

**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**

***Kendall County Office Building***

***Rooms 209 and 210***

***111 W. Fox Street, Yorkville, Illinois***

**6:30 p.m.**

**Meeting Minutes of April 11, 2022**

**CALL TO ORDER**

The meeting was called to order by Chairman Gengler at 6:30 p.m.

**ROLL CALL**

Committee Members Present: Scott Gengler (Chairman), Judy Gilmour (Vice-Chairwoman), Dan Koukol (Arrived at 6:31 p.m.), and Robyn Vickers

Committee Members Absent: Elizabeth Flowers

Also Present: Matt Asselmeier (Senior Planner), Dan Kramer, Brian Watkins, Judd Lofchie, Miguel Angel Fernandez, and Jose Martinez

**APPROVAL OF AGENDA**

Member Gilmour made a motion, seconded by Member Vickers, to approve the agenda as presented. With a voice vote of three (3) ayes, the motion carried.

**APPROVAL OF MINUTES**

Member Vickers made a motion, seconded by Member Gilmour to approve the minutes of the March 7, 2022, meeting.

Member Koukol arrived at this time (6:31 p.m.).

With a voice vote of four (4) ayes, the motion carried.

**PUBLIC COMMENT**

None

**EXPENDITURE REPORT**

The Committee reviewed the expenditure report from March 2022.

**PETITIONS**

*Petition 22-08 Jonathan A. Bieritz on Behalf of JB Architecture Group, Inc. and Eric and Lisa Weires (Property Owners)*

Mr. Asselmeier summarized the request.

A five foot (5') public utility and drainage easement exists on the east and west lot lines of Lots 12 and 13 in the Grove Estates Subdivision (7327 and 7301 Fitkins Drive, Oswego) in Na-Au-Say Township.

Eric and Lisa Weires would like to merge the two (2) lots and construct a new house over the easements.

The application materials and the plat of vacation were provided.

The properties were approximately one point five (1.5) acres and the vacation area was approximately five hundredths (0.05) of an acre.

The property was zoned RPD-2 and was wooded.

Fitkins Drive is a local road maintained by Na-Au-Say Township.

There were no trails, floodplains, or wetlands on the property.

The adjacent land uses are wooded lots.

The adjacent properties were zoned RPD-2.

The Future Land Use Map calls for the area to be Rural Residential (max 0.65 du/acre).

The zoning districts within one half (1/2) mile are A-1 and RPD-2.

Na-Au-Say Township was emailed information on March 22, 2022.

The Village of Oswego was emailed information on March 22, 2022.

The Oswego Fire Protection District was emailed information on March 22, 2022. Mr. Asselmeier read an email from the Oswego Fire Protection District expressing no objections to the request.

ZPAC reviewed the proposal at their meeting on April 5, 2022. It was clarified that no existing utilities were located inside the easements. ZPAC recommended approval of the proposal by a vote of six (6) in favor and zero (0) in opposition with four (4) members absent. The minutes of the meeting were provided.

Staff requested that the Petitioners provide information stating that none of the utilities were in opposition to the request. The Petitioners provided emails from Comcast and Comed stating these utilities had no opposition to the requested vacation. These emails were provided.

The homeowners' association submitted an email, which was provided, stating they were not in opposition to this request.

WBK Engineering submitted a letter expressing no objections to the request. This letter was provided.

Staff recommended approval of the requested vacation with the following conditions:

1. Lots 12 and 13 of Grove Estates Subdivision shall not be sold as individual lots upon the successful recording of the plat of vacation. Within ninety (90) days of the effective date of this ordinance, the Petitioners shall submit a parcel consolidation request to Kendall County.
2. This vacation shall become effective upon the successful recording of the plat of vacation in the timeframe outlined in Section 7.06.H of the Kendall County Subdivision Control Ordinance unless an extension is granted by the Kendall County Board.

Member Koukol made motion, seconded by Member Gilmour, to recommend approval of the proposal.

