

**KENDALL COUNTY
ZONING BOARD OF APPEALS
PUBLIC HEARING**

111 West Fox Street • Room 209 and 210 • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

AGENDA

May 31, 2016 – 7:00 p.m.

CALL TO ORDER – ZONING BOARD OF APPEALS

ROLL CALL: Randy Mohr (Chair); Scott Cherry, Karen Clementi, Tom LeCuyer, Donna McKay, Dick Thompson and Dick Whitfield

MINUTES: Approval of minutes from the May 2, 2016 Zoning Board of Appeals hearing

PETITIONS:

1. 16-12 – Julie Gengler

Request: Variance from required front yard setback for an accessory structure in the A-1 District
Location: 15531 O’Brien Road, Seward Township
Purpose: To allow an accessory structure to encroach into the required 150’ front yard setback by 60’.

2. 16-13 – Rodney and Patricia Wheeler

Request: Variance from required front yard setback for an accessory structure in the A-1 District
Location: 4202 Wheeler Road, Na-Au-Say Township
Purpose: To allow three (3) accessory structures to encroach into the required 150’ front yard setback by 43’.

3. 16-02 Dumpsters in Residential Zoning Districts

Request: Zoning Text Amendment
Location: N/A
Purpose: Text amendment to Zoning Ordinance to add provisions on dumpsters located in residentially zoned properties

REVIEW OF PETITIONS THAT WENT TO COUNTY BOARD

16-05 Brad and Treva Mathre - Variance from the requirement for direct access onto an arterial or major collector roadway for a special use to operate a banquet facility. Approved by the County Board on May 17, 2016.

NEW BUSINESS/ OLD BUSINESS

PUBLIC COMMENT

ADJOURN ZONING BOARD OF APPEALS- Next meeting on June 27, 2016

KENDALL COUNTY
ZONING BOARD OF APPEALS MEETING
111 WEST FOX STREET, Room 209 and 210
YORKVILLE, IL 60560
May 2, 2016 – 7:00 p.m.

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), Karen Clementi, Donna McKay (Vice- Chair), Tom LeCuyer, Scott Cherry, Dick Whitfield, and Dick Thompson

Members absent: None

Staff present: John Sterrett, Senior Planner

Public: Al Santamaria, Aurora Sign Company; Brad Mathre, Mathre 1916 LLC

MINUTES

Ms. Clementi made a motion, seconded by Mr. LeCuyer, to approve the November 2, 2015 meeting minutes. With a voice vote of all ayes, the motion carried.

PETITIONS

16-06 Harvest New Beginnings Church

Request: Variance to the allow surface area of a free-standing sign in the A-1 District

Location: 5315 Douglas Road, Oswego Township

Purpose To allow a sixty-three square foot freestanding ground mounted non-flashing illuminated sign.

The petitioner, Harvest New Beginnings Church, is requesting a variance to the Agricultural sign regulations to install a non-flashing illuminated free-standing ground mounted sign towards the northwestern portion of the property along Plainfield Road that will exceed the maximum allowable surface area of thirty-two (32) square feet. The proposed sign is sixty-three (63) square feet. The petitioner has provided a landscape plan to provide landscaping around the proposed sign. An existing non-flashing illuminated free-standing ground mounted sign that totals thirty (30) square feet is located along Plainfield Road. The Church intends to relocate this existing sign to the Church entrance at Douglas Road. Both the proposed sign and the existing sign to be relocated are proposed to be ten (10) feet from the road right-of-way, as is required. The Church, having two roads fronting the property, is permitted to have one (1) non-flashing illuminated free-standing ground mounted sign on each road frontage. In theory, the Church could have two (2) thirty-two (32) square foot non-flashing illuminated free-standing ground mounted signs thus allowing sixty-four (64) square feet of total signage on the property.

In addition to the existing thirty (30) square foot free-standing ground mounted sign, the property has one (1) other free-standing sign advertising pre-school services. The construction of the proposed sixty-three (63) square foot sign will become the third freestanding sign on the

property. This will exceed the total allowable amount of signs by one. A banner sign also is present on the property. Banner signs are permitted provided that they are not located on a property for more than sixty (60) days in a calendar year.

