

**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**  
**Kendall County Office Building**  
**Rooms 209 and 210**  
**111 W. Fox Street, Yorkville, Illinois**  
**5:30 p.m.**  
**Meeting Minutes of January 25, 2022**

**CALL TO ORDER**

The meeting was called to order by Chairman Gengler at 5:31 p.m.

**ROLL CALL**

Committee Members Present: Elizabeth Flowers, Scott Gengler (Chairman), Judy Gilmour (Vice-Chairwoman), Dan Koukol, and Robyn Vickers

Committee Members Absent: None

Also Present: Matt Asselmeier (Senior Planner) and Brian Holdiman (Code Official)

**APPROVAL OF AGENDA**

Member Koukol made a motion, seconded by Member Flowers, to approve the agenda as presented. With a voice vote of five (5) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Gilmour made a motion, seconded by Member Flowers, to approve the minutes of the January 10, 2022, meeting with a correction to show that Member Flowers was present. With a voice vote of five (5) ayes, the motion carried.

**PUBLIC COMMENT**

None

**NEW BUSINESS**

*Discussion of Establishing Definitions of Landscaping Business and Excavating Business in the Zoning Ordinance; Committee Could Initiate Text Amendments Regarding These Terms*

Mr. Asselmeier presented proposed definitions.

For preparing the proposed definition of landscaping business, Staff used the definition found in the North American Industrial Classification System as published by the United States Census Bureau. The proposed definition of landscaping business is as follows:

“LANDSCAPING BUSINESS. A business engaged in providing landscape care and maintenance services and/or installing trees, shrubs, plants, lawns, or gardens and businesses primarily engaged in providing these services along with the design of landscape plans and/or the construction and installation of walkways, retaining walls, decks, fences, ponds, and similar structures.”

When considering a definition of excavating businesses, the North American Industrial Classification System grouped excavating businesses with other site preparing contractors including dirt movers, trenching, and foundation drilling. Also, the terms “excavating business” and “excavator” do not appear in the Zoning Ordinance. Accordingly, Staff proposes the following definition of excavating business:

“EXCAVATING BUSINESS. A business engaged in site preparation activities including grading, earthmoving, and land clearing and businesses that rent equipment for such purposes. For the purposes of this Ordinance, an excavating business shall be considered a contractors’ office or shop.”

Contractor and Contractor Offices and Shops are conditional uses in the B-2 and B-3 Districts and permitted uses in the M-1 and M-2 Districts. In the B-2 and B-3 Districts, all work and storage must be inside buildings.

Member Koukol made a motion, seconded by Member Vickers, to initiate the text amendment. With a voice vote of five (5) ayes, the motion carried.

The proposal goes to ZPAC on March 1, 2022.

*Discussion Regarding Establishing a Policy Requiring Applicants to the Planning, Building and Zoning Department to be Free of Debt to the County at the Time of Application Submittal*

Mr. Asselmeier provided a background on the request. He noted that similar background checks were occurring for applicants applying for American Rescue Plan Act funds. He stated that more people would get flagged when they apply for a building related permit, like a swimming pool or deck permit, than a zoning related permit. The Department would have to work with Administration to create a procedure to work with other departments to see if an applicant had a debt and how that type of review would impact permitting approval or denial timelines.

Member Koukol asked how frequently this arose. Mr. Asselmeier did not know how frequently this issue arose because the Department does not check this information. Mr. Asselmeier noted that Brighter Daze was delinquent on property taxes and Chairman Gengler felt a discussion was necessary.

Member Gilmour asked what types of background checks occurred with the American Rescue Plan Act funds. Member Koukol responded that the checks involved the Clerk’s Office, Treasurer, and Planning, Building and Zoning.

Member Gilmour asked about other possible debts. Mr. Asselmeier responded court imposed fines.

Member Flowers asked about zoning related fines. Mr. Asselmeier responded if someone was current on a payment plan established by the court, those owed funds would arguably not be a debt.

Member Koukol expressed concerns if someone had a partner that walked away from a project with debt, that debt could slow down someone else’s project.

Chairman Gengler felt applicants should be in good standing with the County because votes on proposals could change if a Petitioner was in debt to the County. Member Vickers concurred with Chairman Gengler.

Mr. Asselmeier will work with Administration to see how the procedure was established for the American Rescue Plan Act funds and see if that procedure can be adapted for Planning, Building and Zoning Department related reviews. The success will depend on how frequently other departments update their various lists and how shareable those lists might be.

