

*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  
(September 24, 2014)**

The Planning and Zoning Committee of the DeKalb County Board met on September 24, 2014 at 7:00 p.m. in the Conference Room East located in the DeKalb County Administration Building. In attendance were Committee Members Frank O’Barski, Charles Foster, Dan Cribben, Anita Jo Turner, John Emerson, and Paul Stoddard. Also in attendance were Kevin Buick, Bob Becker, Jaime Mora, Thomas Hickman, Matthew Busse, Sue Willis, Paul Miller, and Rebecca Von Drasek.

Ms. Turner, Planning and Zoning Committee Chairman, called the meeting to order and noted that Julia Fauci and Charles Foster were absent.

**APPROVAL OF AGENDA**

*Mr. O’Barski moved to approve the agenda, seconded by Mr. Cribben, and the motion carried unanimously.*

**APPROVAL OF MINUTES**

*Mr. O’Barski moved to approve the minutes of August 27, 2014 meeting of the Planning and Zoning Committee, seconded by Mr. Stoddard, and the motion carried unanimously.*

**NONCONFORMING LOT VARIATION**

Mr. Miller reported to the Committee that Kevin Marsh, the property owner, has filed an application for a Variation in accordance with the requirements of Section 10.01.B. of the DeKalb County Zoning Ordinance. The request is to waive the restriction of Section 8.05.B.1 of the Zoning Ordinance, which prohibits construction of a residence on a lot of less than 22,000 square feet in area. The subject property is a vacant lot approximately 20,800 square feet in area, located on the west side of Willow Lane in the Willow Estates Subdivision in unincorporated Genoa Township. The subject property is zoned RC-1, Residential Conservation District.

Mr. Miller stated that Section 8.11 of the Zoning Ordinance allows that Variations from the regulations governing nonconforming lots, uses and buildings may be granted by the DeKalb County Board following a public hearing. This creates the possibility that a Variation from the minimum 22,000 square-foot requirement may be granted, but requires a finding that the criteria for granting Variations have been met. A public hearing on the requested Variation from the Nonconforming Lot regulations was held by DeKalb County Hearing Officer Ron Klein on August 21, 2014. The attorney for the petitioner explained at the hearing that the owner acquired the lot in 2004 along with

the adjoining property to the north which contains a house. The lot with the house was sold separately, and the petitioner understood that the vacant, subject property was buildable for a new house. The petitioner's attorney also pointed out that all but five lots in the subdivision are smaller than the subject property. The petitioner's attorney asserted that a financial hardship would be created if the lot cannot be sold as a site where a house can be built. Staff pointed out at the public hearing that the minimum requirement of 22,000 square feet has been in the Zoning Ordinance since 1991, long before the petitioner purchased the lot. The minimum standard is intended to assure that there is adequate room for a well and septic field on the property, and further noted that the County regulations specify that the presence of a nonconformity elsewhere (other, smaller lots that are developed) is not grounds for granting a Variation. Three members of the public spoke in opposition to the request, and none spoke in favor.

Mr. Miller outlined the Hearing Officer's Findings of Fact noting that the Hearing Officer recommended denial based on the expressed hardship having been created by the property owner when the adjoining parcel containing a house was sold separately from the subject property. Mr. Miller detailed the options for action by the Planning and Zoning Committee to forward an ordinance to the full County Board, and he explained that the Committee may recommend approval, conditional approval or denial of the proposal. He noted that if the Committee recommends approval, evaluation of the criteria for granting a Variation will have to be drafted, as the Committee will not be able to rely on the evaluation by the Hearing Officer.

Mr. Cribben asked when the house was purchased and when was it sold. Mr. Becker, attorney for Kevin Marsh, responded that Mr. Marsh initially purchased the house from the Carols and subsequently purchased the vacant lot for which the Variation has been requested. Mr. Becker noted that his client was unaware that the lot was unbuildable.

Mr. O'Barski asked when the subdivision was platted. Mr. Miller responded in the 1950s.