With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the County Board on April 19, 2022, on the consent agenda.

### **NEW BUSINESS**

Request from Lee Legler Construction & Electric, Inc. and Sherry and Sean Smith for a Refund of an Unused Building Permit for a Generator in the Amount of One Hundred Ten Dollars (\$110) at 6217 Legacy Circle, Yorkville (PIN: 05-12-277-007) in Kendall Township

Mr. Asselmeier summarized the request. The property owner did not want to install the generator and the County had not expended any funds on this project.

Member Gilmour made motion, seconded by Member Vickers, to approve the refund.

With a voice vote of four (4) ayes, the motion carried.

Request from Brian Watkins on Behalf of Peaceful Pathways Montessori School for an Extension of the Requirement Contained in Condition 2 of Ordinance 2014-21 for Paving the Gravel Driveway at 8250 Route 71, Yorkville (PIN: 05-03-200-027) in Kendall Township

Mr. Asselmeier provided an email from Attorney Dan Kramer requesting an extension.

Brian Watkins stated that he thought the requirement had not been included in the special use permit. He was agreeable to paving the handicapped parking space during the summer of 2022.

Attorney Dan Kramer discussed the finances of the organization and suggested giving the Petitioner one (1) year to pave the handicapped space and decide whether or not to pursue an amendment to the special use permit.

Member Koukol made motion, seconded by Member Gilmour, to approve granting an extension until April 30, 2023.

With a voice vote of four (4) ayes, the motion carried.

Request for Guidance Regarding Violations to the Building Code (Driveway and Parking Pad Installed Without a Permit), Violation of the Zoning Ordinance (Operating a Landscaping Business on A-1 Zoned Property Without a Special Use Permit), and Violations to the Kendall County Junk and Debris Ordinance at 1038 Harvey Road (PINs 03-12-100-004 and 03-12-100-013) in Oswego Township; Committee Could Direct Staff to Issue New, Additional Citations

Mr. Asselmeier summarized the request.

On January 13, 2020, after a several month long investigation, the Planning, Building and Zoning Committee voted to forward alleged violations of various ordinances that occurred at the subject property to the Kendall County State's Attorney's Office for prosecution. Thirteen (13) months later in February 2021, the court fined the property owners Thirty-Two Thousand Dollars (\$32,000). Since that time, collection of the fines has not occurred because the property owners filed a motion to vacate the fine and the court was conducting a discovery of assets to determine if the property owners had the means to pay the fines.

The County was also hoping that the property owners would submit the necessary applications for a special use permit and variances at the subject property. On December 9, 2021, the

necessary applications were completed and submitted to the County. The application requested a special use permit for a landscaping business, a variance to allow a driveway within five feet (5') of the southern property line, and a variance to allow a landscaping business on a non-State, County, or Collector Road as identified in the Kendall County Land Resource Management Plan.

In January 2022, the Kendall County Regional Planning Commission did not have a quorum at their meeting. In February 2022, the Kendall County Regional Planning Commission requested the property owners submit either approval of the access location of the southern driveway from the Village of Oswego or a plat of survey showing the access point and southern driveway were at least five feet (5') north of the southern property line. The Village of Oswego was the access permitting authority for this portion of Harvey Road. Neither the Petitioners nor their Attorney attended the March Kendall County Regional Planning Commission meeting and the item remained tabled.

On April 1, 2022, the Planning, Building and Zoning Department inspected the subject property; related pictures were provided. The property owners appear to be operating a landscaping business, junk and debris appears visible, and new gravel appears on the driveway. No permit was obtained to install the driveway.

The property owners have applied for and received a permit for the existing deck around their swimming pool and they moved two (2) accessory structures out of the required setback on the northern portion of the property.

Information related to the special use permit and variance applications can be found here, <https://www.co.kendall.il.us/home/showpublisheddocument/22267/637842239153300000>.

