

*Note: These minutes are not official until approved by the Planning and Zoning Committee at a subsequent meeting. Please refer to the meeting minutes when these minutes are approved to obtain any changes to these minutes.*

DeKalb County Government  
Sycamore, Illinois

**Planning and Zoning Committee Minutes  
(October 26, 2016)**

The Planning and Zoning Committee of the DeKalb County Board met on October 26, 2016 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Tim Bagby, Kevin Bunge, John Emerson, Steve Faivre, Tracy Jones, and Anita Turner. Also in attendance were Steven & Eileen Bacon, Roger Craigmile, Chris Porterfield, Maureen Little, and staff members Kevin Hickey, Kathy West, and Marcellus Anderson.

Mr. Emerson, Planning and Zoning Committee Chairman, called the meeting to order and noted that Suzanne Willis was absent.

**APPROVAL OF AGENDA**

*Mr. Jones moved to approve the agenda, seconded by Ms. Turner. The motion to approve the amended agenda carried unanimously.*

**APPROVAL OF MINUTES**

*Mr. Faivre moved to approve the minutes of September 28, 2016 meeting of the Planning and Zoning Committee, seconded by Mr. Bagby. The motion to approve the minutes carried unanimously.*

*Ms. Turner moved to approve the minutes of October 11, 2016 special meeting of the Planning and Zoning Committee, seconded by Mr. Bunge. The motion to approve the minutes carried unanimously.*

*Mr. Bunge moved to approve the minutes of October 19, 2016 special meeting of the Planning and Zoning Committee, seconded by Mr. Faivre. The motion to approve the minutes carried unanimously.*

**PUBLIC COMMENTS**

Fred and Dorothy Lewis, of 525 Swanson Road, Sycamore, requested that the Committee look into a noise complaint they had against a neighboring property. They claimed that a kennel is in operation on that property, with dogs barking incessantly, day and night. They also inquired what could be done to get a noise ordinance adopted. Mr. Jones indicated that the DeKalb County Sheriff's Office informed him that there is no noise ordinance for the unincorporated portions of the County. Mr.

Hickey asked that Mr. & Mrs. Lewis meet with staff the week of October 31<sup>st</sup> to further discuss the issue and determine how it could be addressed.

#### **VARIATION - Steven & Eileen Bacon**

Mr. Hickey informed the Committee that Steven and Eileen Bacon had filed an application for a Variation to waive the restriction of Section 8.03.C.3.a of the DeKalb County Zoning Ordinance that allows a nonconforming residential building which is damaged to any extent to be replaced provided an application for a Building Permit is made within 180 days of the date of damage. The 2.5-acre subject property is located at 7723 Wolf Road, approximately 130 feet west of Carson Road, in Kingston Township, and is zoned A-1, Agricultural District.

The Petitioners are proposing to construct a new house on the subject property. The property previously contained a residence that was destroyed by fire on November 9, 2012. Because the property is only 2.5 acres in size, its use as a residential property was nonconforming with respect to the regulation of the A-1, Agricultural District, which requires 40 acres for a farm residence. Article 8 of the Zoning Ordinance contains regulations related to nonconforming buildings and properties. Section 8.03.C.3.a allows that a nonconforming residential use, where the nonconformity was created by government action, which is damaged to any extent may be replaced provided an application for a building permit is made within 180 days of the date of damage. That six-month period expired in May of 2013. Section 8.11 of the Zoning Ordinance allows that Variations from the provisions of Article 8 may be granted by the County Board following a public hearing before the Hearing Officer.

The required public hearing was held on October 13, 2016 by DeKalb County Hearing Officer Ron Klein. The petitioner provided testimony and exhibits in support of the requested Variation. Two (2) members of the public spoke in opposition to the request, and one (1) member spoke and a statement signed by various neighbors was received in favor of the petition.

The Hearing Officer has submitted his findings, and recommended approval of the Variation. The Planning and Zoning Committee was requested to make a recommendation to the full County Board on the requested Variation in the form of an ordinance. The Committee could recommend approval, approval with conditions, or denial of the request.