The Church has stated that the limited size of the existing sign creates difficulty for visitors to the Church coming from the northwest to notice the sign prior to passing Douglas Road. The Church believes the larger sign will be more visible for drivers to see and allow them to prepare to turn left onto Douglas Road. The proposed sign will be located quite a distance from the required forty (40) foot site distance triangle at the intersection of Plainfield Road and Douglas Road.

If approved, staff recommends that at least one of the two existing free-standing signs on the property be removed to comply with the maximum allowable number of signs on a property. Staff would also recommend that the proposed landscape plan be incorporated into the approval and that existing and future banner signage shall comply with the temporary sign regulations.

Mr. Whitfield made a motion to approve the variance and incorporate the findings of fact along with the conditions recommended by staff including that one of the existing free standing signs be removed. Mr. Cherry seconded. The findings of fact 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 intent of the variance is to provide proper, legible signage for this public facility. The existing practical difficulty is clearly defined by a large range of in age not being able to see the existing free-standing sign. Automobiles traveling on Plainfield Road are moving at an average rate of 40-50 mph to keep up with traffic. While in motion drivers are in search of a sign that is most suitable for low speed residential areas.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. Use of this facility is unique in that the public I welcome at any time of day or night. The church is used for a myriad of different events. A large public presence in agricultural zoning is applicable only to a church.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

The hardship is one of legibility and safety. All passers-by are at disadvantage in attempting to locate the name of the church.

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.

An increase in legibility will combat any concern with one's ability to safely identify the location and react properly while driving.

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 property frontage along Plainfield Road is approximately 1,400ft. This provides more than substantial supply of light and air to adjacent properties. Increased legibility allows the driver proper reaction time thus avoiding congestion or endangering public safety.

Chairman Mohr called for a vote. Mr. Sterrett called the roll: Mr. Whitfield – Yes, Mr. Cherry – Yes, Ms. McKay – Yes, Mr. Thompson – Yes, Mr. Mohr – Yes, Ms. Clementi – Yes, Mr. LeCuyer – Yes. The motion carried 7-0.

16-05 Brad and Treva Mathre d/b/a Mathre 1916 LLC

Request: Variance to the allow a banquet facility to be located on a non-arterial and non-collector road
Location: 13889 Hughes Road, Fox Township
Purpose To allow a banquet facility to be located on a non-arterial and non- collector road in conjunction with an A-1 Special Use Request.

Mr. Sterrett stated that this request is associated with a special use request for a proposed banquet facility at 13889 Hughes Road. Banquet facilities are permitted as special uses in the A-1 Agricultural District with a requirement that they be located on either an arterial roadway or a major collector roadway. Hughes Road is neither. As such, the petitioners are seeking a variance to this requirement as part of their special use request. Mr. Sterrett stated that the proposed use will generate a relatively low volume of traffic and that the County Engineer from the Highway Department has stated that he does not believe Hughes Road will be impacted by this traffic. Mr. Sterrett pointed out that the nearest direct connection from Hughes Road to an arterial roadway is Route 71 approximately 2 miles away and an indirect connection to Walker Road, a major collector roadway, approximately 1.5 miles away.

Ms. Clementi made a motion to approve the variance and incorporate the findings of fact. Mr. Thompson seconded. The findings of fact 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 property is currently located on a roadway not designated as either an arterial roadway or a major collector roadway.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **The requirement for direct access onto an arterial roadway or a major collector roadway is unique only to A-1 Agricultural properties that are to be used as a banquet facility and not a standard requirement for other A-1 Agricultural district uses.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The designation as a non-arterial and non-collector roadway is from the Transportation Plan of the County's Land Resource Management Plan***

*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 use of the property, and the traffic generated from such use, will not have a negative***

impact on the roadway. The County Engineer of the Highway Department has stated that Hughes Road is adequate to handle this type of use.