Member Koukol suggested having applicants sign an affidavit stating they were current with the County, issue a permit, and check on the status of debts before the occupancy permit was issued.

Member Flowers wanted to make sure the policy accounted for people in compliance with a payment plan.

Member Koukol requested that Mr. Asselmeier inform the Committee if he receives objections from other departments. Mr. Holdiman noted the impact of delay if the Department has to wait for information from other departments.

The matter will be tabled until the research is complete.

*Discussion and Approval of a Policy Allowing the Public to Use the Computer System in the County Boardroom During Planning, Building and Zoning Related Meetings and Hearings*

Mr. Asselmeier summarized the issue. If parties want to display information on the television, they email the information to Mr. Asselmeier.

Member Vickers expressed concerns about the addition of viruses to the network. Member Flowers echoed those concerns.

Chairman Gengler favored people sending Mr. Asselmeier presentations or exhibits for display. Member Koukol concurred.

Mr. Asselmeier said the Department would have to work with IT to create a policy. Member Gilmour suggested checking with IT.

Member Vickers questioned if the system could be separated where members of the public could display information on the screens without having access to the system.

Member Flowers suggested having Countywide policy and that the Admin/HR Committee should discuss the matter at their meeting on February 7, 2022. Member Flowers made a motion, seconded by Chairman Gengler to forward the subject to Admin/HR. With a voice vote of five (5) ayes, the motion carried.

*Discussion of Hiring One Additional Code Enforcement Officer*

Mr. Asselmeier provided background information on the subject. He noted that a meeting occurred with representatives of Seward Township and they were open to having an intergovernmental agreement whereby they would pay a portion of the costs of having an additional code enforcement officer. Discussion occurred regarding the hours that the person would work, their work station, would the County do patrols, and the impact on support staff.

Member Gilmour asked about the number of violations in Seward Township. Mr. Holdiman responded that several investigations were underway, but the time it takes to conduct investigations is problematic with the current staff limitations.

The Committee reviewed the Code Officials job description.

Member Koukol noted that the person in this position would not be liked by people being investigated; having an office outside the Planning, Building and Zoning Office might be a better solution.

Chairman Gengler suggested having a person that could step up when Mr. Holdiman retires.

Chairman Gengler also had concerns about having an intergovernmental agreement with Seward Township or other parties.

Mr. Holdiman explained the existing agreements with Plattville and Millbrook.

Member Flowers favored having other entities assist with paying for a new position.

Mr. Holdiman questioned if the Department would continue to be complaint based. If the Department was going to start patrolling, a full-time person would be necessary. He also favored additional hours of the existing part-time person, if office space was available.

Chairman Gengler expressed concerns about multiple offenders. Mr. Asselmeier noted that repeat offenders were not given warnings before citations are issued. Mr. Holdiman noted that he does give extension, if he believes the situation will be resolved.

Discussion occurred about making the secretary a full-time position. Mr. Holdiman said a full-time secretary would be necessary if the Department was actively pursuing investigations.

Mr. Holdiman mentioned hiring a person that could do code enforcement and assist with zoning cases.

Member Koukol favored a complaint based system.

The current part-time inspector works ten (10) hours per week.

The suggestion was made to look at the existing job descriptions for the code official and part-time code official and see how the intergovernmental agreement developed. There would also be budgetary concerns.

A township could enforce county zoning regulations. Discussion occurred regarding a township accessing the State's Attorney's Office to prosecute cases.

Discussion occurred regarding the existing intergovernmental agreement with Yorkville for building inspection issues.

The concern was not immediate, unless the Department was directed to conduct active enforcement.

Member Koukol suggested waiting to see what transpires with Seward Township.

Member Flowers made a motion, seconded by Member Koukol, to table the matter until the research was complete. With a voice vote of five (5) ayes, the motion carried.

## **OLD BUSINESS**

### **Update on Special Use Permit Enforcement**

Mr. Asselmeier provided an update.

1. Ordinance 2004-24-Special Use Permit for a Church at 748 Jones Road

Issue: Condition 3 requires an annexation agreement with Shorewood.  
How Department Became Aware of Violation: Property is for sale.  
Current Status: Troy Fire Protection District is going through the special use process.

