

KANE COUNTY DEVELOPMENT DEPARTMENT
 Zoning Division, Kane County Government Center
 719 S. Batavia Avenue
 Geneva, Illinois 60134
 Office (630) 444-1236 Fax: (630) 232-3411

4520

<i>Received Date</i>
AUG 06 2019
Kane Co. Dev. Dept. Zoning Division

**APPLICATION FOR ZONING MAP AMENDMENT
 AND/OR SPECIAL USE**

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.

1. Property Information:	Parcel Number (s): 03-33-300-007
	Street Address (or common location if no address is assigned): 35W655 Toll Gate Road, Dundee IL 60118

2. Applicant Information:	Name Jacob Dohm	Phone 312-890-5613
	Address 35W655 Toll Gate Road	Fax N/A
	Dundee, IL 60118	Email dohm.jacob@gmail.com

3. Owner of record information:	Name Andrea Macias and Jacob Dohm	Phone 312-890-5613
	Address 35W655 Toll Gate Road	Fax N/A
	Dundee, IL 60118	Email dohm.jacob@gmail.com

Zoning and Use Information:

2040 Plan Land Use Designation of the property: Rural Residential

Current zoning of the property: Farm

Current use of the property: Residential

Proposed zoning of the property: Farm with Special use 8.2-1dd

Proposed use of the property: Bed and Breakfast with Events


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


Various improvements to the property are planned based mostly on improving the landscape and additional storage.

Attachment Checklist

- Plat of Survey prepared by an Illinois Registered Land Surveyor. See Exhibit A
- Legal description See Exhibit B
- Completed Land Use Opinion (Available in pdf form at 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 <http://dnr.illinois.gov/ecopublic/>) to be filed with the Illinois Department of Natural Resources. (* This report may best be accessed with Internet Explorer on some computers, per the State)
- List of record owners of all property within 250 feet of the 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.

 7/31/19
Record Owner Date

 7/31/19
Applicant or Authorized Agent Date

Findings of Fact Sheet – Map Amendment and/or Special Use

- *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.*

JACOBS DDM
Name of Development/Applicant

7/31/19
Date

1. How does your proposed use relate to the existing uses of property within the general area of the property in question?
Please see the attached letter for our response

2. What are the zoning classifications of properties in the general area of the property in question?
Please see the attached letter for our response

3. How does the suitability of the property in question relate to the uses permitted under the existing zoning classification?
Please see the attached letter for our response

4. What is the trend of development, if any, in the general area of the property in question?
Please see the attached letter for our response

5. How does the projected use of the property, relate to the Kane County 2040 Land Use Plan?
Please see the attached letter for our response

Findings of Fact Sheet – Special Use

Special Use Request

7/31/19
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 or endanger the public health, safety, morals, comfort or general welfare. to

Please see the attached letter for our response

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

Please see the attached letter for our response

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

Please see the attached letter for our response

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

Please see the attached letter for our response

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

Please see the attached letter for our response

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

Please see the attached letter for our response

35W655 TOLL GATE RD

Dohm.jacob@gmail.com · 312-890-5613

Kane County Development Department
719 S. Batavia Ave.
Geneva, Illinois 60134

TO WHOM IT MAY CONCERN,

1. How does your proposed use relate to the existing uses of property within the general area of the property in question?
 1. The property is currently zoned F District Farming and in single family residential use. The limited and insubstantial nature of the projected use results in largely no change to the character of the property and therefore, remains consistent with its existing zoning and use. The property is well landscaped, largely screened from its neighbors, in good condition, and well suited for hosting events. In particular, the home is a draw for local and even non-local visitors due to its historic landmark designation. The projected use will facilitate sharing the historic landmark with the local community.
2. What are the zoning classifications of properties in the general area of the property in question?
 1. The general area contains the same zoning classifications and uses, but just east of the property is the Tollgate Industrial Park and south of the property contains further industrial uses.
3. How does the suitability of the property in question relate to the uses permitted under the existing zoning classification?
 1. While the suitability of the property is consistent with the existing zoning classification, Petitioner's request will not alter the underlying existing use of the property outside of the limited special use requested. Given the home's designation as a historic landmark, the property is uniquely suited to the projected use requested.
4. What is the trend of development, if any, in the general area of the property in question?
 1. The area is well-established and there is no significant development trend in the area. While the area is largely developed, there are nearby industrial facilities.
5. How does the projected use of the property, relate to the Kane County 2040 Land Use Plan?
 1. The projected use of the property is consistent with Kane County's 2040 Land Use Plan, including the plan's focus on maintaining agricultural spaces not suitable for agriculture and existing rural residential density. The projected use is also consistent with the County's goal to preserve historic landmarks. No development other than what is outlined on this application is contemplated at this time.

