



**MONTHLY ZONING AND PLANNING REPORT**  
May 14, 2024 – County Services Committee

**ACTIONS COMING FROM THE ZONING BOARD OF APPEALS**

1. Petition No. 24-P-1623 by Petitioner Irish Eyes Farms, LLC, regarding PINs 16-01-13-100-001 and 16-01-14-200-003, located in Palmyra Township. The parcel is currently zoned Ag-1, Rural/Agricultural District. Petitioner is requesting a Special Use Permit for the purpose of a 5 MW Commercial Solar Energy Facility (community solar).
2. Petition No. 24-P-1624 by Richard Humphrey, Jr. and Brenda Humphrey, regarding part of PIN 18-08-13-100-006, located in South Dixon Township. The parcel is currently zoned Ag-1, Rural/Agricultural District. Petitioner is requesting an Accessory Special Use Permit for the purpose of Skilled Trades (Offsite Services Only)/parking of refuse trucks and equipment.

**ACTIONS GOING TO THE ZONING BOARD OF APPEALS**

1. Petition No. 24-P-1625 by Ameresco Lee County RNG, LLC, regarding PINS: 12-14-12-200-007, 12-14-01-200-005, 12-14-01-100-003, 12-14-01-100-002, 12-14-01-100-005, 18-08-35-400-002, 18-08-35-300-001, 18-08-34-400-002, 18-08-33-400-001, 18-08-34-300-006, 18-08-34-300-008, 18-08-34-300-014, 18-08-33-400-005, and 18-08-33-300-001. The parcels are zoned Ag-1, Rural/Agricultural District and are located in Marion and South Dixon Townships. Petitioner is seeking a Special Use Permit for the purpose of constructing and operating a private pipeline.
2. Petition No. 24-P-1626, by Michael Doughty and Tammy Doughty, regarding PIN 16-07-06-200-012, commonly known as 88 Palmyra Road, Sterling, Illinois, located in Palmyra Township. The parcel is zoned Ag-1, Rural/Agricultural District. Petitioners are seeking a variance from Title 10, Chapter 9, Section 3: Bulk Regulations, specifically side/rear yard setback, for the purpose of constructing an accessory structure.

**ACTIONS COMING FROM THE PLANNING COMMISSION – None**

**ACTIONS GOING TO THE PLANNING COMMISSION**

1. Petition No. 24-PC-76 by Lee County Zoning Office, a petition to amend the text of Title 11: SUBDIVISION, FLOOD CONTROL AND STORM WATER MANAGEMENT, Chapter 3: FLOOD CONTROL, of the Lee County Code of Ordinances. The proposed text amendment, if approved, will update the existing code so that is compatible with the requirements of the National Flood Insurance Program.

**OTHER ACTIONS FROM THE ZONING OFFICE**

Enforcement of the Lee County Revised Zoning Ordinance is a major function of the Zoning Department. We have spent the last several months developing processes for addressing potential violations. When the Zoning Department is made aware of a possible zoning violation, we investigate by driving by the property



and/or sending out a generic letter to the property owner of record, informing them of a possible zoning violation, and requesting they contact the Zoning Department within seven (7) days of the date of the initial letter. A sample letter has been attached as Attachment A.

If the property owner of record does not contact the Zoning Department, then a determination of violation will be made without a statement from the owner. If the owner does respond, the Zoning Department will ask them questions to determine if the possible violation is in fact a violation.

If no violation is determined, then the process ends. If a violation is determined to be present, then a Notice of Violation will issue to the property owner of record, with instructions for remediating the violation, any fines being applied as a result of the violation and instructions on how to appeal the determination. A sample Notice of Zoning Violation has been attached as Attachment B.

The process is similar for the Junk & Abandoned Vehicle Program. This program is a joint effort between the Zoning Department and the Sheriff's Department. This process is initiated by the Zoning Department. Jared Yater, who is subcontractor for the Zoning Department and the Assessment Office, is deployed to the location of possible junk/abandoned vehicles where he takes photographs from the roadway, that are provided to the Zoning Department. The Zoning Department then sends a letter to the property owner of record, asking them to remove the junk/abandoned vehicles from the property within seven (7) days of the date of the initial letter or to contact Jared to establish a plan for removing the vehicles. The property owner of record may also contact the Zoning Administrator to dispute and/or discuss the allegations. A sample Junk & Abandoned Vehicle letter has been attached as Attachment C.