2. Ordinance 2005-06-Special Use Permit for a Church West of 8250 Route 71  
Issue: Condition 2 requires a pre-annexation agreement with Yorkville.  
How Department Became Aware of Violation: Property is for sale.  
Current Status: Closed; County Board approved revocation of a special use permit on January 18, 2022.
3. Ordinance 2005-37-Special Use Permit for a Landscaping Business at 5681 Whitewillow Road  
Issue: Condition 6 requires a right-of-way dedication  
How Department Became Aware of Violation: Property owner submitted a special use permit for a craft fair.  
Current Status: The County Highway Engineer is working with the property owner to complete the necessary documents for the dedication. It will take approximately two (2) months to complete all of the application documents.
4. Ordinance 2006-19-Special Use Permit for a Church at 8 West Rickard Drive  
Issue: Site to be developed in accordance with site plan, including a three foot (3') tall berm.  
How Department Became Aware of Violation: Church wanted to construct a fence on the property  
Current Status: A former Senior Planner approved a site plan without the berms in 2011. The Committee needs to discuss this matter.
5. Ordinance 2012-26-Special Use Permit for YPAC  
Issue: Condition 6 requires paved parking lot by 2014 with 28 parking spaces  
How Department Became Aware of Violation: YPAC approached County for financial assistance in 2018.  
Current Status: The owners of YPAC applied for ARPA Funds from the County and were told that they need to submit a time line for paving the parking lot; PBZ letter was returned as unclaimed.

Mr. Asselmeier read a letter from YPAC requesting until April 2023 to complete the paving. They would like to get the parking lot paved in Summer 2022. Mr. Asselmeier was in favor of granting an extension until April 2023. Discussion occurred regarding YPAC's application for American Rescue Plan Act funds and the amount of time necessary to get asphalt. The consensus of the Committee was that YPAC should pave the parking lot by the end of 2022 and a citation will be issued if it is not paved.

In addition to the above, Staff became aware of the following violation:

1. Ordinance 2014-21-Special Use Permit for Peaceful Pathways Montessori School at 8250 Route 71  
Issue: Condition 2 requires the gravel driveway to be paved with asphalt no later than May 15, 2017

How Department Became Aware of Violation: The Parcel ID number for the property was updated in 2021 and Staff discovered the condition.

Current Status: Request has been sent to the Petitioner's Attorney for a time line for paving the driveway; Petitioner has until February 18, 2022, to respond.

Regarding the special use permit for the church at 8 West Rickard Drive, the consensus of the Committee was not to pursue any action against the church based on the signed site plan.

*Review and Approval of Policy Regarding Code Enforcement in Cases Where Parties Are Pursuing Compliance Through Legislative or Administrative Means (Examples Include Text Amendments, Map Amendments, Special Use Permits or Variance Applications)*

Mr. Asselmeier summarized the request.

Since at least 2017, the Planning, Building and Zoning Department's understanding was that, in cases where parties were pursuing text amendments, map amendments, variances, special use permits, or other legislative or administrative approvals, the Department would not issue citations against these parties until a final legislative or administrative decision was made. The Department was aware that several months may be necessary in order reach final legislative or administrative decisions. The Department was also aware that courts historically layover such cases until final legislative or administrative decisions are made before rendering verdicts.

Since 2016, the following businesses and activities were allowed to operate while waiting for zoning approvals:

1. Delaney Gun Range at 16502 Church Road (Ceased After Special Use Permit was Withdrawn)
2. Jet's Towing at 790 Eldmain Road
3. Billboard at 34 and Hafenrichter (Special Use Permit Not Renewed Between 2004 and 2017)
4. 15331 Burr Oak Road (Special Use Permit Not Renewed Prior to 2018)
5. TZ Landscaping at 276 Route 52
6. Temporary Use Permit Renewal at 9211 Route 126
7. Pipe Strong at 17854 N. Wabena Road
8. Driveway in the Setback at 9261 Kennedy
9. Cox Landscaping at 9000 Route 34
10. Trucking Business at 3485 Route 126
11. Fence at 68 Saugatuck (Lowered after ZBA Denial)
12. Craft Fair at 5681 Whitewillow Road
13. Brighter Daze at 10978 Crimmin Road

A proposed policy outlining enforcement actions and warning periods was provided with an update exempting applications for major amendments to existing special use permits from the condition allowing businesses to continue operations.

Member Vickers made a motion, seconded by Member Gilmour, to approve the policy with the exemption related to amendments to special use permits. With a voice vote of five (5) ayes, the motion carried.

**COMMENTS FROM THE PRESS**

None

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

Member Flowers made a motion, seconded by Member Koukol, to adjourn. With a voice vote of five (5) ayes, the motion carried.

