

**Lee County Board
Dixon, Illinois**

RESOLUTION NO. _____

**A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR THE ACCESSORY
USES OF SKILLED TRADES (OFFSITE SERVICES ONLY) PURSUANT TO
ORDINANCE NO. 2023-08-002.**

(Humphrey)

WHEREAS, a Petition for the granting of a Special Use Permit for the accessory use of Skilled Trades (Offsite Services Only) under Lee County Ordinance No. 2023-08-002, on real estate described in Exhibit “A,” attached hereto and made a part hereof (hereinafter sometimes referred to as “Subject Realty”), has been filed with the Lee County Zoning Office as Petition No. 24-P-1624 (hereinafter referred to as “Petition”), by Richard Humphrey, Jr. and Brenda Humphrey (hereinafter referred to as “Petitioners”); and

WHEREAS, the Zoning Board of Appeals of Lee County (hereinafter referred to as “Zoning Board of Appeals”) held public hearings on said Petition on May 2, 2024, in accordance with the law; and

WHEREAS, proper Notice of the filing of the Petition and of the impending May 2, 2024, ZBA hearing was published in the Dixon Telegraph on April 17, 2024; and

WHEREAS, United States Postal Service Certified mailings of the same Notice were sent by the Petitioners to real estate property owners whose properties would be adjacent to the proposed Project’s boundaries with such mailings being postmarked on April 16, 2024; and

WHEREAS, timely notice was posted at the main entrance of the Subject Realty and along the fencerow adjacent to US Route 52 on April 17, 2024; and

WHEREAS, the Petitioners and Interested Parties were given the chance to present evidence, including witnesses and exhibits, cross-examine the witnesses of others, and to present a closing argument, statement, or public comments; and

WHEREAS, the Zoning Board of Appeals has made, and the County Board affirms, the Report & Findings of Fact and Recommendation, which is attached hereto as Exhibit “B” and made a part hereof; and

WHEREAS, the County Board of the County of Lee has received the recommendation of the Zoning Board of Appeals and has duly considered said recommendation; and

NOW, THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF THE COUNTY OF LEE, ILLINOIS, as follows:

SECTION 1. That the *Lee County Revised Zoning Ordinance*, as amended, and as set forth in the Zoning District Map as described therein and on file in the Office of the County Clerk, is hereby amended by the granting of a Special Use Permit for Skilled Trades (Offsite Services Only) (as defined by Lee County Ordinance No. 2023-08-002, and hereafter referred to as “Special Use”) on the Subject Realty, including the operation of Midwest Disposal. The aforesaid Special Use for Skilled Trades shall be conducted in accordance with the provisions of *Lee County Revised Zoning Ordinance*, as amended, subject to such variations, exceptions, and/or conditions as are hereinafter set forth.

Section 2. That the Subject Realty may be developed in accordance with the applicable Ordinance of the County, as are now in effect, except as specifically modified and/or varied below:

- A. Sunset provision. Should the Subject Realty or business (identified as Midwest Disposal) transfer ownership, the special use permit shall become null and void upon transfer to any new owner.
- B. Storage of garbage disposal trucks. All garbage disposal trucks must be stored indoors.

SECTION 3. That the Petition for the granting of a Special Use Permit for Skilled Trades, as requested in Zoning Petition No. 24-P-1624 (Humphrey) be (**approved/denied**), with the aforementioned modifications and/or variances, by the Lee County Board.

_____ **PASSES AND APPROVED** by the County Board of the County of Lee, Illinois, this _____ day of June, 2024.

_____ **FAILS AND DENIED** by the County Board of the County of Lee, Illinois, this _____ day of June, 2024.

AYES:	
NAYS:	
ABSENT:	
ABSTAIN:	
HOLDING OFFICE:	

BY: _____
Lee County Board Chairman

ATTEST:

BY: _____
Lee County Clerk

Attachment A

Real property located in the County of Lee State of Illinois, more particularly described as follows:

Parcel 1: Part of the West half (W1/2) of the Northwest quarter (NW 1/4) of section (13), township twenty-one (21) north, range nine (9) East of the fourth Principal Meridian, Lee County Illinois, described as follows:

Beginning at the centerline of McGirr Rd which borders the Northerly Boarder of the property line travel south 1350'Ft parallel with Red Brick Rd to starting point; thence easterly 600 feet; Thence Southerly 900 feet parallel with the Westerly boundary; Thence Westerly 600 feet parallel with Northern boarder to the center line of Red Brick Road; Thence Northerly 900 feet parallel with Red Brick Road to the northerly starting point. Parcel contains approximately 12.64 acres. Commonly known as 1556 Red Brick Road Dixon, IL 61021.

Exhibit A

TO THE LEE COUNTY BOARD

LEE COUNTY, ILLINOIS

FROM THE LEE COUNTY ZONING BOARD OF APPEALS

Regarding: Petition for Special Use Permit, Petition Number 24-P-1624,

For Skilled Trades (Offsite Services Only) in Lee County, Illinois

filed by Richard Humphrey, Jr. and Brenda Humphrey

REPORT & FINDINGS OF FACT AND RECOMMENDATION

Adopted from the proceedings on May 2, 2024.

