

**KANE COUNTY DEVELOPMENT DEPARTMENT**

Zoning Division, Kane County Government Center

719 Batavia Avenue

Geneva, Illinois 60134

Office (630) 232-3492 Fax: (630) 232-3411

Received Date

**ZONING MAP AMENDMENT APPLICATION**

*Instructions:*

*To request a map amendment (rezoning) for a property, complete this application and submit it with all required attachments to the Subdivision and Zoning Division.*

*When the application is complete, we will begin the review process.*

**The information you provide must be complete and accurate. If you have a question please call the subdivision and zoning division, and we will be happy to assist you.**

<b>1. Property Information:</b>	<b>Parcel Number (s):</b> Parcel 1: 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048 3073 Parcel 2: 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, 3146
	<b>Street Address (or common location if no address is assigned):</b> 35 W.337 Riverside Drive St. Charles, IL 60174

<b>2. Applicant Information:</b>	<b>Name</b> Nicholas F. Casiello	<b>Phone</b> 630-235-9818
	<b>Address</b> 1449 Briergate Drive, Naperville, IL 60563	<b>Fax</b>
		<b>Email</b> nick@cassenterprises.com

<b>3. Owner of record information:</b>	<b>Name</b> Nicholas F. Casiello	<b>Phone</b> 630-235-9818
	<b>Address</b> 1449 Briergate Drive, Naperville, IL 60563	<b>Fax</b>
		<b>Email</b> nick@cassenterprises.com

**Zoning and Use Information:**

2030 Plan Land Use Designation of the property: Parcel 1 - B4 Parcel 2 - F

Current zoning of the property: F

Current use of the property: Parcel 1 & 2 - B4

Parcel 1 - B4 with variance for deck facing North

Proposed zoning of the property: Parcel 2 - F with variance or special use for parking lot for the restaurant

Proposed use of the property: Restaurant/Bar

If the proposed Map Amendment is approved, what improvements or construction is planned? (An accurate site plan may be required)

See attached

**Attachment Checklist**

- Plat of Survey prepared by an Illinois Registered Land Surveyor.
- Legal description
- Completed Land Use Opinion application (Available in pdf form at [www.kanedupageswed.org/luo.pdf](http://www.kanedupageswed.org/luo.pdf)), as required by state law, mailed to: The Kane Dupage Soil and Water Conservation District, 545 S. Randall Road, St. Charles, IL 60174.
- Endangered Species Consultation Agency Action Report (available in pdf form at [www.dnr.state.il.us/orep/nrrc/aar.htm](http://www.dnr.state.il.us/orep/nrrc/aar.htm)) to be filed with the Illinois Department of Natural Resources.
- List of record owners of all property adjacent & adjoining to subject property
- Trust Disclosure (If applicable)
- Findings of Fact Sheet
- Application fee (make check payable to Kane County Development Department)

**I (we) certify that this application and the documents submitted with it are true and correct to the best of my (our) knowledge and belief.**

Nicholas F. Casiello, Carol J. Casiello	3/1/2014
Record Owner	Date
Nicholas F. Casiello	3/1/2014
Applicant or Authorized Agent	Date

PROPOSED REZONING:

REZONE THE PROPERTY TO BRING THE RESTAURANT/BAR INTO CONFORMANCE WITH THE ZONING ORDINANCE. THE REZONING WOULD BE FROM F-DISTRICT FARMING TO B-4 – DISTRICT BUSINESS FOR THE RESTAURANT PROPERTY ITSELF. PETITIONERS ARE ALSO REQUESTING SPECIAL USE FOR PARKING FOR AN ADJACENT BUSINESS ZONED PROPERTY. THIS WOULD APPLY TO THE EXISTING PARKING LOT TO THE EAST OF THE RESTAURANT. VARIANCES BEING REQUESTED ARE (11', 24' VARIANCE FROM RIGHT-OF-WAY FOR A NEW DECK), (0, 35' VARIANCE FROM RIGHT-OF-WAY FOR A NEW DETACHED SIGN), (.26', 9.74' SIDEYARD SETBACK VARIANCE FOR EXISTING RESTAURANT), (3.25', 6.75' REARYARD SETBACK VARIANCE FOR EXISTING RESTAURANT)

## Findings of Fact Sheet – Rezoning

- *The Kane County Zoning Board is required to make findings of fact when considering a rezoning. (map amendment)*
- *You should "make your case" by explaining specifically how your proposed rezoning relates to each of the following factors.*

Nicholas F. Casiello  

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Name of Development/Applicant

3/1/2015  

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Date

1. How does your proposed use relate to the existing uses of property within the general area of the property in question?