Chairman Gengler adjourned the meeting at 6:52 p.m.

Minutes prepared by Matthew H. Asselmeier, AICP, CFM, Senior Planner

Encs.

## Kendall County Job Description

**TITLE:** Code Official – Planning, Building and Zoning  
**DEPARTMENT:** Planning, Building and Zoning (PBZ)  
**SUPERVISED BY:** County Administrator  
**FLSA STATUS:** Non Exempt  
**APPROVED:** October 15, 2019

**I. Position Summary:**

Manages, coordinates, and conducts building related activities related to the Kendall County Zoning Ordinance and other applicable local, state and federal building and zoning regulations. Under general supervision, performs work of moderate difficulty in reviewing building permit applications, plan review and inspecting new and existing structures for compliance with all applicable codes, ordinances.

**II. Essential Duties and Responsibilities:**

- A. Explains, applies, and enforces the Kendall County Zoning Ordinance and all other applicable local, state and federal building and zoning codes, ordinances and regulations.
- B. Interprets and applies all provisions of the building, electrical, plumbing, and related codes and advises the Planning Building and Zoning Committee on building code matters.
- C. Enforces zoning, subdivision, flood plain, building, erosion control, storm water management, and related codes at county, state, and national levels.
- D. Performs plan reviews and inspections issues permits accordingly.
- E. Researches and updates pending building code revisions.
- F. Coordinates with the Office Assistant to schedule inspections and manage the inspection calendar.
- G. Coordinates outside plan reviewers to schedule and perform inspections in their absence.
- H. Consults with and advises property owners, builders, architects, engineers, attorneys, surveyors, to ensure project compliance. Responds to technical inquiries regarding code and ordinance interpretation.
- I. Issues building and sign permits.
- J. Reviews permit applications, plans, drawings, and other documents for completeness, accuracy, and code compliance.
- K. Performs final inspection of construction projects at completion and issues of certificates of occupancy.
- L. Conducts inspections of permitted construction such as setback, footing, foundation, backfill, framing, wiring, damage and determines safety.
- M. Inspects signs and fences for compliance with County building and zoning specifications.
- N. Conducts investigations of alleged violations such as non-permitted construction, excavation, trailers, dumping, signs, junk vehicles, and weeds, permitted signs and mobile homes, campground and building inspections.
- O. Evaluates the building code compliance process and provides recommendations for improvements to forms, scheduling, fees, record keeping, and other County building and zoning related procedures, which recommendations are given particular weight by the final decision-maker.
- P. Prepares and maintains records regarding and relating to all job duties performed by the Code Official including, but not limited to, inspection logs, photographs of violations, reports of findings, records of permits, plan reviews, inspections, etc.
- Q. Travels throughout Kendall County for zoning/code compliance purposes.
- R. Operates county vehicle and arranges for maintenance and repairs of said vehicle.
- S. Performs other duties as assigned by supervisor.
- T. Adheres to all work and safety policies.



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- U. Maintains regular attendance and is punctual.
- V. Attends conferences, seminars, training, meetings and prepares reports as needed.
- W. Follows government functions of development regulation and the role of the employee as a service provider.
- X. Maintain regular communication with his or her supervisor.

### III. Supervisory Responsibilities:

This job has no supervisory responsibility.

### IV. Qualifications:

To perform this job successfully, an individual must be able to perform all essential duties satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required for the position.

#### A. Language Skills:

- Ability to research, read, and interpret documents and simple instructions.
- Ability to prepare documents, reports, minutes, agendas, and correspondence.
- Ability to speak effectively with the public, employees, outside entities, vendors, and the County's elected officials in both a one-on-one and group settings.
- Requires proficiency in the English language, spelling, and grammar.

#### B. Mathematical Skills:

- Ability to add, subtract, multiply and divide in all units of measure, using whole numbers, common fractions, and decimals.
- Ability to compute rate, ratio, and percent and to draw and interpret bar graphs.

#### C. Reasoning Ability:

- Ability to apply common sense understanding to carry out instructions furnished in written, oral, or diagram form.
- Ability to deal with problems involving several concrete variables in standardized situations.
- Ability to analyze problems, identify alternative solutions, project consequences of proposed actions, and implement recommendations.
- Ability to evaluate situations and draw conclusions.

