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 July 1, 2013 Zoning Board of Appeals meeting

PETITIONS:

1. 13-20 Bradley Cass/ Michael Tracy
   Request Variances
   Location 33 S. Bereman Road
   Purpose Request 2 variances: Height for an accessory structure and variance to the footprint of an accessory structure to be larger than 70% of the principle structure

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD
13-11 Any text related to guns or target practice
13-15 Subdivision Control Ordinance
12-03 Land Cash Ordinance

NEW BUSINESS

OLD BUSINESS

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS: Next meeting on September 3, 2013 (TUESDAY & probably at the Historic Courthouse)
CALL TO ORDER
At 7:01 p.m., Vice-Chairman Donna McKay called the Zoning Board of Appeals meeting to order.

ROLL CALL
Members present: Randy Mohr (Chairman)(7:10), Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield
Also present was: Senior Planner Angela Zubko
Absent: Scott Cherry
In the audience: None

A quorum was present to conduct business.

MINUTES
Karen Clementi motioned to approve the May 28, 2013 ZBA meeting minutes as amended. Tom LeCuyer seconded the motion. All were in favor and minutes were approved.

PETITIONS
#13-11 Any text related to guns or target practice
Planner Zubko stated this is any text related to guns or target practice and this came about after the Kendall County Sheriff’s office shooting range. At that time staff discovered some items that should have been changed. Also, the ad-hoc Committee wanted to go over everything as well. This text amendment was also crafted with the Sheriff’s office. Planner Zubko went through the memo. For indoor target practice we had no conditions so wanted to add 5 conditions. Donna McKay mentioned that the Three Angels Brewery was shooting last weekend and was concerned it was mixing shooting and alcohol. For outdoor target practice in the A-1 and M-3 district as a special use have 18 conditions. Modify d to say State, nationally standard or NRA Certified. E we’re going to add signs and I be more specific and add projectiles. Also change the wording a little for outdoor commercial sporting activity, delete indoor and outdoor target practice that was combined. Re-word the Kendall County government agency and other law enforcement shooting range with conditions to be set and approved by the County Board and also re-word the language for private clubs or lodges a little to not include indoor or outdoor gun clubs.

There was no audience member to discuss this text amendment.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Karen Clementi to approve the text amendment. With a roll call vote all were in favor and the text amendment will be forwarded to the PBZ Committee.
#13-15 Subdivision Control Ordinance
Planner Zubko stated this text amendment is to the Subdivision Control ordinance to correct an error discovered. We’re just changing the wording Plat and Zoning Committee to the PBZ Committee and the decision of a variation/except is by the Plat Officer and not the Code Hearing Officer.

There was no audience member to discuss this text amendment.

With no further suggestions or changes Karen Clementi made a motion, seconded by Tom LeCuyer to approve the text amendment. With a roll call vote all were in favor and the text amendment will be forwarded to the PBZ Committee.

#12-03 Land Cash Ordinance
Planner Zubko stated this text amendment has been in the works for some time now and this is the language the PBZ Committee has come up with. Planner Zubko went page by page through the document. On page 15 under #8 Reservation of Additional Land Claire Wilson did not like that and felt it was too much government since the land had to be set aside for a year. After much discussion Ms. Wilson would like to see the language deleted altogether while the rest of the Commission would like to change it to something like six months of first contact with the governing bodies of a concept, preliminary or finals plat so therefore the petitioner will know way ahead of time whether land needs to be set aside or not. 1 year from approval of the final plat is too late in the process for the petitioner. Planner Zubko also stated we did meet with all the school superintendents and assessors that attended our meeting and they were fine with the changes. Most stated they do not count on getting land cash from the County since there are only a couple homes a year built in unincorporated Kendall County. There was discussion about section 8 of the Land Cash Ordinance. The consensus liked the 6 months from proof of initial contact instead of the 1 year from the approval of the final plat.

There was no audience member to discuss this text amendment.

With no further suggestions or changes Dick Whitfield made a motion, seconded by Tom LeCuyer to approve the text amendment. With a roll call vote all were in favor and the text amendment will be forwarded to the PBZ Committee.

REVIEW PBZ APPROVALS BY COUNTY BOARD & CHANGES-
13-13 Steven & Lori Seeler- approved on 6.18.13
13-08 ZPAC Definition- approved as modified on 6.18.13- Planner Zubko stated there were a few changes and presented the changes.

NEW BUSINESS- None

OLD BUSINESS-
Update about fencing- Planner Zubko has stated she has talked to the other homeowner and they did not seem to have an issue about getting a variance but will contact Planner Zubko when they get back in the Country at the end of the month. Ms. Zubko has it on her calendar so she will not forget.

PUBLIC COMMENT- None

Zoning Board of Appeals 7.1.13 Page 2
ADJOURNMENT
Karen Clementi made a motion to adjourn the ZBA meeting, Dick Whitfield seconded the motion. Chairman Randy Mohradjourned the Zoning Board of Appeals meeting at 7:33 p.m. The next meeting will be on July 29, 2013 where there will be a variance.