See attached

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2. What are the zoning classifications of properties in the general area of the property in question?

Farm Land

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3. How does the suitability of the property in question relate to the uses permitted under the existing zoning classification?

Non-conforming

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4. What is the trend of development, if any, in the general area of the property in question?

See attached

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5. How does the projected use of the property, relate to the Kane County 2040 Land Use Plan?

The Historical Society records states that the property as been is use as a  
restaurant/bar since 1917

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# Findings of Fact Sheet – Special Use



Special Use Request \_\_\_\_\_

Date \_\_\_\_\_

- The Kane County Zoning Board is required to make findings of fact when considering a special use.
- Special Uses shall be considered at a public hearing before the Zoning Board of Appeals. In its report of findings of facts, recommendations shall be made to the County Board following the public hearing. The Zoning Board **will not** recommend a special use **unless** the following items are addressed:

6. Explain how 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.

SEE ATTACHED FOR #6, #7, #8, #9, #10, #11

7. Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity.

8. Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property.

9. Will adequate utility, access roads, drainage and other necessary facilities be provided?  
Please explain:

**10. Will adequate measures be provided for ingress and egress so designed to minimize the traffic and congestion? Please explain:**

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**11. Will the special use conform to the regulations of the district in which it is located? Please explain:**

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## FACT FINDING SHEET - REZONING

Taken from several articles of the history of Al Capone's Hideaway, in the late 20's the property was renovated and turned into a restaurant by Gladys Reitmayer and her husband. Al Capone took it over in the late 30's.

As the years passed Capone's Hideaway became a main stay in the area and a destination place for people in the surrounding communities and Chicago for over eighty years.

Our family purchased the restaurant with the idea to renovate and re-open the restaurant.

It would give the people of the Fox River Heights area and surrounding communities a place where they can enjoy casual dining as well as the scenic view of the Fox River.

We feel that opening the restaurant would be a win win situation for everyone; Kane County, the Fox River Heights community and the Casiello family.

Our goal is to renovate the restaurant and develop the entire area which would create a pleasant environment for the people in the area as well as people boating down the river.

When we purchased this property we assumed that it was zoned as commercial due to the fact that there was an existing restaurant for over 80 years.

We would appreciate it if the Kane County Board would rezone the property from Farmland to Commercial allowing us to move forward with this project.

## Dear Board and Zoning Members

I'm writing to you on behalf of my family and our wish to open a patio on the North side of the structure which faces the river which we purchased that was formerly Capone's Hideaway.

We were so excited to bring life back to a location that was sitting stagnant for so long, especially after speaking with many residents that shared our enthusiasm. When we originally spoke of re-opening, we stressed that we wanted to keep some of the Hideaway's history and charm as well as add some of our own touches to the new endeavor, first and foremost making it more of a family friendly / affordable establishment.

We want the community to come together in a familiar place with a new and exciting twist. Part of that vision was to include an outdoor patio. The beautiful view of the River and its surroundings was rarely utilized by the previous business. We have seen the growth of our other establishment when we added an outdoor patio complete with a full service bar and outdoor dining.

During the spring, summer and fall months folks tend to flock to the outdoor patios to take advantage of the short amount of beautiful weather that we have here in the midwest. Our outdoor sales greatly outweigh that of the indoor section of the business during these prime months. That being said, I have to address the most critical point regarding this request.

We had plans of renovating the property with hopes of a Grand Opening in the spring. That timeline has come and gone due to the fact that we have been faced with numerous hurdles regarding the zoning of the property. Imagine our surprise when we were informed that it was not zoned for a commercial property after functioning as a restaurant for the past 80 years. Had we known we'd be dealing with all of these new issues, we might have thought twice about this venture. We are a family of 5, not a corporately run chain with investors, and we continue to keep pouring out our own personal funds every month to keep our dream going until the zoning commission makes a decision.

Unfortunately it has truly cost us at this point. One way to help recoup this financial loss would be to allow the addition of an outdoor patio. We have not only made this investment as a family, but as investors into a community that we'd like to enhance and see grow. We would greatly appreciate your help.





