste Coordinator shall maintain a log of complaints received on the facility.
8. This special use Ordinance shall expire on December 1, 2023 and the petition for renewal shall be made prior to July 1, 2023.
9. If any Illinois Environmental Protection Agency (IEPA) violations or citations are received they need to be submitted to the County Solid Waste Coordinator within 30 days.

Plan Commission wanted to add a condition with the definition of tailings, Planner Zubko is of the opinion this is not necessary as it is the overs/extras of the received materials.

Also the Plan Commission recommended approval subject to the township’s approval and request the same at this meeting.

Mr. David Gravel, Vice President of Green Organics, gave a little background/history on the facility. Mr. Werderich discussed the site changes and why they are changing. Mr. Gravel stated their leases are expiring on the southern fields and moving the site further north will make the site more efficient. Mr. Gravel went into the lease agreements and term with regards to years. The City of Yorkville side has a 5 year lease whereas the County side is a 10 year lease. There was brief discussion about the berm around the new area and landscaping to be placed on the berm.

Mr. Jeff Milroy is the property owner where Green Organics currently operates and wanted to say they have his support for the continued operation and voiced his concern about some of the conditions the City of Yorkville will be putting on the petition.

With no further testimony Walter Werderich closed the public hearing.

Special Use Hearing Officer Werderich reviewed the Findings of Fact for a special use as follows:

§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. Staff has answered as follows:
That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The operation is controlled by the EPA and inspected regularly by the Health Department and have not found anything to endanger the public health, safety, morals, comfort, or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The operation has been open since 1993 with some minor debris issues a long time ago and since then there have been no complaints or issues. The newer water park exists less than a mile away to the east and still there have been no complaints about affecting the area properties.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The special use will not be adding any new utilities, roadways or drainage to the property. They will use the current access point onto Beecher Road which has a gate which will be closed unless the operation is open.

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 Hearing Officer. The special use conforms to all applicable regulations of the A-1 Special use district.

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. This operation existed before the Land Resource Management Plan existed and the plan calls for the area to be residential which it could be when/if this operation ever ceases to exist.

Wally Werderich made a favorable recommendation with the above findings of fact and the 9 conditions specified on the special use with one more condition to add the amount of landscape waste permitted (175,000 cubic yards). Mr. Werderich also agreed with Plan Commission that his recommendation is pending the townships approval.

Mr. Werderich had one more question on where the food scraps came from. Mr. Gravel stated it came come from grocery stores, breweries and some restaurants.

Mr. Milroy got back up and gave his story on why he brought the property.

NEW BUSINESS
Review and approval of the 2014 scheduled meeting dates- Wally Werderich approved the proposed meeting dates.
Review of By-laws and approval of notification process change- The by-laws were reviewed and agreed with
staff’s suggestions, this will be voted on at the next meeting.

**ADJOURNMENT:** Next meeting will be on January 27, 2014
Chairman Werderich adjourned the Special Use Hearing Officer meeting at 7:50 p.m.

Respectfully Submitted,
Angela L. Zubko
Senior Planner & Recording Secretary
CANDICE HADLEY
R-3 SPECIAL USE FOR A UNIQUE USE to have weddings and special events on site

SITE INFORMATION

PETITIONERS Candice Hadley

ADDRESS 1542 Plainfield Road

LOCATION On the south side of Plainfield Road about 1.1 miles west of Ridge Road

TOWNSHIP Oswego

PARCEL # 03-35-377-003

SIZE 5 Acres

EXISTING LAND USE Residential

ZONING R-3 Special use (Ord. 95-07 for a bed and breakfast)

<table>
<thead>
<tr>
<th>Land Use</th>
<th>County: Rural Estate Residential (0.45 d.u./acre); Village of Plainfield: Countryside Residential (1 d.u./acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roads</td>
<td>Plainfield Road is a County Roadway and is designated as a major collector road</td>
</tr>
<tr>
<td>Trails</td>
<td>There are no trails shown for this area</td>
</tr>
<tr>
<td>Other</td>
<td>There are no wetlands or floodplain on this property, there is a wetland/pond on the property to the west</td>
</tr>
</tbody>
</table>

REQUESTED ACTION The petitioner is requesting approval of a R-3 Special use to hold weddings and special events on site. This use would be considered a unique use:
(Uses, not otherwise listed herein, may be granted special use approval if such uses conform to the purpose, goals and objectives of the Residential Zoning Districts as described in Section 8.01.)