If you, as a County Board Member, receive calls from constituents that are upset about receiving a letter, please reach out to the Zoning Department to discuss why a letter was sent and what action we are seeking from the property owner. You may be able to assist in working with the property owner to remediate the violation(s).

I would also like to address the issue of shipping containers in Lee County. Under the current Revised Zoning Ordinance, a shipping container would fall under the category of "Inventory and Materials Storage, Outdoors," which is an accessory use that requires a Special Use Permit in the Agricultural, Commercial and Industrial Districts. This means that in order to place a shipping container on a property in any of these districts, there must be an established Principal Use existing on the property and the owner must petition the County for a Special Use Permit. "Inventory and Material Storage, Outdoors" is not allowed in any Residential District.

Shipping Containers can also be a temporary use in Lee County, which would require a Temporary Use Permit. This would allow the container to stay on the property for 90 days, without having to obtain a Special Use Permit. Conditions for the container can be included in the Temporary Use Permit.

More often than not, the County is seeing that shipping containers are being used as accessory structures (storage). Many people believe this is a zoning and tax loophole because the container is not a building and not affixed to the property. This is a misconception because the term "Development," does not require that a structure be affixed to the property, nor do the tax laws. Therefore, it is my position that if a property owner wishes to use a shipping container as an accessory structure, then they will need to obtain a building permit, comply with bulk regulations for the district and be subject to taxation should the Chief County Assessment Officer choose to do so.

The Zoning Department is contemplating further regulations regarding shipping containers including setbacks to neighboring residences and a limitation on the number allowed per parcel.



*Zoning/Planning Department*  
*Alice Henkel, Zoning/Planning Administrator*  
*Laura Mangrum, Deputy Zoning/Planning Administrator Elect*

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During the month of April 2024, the Zoning Office processed fifty-eight (58) building permits. Permit fees in the amount of \$6,904.15 were collected.



May 1, 2024

Attachment A

Lee County Property Owner  
1234 Abe Lincoln Way  
Anytown, IL 00000

Re: Possible Zoning Violation(s) at 1234 Abe Lincoln Way, Anytown, Illinois  
PIN: 00-00-00-000-000

Mr. Property Owner,

This office is investigating whether a zoning violation has occurred at the above-referenced parcel. Please contact this office no later than **May 8, 2024**, to discuss the complaint received by this office. If I do not hear from you, I will have no choice but to make a determination of compliance without your statement.

Thank you,

Alice Henkel  
Zoning Administrator



# Attachment B

Zoning/Planning Department  
Alice Henkel, Zoning/Planning Administrator  
Laura Mangrum, Deputy Zoning Administrator

815-288-3643 leecountvil.com

## NOTICE OF ZONING VIOLATION

**Notice Date:** May 10, 2024

**Parcel Identification No. (PIN):** 00-00-00-000-000

**Common Address:** 1234 Abe Lincoln Way, Anytown, IL 00000

**Current Zoning District:** Ag-1 Rural/Agricultural District

**Owner(s) of Record:** Lee County Property Owner

**Current Tenant(s):** (if applicable)

**Violation(s):** **1. Operation of an Automobile Graveyard in the Ag-1, Rural/Agricultural District.**

Pursuant to Title 10, Chapter 9, Section 1 (Principal, Special, Temporary, Restricted Uses) of the Lee County Code:

*An Automobile Graveyard is only allowed as a Restricted, Special Use in the I-3, Heavy Industrial District.*

Pursuant to Title 10, Chapter 1, Section 4 (Rules and Definitions) of the Lee County Code:

*AUTOMOBILE GRAVEYARD: Any lot or building which is maintained, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined or dismantled motor vehicles or trailers, not in running condition, or parts thereof, and not being restored to operation, excluding storage of scrap for subsequent manufacturing process on the same lot, providing such use is permitted in the zoning district in which the facility is located as a principal or special use.*

*Pursuant to the Lee County Code, the term "Vehicle" means every vehicle which is self-propelled or propelled by electric power, not operated on rails, which is defined*



as a "motor vehicle" under the Illinois vehicle code (625 ILCS 5/1-100 et seq.). The term shall include anything that possesses a Vehicle Identification Number (VIN) and shall include but not be limited to cars, trucks, motorcycles, boats, recreational vehicles, campers, trailers, all-terrain vehicles (ATV), utility task vehicles (UTV), and snowmobiles.