Respectfully Submitted,
Angela L. Zubko
Senior Planner & Recording Secretary
SITE INFORMATION

PETITIONER  Bradley Cass (through approval from owner Michael Tracy)
ADDRESS  33 S. Bereman Road
LOCATION  On the west side of Bereman Road about 0.15 miles south of Circle Drive East
TOWNSHIP  Oswego
PARCEL #  03-05-429-029
LOT SIZE  9,000 square feet
EXITING LAND USE  Residential Home
ZONING  R-6: One Family Residence District; Boulder Hill Subdivision

LRMP

| Land Use | County: Suburban Residential |
| Roads | South Bereman Road is classified as a local road |
| Trails | None |

REQUESTED ACTION  Request for 2 variances for a new detached garage. The petitioner would like to exceed the 15' maximum height requirement to 17' and also allow the detached accessory structure building to have a footprint larger than 70% of the principle structure. The detached accessory structure will be 960 square feet and the current house is a total of 992.25 square feet, 97% of the size of the principle structure.

APPLICABLE REGULATIONS  §4.05.E (Accessory Buildings, Structures & Uses: Height of Accessory Buildings in Required Rear Yards)
§4.05.F (Accessory Buildings, Structures & Uses: Footprint of Accessory Buildings)
§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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REQUESTED ACTION

REQUESTED ACTION

GENERAL

Request for 2 variances for a new detached garage. The petitioner would like to exceed the 15’ maximum height requirement to 17’ and also allow the detached accessory structure building to have a footprint larger than 70% of the principle structure. The detached accessory structure will be 960 square feet and the current house is a total of 992.25 square feet, 97% of the size of the principle structure.

Section 4.05.F states: FOOTPRINT OF ACCESSORY BUILDINGS. Any detached accessory building must have a footprint no larger than 70% of the principal structure if located in the R5, R6 or R7 zoning districts. (Amended 11/18/2003)

If you take a look at the plat of survey it shows what’s currently on the property. The owner has applied for a demolition permit for the existing frame garage, patio and screened in porch as depicted below. Once the screened porch will be demolished the home will be 992.25 square feet.

The petitioner meets all other requirements including hard surface coverage. The Zoning Ordinance states that not more than forty (40) percent of the surface area of a zoning lot may be covered by hard surfaces. The calculations are as follows:

Lot: 9,000 square feet
House: 1,293 square feet
Garage: 323 square feet
Patio: 178 square feet
Driveway: 832 square feet

Total hard surface area: 2,626 sq. ft.
Current lot as is: 29% impervious

New garage: 960 square feet
Extension of Driveway: Estimated: 310 square feet
New sidewalk to garage: 120 square feet
House size after porch demolished: 992 square feet

Total hard surface area: 2,382 sq. ft.
New lot impervious areas: 26%

If the variances are granted you must obtain building permits prior to commencing work on the project.
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 principle structure is small which makes it impossible to build a two car garage. In order to have the roof at a 2:12 pitch to meet building codes it needs a height variance.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. The petitioner is demolishing 3 items to construct a two car detached garage, most people would probably not wish to do that.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The house was built before the petitioner bought making this a 992 square foot 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 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. These variations will not impair an adequate supply of light and air 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.

RECOMMENDATION Staff would recommend approval of the variances with one condition:

1. The current patio, screened porch and detached garage must be demolished before the building permit for the new detached garage can be released.

ATTACHMENTS
1. Plat of Survey
2. Hand Drawing showing proposed garage and calculations
LOT 37, BOULDER HILL, UNIT NO. 7, IN THE TOWNSHIP OF OSWEGO, KENDALL COUNTY, ILLINOIS.
COMMON ADDRESS: 33 S. BEREMAN ROAD, MONTGOMERY, ILLINOIS
PARCEL CONTAINS 9004.4 SQUARE FEET, MORE OR LESS

STATE OF ILLINOIS )
COUNTY OF KENDALL )

WE, CORNERSTONE SURVEYING, P.C., AN ILLINOIS PROFESSIONAL DESIGN FIRM LAND SURVEYOR CORPORATION NO. 184.005522, DO HEREBY CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, Restrictive COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

DATED AT YORKVILLE, ILLINOIS ON JUNE 12, 2013.

[Signature]

MICHEL C. ENsalaco P.L.S. 2768 EXP. 11/30/2014
ERIC D. Pokorny P.L.S. 3818 EXP. 11/30/2014

PROFESSIONAL LAND SURVEYING SERVICES
CORNERSTONE SURVEYING PC
1304 SUNSET AVENUE, SUITE 2
YORKVILLE, ILLINOIS 60560
PHONE 630-899-1309 FAX 630-995-8444

Survey is valid only if original seal is shown here.