Mr. O'Barski observed that the subdivision plat may have mislead the property owner. He stated however that ignorance of the law is not a valid excuse for most judges. He sympathized with the property owner but concluded he should have checked.

Mr. Emerson informed the Committee that building a residence on this lot may cause drainage problems within the subdivision. He also noted that the surrounding neighbors objected to the development.

*Mr. Emerson moved to recommend denial of the Variation, seconded by Mr. Cribben, and the motion carried unanimously.*

## **SPECIAL USE PERMIT**

Planning and Zoning Committee Minutes

August 27, 2014

Page 3 of 4

Mr. Miller explained the petition from Jaime Mora, the property owner, for approval of a Special Use Permit to allow an event venue to continue to operate on the property at 10816 Watson Road in unincorporated Victor Township. The five-acre subject property is located approximately 3,000 feet west of the intersection of Watson and McAllister Road. The parcel is zoned A-1, Agricultural District.

Mr. Miller summarized the required public hearing which was held on September 11, 2014 by DeKalb County Hearing Officer Ron Klein. At the hearing the petitioner provided testimony and exhibits in support of the requested Special Use, explaining that he started allowing persons to hold weddings on the site, not realizing such a business would require a Special Use Permit. The petitioner explained how parking is treated, and which farm structures have been converted for use as pavilions and venues for dinners. The proposal is to allow not only weddings, but family reunions and business retreats. The business would operate from May until October of each year. Staff advised the petitioner on the need to comply with the requirements of the Health Department on sanitary facilities for employees, the need of having to retrofit the buildings to meet County Building Codes, and the need for a permanent parking place for regular employees who provide services during the events. Two members of the public spoke in favor of the request and no one spoke in opposition.

Mr. Miller stated that the Hearing Officer has submitted his findings and recommends approval of the Special Use Permit with conditions. He explained that the Planning and Zoning Committee is requested to make a recommendation to the full County Board on the requested Special Use in the form of an ordinance. He noted that the Committee may recommend approval, approval with conditions, or denial of the request.

Mr. O'Barski inquired if the applicant had any objections to the conditions of approval. Mr. Buick, attorney for the petitioner, responded that his client did not.

*Mr. Foster arrived at 7:10 pm.*

Mr. Buick asserted that the use was an asset for the County and he indicated that his client's architect would be meeting with the County Building Inspector to further discuss the interpretation of the Building Code.

Mr. Miller remarked that the Building Inspector will work with the property owners toward resolution of Building Code questions. He cautioned however that the Building Code is generally quite specific in regards to standards for structures and that compromise is not always possible.

Mr. Stoddard asked if any neighbors had concerns about the use. Staff responded that many neighbors had attended the public hearing in support of the use.

*Mr. O'Barski moved to recommend approval of the Special Use Permit with conditions, seconded by Mr. Cribben, and the motion carried unanimously.*

### **PZ&B FY15 BUDGET REVIEW**

Mr. Miller explained that included within Member's packets was the draft FY 15 Planning, Zoning and Building Department budget submitted for review and approval by the County Board. He inquired if Committee Members had questions, concerns, or suggestions.

The Committee briefly discussed the balance between providing a service and subsidizing the costs of those services.

Mr. Cribben inquired about the personnel and the possibility of sharing staff amongst Departments. Mr. Miller responded that he anticipated a discussion about staffing for the entire County and was uncertain of the effects of sharing staff.

### **EVERGREEN VILLAGE MITIGATION PROJECT**

Mr. Miller briefed the Committee on the Evergreen Village Mitigation Project. He explained that the County has successfully purchased 120 units of the 121 units within the park. The Committee briefly discussed the project and Mr. Miller agreed to continue to update the Board on the progress of the project.

### **ADJOURNMENT**

The Planning and Zoning Committee is next scheduled to meet Wednesday, October 22, 2014 at 7:00 p.m. in the Conference Room East.

*Mr. O'Barski moved to adjourn, seconded by Mr. Emerson, and the motion carried unanimously.*

**Respectfully submitted,**

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**Anita Jo Turner**  
**Planning and Zoning Committee Chairman**

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