

ORDINANCE NUMBER 2023- 13

**REVOKING A SPECIAL USE PERMIT FOR A SPECIALTY GIFT STORE GRANTED BY
ORDINANCE 2009-25 AT 7275 ROUTE 34 PARCEL IDENTIFICATIN NUMBER 02-14-452-005
IN BRISTOL TOWNSHIP**

WHEREAS, Section 13:08 of the Kendall County Zoning Ordinance permits the Kendall County Board to issue special use permits and place conditions on special use permits and provides the procedure through which special use permits are granted; and

WHEREAS, Section 13:08.F of the Kendall County Zoning Ordinance permits the Kendall County Board to revoke special use permits if the special use has not been in operation for two continuous years and provides a procedure through which special use permits are revoked; and

WHEREAS, the property which are the subject of this Ordinance has been, at all relevant times, and remains currently located within the R-3 One-Family Residential Zoning District and consists of the property identified by Parcel Identification Number 02-14-452-005 and addressed as 7275 Route 34, Oswego in Bristol Township. The legal description for the subject property is set forth in Exhibit A attached hereto and incorporated by reference, and this property shall hereinafter be referred to as “the subject property”; and

WHEREAS, Janell Collier petitioned Kendall County in the manner required by law and the ordinance of Kendall County, Illinois for obtaining a special use permit for the operation of a specialty gift store on the subject property in 2009; and

WHEREAS, the Kendall County Board granted a special use permit through Ordinance 2009-25 at the subject property on July 21, 2009 for the operation of a specialty store; and

WHEREAS, Condition #1 of Ordinance 2009-25 requires that the special use permit be subject to annual inspections; and

WHEREAS, the business operating at the subject property closed on or about January 1, 2021; and

WHEREAS, on or about November 2021, Luis D. Hernandez and Claudia Menendez Del Valle purchased the subject property; and

WHEREAS, on January 9, 2023, the Kendall County Planning, Building and Zoning Committee voted to initiate the revocation of the special use permit for a specialty gift store on the subject property and shall hereinafter be referred to as “Petitioner”; and

WHEREAS, following due and proper notice by publication in the Kendall County Record on April 6, 2023, the Kendall County Zoning Board of Appeals conducted a public hearing on May 1, 2023, at 7:00 p.m., in the County Office Building at 111 W. Fox Street in Yorkville, at which the Petitioner’s representative presented evidence, testimony, and exhibits in support of the requested special use permit revocation and zero members of the public testified in favor or in opposition; and

WHEREAS, based on the evidence, testimony, and exhibits, the Kendall County Zoning Board of Appeals has made their Findings of Fact and recommended approval of the revocation of the special use permit for a specialty gift store at the subject property as set forth in the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, dated May 1, 2023, a true and correct copy of which is attached

State of Illinois
County of Kendall
hereto as Exhibit B; and

Zoning Petition
#23-01

WHEREAS, the Kendall County Planning, Building and Zoning Committee of the Kendall County Board has reviewed the testimony presented at the aforementioned public hearing and has considered the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has forwarded to the Kendall County Board a recommendation of approval of the requested revocation of a special use permit for a specialty gift store at the subject property; and

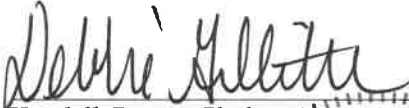
WHEREAS, the Kendall County Board has considered the recommendation of the Planning, Building and Zoning Committee and the Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals, and has determined that said petition is in conformance with the provisions and intent of the Kendall County Zoning Ordinance; and

NOW, THEREFORE, BE IT ORDAINED, BY THE COUNTY BOARD OF KENDALL COUNTY, ILLINOIS, as follows:

1. The Findings of Fact and Recommendation of the Kendall County Zoning Board of Appeals attached hereto as Exhibit B is hereby accepted and the Findings of Fact set forth therein are hereby adopted as the Findings of Fact and Conclusions of this Kendall County Board.
2. The Kendall County Board hereby revokes the special use permit for a specialty gift store and related sign variance granted by Ordinance 2009-25.
3. The Zoning Administrator and other appropriate County Officials are hereby authorized and directed to amend the Official Zoning Map of Kendall County to reflect the revocation of the special use permit granted by Ordinance 2009-25.

IN WITNESS OF, this ordinance has been enacted by a majority vote of the Kendall County Board and is effective this 16th day of May, 2023.

Attest:



Kendall County Clerk
Debbie Gillette



Kendall County Board Chairman
Matt Kellogg

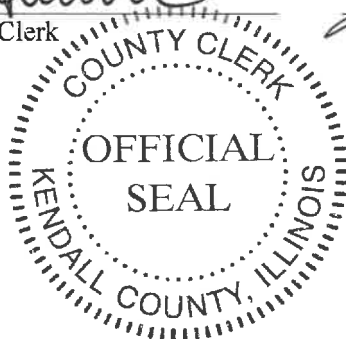


Exhibit A

Lot 118 of Lynwood Subdivision, Extension 6, in the Township of Bristol, in Kendall County,
Illinois

Exhibit B

The Kendall County Zoning Board of Appeals approved the following Findings of Fact and Recommendation at their meeting on May 1, 2023, by a vote of seven (7) in favor and zero (0) in opposition:

FINDINGS OF FACT

*In any case where a special use has not been established within two (2) years from the date of granting thereof, then, the County Board may revoke the special use, or if the special use has been discontinued for a continuous period of two (2) years, the County Board may revoke the special use. **Based on the fact that the existing business closed in January 2021 and that no business has operated at the subject property since the previous business closed, the special use has been discontinued for a continuous period of two (2) years.***

RECOMMENDATION

Approval