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.
 1. The projected use will not be a detrimental to any of these categories as the Petitioner is handling each specifically. The events will not be detrimental to the public because we will only host private events, no events will be advertised and open to the public. They will ensure health safety by requiring that caterers be licensed and insured, and bartenders have their BASSET license or equivalent. It is there goal to minimize any effect on the neighborhood we might have. During the events, due to the surrounding woods, you cannot even tell there is an event going on from the road so this will not cause discomfort. They will also provide security for all large events to watch over the neighborhood and ensure all guest stay on the property until they leave the event.
7. Explain how the special use will not be injurious to the use, enjoyment and value of other property in the immediate vicinity.
 1. The projected use will not be injurious to the use, enjoyment and value of other property because with shuttling they will minimize traffic and once the event starts, due to the surrounding woods, you cannot tell there is an event going on from the neighborhood. During the "trial run" events, that were approved by the county development board, they ensured no amplified music could be heard from street. They received no noise complaints during these events.
8. Explain how the special use will not impede the normal, orderly development and improvement of the surrounding property.
 1. The projected use Petitioner is seeking does not alter the main use of the property and will not disrupt the development or improvement of the surrounding property.
9. Will adequate utility, access roads, drainage and other necessary facilities be provided? Please explain:
 1. Adequate utility, access roads and drainage are already provided. All events over 40 people will require additional restrooms to be provided and the house bathrooms be closed to general guests as to not inundate the septic system. They have had no issues with other utilities.
10. Will adequate measures be provided for ingress and egress so designed to minimize the traffic and congestions? Please explain:
 1. Yes, for large events they will require a shuttle service so that there is no traffic or congestion in the neighborhood.
11. Will the special use conform to the regulations of the district in which it is located? Please explain:
 1. Yes, they will conform to any and all zoning, building, and residential regulations that can be applied to the special use.

In addition to our responses to the finding of facts sheet we would like to submit the following for your consideration:

With this application it is our goal to open one of Kane County's Historic Landmarks to the community. With the bed and breakfast with event special use designation we would like to be able to rent the house nightly along with events. Events would include weddings, birthdays, engagement parties, retirement, and any event that family and friends would like to gather. We will not host any events that are advertised and open to the public for our business.

We would, however, like to mention that we have been looking into providing the space to the community for free yoga/tai chi classes and possibly youth garden clubs. These events could be advertised but will be limited to under 20 or so people and are not for profit.

Our business model is to provide the land and house and help with coordination. We will not sell or provide food, drinks (alcohol), or transportation. Clients must arrange appropriate accommodations for these items. For all events over 40 people we are requiring clients to bring additional restrooms. The second bathroom will be locked during events and the master bathroom will be available to clients only and not the general guests. We will have staff/security on site during all events.

As you can see on the site plan our house and surrounding lawn is completely surrounded by woods and cannot be seen from the street. We will not change anything to alter this, it is our goal to keep events private and not bother the neighborhood. This will go for any additional lighting as well, though the highway provides a glow to the neighborhood we do not wish to add to the light pollution. We will also never park any vehicles off our property and inside the neighborhood.

We understand our neighbors' concerns for quiet and seclusion. For this reason, we propose that you place the following restrictions on our special use. Set a max decibel level for amplified music. We would request a max of 250 people per event and any event over 50 people must be shuttled from outside the neighborhood. The photo included shows a set up of 100 chairs and only takes up about a quarter of just the front half of the lawn.

