



COUNTY OF KANE

DEVELOPMENT & COMMUNITY SERVICES DEPARTMENT

Kane County Government Center
719 S. Batavia Ave, Geneva, IL 60134 - Building A | (630) 232-3485

PETITION SUMMARY

MTG DATE: **February 3, 2026** *(Continued from October 14, 2025)*

TO: Kane County Zoning Board of Appeals

FROM: Keith Berkhout, Zoning Planner

SUBJECT: **Petition No. 4671 “Karwowski Interim Special Use Permit”**

GENERAL INFORMATION

APPLICANT

Patrycja Karwowski

REQUESTED ACTION

A Five Year Interim Special Use Permit in the F-Farming Zoning District to allow for a small construction business on the property

SUBJECT PROPERTY

19N310 Boyer Road, Dundee Township (03-06-300-010)

Board District: 23 Chris Kious

PROJECT DESCRIPTION

Request for a Five-Year Interim Special Use to allow for equipment related to a small construction business to be located on the central portion of the property. A Five Year Interim Special Use was approved for the same use in 2017. This Interim Special Use expired in 2022.

SUBMITTAL DOCUMENTS

An application requesting the Special Use was received on April 10, 2025. All received application documents for Petition 4671 are available for review on the [Pending Zoning Petitions](#) page of the Kane County Website.

PUBLIC NOTICE

A Notice Letter was sent to all adjacent property owners within 250' of the subject property on September 26, 2025. Notice was published in the Daily Herald newspaper on September 27, 2025. And, a public hearing sign was posted on the subject property on September 25, 2025.

In addition to adjacent property owners, notice of this Zoning Application was also sent to: Kane County planning, zoning, and water resources staff, the Kane County Health Department, and the Kane County Division of Transportation (KDOT), Kane County Board member Chris Kious, Kane County Sheriff Ron Hain, the Kane County Forest Preserve, Dundee Township Supervisor and Highway Commissioner, the Villages of Algonquin, Gilberts & Carpentersville, School District 300, and the Rutland Dundee Fire Protection District.

REVIEW & ANALYSIS

ZONING

The subject property is currently zoned F-Farming District. The adjacent properties to the north, south, and west are also zoned F-Farming District; there are properties to the north which within the corporate limits of Algonquin. There is a Special Use a few properties to the south for a commercial solar facility.



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Kane County Zoning Ordinance Section 25-8-1-2 (Special Uses in the F-Farming District) provides the following:

CC. In order to utilize land, lots, buildings or structures, which might remain unused or unoccupied by uses otherwise permitted in this district, an "interim special use" may be established in accordance with the requirements set forth in section 25-4-8 of this chapter. In addition to the standards set forth in subsections 25-4-8-2 A through F of this chapter, the interim special use must be compatible with the character and intensity of other structures and uses permitted in this district. In its recommendation to the County Board, in addition to the standards set forth in subsections 25-4-8-2 A through F of this chapter, the Zoning Board of Appeals shall also find that the proposed interim special use would be compatible with other uses permitted in this district. An interim special use shall be authorized for a limited period of time only, not to exceed five (5) years.

The Kane County Board on February 14, 2017 passed an ordinance granting an Interim Special Use Permit to allow for a small construction business on a portion of the property located at 19N310 Boyer Road. The interim Special Use was granted with the following stipulations:

1. No more than three (3) trucks and trailers may be stored on the property.
2. No more than four (4) shipping containers may be used for storage on the property.
3. Landscape screening shall be installed along the northern side of the property within 6 months of the granting of the Interim Special Use.
4. The petitioner is currently in violation of the Kane County Stormwater Ordinance and the Zoning Ordinance. If approved, the petition shall be conditionally permitted for one year. If the petitioner is in compliance with the Kane County Stormwater Ordinance within one year from the date of approval of this petition, the interim special use shall be permitted for an additional 4 years. If the petitioner is not in compliance with the Kane County Stormwater Ordinance within one year of approval of this petition, the interim special use approval is terminated and the owner must cease the business use.
5. The Interim Special Use is only granted to the petitioner and terminates upon sale or lease of the property or business to any other party.

The Interim Special Use expired on February 14, 2022.

Subject Property:



FUTURE LAND USE

This property is located under an area designated as Resource Management. This is a land use category that supports municipal and County compact, mixed use growth opportunities while emphasizing wise management of land and water resources. The Resource Management category applies primarily to land within the Critical Growth Area. Planned land uses within the Resource Management category can accomplish the goals of both municipal and County land use plans. It is important to emphasize that much of the growth in the Resource Management category will be the result of municipal annexations and land use decisions and, to a lesser extent, approval by the County as unincorporated development.

