

## Berkhout, Keith

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**From:** Buening, Scott <[sbuening@bataviail.gov](mailto:sbuening@bataviail.gov)>  
**Sent:** Wednesday, February 12, 2025 12:34 PM  
**To:** Berkhout, Keith; VanKerkhoff, Mark  
**Cc:** Rackow, Drew; Ewoldt, Zach; DeGroot, David  
**Subject:** EX: RE: Rezoning petition from Kane County Zoning for your review - JW MCCONNAUGHAY PROPERTIES LLC

Hi Keith-

Thank you for sending that over for our review. Officially, the City of Batavia will have no position in this since the property is surrounded by the City of Geneva and is on Geneva's side of our boundary line agreement.

That said, I would note two things of concern and why I am copying Geneva in this response as they can elect to respond directly. First, the unit while small it appears that it would not meet the Illinois Plumbing Code as the occupancy of the unit is over ten (10) persons. There are six (6) gaming positions, and two (2)-four (4) person tables within the proposed facility. That plus one (1) bartender/employee would mean an occupancy of at least 15 persons, not including those at the standee bar. Since this number exceeds ten (10) persons, two (2) separate restrooms would need to be provided in this unit. One (1) restroom unit as proposed would not be sufficient to meet code.

Secondly, as I have expressed before, certain zoning map amendments done by the County have raised concerns about "spot" zoning. We expressed this previously with a map amendment that was done near Batavia's borders, but we elected not to formally object to that at that time. This circumstance, however, is clearly a "spot" zoning situation in that it is a map amendment for a single tenant space in a unified building to a B-4 District. The rest of the zoning lot and the unincorporated lots that surround it are all are and will remain zoned B-3. This in my opinion is a textbook case of a spot zoning map amendment that is for a single use and not for a unified zoning district. In fact, the application indicates that they are aware that this is a "donut whole" [sic] of zoning, so they know that this would be a grant of special privilege if approved. I would hope that the County and/or Geneva would recognize this issue and would take an appropriate position regarding the request.

If you have any questions about this, please feel free to contact me. Thank you.

### Scott Buening

Community and Economic Development Director | City of Batavia

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Please update your records as my email address is now [sbuening@bataviail.gov](mailto:sbuening@bataviail.gov)

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**From:** Berkhout, Keith <BerkhoutKeith@KaneCountyIL.gov>

**Sent:** Monday, February 10, 2025 4:17 PM

**To:** Buening, Scott <sbuening@bataviail.gov>

**Subject:** Rezoning petition from Kane County Zoning for your review - JW MCCONNAUGHAY PROPERTIES LLC

**Caution:** This message originated outside of the City of Batavia -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe. If you have any doubt, contact the sender by phone to confirm.

**Keith T. Berkhout**

Zoning Planner

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