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 propose use will generate a relatively low volume of traffic that will typically occur only one day each week and only during the months between May and November. Restrictions have been placed on the controlling special use ordinance to ensure the volume of traffic from the use remains low and that no additional points of access are being sought.

Chairman Mohr called for a vote. Mr. Sterrett called the roll: Ms. Clementi – Yes, Mr. Thompson – Yes, Mr. Whitfield – Yes, Mr. Cherry – Yes, Ms. McKay – Yes, Mr. Mohr – Yes, , Mr. LeCuyer – Yes. The motion carried 7-0.

REVIEW PETITIONS THAT WENT TO COUNTY BOARD

Petition 15-15 – Mary and Peter Bielby – Variance from the required setback distance of a proposed dog kennel structure. Special Use request for a dog kennel approved by the County Board on February 16, 2016.

NEW BUSINESS/OLD BUSINESS

Mr. Sterrett stated that there will be a hearing on Tuesday, May 31st.

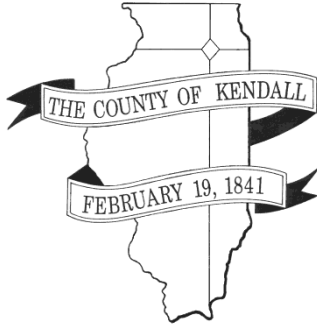
PUBLIC COMMENT - None

ADJOURNMENT OF THE ZONING BOARD OF APPEALS

Ms. Cherry made a motion to adjourn the Zoning Board of Appeals meeting, Ms. McKay seconded the motion. Chairman Randy Mohr adjourned the Zoning Board of Appeals meeting at 7:20 p.m.

Respectfully Submitted,

John H. Sterrett
Senior Planner



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

16-12

Julie Gengler

Variance

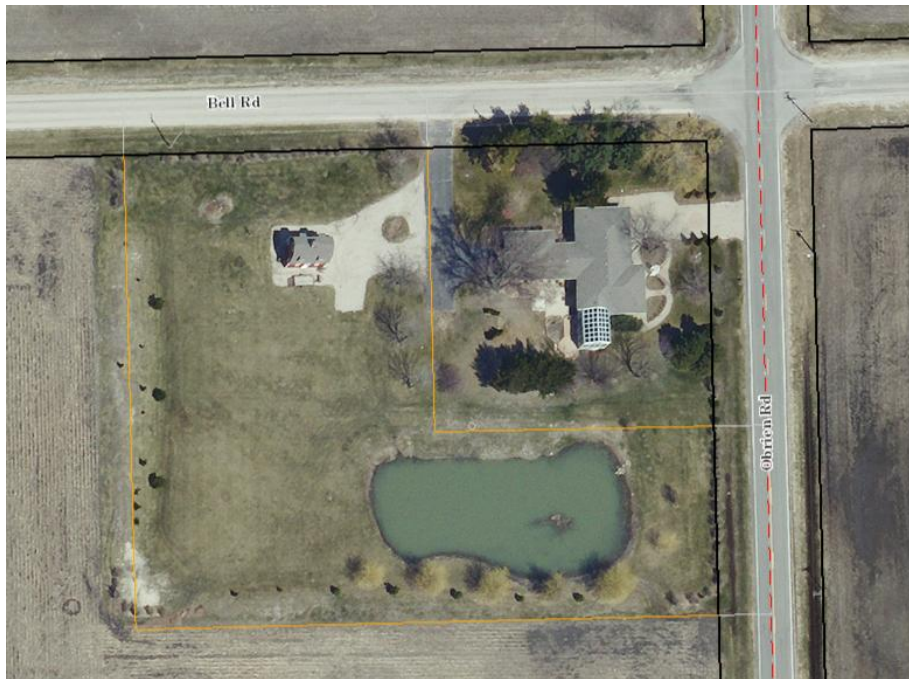
Front Yard Setback for Accessory Structure