**Zoning Request Report**  
County of Kane

Kane County Development  
719 Batavia Ave  
Geneva, IL 60134  
Phone: (630) 232-3492  
Fax: (630) 232-3411

TO: Kane County Zoning Board Of Appeals  
Kane County Development Committee  
County Board Member District  
Janice Hill                      Carl Scheodel                      Mark VanKerkhoff                      Monica Meyers  
Petitioner

**PETITION NUMBER** 2015-4346 **Date** 04/02/2015

GENERAL INFORMATION

**APPLICANT:** CASIELLO, NICHOLAS F & CAROL J

1449 BRIERGATE DR  
NAPERVILLE 605632211

**PURPOSE:** REZONE THE PROPERTY TO BRING THE RESTAURANT/BAR INTO CONFORMANCE WITH THE ZONING ORDINANCE. PETITIONERS ARE ALSO REQUESTING SPECIAL USE FOR PARKING FOR AN ADJACENT BUSINESS ZONED PROPERTY. VARIANCES BEING REQUESTED ARE (11', 24' VARIANCE FROM ROW FOR A NEW DECK), (0, 35' VARIANCE FROM ROW FOR A NEW DETACHED SIGN), (.26', 9.74 SIDEYARD SETBACK VARIANCE FOR EXISTING RESTAURANT), (3.25', 6.75' REARYARD SETBACK VARIANCE FOR EXISTING RESTAURANT)

**EXISTING ZONING:** F - FARMING;

**REQUESTED ACTION:** SEE ATTACHED NOTE

**SIZE:** SQUARE FEET

**LOCATION:** 35W337 RIVERSIDE DRIVE, SECTION 10, ST. CHARLES TOWNSHIP (09-10-276-024 & 09-10-276-020)

SURROUNDING	ZONING	USE
NORTH	F - FARMING;	FOREST PRESERVE
SOUTH	F - FARMING;	RESIDENTIAL;
EAST	F - FARMING;	RESIDENTIAL;
WEST	F - FARMING;	RESIDENTIAL;

**EXISTING LAND USE:** COMMERCIAL;

**LAND USE PLAN DESIGNATION:** RURAL RESIDENTIAL

**ZONING HISTORY:** NO PREVIOUS REQUEST FOR THIS SITE

**APPLICABLE LAND USE REGULATION:**

March 31, 2015

Nicholas Casiello  
Rezoning property from F to R-8 with lot size and sideyard setback variances

**Special Information:** Background - This property was in the Village of Valley View. When the Village dissolved in the early 1980's all properties, regardless of zoning or use, were put into the F-Farming District as a default under the Kane County Zoning Ordinance at that time. The petitioner recently bought this property. The previous owner had installed a second kitchen years before. Having two kitchens is not permitted in single family zoning districts. In order to keep the second kitchen and allow for two-family use, which is the petitioner's intention, they are requesting a rezoning from F-District Farming to R-8 District – Two Family Residential with a lot size variance of 4,725 square feet from the 20,000 square foot minimum in this District. Since the home is closer to side yard setbacks than currently allowed, variances are being requested for these as well.

**Analysis:** The Kane County 2040 Land Resource Management Plan designates this area as Rural Residential, which is the predominant land use in the area. The original use of this parcel for a business/restaurant was an existing non-conforming use until it closed. Per Article VI, of the Zoning Ordinance, approval of this petition is required for the restaurant use to re-establish.