Best,

Jake and Andrea

35W655 TOLL GATE RD

Dohm.jacob@gmail.com · 312-890-5613

Exhibit B

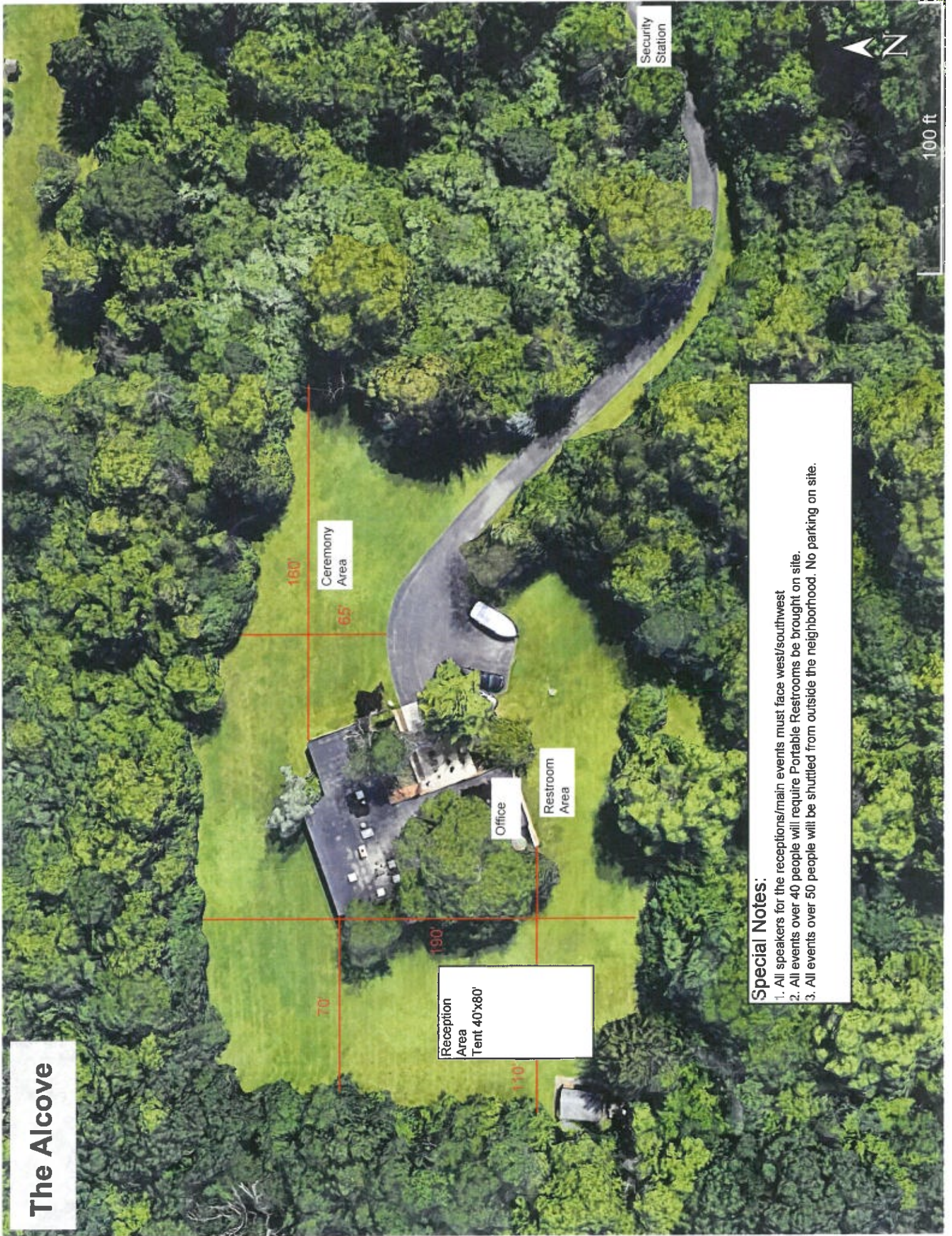
LEGAL DISCRPTION FOR PARCEL 03-33-300-007,