The purpose of Resource Management is to provide opportunities for the implementation of livable, sustainable and healthy development that respects the character and carrying capacity of the land. In the Resource Management category, land uses and densities will vary. Small portions will develop as countryside estate and rural residential developments with the respective densities of those map categories.



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Others will develop as master-planned communities with densities similar to or even greater than the successful developments of Fox Mill and Mill Creek. Developments under municipal jurisdiction may develop at higher densities based on their adopted plans, the trend and character of the area, and environmental limitations. The density of a particular development where the County Board will be responsible for granting zoning should be based on prevailing County standards and regulations, housing needs, surrounding use and densities, walkability, healthy community design, soil suitability, preservation of natural features, preservation of healthy, native trees, storm water Best Management Practices, and the trend and character of the area.

Developments in the areas designated Resource Management must preserve and enhance open space and green infrastructure. At least 40% of the gross area of each planned unit development within Resource Management should preserve open space that protects the environment, provides recreational opportunities, creates a transition from the city to the countryside, preserve and protect water resources and ecosystems and be based on integrated water resource management principals.

WATER RESOURCES (REVISED SINCE ZBA MTG 10/14/2025)

The Water Resources department reviewed the Zoning Petition and has provided the following comments:

The site was issued a Stormwater Permit in June of 2017. Record Drawings were received; the site contains Floodplain and Depressional Storage. No fill will be permitted in these areas.

In 2023 the County completed a Cost Share project to replace an aging drain tile in the area, involving multiple property owners. Currently there is a Willow tree planting by the new drain tile on the applicant's property. The root systems of trees, especially Willow trees, planted near drain tiles will grow into drain tiles causing blockages and eventually blow outs in the system.

Please note as routine practice on sites pursuing zoning or development intensification on the property, Water Resources request surveys to verify there is adequate volume in the stormwater management system and that maintenance plans are up to date. Additionally, since 2019, when a site comes up for a Zoning petition or Building permit, Water Resources will require a Drainage and/or Conservation Easement be placed over the stormwater management system and special areas, like the Floodplain on the site.

Updates: As of January 16, 2026 no Easements have been presented to Water Resources for review and recording with Kane County Recorder's Office. The applicant has submitted a survey to Water Resources. This survey indicates the volume of the stormwater detention basin is now 0.654 acre-feet. This volume is below the as-built volume of 0.684 acre-feet. This indicates fill in the basin and leaves the site in violation of the Stormwater Ordinance. The applicant will need to remove this fill and restore the basin to the as-built volume of 0.684 acre-feet and provide signed and sealed drawings of the site. Additionally, the applicant submitted a Maintenance Plan for the site. This Plan was incomplete. Water Resources will require a Maintenance Plan prepared by a Licensed Professional Engineer in the State of Illinois.

Because this site contains Floodplain and Depressional Storage, and has Stormwater Detention facilities on-site, any disturbance or added impervious will require a Stormwater permit.

1. Water Resources will require the stormwater detention volume be restored to the required volume under the Stormwater Ordinance. The applicant shall provide updated survey of the basin and disturbed areas on-site, Record Drawings and the recording of a Drainage Easement over the stormwater management facilities. These items shall be submitted to Kane County Environmental and Water Resources Department by April 30th, 2026
2. A Maintenance Plan and Schedule for the Stormwater Management on-site will be required and must be signed by the owner. This shall be prepared by a licensed Professional Engineer. This shall be submitted to Kane County Environmental and Water Resources Department by April 30th, 2026
3. A new Stormwater Permit will be required for any future disturbance or development on-site.
4. Removal of the any trees planted within 25 ft of the new drain tile system. The applicant shall remove any trees by April 30th, 2026.



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TRANSPORTATION

The Kane County Department of Transportation (KDOT) reviewed this Petition and has no comments.

ENVIRONMENTAL HEALTH

The Kane County Health Department reviewed this Petition and provided the following comments:

1. Owner should protect the well and septic system from any damage from vehicles by identifying location and clearly marking. Parking on or driving over a septic field will cause damage to the system. Health department would require approval if any additional wastewater is generated by the business to ensure the septic system would be suitable for such use.

KANE COUNTY FOREST PRESERVE DISTRICT

The Forest Preserve doesn't have any comments on the attached special use petition.