1. PETITIONER, PETITION, PROJECT, NOTICE, FACILITATOR, PROCESS, WITNESSES, EXHIBITS, CLOSING STATEMENTS AND PUBLIC COMMENTS:

The Lee County Zoning Board of Appeals (hereinafter ZBA), as authorized by Lee County Ordinance 2023-08-002, herein finds as follows:

A. On April 2, 2024, Richard Humphrey, Jr. and Brenda Humphrey (hereinafter referred to as "Petitioner"), filed a Petition for Special Use Permit, which is numbered 24-P-1624, for the purposed of Skilled Trades (Offsite Services Only)/parking of refuse trucks and equipment, situated in South Dixon Township in Lee County, Illinois (hereinafter, the "Petition") with the Lee County Zoning and Planning Office.

B. Notice.

1. Proper notice of the filing of the Petition and of the impending public hearing before the ZBA was published in the *Dixon Telegraph* on April 17, 2024.
2. United States Postal Service Certified mailings of the same Notice were sent to real estate property owners whose properties are adjacent to the proposed Project's boundaries, postmarked April 16, 2024; and
3. Lee County Zoning and Planning Administrator, Ms. Alice Henkel, supplemented the above Notices as follows:
 - a. By way of a digital agenda, uploaded and posted to the Agenda Center of the Lee County website for dates May 2, 2024; and
 - b. Posting the agenda on the County Board Chairman's bulletin board in the Old Lee County Courthouse on April 17, 2024 and

- c. A timely notice was posted at the main entrance of the Subject Realty and along the fencerow adjacent to US Route 52 on April 17, 2024.

C. Initial Session.

1. On the evening of Thursday, May 2, 2024, the Public Hearing, beginning at 7:00 p.m., was initially announced by ZBA Chairman Bruce Forster in the former courtroom on the third floor of the Old Lee County Courthouse.

D. Process.

1. The Lee County ZBA finds that the public hearing began and concluded on May 2, 2024, after approximately 1 total hour of hearing time.
2. The Lee County ZBA finds:
 - a. Through the auspices of the Lee County IT Department and Lee County Zoning and Planning Office, Interested Parties were provided the opportunity to participate in the Hearing remotely and virtually by either video or teleconferencing via the video communication platform ZOOM using a computer, telephone, or similar communication device at a location of their choosing.
 - b. The Lee County ZBA finds that at any given time, there were six Interested Parties that appeared in person and two persons on ZOOM.
 - c. Interested Parties could always remotely view and listen to the proceedings in near real time, or later in the recorded mode, on a YouTube feed and there were no technical interruptions.
 - d. Interested Parties can rewatch the Hearing, which was recorded and uploaded to the Lee County Account on YouTube; and
 - e. The entirety of the Hearing proceedings was taken down by a certified shorthand reporter and subsequently transcribed. Transcripts of all testimony, arguments, public comments, and ZBA discussion will be available at the Lee County Zoning and Planning Office
3. The Lee County ZBA finds that, over the course of the first public hearing stage, everyone, including the Petitioner and Interested Parties had any chosen to attend, were given a complete and fair opportunity to be heard; and
4. The Lee County ZBA finds that everyone, including the Petitioner and Interested Parties had any chosen to attend, were given the chance to present evidence, including witnesses and exhibits, cross-examine the witnesses of others, and to present a closing argument, statement, or public comment; and
5. During the ZBA hearing Interested Parties, had any chosen to attend, were offered opportunity to comment.

- E. Witnesses.** The ZBA finds that three individuals took the witness stand, were placed under oath or affirmation, and testified. Sworn witnesses, in order of appearance, including a summary of their testimony, were as follows:

1. Richard Humphrey, Jr. was sworn in and testified that his family owns Midwest Disposal. For the last two to three years, garbage disposal trucks for Midwest Disposal have been parked at the Subject Realty. Since the business is growing, they would like to come into compliance so they can continue to use the Subject Realty for parking of the trucks, as well as service and repairs. The special use permit would not apply to the entire property, only the approximate 12 acres described in the legal description submitted with the petition for special use permit. Some garbage containers would also be stored on the property. It is the Petitioner's intention to store the garbage disposal trucks outdoors.
2. Richard Topper was sworn in and testified that he has concerns about this proposed use will affect his property values. He said that since they have been using the Subject Realty for the parking of their trucks, he has had to deal with constant garbage disposal truck traffic, the noise of the trucks, the smell of the refuse on occasion and litter. He is opposed to the use and feels an isolated, industrial-zoned location would be more appropriate.
3. Brandon Hudson was sworn in and testified that he owns the church that is located at the corner of Red Brick Road and US Route 52, east of the Subject Realty. He currently leases the building to a congregation and will be doing so for the next two years. He has concerns about how the proposed special use would impact his tenants and their growth, also with the character of the neighborhood.
4. There were no other sworn witnesses.
5. The ZBA also finds that the following individuals and Interested Parties were permitted, without limitation, the opportunity to make closing statements or public comments. The following Interested Parties spoke about the Petition:
 - a. Brandon Hudson spoke in opposition to the proposed special use.
 - b. Richard Topper spoke in opposition to the proposed special use.
 - c. Brent Mitchell spoke in opposition to the proposed special use.
6. The ZBA further finds that the testimony offered by each sworn witness is fairly and accurately reflected in the transcript of proceedings taken by the Court Reporter at the public hearing. The transcript of proceeding is formally adopted herein.