[Stamp]
5" Thick Concrete Floor

Garage

960 sq ft

24' w x 40' l

10' walls on 4 12 pitch roof

Drive way #1

23.3 ft

To property line

House

992 sqft

Driveway 1: 980 sqft

Driveway 2: 336 sqft

Sidewalk: 120 sqft

Notes

House: 992 sqft

Garage: 960 sqft

Driveway 1: 980 sqft

Driveway 2: 336 sqft

Sidewalk: 120 sqft

Total: 3,388 sqft

= 37.6% of land

Need Variance for 90% of sqft
to exceed 70% and need extra 2' on height of garage to exceed 15' ft
To: COW  
Re: Anything related to guns or shooting Petition #13-11

As a special use in the A-1, B-2, B-3, B-4, B-5, B-6, M-1 & M-2 Districts:
Indoor Target Practice with the following conditions:
   a. The indoor shooting range shall meet all applicable standards established in the NRA Range Source Book. Documentation indicating compliance with the aforementioned standards shall be submitted with the site plan. Plans require engineer certification for soundproofing and appropriate design.
   b. Must be at least 150’ from existing dwellings and property lines of schools, daycares, and places of worship.
   c. Hours of operation from 7am to 10pm
   d. Bathroom facilities are required.
   e. No alcohol allowed.
   f. Must meet all requirements of the Kendall County Health Department.
   g. All applicable Federal, State, EPA and County rules and regulations shall be adhered to.

As a special use in the A-1 District and M-3 District:
Outdoor target practice or shooting (not including private shooting in your own yard) range limited to skeet, shotgun sports, bow and arrow/archery (no rifles) with the following conditions:
   a. Requires conformity with NRA standards; provide appropriate berming based on surrounding land use and type(s) of firearms to be used. Such berming shall generally be consistent with standards established in the NRA Source Book.
   b. Requires minimum parcel size of 5 acres, depending on the venue.
   c. Must have a sign that lists allowed firearm types, rules of operation; hearing and vision protection required.
   d. NRA-recognized State recognized, or nationally recognized standard or NRA Certified range supervisor must be present.
   e. Range flag flown, a sign or red light lit at all times that firing is taking place.
   f. Hours and days of operation as specified in the Special Use Permit to be determined by the County Board.
   g. Access must be controlled by a lockable gate.
   h. Hazardous waste plan addressing lead management required.
   i. No discharge of lead shot into wetland.
   j. Must be at least 1,000’ from existing dwellings and property lines of schools, daycares, places of worship and airstrips.
   k. No alcohol allowed.
   l. No activity projectiles shall leave the boundaries of the site.
m. All applicable Federal, State and County rules and regulations shall be adhered to.

n. Bathroom facilities are required.

o. Must meet all requirements of the Kendall County Health Department

p. Water and drainage plans must be approved by the Kendall County Consulting engineer. Planning, Building and Zoning Office.

q. Signage is permitted but must meet the Sign Ordinance regulations of Section 12 of the Zoning Ordinance.

r. Lighting shall meet the standards of Section 11.02.F.12.d of the Zoning Ordinance.

s. Must adhere to the Performance standards of Section 10.01.F of the Zoning Ordinance.

As a special use in the A-1 District:

Outdoor Commercial Sporting Activities including but not limited to--sports--shooting, swimming facilities and motocross sports. Appropriate regulations for lighting, noise and hours of operation shall be included in the conditions. Outdoor commercial sporting activities shall exclude outdoor target practice, athletic fields with lights, paintball facilities and riding stables; including but not limited to polo clubs, and similar uses. (excluding outdoor target practice shooting facilities or target practice)

Delete from Sections 10.01.C.7- M-1 Special use which automatically deletes it from 10.02.C. M-2 District Special Use

Indoor & Outdoor Target Practice, provided that outdoor target practice meets the following conditions:

a. Hours and days of operation as specified in the Special Use Permit to be determined by the County Board.

b. No activity shall leave the boundaries of the site.

c. All applicable State and County rules and regulations shall be adhered to.

Delete from section 10.02.C. M-2 Special Use

Kendall County Government Agency and other law enforcement shooting range with conditions to be set and approved by the County Board.

Re-word in Section 10.03.B.3- M-3 District Special Use and add in all districts shooting is a special use A-1, B-2, B-3, B-4, B-5, B-6, M-1 & M-2 Districts:

Kendall County Sheriff’s Office Government Agency and other law enforcement shooting range with conditions to be set and approved by the County Board.

Re-word in Section 7.01.D.31

Private clubs or lodges not including indoor or outdoor gun clubs are not included and uses regulated in Section 4.16 (Adult Book Store, Adult Motion Picture Theater, Adult Mini-Motion Picture Theater, Adult Entertainment Facilities, Adult Use, Adult Massage Parlors or Spas, Tattoo Parlors and Permanent Body Art Establishments, Striptease Club or Gentlemen’s Club and Adult Video Store.)

Red are suggested changes; Green are changes after meeting with the Sheriff’s Office
Purple are changes after Plan Commission meeting No changes after ZBA; Blue are changes after PBZ