SITE INFORMATION

PETITIONER Julie Gengler

ADDRESS 15531 O'Brien Road

LOCATION Southwest corner of Bell and O'Brien Road; 1 Mile South of Route 52



TOWNSHIP Seward

PARCEL # 09-20-400-002; -007

LOT SIZE 3.0 acres

EXITING LAND USE Single Family Residence

ZONING A-1 Agricultural District

| | | |
|------|----------|--|
| LRMP | Land Use | Rural Estate Residential (Max. Density 0.45 DU/Ac) |
| | Roads | Bell Road and O'Brien Road are both Township Roads classified as Minor Collector Roadways |
| | Trails | A proposed trail is located along Bell Road on the east side of O'Brien Road. No trails are proposed along the subject property. |

REQUESTED ACTION: Request for a variance to the required front yard setback for an accessory structure.

APPLICABLE REGULATIONS: Section 7.01 G.2.b – A-1 Agricultural District – Site and Structure Requirements – Setbacks – Accessory Structures – One hundred (100) feet from a dedicated road right-of-way or one hundred and fifty (150) feet from the center line of all adjacent roads, whichever is greater.

Section 13.04 – Variation procedures and requirements



SURROUNDING LAND USE

| Location | Adjacent Land Use | Adjacent Zoning | LRMP | Zoning within ½ Mile |
|----------|-------------------|-----------------|--------------------------|----------------------|
| North | Agricultural | A-1 | Rural Estate Residential | A-1 |
| South | Agricultural | A-1 | Rural Estate Residential | A-1; A-1 SU |
| East | Agricultural | A-1 | Rural Residential | A-1 |
| West | Agricultural | A-1 | Rural Estate Residential | A-1; A-1 SU |

GENERAL

The petitioner, Julie Gengler, is requesting a variance to the required front yard setback for accessory structures to locate an accessory building ninety (90) feet from the centerline of Bell Road. This will encroach into the required front yard setback of 150' by sixty (60) feet. An existing accessory structure is located ninety (90) feet from the centerline of Bell Road and will be relocated further south on the property. The petitioner would like to utilize the existing impervious area where the existing accessory structure is located. The petitioner has indicated that by pushing the accessory building further south it would be located in a low area near an existing pond.

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 listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*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 topography of the property would place a building in a low-lying area if the building were to be pushed further back to meet the required 150' front yard setback. Furthermore, by placing the building structure further back on the property it will be located in close proximity to an existing pond potential impacting the building.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **An existing pond on a lot with this size creates difficulty unique to this property as it reduces the amount of available area to build on the property without the need to encroach into the required setback.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The property was developed as it exists today prior to the petitioners purchasing the property.***

*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 structure will still maintain all other required setback distances to other property lines.***

*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 proposed structure will be used to serve only the owners of the subject property for accessory purposes and will not create any additional traffic on the roadway nor will it affect other nearby areas. A building permit will be required for the construction of the building.***

RECOMMENDATION

Staff recommends approval of the variance request with the understanding that the existing structure currently encroaching in the front yard setback will be relocated in an area on the property that meets the required setbacks.