#### D. Skills, Knowledge and Abilities:

- Strong organization skills and attention to detail.
- Knowledge of zoning and related regulations and of the provisions of the County Zoning Ordinance.
- Knowledge of the principles and practices of construction, repair and land survey.
- Knowledge of construction, development regulations, and building plans, trades and codes including BOCA, CABO, National Electric Code, and others.
- Ability to comprehend complex code problems, to identify alternative solutions and prepare appropriate recommendations.
- Knowledge of building and property maintenance codes and ordinances.
- Ability to analyze and interpret plans and determine whether plans conform to the provisions of applicable codes and ordinances.
- Basic knowledge of the County geography.

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- Knowledge of applicable federal, state and local laws, rules, regulations, codes and/or statutes
- Ability to investigate code violation complaints.
- Ability to work with confidential information.
- Ability to establish and maintain effective working relationships with Department staff, other Departments, Elected Officials and others such as contractors and the general public.
- Ability to use MS Word Excel, Outlook, PowerPoint.
- Ability to manage projects and multiple priorities simultaneously.

**E. Education and Experience:**

- A minimum of a high school diploma or General Education Degree is required.
- A minimum of at least four (4) years in construction and building experience is required.
- A minimum of at least two (2) years building/code inspector experience is preferred
- Valid and current Illinois Driver's License and good driving record is required.
- All other licenses and certifications required to perform assigned job duties.
- Must obtain certification by ICC or a comparable organization as a qualified building official, or inspector of residential and non-residential structures during the probationary period.

**V. Physical Demands:**

While performing the duties of this job, the employee must be able to:

- Frequently sit for hours in meetings, office and/or a vehicle;
- Occasionally lift and/or move up to 40 pounds;
- Frequently lift and/or move up to 10 pounds.
- Stand and walk on uneven ground and at development sites;
- Use hands to finger, handle, or feel;
- Reach, push and pull with one and/or both hands and arms;
- Bend over at the waist and reach with one and/or both hands and arms;
- Climb and balance at development sites;
- Stoop, kneel, crouch, and/or crawl;
- Talk and hear in person and via use of telephone;
- Operate County vehicles and safety equipment;
- Specific vision abilities include close and distance vision, depth perception; and
- Travel independently to development sites, public hearings and other meetings and other locations both within and outside Kendall County, Illinois.

**VI. Work Environment:**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. While performing the duties of this job, the employee is subject to the following working conditions:

- Inside and outside environmental conditions.
- Will be exposed to driving and onsite construction conditions.
- The noise level in the work environment varies from quiet to noisy.
- The employee must be able to perform all assigned job duties during normal business hours and outside of normal business hours.
- Employee may be exposed to stressful situations while working with elected officials, consultants, attorneys, applicants, and the general public.

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- Employee may be required to provide own transportation to travel to and from meetings, training, conferences, etc.

By signing my name below, I hereby affirm that I received a copy of this job description.

\_\_\_\_\_  
Employee Receipt Acknowledgement & Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Supervisor

cc: personnel file, employee

\_\_\_\_\_  
Date



January 21, 2022

Kendall County PB&Z Department:

We are writing to you because we were recently notified that we have an outstanding issue with the PB&Z Department. This came up 2 weeks ago when we applied for a small business grant from Kendall County for COVID relief and were first made aware of this issue. In 2014, as a part of our special use and zoning agreement from 2012, we were to have the parking lot at the time and entrance from Route 47 paved for our business location at 2161 State Route, 47, Yorkville, IL 60560. We apologize for the oversight in this as we agreed to have this done some time ago.

We would like to share that the entrance from Route 47 was paved a few years ago and the parking area in front of the building was previously paved. What is left is the area we expanded into on the property to create additional parking by having a large gravel area installed by an excavator. The graveled area has served us well over the years and we have it graded twice a year and new gravel added once a year.

In order to have time to set aside funds or obtain a loan for the purpose of paving the remaining parking lot area we ideally are looking at a timeline of having this done in April of 2023. We would like to have it done as soon as this summer of 2022. However, we are concerned about finances which have been severely impacted by the COVID pandemic. Our first priority is to stabilize our business and it's services to the community. By clearing up this issue with the PB&Z Department it will allow us to hopefully obtain the pending Kendall County grant available via the American Rescue Plan Act. Which will in turn help us stabilize our business and then make building and property improvements including the paving of the parking lot.

Thank you for your leniency thus far and understanding of our needs and challenges as a small business in Kendall County. And we submit this to you as what we hope is an acceptable resolve to the outstanding issue.

Sincerely,

Brian and Emily Weber, Owners

2161 Route 47 - Yorkville, Illinois 60560 - (630) 553-6433

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