APPLICABLE § 7.01.D.10 Agricultural (Banquet Halls)
REGULATIONS § 8.08.B.1 R-3 Residential (Special Use)
§ 13.08 Administration(Special Uses & Planned Unit Developments)

SURROUNDING LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Adjacent Land Use</th>
<th>Adjacent Zoning</th>
<th>LRMP</th>
<th>Zoning within ½ Mile</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential</td>
<td>R-2</td>
<td>Suburban Res.</td>
<td>R-1 &amp; A-1</td>
</tr>
<tr>
<td>South</td>
<td>Residential</td>
<td>R-3</td>
<td>Rural Estate Res.</td>
<td>R-3, R-2 &amp; A-1</td>
</tr>
<tr>
<td>East</td>
<td>Residential</td>
<td>R-3</td>
<td>Rural Estate Res.</td>
<td>R-3; A-1; Plainfield</td>
</tr>
<tr>
<td>West</td>
<td>Residential</td>
<td>R-3</td>
<td>Rural Estate Res.</td>
<td>R-3, R-2 &amp; A-1</td>
</tr>
</tbody>
</table>

PHYSICAL DATA
ENDANGERED SPECIES REPORT
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.

NATURAL RESOURCES INVENTORY
An executive summary will be provided since no building will take place

ACTION SUMMARY
TOWNSHIP (Oswego)
The township Board recommended approval at their December 10, 2013 meeting.

MUNICIPAL (Village of Plainfield)
The petitioner must contact the Village to do a 1.5 mile review of the proposed project.

ZPAC 12.2.13 The Committee recommended approval but the following was brought up: the speed limit of 55mph, the dangerous curve near the driveway, parking and use of existing outbuildings on the property.

KCRPC 1.22.14 The meeting was after the packets went out.

REQUESTED ACTION GENERAL
The petitioner is requesting approval of a R-3 Special use to hold weddings and special events on site. This use would be considered a unique use: (Uses, not otherwise listed herein, may be granted special use approval if such uses conform to the purpose, goals and objectives of the Residential Zoning Districts as described in Section 8.01.) No new buildings are proposed so the site will be used as is.

Currently the petitioner has a special use on the property for a bed and breakfast, this special use will stay with the property and the proposed special use will be a separate special use. The reason is that Bed and Breakfasts are no longer permitted as a special use in the R-3 Residential District so the use will stay as a...
legal non-conforming use and would not be altered. The Zoning Ordinance does allow for banquet halls in the A-1 Agricultural district as a special use subject to the following conditions:

a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
b. The subject parcel must be a minimum of 5 acres.
c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
g. The noise regulations are as follows:

Day Hours: No person shall cause or allow the emission of sound during daytime hours (7:00 A.M. to 10:00 P.M.) from any noise source to any receiving residential land which exceeds sixty five (65) dBA when measured at any point within such receiving residential land, provided; however, that point of measurement shall be on the property line of the complainant.

Night Hours: No person shall cause or allow the emission of sound during nighttime hours (10:00 P.M. to 7:00 A.M.) from any noise source to any receiving residential land which exceeds fifty five (55) dBA when measured at any point within such receiving residential land provided; however, that point of measurement shall be on the property line of the complainant.

EXEMPTION: Powered Equipment: Powered equipment, such as lawn mowers, small lawn and garden tools, riding tractors, and snow removal equipment which is necessary for the maintenance of property is exempted from the noise regulations between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M.