Parcel 1: That part of the east half of the southwest quarter of section 33, township 42 north, range 8 east of the third principal meridian described as follows: Commencing at the northwest corner of the east half of said southwest quarter; thence east along the north line of said southwest quarter 611 feet; thence southerly along a line forming an angle of 86 degrees to the right with the prolongation of the last described course 512 feet; thence westerly at right angles to the last described course 67 feet; thence southerly along a line forming an angle of 89 degrees to the left with the prolongation of the last described course and said course extended 200 feet; thence westerly 576.56 feet to a point on the west line for the last half of said southwest quarter, 465 feet south of the northwest corner of the east half of said southwest quarter; thence south along said west line 457.35 feet to the northerly line of the right of way of the state of Illinois northwest toll highway; thence southeasterly along said northerly right of way line 275 feet; thence northeasterly 473.3 feet to the point of beginning; in the township of Dundee, Kane county, Illinois, hereinafter for convenience referred to as "The real estate".

Parcel 1A: Together with a non-exclusive right to use the easement for ingress and egress created by declaration dated May 17, 1963 and recorded June 3, 1963 in book 2182, page 247 as document 1002043, made by Ruth A. Meadows and husband et al, over that part of the east half of the southwest quarter of section 33, township 42 north, range 8 east of the third principal meridian, being a strip of land 66 feet in width, the center line of which is described as follows: Commencing at the northeast corner of said southwest quarter; thence south along the east line of said southwest quarter 1035.98 feet to a point 34.17 feet north of, measured along said east line, the northerly right of way line of the state of Illinois northwest toll highway for the point of beginning of said center line; thence northwesterly along a line forming an angel of 105 degrees 3' to the right with a prolongation of the last described course, being parallel with said northerly right of way line, 108 feet; thence northwesterly along a curve to the right, having a radius of 409.11 feet and being tangent to the last described course at the last described point 296.32 feet; thence northwesterly along a line tangent to the last described course at the last described point 125 feet; thence northwesterly along a curve to the left, having a radius of 213.80 feet and being tangent to the last described course at the last described point 133.74 feet for the terminus of said center line; in the township of Dundee, Kane county, Illinois. Also over that part of the east half of the southwest quarter of said section 33, described as follows: commencing at the northwest corner of the last half of said southwest quarter; thence east along the north line of said quarter 611 feet; thence



The Alcove



Special Notes:

1. All speakers for the receptions/main events must face west/southwest
2. All events over 40 people will require Portable Restrooms be brought on site.
3. All events over 50 people will be shuttled from outside the neighborhood. No parking on site.