*Mr. Jones moved to recommend approval of the Variation, seconded by Mr. Bunge.*

Mr. Bunge and Mr. Jones both indicated that they were in favor of the application, citing the reasons stated by the Hearing Officer in his Findings of Fact.

Mr. Faivre stated that he did not believe that the 180 day limit was very realistic.

Ms. Turner indicated her concern that the Board clearly articulate its reasons for approving the Variation, highlighting the cost savings that would come from it no longer being an attractive nuisance requiring continued resources being expended by the DeKalb County Sheriff's Department, and the fact that the neighboring property owners seemed to be in favor of its reuse as a residential property.

Ms. Bacon summarized the history of the property and her plans for it.

Ms. Little indicated that she was also in favor of the petition.

Mr. Porterfield inquired whether the fact that the subject property would be surrounded by lands owned by the DeKalb County Forest Preserve would be a problem. Mr. Faivre answered that it would not. Mr. Hickey advised that Mr. Hannan, the Forest Preserve Supervisor, indicated the approval would not be a problem for the District since three (3) other forest preserves have adjoining residences as neighbors.

*The motion carried unanimously.*

## **FY 2017 BUDGET**

Mr. Hickey explained that FY 2017 Budget for the Planning, Zoning, and Building Department was to go before the DeKalb County Board on November 16, 2016 for final approval as part of the DeKalb County FY 2017 Budget, and that if anyone had any questions concerning the proposed budget this would be the time to bring them forth. No appeals or questions were voiced.

## **NOVEMBER / DECEMBER COMMITTEE MEETINGS**

Mr. Hickey informed the Committee that their next regularly scheduled meeting would fall on November 23, 2016, the day before the Thanksgiving holiday, and that in the past, the Committee has opted to reschedule that meeting. Also, the County Board was planning to cancel its December 21, 2016 meeting and had requested that the various Committees refrain from meeting in December, if possible.

Mr. Hickey noted that due to the impending cancellation of the County Board's December meeting, and the need to address Special Use petition MY-16-8 in a timely manner, he suggested that the Committee reschedule its November 23<sup>rd</sup> meeting to November 7<sup>th</sup> (Monday) at 7:00 pm or 9<sup>th</sup> (Wednesday) at 5:30 pm, as these dates would allow for the petition to be addressed by the Committee and for its recommendation to be forwarded to the full County Board for action.

Mr. Bunge stated that he could attend the 9<sup>th</sup>, but not the 7<sup>th</sup>.

Mr. Bagby stated that he could attend the 7<sup>th</sup>, but not the 9<sup>th</sup>.

Mr. Emerson noted that Ms. Willis is not expected to be back by the 7<sup>th</sup>, so the 9<sup>th</sup> may give her more time.

*Mr. Faivre moved to reschedule the November 23, 2016 Planning & Zoning Committee meeting to November 9, 2016 at 5:30 pm, seconded by Ms. Turner, and the motion carried unanimously.*

*Mr. Jones was called away and had to leave the Committee meeting.*

*Mr. Faivre moved to cancel the December 21, 2016 Planning & Zoning Committee meeting, seconded by Mr. Bunge, and the motion carried unanimously.*

## **OTHER BUSINESS**

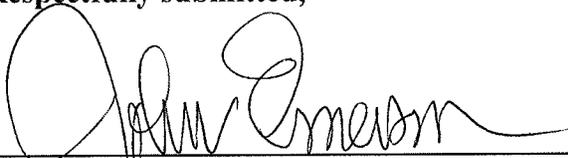
No comments were offered.

## **ADJOURNMENT**

The Planning and Zoning Committee is next scheduled to meet Wednesday, November 9, 2016 at 5:30 p.m. in the Conference Room East.

*Ms. Turner moved to adjourn, seconded by Mr. Faivre, and the motion carried unanimously.*

**Respectfully submitted,**



**John Emerson**  
**Planning and Zoning Committee Chairman**

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