In light of the Planning, Building and Zoning Department's Policy for Code Enforcement in Cases Where Applicants Are Pursuing Legislative and Administrative Remedies dated January 25, 2022, the Department requests guidance on how to proceed with this matter. In particular, the Department requests guidance on the following:

1. Should new, additional citations be issued at this property for illegal operation of a landscaping business without a special use permit, illegal placement of a driveway and parking pad without a permit, and junk and debris violations.
2. If the new, additional citations are issued, should the Department give the property owner a thirty (30) day warning notice to remedy the issues.

Attorney Judd Lofchie explained that the property owners originally hired a different attorney. They thought their original attorney was handling the situation. The property owners were attempting to get into compliance by securing the applicable special use permit, variances, permits, and moving structures out of the setback.

Discussion occurred regarding the size of the property.

Discussion occurred regarding the location of the southern driveway in relation to the southern property line.

Discussion occurred regarding the County's special use permit and variance procedures. Assuming no other delays occurred, the proposal would be back at Planning, Building and Zoning Committee on May 9, 2022.

The consensus of the Committee was not to pursue new, additional violations related to the special use permit or driveway at this time.

Chairman Gengler made motion, seconded by Member Gilmour, to require the property owners to cleanup and organize the junk and debris on the property within ten (10) days from April 12, 2022. With a voice vote of four (4) ayes, the motion carried.

### **OLD BUSINESS**

None

### **REVIEW VIOLATION REPORT**

The Committee reviewed the violation report.

### **REVIEW NON-VIOLATION REPORT**

The Committee reviewed the non-violation report.

### **UPDATE FOR HISTORIC PRESERVATION COMMISSION**

*Recommendation for a Proclamation Declaring May Historic Preservation Month in Kendall County*  
Mr. Asselmeier provided a proposed proclamation. He noted that the Historic Preservation Commission had not yet reviewed the proclamation.

The proposal goes to the Historic Preservation Commission on April 18, 2022.

### **REVIEW PERMIT REPORT**

The Committee reviewed the report.

### **REVIEW REVENUE REPORT**

The Committee reviewed the report.

### **CORRESPONDENCE**

None

### **COMMENTS FROM THE PRESS**

None

### **EXECUTIVE SESSION**

Member Vickers made a motion, seconded by Member Koukol, to enter into executive session for the purposes of reviewing minutes of meetings lawfully closed under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21)).

The votes were as follows:

Yeas (4): Gengler, Gilmour, Koukol, and Vickers

Nays (0): None

Abstain (0): None

Absent (1): Flowers

The motion carried.

The Committee recessed at 7:51 p.m.

Chairman Gengler called the Committee back to order at 7:53 p.m.

### **ROLL CALL**

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

Committee Members Absent: Elizabeth Flowers

Also Present: Matt Asselmeier (Senior Planner)

### **NEW BUSINESS**

Approval to Release Executive Session Minutes of April 11, 2022

Member Vickers made a motion, seconded by Member Gilmour, to recommend approval of the release of the Executive Session Minutes of April 11, 2022.

With a voice vote of four (4) ayes, the motion carried.

The proposal goes to the County Board on April 19, 2022, on the consent agenda.

### **ADJOURNMENT**

Member Vickers made a motion, seconded by Member Gilmour, to adjourn. With a voice vote of four (4) ayes, the motion carried.

Chairman Gengler adjourned the meeting at 7:54 p.m.

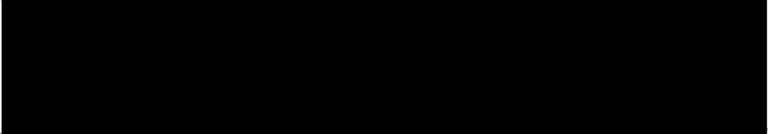
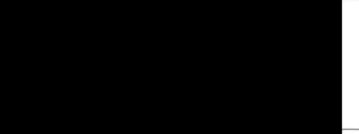
Minutes prepared by Matthew H. Asselmeier, AICP, CFM Senior Planner

Enc.