ADDITIONAL REPORTS & ANALYSIS

- Results and recommendations from the Illinois Department of Natural Resources (IDNR) obtained through the Ecological Compliance Assessment Tool (EcoCAT) – *The Illinois Natural Heritage Database contains no record of State-listed threatened or endangered species, Illinois Natural Area Inventory sites, dedicated Illinois Nature Preserves, or registered Land and Water Reserves in the vicinity of the project location.*
- Natural Resources Inventory (NRI) Report from the Kane-DuPage Soil & Water Conservation District (SWCD) – *According to the information received, a Natural Resources Inventory is not required at this time for the proposed zoning change because there is no disturbance of the land. The Special Use Permit renewal is only needed.*

Copies of each provided on the Kane County website under the petition number on the [Pending Zoning Petitions](#) page.

PUBLIC COMMENT

Copies of any submitted public comments will be uploaded to the Kane County website under the applicable petition number on the [Pending Zoning Petitions](#) page.

STIPULATIONS

Should the Zoning Board of Appeals make a motion to recommend approval of this zoning request, staff recommends the following stipulations of approval: **(REVISED SINCE ZBA MTG 10/14/2025)**

1. (Water Resources) Water Resources will require the stormwater detention volume be restored to the required volume under the Stormwater Ordinance. The applicant shall provide an updated survey of the basin and disturbed areas on-site, record drawings and the recording of a drainage easement over the stormwater management facilities; these items shall be submitted to the Kane County Environmental and Water Resources Department by April 30th, 2026.
2. (Water Resources) A Maintenance Plan and Schedule for the Stormwater Management on-site will be required and must be signed by the owner; this shall be prepared by a licensed Professional Engineer and shall be submitted to Kane County Environmental and Water Resources Department by April 30th, 2026.
3. (Water Resources) A new Stormwater Permit from the Kane County Environmental and Water Resources Department shall be required for any future disturbance or development on-site.
4. (Water Resources) The property owner shall remove any trees planted within 25 ft of the new drain tile system by April 30th, 2026.
5. (Environmental Health) The property owner shall protect the well and septic system from any damage from vehicles by identifying their locations and clearly marking them; parking on or driving over a septic field will cause damage to the system. Health department requires review and approval if any additional wastewater is generated by the business to ensure the septic system would be suitable for such use.
6. (Zoning) Outdoor storing of lumber or other building materials and/or equipment, not in connection with an authorized building project in progress on the immediate premises, shall be strictly prohibited on the subject property.



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7. (Zoning) No more than three (3) trucks or trailers may be stored on the property.
8. (Zoning) No more than nine (9) shipping containers may be used for storage on the property.
9. (Zoning) The Interim Special Use shall only be granted to the petitioner and terminates upon sale or lease of the property or business to any other party.
10. (Zoning) The Interim Special Use shall be granted for a period of one (1) year from the date of approval by the Kane County Board and no additional extensions shall be granted.
11. (Transportation) The Interim Special Use shall comply with Dundee Township Ordinance 2008-02 at all times, which has a weight restriction of 10 tons for Boyer Road.

ZONING STANDARDS

Section 25-4-8-2 of the Kane County Zoning Ordinance provides Standards for Special Use Permits; responses to these Standards have been provided by the Petitioner with their Zoning Application. **The Zoning Board of Appeals shall not recommend approval of a special use unless it finds:**

- A. That the establishment, maintenance or operation of the special use will not be unreasonably detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- B. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- C. That the establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- D. That adequate utility, access roads, drainage and/or other necessary facilities have been or are being provided;
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and roads;
- F. That the special use shall in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may in each instance be modified by the county board pursuant to the recommendations of the zoning board of appeals.

NEXT STEPS

Petition 4671 is to be considered by the Kane County Development Committee at its meeting currently scheduled for **10:30 a.m., Tuesday, February 17, 2026**, in the County Board Meeting Room, Building A, 2nd Floor, of the Kane County Government Center, 719 S. Batavia Ave., Geneva, Illinois. *Persons in favor of or in opposition to this petition who wish to speak before the Development Committee must signify their intention to do so by signing a sheet provided for such purpose at the meeting at which such petition is to be considered.*

Petition 4671 is to be considered by the Kane County Board at its meeting currently set for **9:45 a.m., Tuesday, March 10, 2026**, in the County Board Meeting Room, Building A, 2nd Floor, of the Kane County Government Center, 719 S. Batavia Ave., Geneva, Illinois. *Persons in favor of or in opposition to this petition who wish to speak before the County Board must file their intention to do so with the Zoning Enforcement Officer no later than the Friday preceding the County Board meeting at which the petition is to be considered.*