Map Title



September 5, 2019

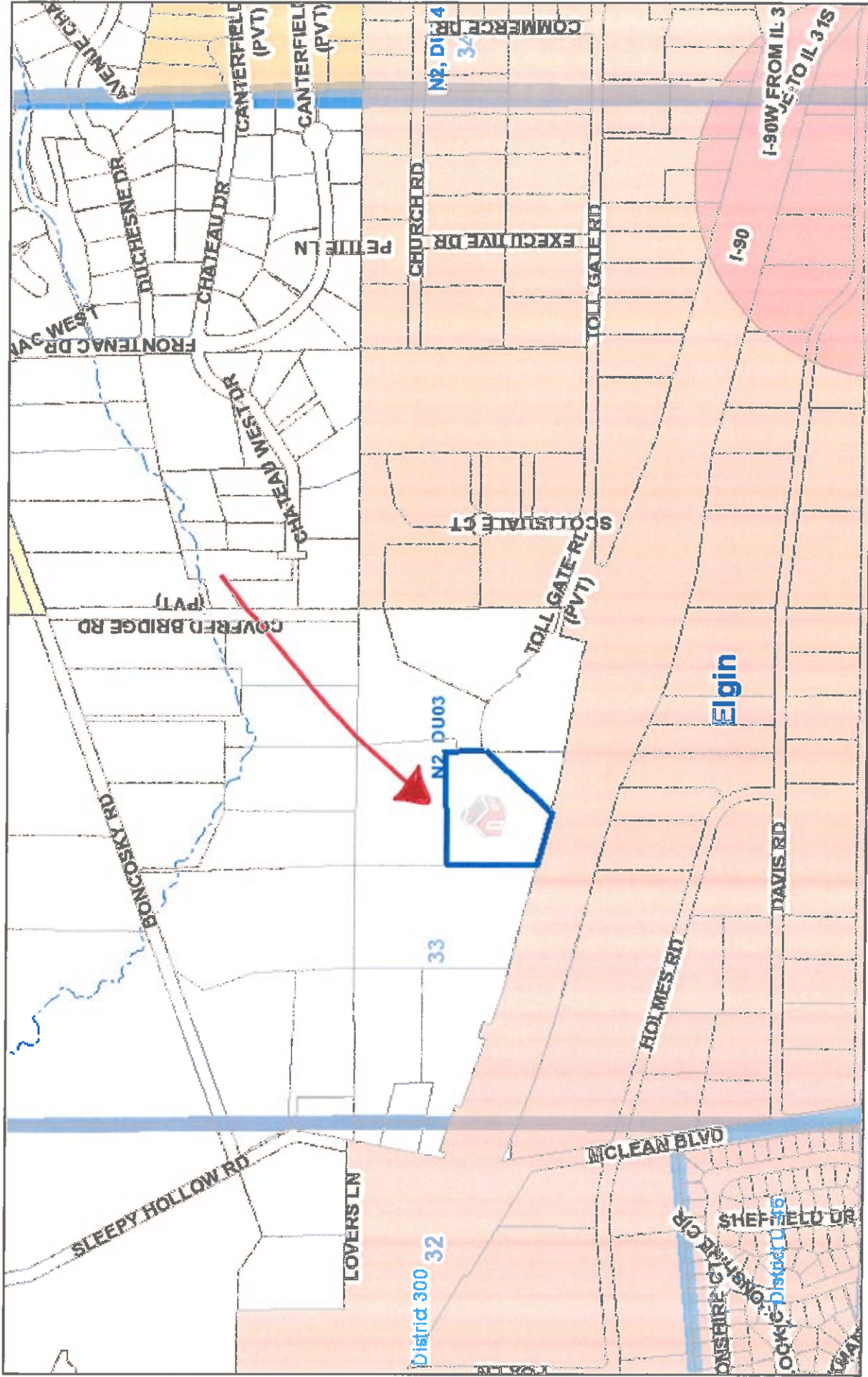
1:2,108



These layers do not represent a survey. No Accuracy is assumed for the data delineated herein, either expressed or implied by Kane County or its employees. These layers are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contains information required for local government purposes. See the recorded documents for more detailed legal information.

GIS-Technologies
Kane County Illinois

Map Title



September 5, 2019

1:8,430
0 115 230 385 770 1,540 ft
0 115 230 385 460 m

GIS-Technologies

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GIS-Technologies
Kane County Illinois



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

JB Pritzker, Governor

Colleen Callahan, Director

July 30, 2019

Jacob Dohm
Jacob Dohm
35W655 Tollgate Rd
Dundee, IL 60118

RE: The Alcove
Project Number(s): 2001086
County: Kane

Dear Applicant:

This letter is in reference to the project you recently submitted for consultation. The natural resource review provided by EcoCAT identified protected resources that may be in the vicinity of the proposed action. The Department has evaluated this information and concluded that adverse effects are unlikely. Therefore, consultation under 17 Ill. Adm. Code Part 1075 is terminated.

This consultation is valid for two years unless new information becomes available that was not previously considered; the proposed action is modified; or additional species, essential habitat, or Natural Areas are identified in the vicinity. If the project has not been implemented within two years of the date of this letter, or any of the above listed conditions develop, a new consultation is necessary.

The natural resource review reflects the information existing in the Illinois Natural Heritage Database at the time of the project submittal, and should not be regarded as a final statement on the site being considered, nor should it be a substitute for detailed site surveys or field surveys required for environmental assessments. If additional protected resources are encountered during the project's implementation, you must comply with the applicable statutes and regulations. Also, note that termination does not imply IDNR's authorization or endorsement of the proposed action.

Please contact me if you have questions regarding this review.