The petitioner would meet all the requirements in the A-1 District and this property is unique therefore staff feels it falls under a unique use. The petitioner would like to hold catered events and weddings on site for a maximum of 100 guests held from May through October. The petitioner proposes to use a tent for events.
ACCESS/ROADWAY
This road is the jurisdiction of the Kendall County Highway Department and the access to the site already exists. The property has a moon shaped driveway.

PARKING
There is ample parking available in the field in the northeast corner of the property, as well as on the blacktop behind the home which was expanded to allow school bus turn-around.

HOURS OF OPERATION
The petitioner proposes to most events will take place Friday through Sunday and will be in compliance with the County’s noise ordinance.

HOME INFORMATION
This home is historic and eligible to apply for the National Registry of Historic Places. The house was built in 1865 by Gilbert Gaylord. This also makes the property more unique to use for this type of business.

WASTE
The petitioner has not stated how they will handle garbage/waste yet.

WATER/SEPTIC
The petitioners have stated that portable toilets would be brought on premises for guests to minimize the impact on the septic system. The property currently has two septic systems and fields; and the field on the east side of the home was replaced within the past 10 years.

SIGNAGE
No sign is proposed at this time, if a sign is installed at a later date it must comply with the sign regulations in Section 12 and requires a building permit.

LIGHTING
The petitioner has not discussed any lighting at this time.

FINDINGS OF FACT
§ 13.08.J of the Zoning Ordinance outlines findings that the Hearing Officer must make in order to grant a special use. Staff has answered as follows:

That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare. The special use will not be detrimental or endanger the public health, safety, morals, comfort or general welfare.

That the special use will not be substantially injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood. The Zoning classification of property within the general area of the property in question shall be considered in determining consistency with this standard. The proposed use shall make adequate provisions for appropriate buffers, landscaping, fencing, lighting, building materials, open space and other improvements necessary to insure that the proposed use does not adversely impact adjacent uses and is compatible with the surrounding area and/or the County as a whole. The petitioner is not proposing to change the site but have a temporary tent up during events therefore keeping with the residential character of the neighborhood.

That adequate utilities, access roads and points of ingress and egress, drainage, and/or other necessary facilities have been or are being provided. The special use will not be adding any new utilities, roadways or drainage to the property. They will use the current access points onto Plainfield Road, have 2 septic systems currently and have some hard surface areas for parking.

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 Hearing Officer. The special use will be considered a unique use and will meet other regulations like the noise ordinance and parking regulations during events.

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. This special use will not be every weekend so most of the time it will just be residential uses and not events.

RECOMMENDATION

Staff is comfortable with this request and recommends approval. If approved, Staff recommends the following conditions be placed on the controlling ordinance approving the R-3 Special Use:

1. The principal use of the property is for residential purposes.
2. A maximum of 100 persons at any one time
3. All events must end at 10pm on weeknights and 11pm on weekends.
4. All events must be catered unless modifications are made to the kitchen and approved by the Health Department.
5. Compliance with applicable building codes and securing of the required permits associated with any proposed remodeling, alteration, construction or expansion of existing and proposed structures on the premises.

Attachments:
1. Information on business
2. Site Plan
3. ZPAC Meeting minutes on 12.2.13
4. RPC Meeting minutes on 1.22.14 (hand out at the meeting)
Gaylord House & Gardens

1865 Historic Farm Wedding & Event Venue

The brick Italianate farmhouse at 1542 Plainfield Rd., Oswego, was built in 1865 by Gilbert Gaylord, a prosperous farmer. Owner Candice Hadley and her disabled son Sam Johnson have lived in the home for 20 years. During the past two decades, the home's historic character has been preserved and enhanced, working closely with architect Michael Lambert from Plainfield who specializes in historic preservation and disability access.

While operations of the bed & breakfast were suspended due to requirement of live-in caregivers for Samuel, now that he is an adult, Candice would like to share the historic home and property with the public for catered events and weddings. Not only would this allow for ongoing preservation of this National Register eligible home, it will also provide employment opportunities for Sam and other young adults with disabilities.