F. Applicable Ordinance

1. The Specific Lee County Ordinance. On August 24, 2023, the Lee County Board Chairman signed into law an Ordinance regulating skilled trades (the "Ordinance") passed by the County Board, as Ordinance No. 2023.08.002, which would then be the provisions specifically applicable to the Petition at issue which has been codified.
2. Other Applicable Ordinances. The ZBA finds that also in place, at the time of the Petition and continuing thereafter, certain provisions of the Lee County Ordinance "Performance Standards," and "Special Exceptions, Variations and Non-conforming uses" remain applicable to the Petition unless expressly supplanted by the Skilled Trades Ordinance (#2023-08-002)

G. Evidentiary Findings of Fact required by Lee County Ordinance

After duly considering the sworn testimony presented at public hearing, the members of the ZBA hereby finds:

1. The Petitioner testified that his son, Derek who is one of the owners of Midwest Disposal, resides at the Subject Realty.
2. The Petitioner testified that all services provided by the business will be performed offsite.
3. Petitioner testified that one employee of Midwest Disposal will be at the Subject Realty during business hours to answer the phone for the business.
4. The Petitioner testified that no retail of goods will occur at the Subject Realty.
5. The Petitioner testified that the Subject Realty is not open to the general public in relation to Midwest Disposal.
6. The Petitioner testified that there will be no manufacturing or assembly equipment at the Subject Realty; nor will there be combustible, chemical, or hazardous materials.
7. The Petitioner testified that there will be no odors, fumes, radiation nor noise that will emanate from the business.
8. Even though Ordinance 2023-08-002 states, "No "Inventory or Materials Storage, Outdoors" may be permitted in relation to the business without first applying for a special use permit," the Petitioner testified that it is his intent to store the garbage disposal trucks outdoors.

At this time the ZBA affirmatively notes that it has duly considered the testimony of the witnesses, sworn in and who offered testimony, all exhibits admitted into evidence, and the comments of the public that were received during the public hearing. The ZBA has duly considered all of this information and the totality of all information presented before the ZBA. The ZBA has duly considered the provisions of the County Ordinances. Based on this it is hereby concluded:

9. **The effect of the proposed use upon the character of the neighborhood.** The ZBA found that there will be a small amount of change to the character of the neighborhood, as trucks are visible and there will be occasional odor from the trucks.
10. **The effect of the proposed use upon traffic conditions.** The ZBA found that there will be a minimal increase in traffic due to business vehicles and personal vehicles.
11. **The effect of the proposed use upon public utility facilities.** The ZBA found that there would be no change.
12. **The effect of the proposed use upon public health, public safety, and/or general welfare.** The ZBA found that there will be limited effect upon public health, public safety and/or general welfare.
13. **The effect of the proposed use upon the surrounding properties.** The ZBA found that there are five residences within the line-of-site of the Subject Realty that could be affected by the proposed special use.

14. **The effect of the proposed use upon environmental concerns.** The ZBA found that there are potential environmental concerns due to possible refuse in the trucks or cleaning trucks.

H. Recommendations to the Lee County Board

After due consideration of the totality of the evidence presented at Public Hearing, the ZBA finds that Petitioners have provided evidence of compliance with all the requirements of the relevant Lee County Ordinance and as such recommends to the Lee County Board that the Petition of Richard Humphrey, Jr. and Brenda Humphrey for Special Use be approved.

I. Recommendations to the Lee County Board for Conditions of the Special Use if Petition Approved

The ZBA recommends to the Lee County Board, if Richard Humphrey, Jr. and Brenda Humphrey's Petition for Special Use is approved, that Petitioners are expected to comply with all provisions of the Code, including but not limited to the following conditions:

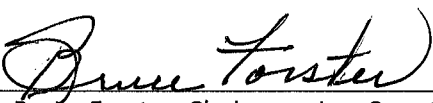
a. Sunset provision.

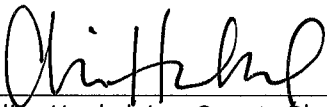
Should the Subject Realty or business (identified as Midwest Disposal) transfer ownership, the special use shall become null and void upon transfer to any new owner.

b. Storage of garbage disposal trucks.

All garbage disposal trucks must be stored indoors.

Respectfully submitted,

Dated: 13 May 2024 
Bruce Forster, Chairman, Lee County
Zoning Board of Appeals

Attest:
Dated: 5/13/24 
Alice Henkel, Lee County Planning & Zoning
Administrator