

STATE OF ILLINOIS )

TO THE LEE COUNTY ZONING BOARD OF APPEALS

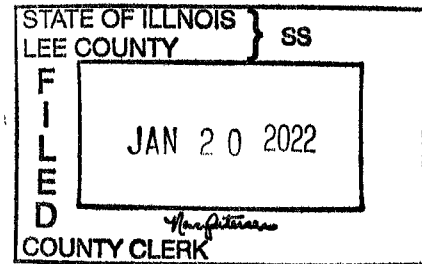
COUNTY OF LEE )

IN RE THE APPEAL OF THE FINAL )  
DECISION AND DETERMINATION OF )  
THE LEE COUNTY ZONING )  
ADMINISTRATOR DATED )  
JANUARY 18, 2022, )

REGARDING )

DUSTIN BURMEISTER )  
306 CROPSEY AVENUE )  
DIXON, ILLINOIS 61021 )

PETITION NO. 22-P-1589



**APPEAL OF LEE COUNTY ZONING ADMINISTRATOR'S FINAL DECISION AND DETERMINATION DATED JANUARY 11, 2022**

NOW COMES the Appellant, Dustin Burmeister ("Burmeister") by and through his attorney, Courtney E. Kennedy of Ehrmann Gehlbach Badger & Considine, LLC, and appeals the Lee County Zoning Administrator's Final Decision and Determination dated January 11, 2022. In support of his his appeal ("the Appeal), Burmeister states as follows:

1. This Petition is brought pursuant to Section 10-2B-2 of the Lee County Zoning Ordinance.
2. Burmeister is the owner of record for the real property commonly known as 306 Cropsey Avenue, Dixon, Lee County, Illinois, referenced as PIN: 07-08-06-377-018 ("the Property").
3. On or about January 11, 2022, the Lee County Zoning Administrator sent a Notice of Final Decision and Determination ("the Determination") to Burmeister declaring the Property in violation of the Lee County Zoning Ordinances. A copy of the Notice is attached hereto as Exhibit A and incorporated herein by reference.
4. Burmeister disputes the allegations and findings contained within the Notice and further disputes the Lee County Zoning Administrator's decision regarding same.

WHEREFORE, the Appellant Dustin Burmeister respectfully requests:

A. the Zoning Board of Appeals of Lee County, Illinois, to set a date, time and place for a hearing on Burmeister's Appeal; and

B. the Zoning Board of Appeals of Lee County, Illinois, to reverse the Lee County Zoning Administrator's Final Decision and Determination Dated January 11, 2022.

Dated this 19<sup>th</sup> day of January, 2022.

Respectfully submitted,

DUSTIN BURMEISTER, Appellant

By EHRMANN GEHLBACH BADGER & CONSIDINE, LLC

By   
\_\_\_\_\_  
Courtney E. Kennedy

Courtney E. Kennedy  
Ehrmann Gehlbach Badger & Considine, LLC  
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EXHIBIT     A    

Zoning/Planning Department  
Dee Duffy, Zoning/Planning Administrator

www.leecountyil.com

Notice Date: January 11, 2022

Subject: **SECOND NOTICE OF ZONING VIOLATION** - Commercial activity conducted in R-2 Single Family Residential District

Property: PIN 07-08-06-377-018, 306 Cropsey Avenue, Dixon Illinois

Zoning: R-2 Single Family Residential District

Property Owner: Dustin Burmeister  
413 E Fourth Street  
Dixon, Illinois 61021

Dear Mr. Burmeister:

On November 12, 2020, you were notified by certified letter that the activities occurring at 306 Cropsey Avenue, Dixon ("Property") were in violation of provisions to the Lee County Zoning Ordinance as the storage of landscape waste is not permitted in an R-2 Single Family Residential District. This first notification requested that you cease all activity related to this violation and contact the Lee County Zoning Office to discuss the specific steps you needed to take to bring this violation into compliance. While some of the offensive activities ceased at the Property, you failed to take actions to bring the entire property into compliance with the Lee County Zoning Ordinance.

On December 29, 2021, this office visually witnessed that you have resumed hauling truckloads of woodchips and tree logs at an increased rate onto your Property.

**IMMEDIATE CORRECTIVE ACTION REQUIRED**

Please be advised that upon receipt of this letter, you must immediately cease any and all activity related to the storage of landscape waste at the Property and begin removing said landscape waste, including but not limited to all woodchips and tree logs, from the Property. Be advised that the Illinois Department of Agriculture has banned landscape waste from landfills, therefore, the landscape waste, woodchips and tree logs at your Property must be hauled to a licensed compost facility.

You will have thirty (30) days from the day you received this letter to remove any and all landscape waste, including but not limited to all woodchips and tree logs, from the Property. This office will be conducting visual inspections of the Property during that time to monitor your progress. Additional time to correct the violation may be granted so long as substantial efforts have been made within the initial thirty (30) days to remedy the violation.

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Be advised that pursuant to Section 10-2A-5(b) of the Lee County Zoning Ordinance, any person, corporation or other entity who violates any of the provisions of the zoning ordinance of the Lee County Code shall be guilty of a petty offense punishable by a fine not to exceed five hundred dollars (\$500.00), with each day the violation remains uncorrected constituting a separate offense. In addition, willful, wanton and/or repeated violations of this title may be referred to the state's attorney for prosecution as a misdemeanor.

**10-2A-5: PENALTIES:**

*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.*



Zoning/Planning Department  
Dee Duffy, Zoning/Planning Administrator

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*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)*

The determination by the Lee County Zoning Administrator that you are in violation of the Zoning Ordinance is a final decision. You may appeal the violation decision to the Lee County Zoning Board of Appeals within ten (10) days of receipt of this letter. However, the appeal will not permit you to continue the violation.

Sincerely,

A handwritten signature in black ink that reads "Dee Duffy". The signature is written in a cursive style with a large, stylized "D" and "F".

Dee Duffy  
Lee County Zoning Administrator

cc: Lee County State's Attorney Charley Boonstra  
Lee County Sheriff John Simonton

Certified Mail # 7020 1810 0001 0247 6092 (Dustin Burmeister)