Weddings and other outdoor events (bridal/baby showers, reunions, company parties, retirement parties, etc.) would be limited to no more than 100 attendees and held May-October. It is expected most events would take place Friday-Sunday; in compliance with the county's noise ordinance any amplified music would cease by 10 pm weeknights; 11 pm weekends. Due to the layout of the out buildings and the location of the tent being in middle of the property, noise impact on neighbors will be minimal.

As the property is accessed via Plainfield Road, increased traffic would not be a concern. Ample parking is available in a field in the northeast corner of the property, as well as on the blacktop behind the home which was expanded to allow school bus turn-around. All food and beverage service will be handled by approved caterers (primary provider will be Upper Crust, Yorkville). We will work with local rental centers for tents, tables, chairs, etc.

Portable toilets would be brought on premise for guests to minimize impact on septic system. The property has two septic systems and fields; and the field on the east side of the home was replaced within the past 10 years (septic tanks are regularly serviced by Bob's Septic Service.)

Given the current interest in weddings and special events in pastoral settings, and popularity of nearby venues such as Emerson Creek and Ellis House, we believe opening up the Gaylord House to events will be another reason people will consider Kendall County as a weekend destination which will bring further economic benefit to area businesses.

Questions, please call Candice Hadley, 630.554.8989. Thank you.
Planner Angela Zubko called the meeting to order at 9:03 a.m.

Present:
Megan Andrews – Soil & Water Conservation District
Scott Gryder – PBZ Member
Brian Holdiman - Building Inspector
Fran Klaas - County Highway Department
Aaron Rybski – Health Department
Phil Smith – Sheriff’s Office
Angela Zubko – PBZ Senior Planner

Absent:
Greg Chismark – Wills Burke Kelsey
Jason Petit - Forest Preserve

Also present: Candice Hadley (Petitioner) & Leigh Anne Scoughton.

AGENDA
A motion was made by Fran Klaas to approve the agenda, Scott Gryder seconded the motion. All were in favor and the motion carried.

MINUTES
Scott Gryder made a motion, seconded by Fran Klaas, to approve the November 4, 2013 meeting minutes. All were in favor and the motion carried.

PETITIONS

#13-31 Candice Hadley
Senior Planner Angela Zubko explained the request of the petitioner, Candice Hadley, is requesting a special use in the R-3 District to hold weddings and special events on site. This use would be considered a unique use: (Uses, not otherwise listed herein, may be granted special use approval if such uses conform to the purpose, goals and objectives of the Residential Zoning Districts as described in Section 8.01.) The property is located at 1542 Plainfield Road on the south side of Plainfield Road about 1.1 miles west of Ridge Road. Currently the petitioner has a special use on the property for a bed and breakfast, this special use will stay with the property and the proposed special use will be a separate special use. The reason is that Bed and Breakfasts are no longer permitted as a special use in the R-3 Residential District so the use will stay as a legal non-conforming use and would not be altered. The Zoning Ordinance does allow for banquet halls in the A-1 Agricultural district as a special use subject to the following conditions:

a. The facility shall have direct access to a road designated as an arterial roadway or major collector road as identified in the Land Resource Management Plan.
b. The subject parcel must be a minimum of 5 acres.
c. The use of this property shall be in compliance with all applicable ordinances. The banquet facility shall conform to the regulations of the Kendall County Health Department and the Kendall County Liquor Control Ordinance. (Ord. 99-34)
d. Off-street parking, lighting and landscaping shall be provided in accordance with the provisions of Section 11 of the zoning ordinance.
e. All signage shall comply with the provisions of Section 12 of the Kendall County Zoning Ordinance.
f. Retail sales are permitted as long as the retail sales will be ancillary to the main operation.
g. The noise regulations are as follows:
   Day Hours: 7:00 A.M. to 10:00 P.M. not to exceed sixty five (65) dBA
   Night Hours: 10:00 P.M. to 7:00 A.M. not to exceed fifty five (55) dBA
This home is historic and eligible to apply for the National Registry of Historic Places. The house was built in 1865 by Gilbert Gaylord. The petitioner would meet all the requirements in the A-1 District and this property is unique therefore staff feels it falls under a unique use. The petitioner would like to hold catered events and weddings on site for a maximum of 100 guests held from May through October. The petitioner proposes to use a tent for events. No new buildings are proposed so the site will be used as is. The petitioner has stated that there is ample parking available in the field in the northeast corner of the property, as well as on the blacktop behind the home which was expanded to allow school bus turn-around. This road is the jurisdiction of the Kendall County Highway Department and the access to the site already exists. The property has a moon shaped driveway. The petitioner proposes to most events will take place Friday through Sunday and will be in compliance with the County’s noise ordinance. The petitioners have stated that portable toilets would be brought on premises for guests to minimize the impact on the septic system. The property currently has two septic systems and fields; and the field on the east side of the home was replaced within the past 10 years. The petitioner must contact the Oswego Township to get on their board meetings and also contact the Village of Plainfield to do a 1.5 mile review of the proposed project.

Staff is comfortable with this request and recommends approval. If approved, Staff recommends the following conditions be placed on the controlling ordinance approving the R-3 Special Use:

1. The principal use of the property is for residential purposes.
2. A maximum of 100 persons at any one time
3. All events must end at 10pm on weeknights and 11pm on weekends.
4. All events must be catered unless modifications are made to the kitchen and approved by the Health Department.
5. Compliance with applicable building codes and securing of the required permits associated with any proposed remodeling, alteration, construction or expansion of existing and proposed structures on the premises.

Candice Hadley stated she has lived there for 20 years today and some of the plans have been modified due to the special needs of her child.

Brian Holdiman asked about the use of the accessory structures? Candice stated she would like to fix up the corn crib in the future possible for staging for the caterers. She would still keep it rustic. Mr. Holdiman asked about the tent, Ms. Hadley stated she would put it up and take it down per event. It would be rental equipment.

Fran Klaas has a concern for parking with regards to weather. Ms. Hadley has stated she has had personal events and have not had any issues with the parking.

Phil Smith is concerned about ingress and egress onto Plainfield Road and concerned about more than 100 guests. Ms. Hadley stated she is aware and possible put a sign warning further up the roadway.

Aaron Rybski stated parking on grass over septic systems would severely damage them so would suggest locating them and possible protect them so people know not to park on top of the septic system. Mr. Rybski also would like them to put some consideration in for expansion of other buildings or catering as that would require some sewage disposal as requirements have changed recently. Additionally he did not think the water would qualify for a non-community water supply and went through sampling requirements if she would qualify. It's based on amount of people and number of days per year. Mr. Rybski also stating to contact them about catering before any improvements are made to buildings.

Scott Gryder was wondering if she talked to her neighbors yet. Ms. Hadley stated she has talked to a few of the neighbors and will be required to notify them. She does plan on talking to them before the notices go out. The other item is a concern about the roadway and the limit being 55 mph.
With no further comments Phil Smith made a motion, seconded by Scott Gryder to approve the special use and forward the petition onto the Plan Commission meeting in December. All were in favor and the motion carried.

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
13-17 Maly Poultry Processing Plant- Passed with a 5 to 3 vote at the 11.19.13 CB meeting

Still in the process:
13-26 Green Organics Inc.- Plan Commission on December 4th

PUBLIC COMMENT- There were no comments.

OLD BUSINESS- None

NEW BUSINESS- None

AJOURNMENT- Next meeting on January 6, 2014
With no further business to discuss Aaron Rybski made a motion, seconded by Scott Gryder to adjourn the meeting at 9:23 a.m. The motion carried.

Submitted by,
Angela L. Zubko
Senior Planner