**Findings of Fact:**

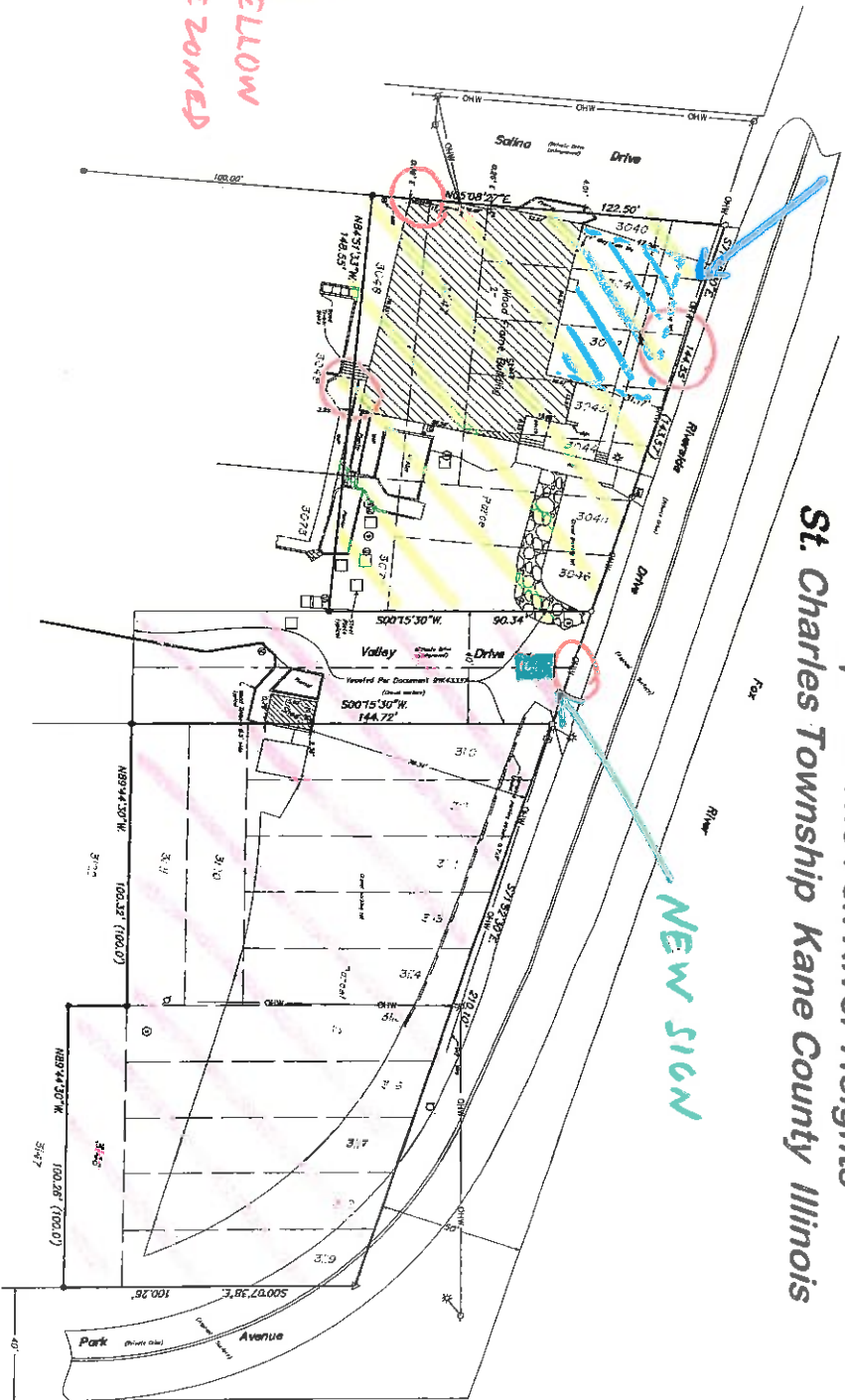
1. The rezoning will bring the current use and zoning into conformance with the Kane County Zoning Ordinance.

Attachments: Location Map  
Township Map

NEW DECK

"ALTA/ACSM Land Title Survey" of  
Lots 3040-3048 inclusive and 3072, 3110-3121 inclusive and 3146

Map 4 of The Fox River Heights  
St. Charles Township Kane County Illinois



AREA IN YELLOW  
TO BE REZONED  
TO B4

○ -  
VARIANCES BEING  
REQUESTED

NEW SIGN

AREA IN PINK  
SPECIAL USE  
FOR PARKING

Property Description

Parcel is Lots 3040, 3041, 3042, 3043, 3044, 3045, 3046, 3047, 3048, and 3072 of Map 4 of The Fox River Heights, in the Township of St. Charles, Kane County Illinois.  
Lots 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117, 3118, 3119, 3120, 3121, and 3146 of Map 4 of The Fox River Heights, in the Township of St. Charles, Kane County, Illinois.

Certification To: First State Bank and Family National Title Insurance Company, and their respective successors and/or assigns.

State of Illinois) Yes

County of Kane) Yes  
This is to certify that this map or map and survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by the International Association of Certified Land Surveyors (IALA) and the National Board of Surveying and Mapping (NBSM) on July 3, 2014, and includes Items 1, 2, 3, 4, 7(a), 8, and 11(a) of Table A thereof. The field work was completed on July 3, 2014.

Date of map or map: July 3, 2014.

Prepared by: S. Brewster for  
First American Bank

Carol A. Small-Johnson  
Licensed Professional Land Surveyor No. 33432  
License Expiration Date: November 30, 2014  
Illinois Professional Surveyor from 1981-2009

Pat Johnson - WBSB  
1011 S. State Street  
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(618) 446-1111  
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ST. CHARLES TWP.  
T. 40 N - R. 8 E

map 9