Kyle Burkwald
Division of Ecosystems and Environment
217-785-5500

Berkhout, Keith

From: McGraw, Keith
Sent: Wednesday, September 11, 2019 10:04 AM
To: Berkhout, Keith; Rickert, Tom
Cc: Nika, Kurt
Subject: RE: From Kane County Zoning - Tollgate
Attachments: 2019-09-05 request for special use - wedding venue.pdf

Keith

In regard to the attached request for special use, KDOT has no comment.

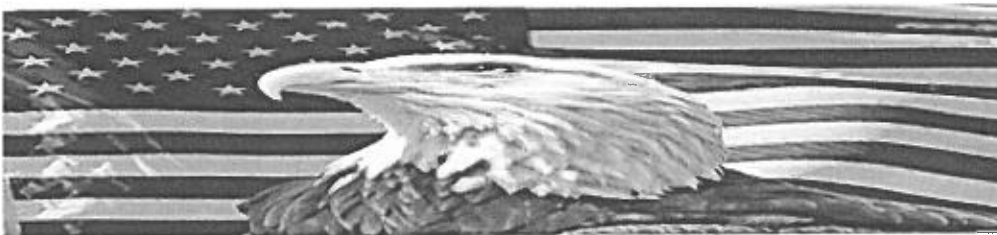
Thank you,

Keith McGraw
Kane County Division of Transportation – Permitting Section

From: Berkhout, Keith <BerkhoutKeith@co.kane.il.us>
Sent: Thursday, September 5, 2019 11:43 AM
To: Schoedel, Carl <schoedelcarl@co.kane.il.us>
Cc: Nika, Kurt <nikakurt@co.kane.il.us>; McGraw, Keith <McGrawKeith@co.kane.il.us>
Subject: From Kane County Zoning - Tollgate

Keith T. Berkhout
Zoning Planner

Kane County Department of Development and Community Services
719 S. Batavia Avenue
Geneva, Illinois 60134
630-232-3495
berkhoutkeith@co.kane.il.us



Berkhout, Keith

From: Dave Waden <waden_d@cityofelgin.org>
Sent: Wednesday, September 11, 2019 9:45 AM
To: Berkhout, Keith
Subject: EX: RE: From Kane County Zoning - Toll Gate

Moring Keith,
The city has no issues with application.

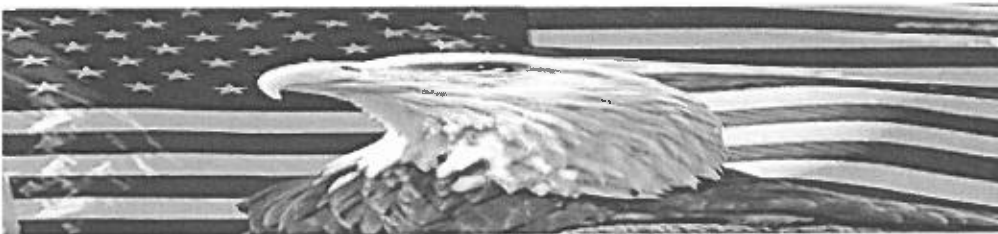
Thanks,
Dave

Dave Waden
Senior Planner
City of Elgin
847-931-5909

From: Berkhout, Keith [mailto:BerkhoutKeith@co.kane.il.us]
Sent: Thursday, September 5, 2019 12:12 PM
To: Dave Waden <waden_d@cityofelgin.org>
Subject: From Kane County Zoning - Toll Gate

Keith T. Berkhout
Zoning Planner

Kane County Department of Development and Community Services
719 S. Batavia Avenue
Geneva, Illinois 60134
630-232-3495
berkhoutkeith@co.kane.il.us



Berkhout, Keith

From: Emericson, Jason <jason.emricson@d300.org>
Sent: Thursday, September 5, 2019 2:32 PM
To: Berkhout, Keith
Cc: Susan Harkin
Subject: EX: Re: [External] From Kane County Zoning - Toll Gate

District 300 has no issues with what is being proposed.

On Thu, Sep 5, 2019 at 1:57 PM Berkhout, Keith <BerkhoutKeith@co.kane.il.us> wrote:

Keith T. Berkhout

Zoning Planner

Kane County Department of Development and Community Services

719 S. Batavia Avenue

Geneva, Illinois 60134

630-232-3495

berkhoutkeith@co.kane.il.us