ATTACHMENTS

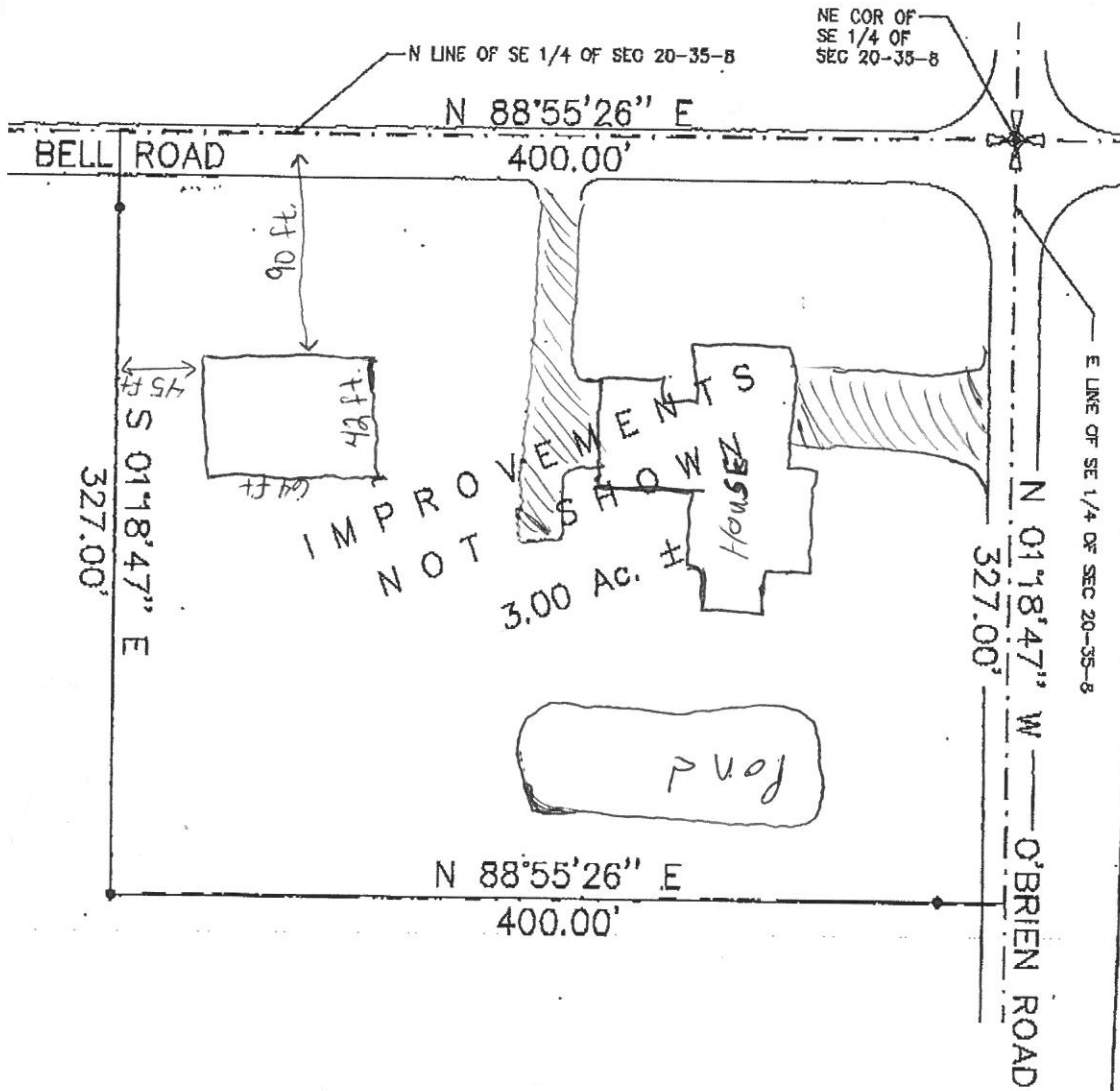
1. Plat of Survey



PLAT OF SURVEY
MORRISON SURVEYING CO., INC.
 8710 N IL Rt 47, Morris, Illinois 60450
 Phone (815) 848-8080 FAX (815) 841-8080



THE NORTH 327 FEET OF THE EAST 400 FEET OF THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 35 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN, CONTAINING 3.00 ACRES (MORE OR LESS), ALL BEING SUBJECT TO THE RIGHTS OF THE PUBLIC IN AND TO THAT PART THEREOF TAKEN, USED, OR DEDICATED AS PUBLIC ROADWAYS, ALL IN KENDALL COUNTY, ILLINOIS.