4

**KENDALL COUNTY  
PLANNING, BUILDING, & ZONING COMMITTEE  
APRIL 11, 2022**

IF YOU WOULD LIKE TO BE CONTACTED ON FUTURE MEETINGS REGARDING THIS TOPIC, PLEASE PROVIDE YOUR ADDRESS OR EMAIL ADDRESS

NAME	ADDRESS (OPTIONAL)	EMAIL ADDRESS (OPTIONAL)
Jodd Lafchie		

## Matt Asselmeier

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**From:** Alec Keenum <akeenum@oswegofire.com>  
**Sent:** Tuesday, April 5, 2022 2:34 PM  
**To:** Matt Asselmeier  
**Subject:** [External]RE: Kendall County Zoning Petition 22-08

CAUTION - This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Matt,

The Oswego Fire Protection has no questions or comments regarding this petition.

Regards,

Capt. Alec J Keenum  
Fire Marshal  
Oswego Fire Protection District

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**From:** Matt Asselmeier <masselmeier@co.kendall.il.us>  
**Sent:** Tuesday, April 5, 2022 1:36 PM  
**To:** Alec Keenum <akeenum@oswegofire.com>; FireChief <firechief@oswegofire.com>; Rod Zinner <rzenner@oswegoil.org> <rzenner@oswegoil.org>; Brad Blocker <bblocker@currancontracting.com> <bblocker@currancontracting.com>; Rebecca Wheeler <r\_wheeler03@hotmail.com> <r\_wheeler03@hotmail.com>; Pam Wynne <pswynne626@gmail.com>; ttouchette@oswegoil.org  
**Cc:** Scott Koeppel <skoeppel@co.kendall.il.us>; Scott Gengler <sgengler@co.kendall.il.us>  
**Subject:** Kendall County Zoning Petition 22-08

To All:

The Kendall County Planning, Building and Zoning Committee will meet on Monday, April 11, 2022, at 6:30 a.m., in the County Boardroom, at 111 W. Fox Street, Yorkville, to review the following Petition.

- Petition 22 – 08 – Jonathan A. Bieritz on Behalf of JB Architecture Group, Inc. and Eric and Lisa Weires (Property Owners)**  
**Request:** Plat of Vacation of the Five Foot Drainage and Utility Easements Located on East Property Line of Lot 12 and the West Property Line of 13 in Grove Estates Subdivision  
**PINs:** 06-08-150-001 and 06-08-150-002  
**Location:** 7327 and 7301 Fitkins Drive, Oswego in Na-Au-Say Township  
**Purpose:** Petitioners Want to Construct a House Over the Easements; Property is Zoned RPD-2

Petition information is attached.

If you have any questions or comments regarding this Petition, please let me know.

Thanks,



**KENDALL COUNTY PLANNING, BUILDING & ZONING COMMITTEE**  
*Kendall County Kendall County Office Building*  
*Rooms 209 & 210*  
*111 W. Fox Street, Yorkville, Illinois*  
**6:30 p.m.**  
**Executive Session Minutes of April 11, 2022**

**CALL TO ORDER**

The executive session was called to order by Chairman Scott Gengler at 7:52 p.m.

**ROLL CALL**

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

Committee Members Absent: Elizabeth Flowers

Also Present: Matt Asselmeier (Senior Planner)

The purpose of this executive session was to review minutes of meetings lawfully closed under the Illinois Open Meetings Act (5 ILCS 120/2(c)(21)).

The Committee reviewed the minutes from the following meetings:

December 19, 2016

August 7, 2017

The consensus of the Committee was to release the minutes of April 11, 2022. The other minutes shall remain confidential for personnel reasons.

Motion by Member Vickers, seconded by Member Gilmour, to adjourn executive session.

The votes were as follows:

Yeas (4): Gengler, Gilmour, Koukol, and Vickers

Nays (0): None

Abstain (0): None

Absent (1): Flowers

Chairman Gengler adjourned the executive session at 7:53 p.m.

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