CALL TO ORDER
At 7:00 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, and Dick Whitfield
Also present was: Planning & Zoning Manager- Angela Zubko
Absent: Donna McKay & Dick Thompson
In the audience: James & Susan Smith, Brandon and Julie Leggett and Anna Jaruszewski

A quorum was present to conduct business.

MINUTES
Karen Clementi motioned to approve the December 9, 2013 ZBA meeting minutes. Dick Whitfield seconded the motion. All were in favor and minutes were approved.

Due to weather old business will be moved to next month.

PETITIONS
#13-33 Brandon Leggett – Variances
Planner Zubko stated the property is located on the south side of Hughes Road 0.6 miles west of Helmar Road. The petitioner is requesting three 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 petitioners 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. Planner Zubko stated she received one call with regards to this variance and she was going to be in attendance tonight. She was seeking more information.
Chairman Mohr opened the meeting for public testimony. Chairman Mohr swore in all petitioners.

The petitioner, Brandon stated the lot pitches 7’ total from front to the back and confirmed the variance requests. The home will be the highest part on the property.

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 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 the petitioner. There really is no 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.

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

**#13-34 James & Susan Smith – Variance**

Planner Zubko stated the property is located at 16031 Burr Oak Road on the north side of Burr Oak Road about 0.85 miles east of the intersection of Griswold Springs Road and Burr Oak Road. The petitioner is requesting 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. In the report there 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.

Planner Zubko stated she did receive a phone call from the neighbor to the west, Stan Staszewski who is in support of the addition and hopes the petitioners are careful to not damage the tree roots.

Chairman Mohr opened the meeting for public testimony.

Ms. Karen Clementi asked about the size of the addition and why they need to encroach into the setback. Mr. Jim Smith stated this addition will add living space for his 81 year old mother. Also Mr. Smith stated to the northeast is a screened in porch and the northeast is where the current kitchen is. Mr. Mohr asked about the trees, Mr. Smith stated he’s losing 2 oak trees and there are plenty of pine trees on the west property lines.

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. 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.*

With no further suggestions or changes Dick Whitfield made a motion, seconded by Scott Cherry 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

OLD BUSINESS
Vote on changes to the By-laws regarding the notification process- tabled to next meeting, Mr. Mohr would like to modify the by-laws to include wording that if there is a lack of quorum and it is not the petitioners fault, the County would pay to republish and notify the neighbors.

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 March 3, 2014
Karen Clementi made a motion to adjourn the ZBA meeting, Tom LeCuyer seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:21 p.m.
KENDALL COUNTY
SPECIAL USE HEARING OFFICER
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
January 27, 2014 – 7:00 p.m.

CALL TO ORDER- SPECIAL USE HEARING OFFICER
At 7:21 p.m., Chairman Wally Werderich called the Special Use Hearing Officer meeting to order.

ROLL CALL
Members present: Walter Werderich

In the audience: Candice Hadley & Leigh Anne Scoughton

MINUTES
Wally Werderich motioned to approve the December 9, 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
#13-31 Candice Hadley
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 that 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 received approval at the December 10th Oswego Township board and has already contacted 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.
6. Allow a lit sign only to be lighted during the event and not to exceed 16 square feet in size. The lights must go off no later than the times specified in the special use. No electronic billboard.

The ZPAC 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.

The Plan Commission recommended approval of the special use and added the condition for the size of the sign and that it can be lit.

Candice Hadley stated everything is well laid out.

With no testimony Walter Werderich closed the public hearing.

Mr. Werderich asked about a liquor license. Ms. Hadley stated it would be through the caterers’. Mr. Werderich asked how many events she thinks she will hold. Ms. Hadley stated Emerson Creek is doing very well and the Ellis house so there is a demand. She’s going to be smaller than those venues but hopes to do well, she will be
living at the residence. Her optimum would be around 20-25 events. Mr. Werderich also asked about where the additional parking would be located? Ms. Hadley stated if you make a sharp left off the circle drive that would be where additional parking would be. Planner Zubko stated Ms. Hadley has talked to the Health Department and is aware where the septic systems are located.

Ms. Hadley is excited to share this beautiful home and property with the community and would love to share this with her disabled son and his friends.

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 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.*

Wally Werderich made a favorable recommendation with the above findings of fact and the 6 conditions specified on the special use.

**NEW BUSINESS**

Zoning Board of Appeals & SUHO 1.27.14 Page 7
Vote on changes to the By-laws regarding the notification process- will be discussed further next month.

**ADJOURNMENT** - Next meeting will be on March 3, 2014

Chairman Werderich adjourned the Special Use Hearing Officer meeting at 7:37 p.m.

Respectfully Submitted,
Angela L. Zubko
Planning & Zoning Manager & Recording Secretary