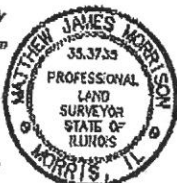
LEGEND

- 1/4 SECTION LINE
- * IRON PIPE

State of Illinois } s.e.
 County of Grundy }

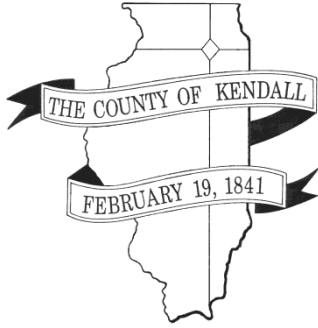
We, MORRISON SURVEYING CO INC, (PDP License #14-003819) do hereby certify that we have surveyed the property described in the caption to the plat herein drawn and that this professional certificate conforms to the current Illinois minimum standards for a boundary survey. All dimensions are in feet and decimal parts of a foot and are correct at a temperature of 68 degrees Fahrenheit. Dimensions shown on buildings are to the outside of buildings. Given under my hand and seal at Morris, Illinois.

Matthew James Morrison
 Date: 3/27/12
 ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 33-3733 License Expires 11/30/12



Compare All Dimensions Before Building And Report Any Discrepancies At Once. For Building Lines, Easements and other restrictions, see above. Refer to your deed, title policy, zoning ordinances, etc.

ORDERED BY: GATHY & JUDY BLUM
 SCALE: 1" = 50' ORDER NO. 3044-A



DEPARTMENT OF PLANNING, BUILDING & ZONING

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Yorkville, IL • 60560

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16-13

**Rodney and Patricia Wheeler
Variance
Setback for Accessory Structure**

SITE INFORMATION

PETITIONER Rodney and Patricia Wheeler

ADDRESS 4202 Wheeler Road

LOCATION South side of Wheeler Road; 0.75 miles east of Grove Road



TOWNSHIP Na-Au-Say

PARCEL # 06-20-200-003

LOT SIZE 40 acres

EXISTING LAND USE
Agricultural

ZONING A-1 Agricultural District

| | | |
|------|-------------------------|---|
| LRMP | Land Use | Rural Residential (Max. Density 0.65 DU/Ac) |
| | Roads | Wheeler Road is a Township Road classified as Minor Collector Roadway |
| | Trails | No trails are proposed along the subject property. |
| | Floodplain/ Wetlands | None |

REQUESTED ACTION Request for a variance to the required front yard setback for three accessory structures.

APPLICABLE REGULATIONS Section 7.01 G.2.b – A-1 Agricultural District – Site and Structure Requirements – Setbacks – Accessory Structures – One hundred (100) feet from a dedicated road right-of-way or one hundred and fifty (150) feet from the center line of all adjacent roads, whichever is greater.

Section 13.04 – Variation procedures and requirements



SURROUNDING LAND USE

| Location | Adjacent Land Use | Adjacent Zoning | LRMP | Zoning within ½ Mile |
|----------|------------------------------|-----------------|--------------------------|----------------------|
| North | Agricultural | A-1 | Rural Estate Residential | A-1 |
| South | Agricultural | A-1 | Rural Estate Residential | A-1 |
| East | Agricultural/ Residential | A-1 | Rural Residential | A-1 |
| West | Agricultural/ Farmstead | A-1 | Rural Estate Residential | A-1 |

GENERAL

The petitioners, Rodney and Patricia Wheeler, are requesting a variance to the required front yard setback for accessory structures to locate three (3) grain bin structures 107' from the centerline of Wheeler Road. This will encroach into the required front yard setback of 150' by forty-three (43) feet. The bins will be located on the north side of an existing grain leg and drying system which, according to the petitioner, is the only method of connecting to the drying system and grain leg. Nine (9) storage bins currently exist on site and the additional three (3) bins will reconfigure the placement of these bins by removing some of these existing bins. Based on the submitted site plan, it appears five (5) bins will be removed to accommodate the proposed bins.

Na-Au-Say Township

The Road Commissioner for Na-Au-Say Township has submitted a letter stating that he has no objection to the variance request.

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 listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*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 location of the existing grain leg and drying system prevents any future bins from being placed further back to meet the required 150' front yard setback. Meeting the requirement would require existing farmland to be utilized for the placement of the storage bins.***

*That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. **The proposed grains bins will be located so they are able to function with the existing drying system.***

*That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. **The existing grain leg and drying system was established prior to the requirement for additional grain bins to be located at least 150' from the centerline of the roadway.***

*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 grain bins are consistent with the existing agricultural uses in the area and will have minimal additional impact.***

*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 grain bins are for an agricultural use and meet all other required setback distances. The location is a sufficient distance away from public roadway intersections.***

RECOMMENDATION

Staff recommends approval of the variance request for the three proposed grain bin structures to be located 107' from the centerline of Wheeler Road.