## **2. Operation of a Junkyard in the Ag-1, Rural/Agricultural District.**

Pursuant to Title 10, Chapter 9, Section 1 (Principal, Special, Temporary, Restricted Uses) of the Lee County Code:

*A Junkyard is only allowed as a Restricted, Special Use in the I-3, Heavy Industrial District.*

Pursuant to Title 10, Chapter 1, Section 4 (Rules and Definitions) of the Lee County Code:

*JUNKYARD: A lot and any buildings thereon which are maintained, operated, or used for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills, unless authorized pursuant to the county solid waste management plan as amended from time to time. A junkyard does not include a scrap processing facility located within a district permitting its operation as a principal or special use.*

*JUNK: Any old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled or wrecked motor vehicles, trailers or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk also includes, but is not limited to, motor vehicles, tires, vehicle parts, equipment, glass, bottles, plastics, building materials, household appliances, brush, and wood or lumber when not covered or stacked and stored off of the ground.*



### **3. Operation of Tire Disposal and Recycling in the Ag-1, Rural/Agricultural District.**

Pursuant to Title 10, Chapter 9, Section 1 (Principal, Special, Temporary, Restricted Uses) of the Lee County Code:

*Tire Disposal and Recycling is only allowed as a Restricted, Special Use in the I-3, Heavy Industrial District.*

### **4. Conducting Inventory or Materials Storage (Outdoors) in the Ag-1, Rural/Agricultural District without a Special Use Permit.**

Pursuant to Title 10, Chapter 9, Section 2 (Accessory Uses) of the Lee County Code:

*Inventory or Material Storage (Outdoors) is only allowed in the Ag-1, Rural/Agricultural District with a Special Use Permit.*

### VIOLATION SUMMARY

The Lee County Zoning Office has received numerous complaints regarding the use of 1234 Abe Lincoln Way, Anytown, Illinois, PIN 00-00-00-000-000, since April 2020. This office has been provided photographic evidence of the accumulation of junk, automobiles, scrap and tires being stored outdoors on the property. This office also has photographic evidence of junk, automobiles, scrap and tires being hauled onto the property by the truckload.

### CORRECTIVE ACTION REQUIREMENT(S)

1. Contact the Lee County Zoning Administrator within 14 days of the date of this letter to establish a Corrective Action Plan.
2. The operation of an Automobile Graveyard shall cease immediately. No additional Vehicles shall be brought onto the property.
3. The operation of a Junkyard shall cease immediately. No additional Junk shall be brought onto the property.



4. The operation of Tire Disposal and Recycling shall cease immediately. No additional tires shall be brought onto the property.
5. The operation of Inventory or Materials Storage (Outdoors) shall cease immediately. No additional inventory or materials shall be stored outdoors on the property.
6. If you fail to establish a Corrective Action Plan pursuant to Corrective Action Requirement No. 1, the following shall apply:
  - a. All inoperable and/or abandoned vehicles currently on the property shall be removed from the property within 45 days of the date of this Notice.
  - b. All Junk, as defined by the Lee County Revised Zoning Ordinance, shall be removed from the property within 90 days of the date of this Notice.
  - c. All tires shall be removed from the property within 30 days of the date of this Notice.
  - d. All materials currently being stored outdoors on the property will either need to be removed or placed in a legally permitted structure that is in compliance with the Lee County Revised Zoning Ordinance within 90 days of the date of this Notice.

#### PENALTY

Pursuant to Title 10, Chapter 2A, Section 5 of the Lee County Code:

- A. The county, or any person or entity particularly aggrieved, may enforce the rules and regulations set forth in this title, or imposed as a condition to the grant of any variation, special use permit, or any other permit provided for in this title in any court of law or administrative tribunal having jurisdiction over the matter or the violation.
- B. The zoning enforcement officer may levy a fine of not more than five hundred dollars (\$500.00) a day against any person, firm or corporation, their agents, employees, or contractors who violate, disobey, omit, neglect, or refuse to comply with, or who resist enforcement of this title, and each day a violation continues shall constitute a separate offense. The zoning enforcement officer may also elect to refer any such violations to the state's attorney for prosecution as a misdemeanor punishable by imprisonment for not more than six (6) months, the imposition of fines, or both. (Ord. 06-05-002, 6-21-2005)





*Zoning/Planning Department  
Alice Henkel, Zoning/Planning Administrator  
Laura Mangrum, Deputy Zoning Administrator*

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Failure to comply with the Corrective Action Requirements stated above will result in a fine of **\$100.00 per day** until all violations have been remediated. Any fines collected will be used to offset the cost of any County-driven efforts to remediate the zoning violations.