ATTACHMENTS

1. Na-Au-Say Township Letter
2. Site Plan – Existing and Proposed



NA-AU-SAY
— T O W N S H I P —
"HEADWATERS OF THE AUX SABLE"

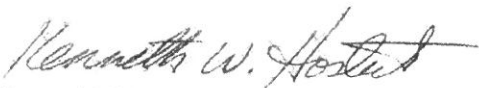
May 6, 2016

Rodney Wheeler
Patricia Wheeler
4202 Wheeler Road
Yorkville IL 60560

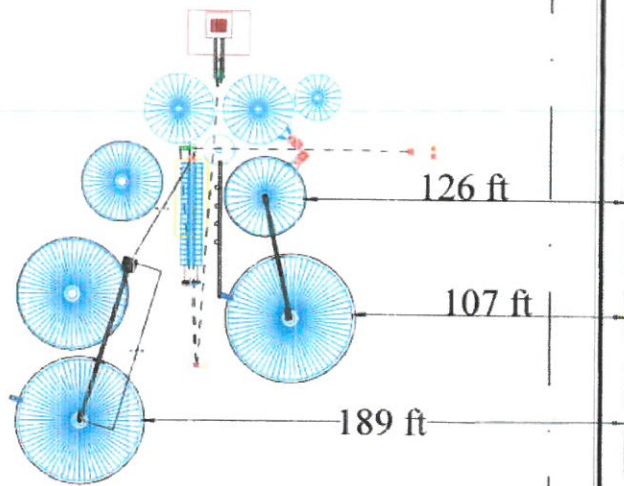
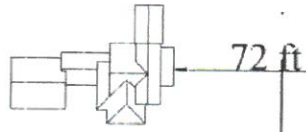
Mr. and Mrs. Wheeler:

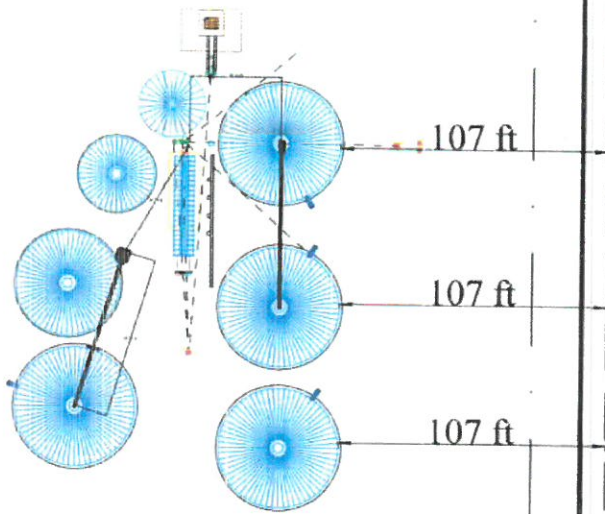
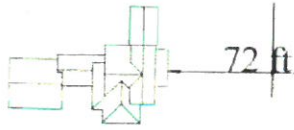
As Highway Commissioner of Na-Au-Say Township I have reviewed your request to place a grain bin no closer than 107 feet from the center of the road. This will place the bin well outside the road right of way and beyond our jurisdiction. Therefore, the Na-Au-Say Township Road District has no objection to your request. If you have any questions or concerns, please contact me at 630-878-2909.

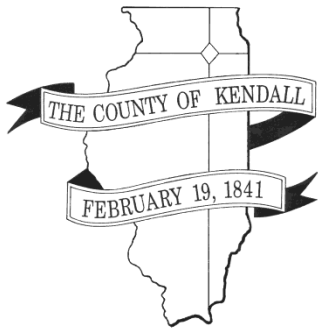
Sincerely,



Kenneth W. Hostert
Highway Commissioner
Na-Au-Say Township







DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 204

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

MEMORANDUM

To: Zoning Board of Appeals
From: John H. Sterrett
Date: May 31, 2016
Re: Proposed Dumpster Regulations

The Planning, Building, and Zoning Committee recently discussed potential requirements and restrictions regarding dumpsters in residential zoning districts to prevent the permanent placement of unscreened dumpsters on residential zoned properties. This topic was brought forward to the Committee after receiving complaints from residents about a dumpster on a property in an R-2 zoned subdivision. After discussion on the matter, the Committee felt that only dumpsters that are of a temporary nature for a specific timeframe and only for personal uses should be permitted to be located on residentially zoned properties. The Committee directed staff to draft provisions that deal with reasons and timeframes for what can be considered a temporary dumpster and for scenarios of when a property owner may have a dumpster on his or her property. The following are these scenarios as well as proposed provisions to be included in a potential text amendment to the Zoning Ordinance addressing dumpsters.

SCENARIOS

Two scenarios exist when a dumpster may be permitted in all residentially zoned properties on a temporary basis:

- 1) It is associated with an approved building permit for construction or remodeling of either a principal or accessory structure on a property. This does not include waste generated off-site.
- 2) It is for temporary use by property owners. Such uses are those that will generate waste on the property requiring a dumpster. This does not include waste generated off-site.

Section 3 of the Zoning Ordinance should be amended to include the following definitions:

Temporary Dumpster – Any refuse container 2 cubic yards or larger that is associated with an approved building permit for construction or remodeling of either a principal or accessory structure on a property. Temporary Dumpsters shall also include refuse containers 2 cubic yards or larger that are not associated with an approved building permit but are used by the property owners when it is located on a property not more than 30 days in a 90 day period and not more than 60 days within a 12 month period. Temporary Dumpsters shall not be used for waste generated off-site. This definition shall only apply to residentially zoned properties.

Permanent Dumpster – Any refuse container 2 cubic yards or larger that is not associated with an approved building permit or is located on a property for more than 30 days in a 90 day period or more than 60 days within a 12 month period. Permanent Dumpsters shall be prohibited in all residential districts. Permanent Dumpsters kept within an enclosed building are permitted in any zoning district.

DRAFT PROVISIONS

Section 4.19 (Temporary Uses Permitted) should be amended to outline the provisions below for Temporary Dumpsters in residential districts and specifically prohibit the use of permanent dumpsters.

Screening

Temporary Dumpsters are not required to be screened.

Setbacks

Temporary Dumpsters may encroach into a required yard setback and placed no closer than ten (10) feet from a property line. Temporary Dumpsters shall not encroach onto adjacent properties nor shall they encroach into a public right-of-way.

Pad Surface

Temporary Dumpsters shall be located in areas designed to allow adequate accessibility to service vehicles.

Duration

Temporary Dumpsters shall not be kept on any residential property for more than 30 days within a 90 day period and no more than 60 days within a 12 month period unless the dumpster is associated with a building permit for construction or remodeling of either a principal or accessory structure on a property. In cases when a Temporary Dumpster is associated with an open and approved building permit, the Temporary Dumpster shall be permitted to be located on the property for the duration of the building permit provided that it is removed from the property once the permit has received a final inspection approval, or the building permit has expired, whichever occurs first.

Penalties

Any residentially zoned property found to be in violation of these provisions shall be subject to violation proceedings of the Planning, Building, and Zoning Department. This shall include written notification to the property from the PBZ Department providing 14 days to correct the violation. If the violation persists after 14 days of the notice, the PBZ Department shall issue a second notice providing 10 days to correct the violation. If the violation persists after 10 days of the second notice, the matter shall be forwarded to the Office of the Kendall County State's Attorney to initiate legal proceedings.

The Zoning and Platting Advisory Committee recommended that the setback of ten (10) feet from a property line should be revised to five (5) feet. Please review these points for discussion at the Zoning Board of Appeals hearing on May 31st.

JHS