APPEAL

If you would like to appeal this Determination, you may file a Petition for Appeal with the Lee County Zoning Office, to be heard and decided by the Lee County Zoning Board of Appeals. The Petition for Appeal must be placed on file within 30 days of the date of this Notice and shall be heard within 45 days of its filing.

Signed,

Alice Henkel  
Zoning Administrator

c: Charley Boonstra, Lee County State's Attorney (via email)



# Attachment C

Zoning/Planning Department  
Alice Henkel, Zoning/Planning Administrator  
Laura Mangrum, Deputy Zoning Administrator

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May 9, 2024

VIA CERTIFIED & REGULAR, FIRST-CLASS MAIL

Lee County Property Owner  
1234 Abe Lincoln Way  
Anytown, IL 00000

**NOTICE TO OWNER OF ORDINANCE VIOLATION**

**Parcel Identification Number (PIN): 00-00-00-000-000**  
**Common Address: 1234 Abe Lincoln Way, Anytown, IL 00000**  
**Zoning District: AG-1/ Rural Residential**

Pursuant to Title 5, Chapter 5, Article A, Section 2 (Vehicles and Nuisances/Inoperable Vehicles) of the Lee County Code, any inoperable motor vehicle, whether on public or private property, in view of the general public is hereby declared to be a nuisance and shall not remain in view of the general public for more than seven (7) days from the time at which it first became inoperable.

It has come to our attention that there are several vehicles\* on your property identified as PIN 00-00-00-000-000, commonly known as 1234 Abe Lincoln Way, Anytown, Illinois, that appear to be abandoned and/or inoperative and in view of the general public. The Lee County Sheriff's Office and Lee County Zoning Office have successfully enforced this ordinance across the entire county without fines, court appearances, or an expense to the property owner.

Pursuant to the Lee County Code, you will need to remove the vehicles from the view of the general public by **May 16, 2024 at 4:30 p.m.**, by either placing the vehicles in an existing structure on your property or by removing them from the parcel.

If you would like to dispute this notice or have general questions about this notice, please contact Zoning Administrator Alice Henkel, at (815) 288-3643.

If you need assistance removing the vehicles from your property, please contact Jared Yater, at (815) 440-6539, prior to May 16, 2024, at 4:30 p.m., as he has been authorized by Lee County to complete the salvage certificate forms and/or provide you the paperwork that would allow a legally operating salvage facility to remove the vehicles for you. There is typically little to no cost to you as the property owner for this process.

If you fail to contact the myself or Mr. Yater and do not correct the violation by the above-referenced date, your case will be turned over to the Lee County Sheriff's Department for further enforcement and it shall result in the following penalties and may ultimately require your appearance in the court of law:



A. General Penalty: Any person violating any provision of this chapter shall, upon conviction thereof, be fined one hundred dollars (\$100.00) for the first offense in a calendar year, and two hundred dollars (\$200.00) for each subsequent offense in a calendar year. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such.

B. Failure To Pay Fines, Charges And Costs: Whenever any resident of the state fails to pay any fine, charge, or cost imposed for a violation of this chapter, the circuit clerk may notify the secretary of state, on a report prescribed by the secretary, and the secretary shall prohibit the renewal, reissue, or reinstatement of the resident's driving privileges until the fine, charge, or cost has been paid in full. The circuit clerk shall provide notice to the driver, at the driver's last known address as shown on the court's records, stating that the action will be effective on the forty-sixth (46<sup>th</sup>) day following the date of the above notice if payment is not received in full by the court of venue.

Notice by: \_\_\_\_\_  
Alice Henkel, Zoning Administrator

Date of Notice: \_\_\_\_\_

\* Pursuant to the Lee County Code, the term "vehicle" means every vehicle which is self-propelled or propelled by electric power, not operated on rails, which is defined as a "motor vehicle" under the Illinois vehicle code (625 ILCS 5/1-100 et seq.). The term shall include anything that possesses a Vehicle Identification Number (VIN) and shall include but not be limited to cars, trucks, motorcycles, boats, recreational vehicles, campers, trailers, all-terrain vehicles (ATV), utility task vehicles (UTV), and snowmobiles.