STATE OF ILLINOIS)
) SS
COUNTY OF DEKALB)

ORDINANCE 2026-004

AN ORDINANCE APPROVING A ZONING MAP AMENDMENT TO ESTABLISH AN ORDINANCE CONTROLING THE PD-R, PLANNED DEVELOPMENT RESIDENTIAL DISTRICT GOVERNING THE 16.32-ACRE PROPERTY LOCATED ON THE SOUTH SIDE OF DERBY LINE ROAD IN GENOA TOWNSHIP

WHEREAS, the 16.32-acre subject property, is located on the south side of Derby Line Road in Genoa Township, approximately 350-feet west of Lincoln Road, in Genoa Township, said subject property being legally described as shown in Exhibit "A", attached hereto; and

WHEREAS, in 1979, the subject property had been granted E-2, Estate District zoning, via court order, and was slated to eventually be developed as Phase V of the AreoLake Estates Subdivision, which would have included twelve (12) residential lots; and

WHEREAS, the subject property was subsequently rezoned PD-R, Planned Development Residential in 1991 as part of a comprehensive change to the DeKalb County Zoning Ordinance, which included the elimination of the E-2, Estate District; and

WHEREAS, Benjamin Koppie has filed a petition to establish an ordinance for the planned development district governing the subject property that would forego the approved subdivision development to instead the development of the entire subject property as one (1) residential lot, to contain a single-family residence and several accessory structures, including an aircraft hangar, in addition to its residential use; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on January 15, 2026, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Map Amendment, and three members of the public spoke in favor of the project, and two spoke against the project; and

WHEREAS, the Hearing Officer having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the petition be approved with conditions, as set forth in the Report and Recommendations of the DeKalb County Hearing Officer, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning, Zoning, & Development Committee of the DeKalb County Board having considered the testimony and exhibits from the public hearing and having considered the findings of fact and recommendation of the Hearing Officer, has forwarded to the County Board a recommendation of approval, with conditions, of an ordinance to grant the Map Amendment; and

WHEREAS, the DeKalb County Board has considered the Report of Proceedings and Recommendation of the Hearing Officer and the recommendation of the Planning, Zoning, & Development Committee, and has determined that granting the Map Amendment to establish an ordinance to govern the subject property would be consistent with the requirements established by Section 53-J-4.F of the DeKalb County Code;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF DEKALB COUNTY, ILLINOIS, as follows:

SECTION ONE: The Report and Recommendations of the DeKalb County Hearing Officer, Exhibit "B", attached hereto, is hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the Findings of Fact adopted herein, the Planned Development Residential District governing the subject property located on the south side of Derby Line Road in unincorporated Genoa Township and legally described as shown in Exhibit "A" attached hereto, is hereby amended to be governed by this ordinance.

SECTION THREE: The approval of the Map Amendment is subject to the following conditions:

1. The property shall be subject the standards of the RC-2, Residential Conservation District 2, amended as follows:
    a. Setbacks:
        i. *Front Setback requirements:* Every Building hereafter erected or enlarged shall provide and maintain a minimum setback of fifty (50) feet from the right-of-way of Derby Line Road.
        ii. *Side and Rear Setbacks:* Every Building, primary or accessory, hereafter erected or enlarged shall provide and maintain a minimum side and rear setback of twenty (20) feet.
2. The property shall be developed in substantial conformity to the plans and materials submitted with this application and presented at the public hearing.
3. The proposed agricultural uses shall be considered accessory to the residential use of the property.
4. The petitioner shall submit a signed and notarized statement that the applicant is forgoing the opportunity to develop the land as a twelve (12) unit subdivision, as was allowed by the court order, so that they can instead develop the entirety of the property as a single residential lot instead. Said statement shall be reviewed by the Department, then recorded by the petitioner with the DeKalb County Recorder's Office.
5. The petitioner shall comply with all setbacks and required codes with respect to the proposed hangar, pole barn, and outbuildings, including all codes relating to Building, Fire, Zoning, and Health.

SECTION FOUR: This Ordinance shall be in full force and effect upon its adoption by the County Board of DeKalb County, Illinois.

PASSED BY THE COUNTY BOARD THIS 18TH DAY OF MARCH, 2026, A.D.

ATTEST:

Tasha Sims,
DeKalb County Clerk

SIGNED:

John Frieders,
Chair DeKalb County Board

Exhibit "A"

Legal Description of the Subject Property

A PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 35, TOWNSHIP 42 NORTH, RANGE 5, EAST OF THE THIRD PRINCIPAL MERIDIAN, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SAID SECTION 35; THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS EAST ALONG THE WEST LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 143.85 FEET; THENCE NORTH 21 DEGREES 43 MINUTES 51 SECONDS EAST, A DISTANCE OF 1448.32 FEET; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 536.24 FEET TO THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 35; THENCE NORTH 0 DEGREES 00 MINUTES 00 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 1159.34 FEET TO THE NORTHWEST CORNER OF SAID SECTION 35; THENCE SOUTH 89 DEGREES 43 MINUTES 10 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 35, A DISTANCE OF 1323.50 FEET TO THE NORTHEAST CORNER OF THE WEST 1/2 OF SAID NORTHWEST 1/4; THENCE SOUTH 0 DEGREES 01 MINUTES 45 SECONDS WEST ALONG THE EAST LINE OF SAID WEST 1/2, A DISTANCE OF 2639.67 FEET TO THE SOUTHEAST CORNER OF THE WEST 1/2 OF SAID NORTHWEST 1/4; THENCE SOUTH 89 DEGREES 53 MINUTES 41 SECONDS WEST ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4, A DISTANCE OF 1322.14 FEET TO THE POINT OF BEGINNING, ALL IN DEKALB COUNTY, ILLINOIS.

P.I.N.: 03-35-100-009

Exhibit B

Benjamin Koppie - Petition for Special Use Map Amendment - Petition GE-26-01:

Report and Recommendations

Petitioner:	Benjamin Koppie
Nature of Petition:	Petition for Special Use / Map Amendment
Date of Hearing:	January 15, 2026 Time of Hearing: _2:00 P.M._
Prop. Address:	16.32 acre parcel located on the south side of Derby Line Road, approx. 350 ft. west of Lincoln Road and northwest Of the airstrip in Aero Lakes Estates, Genoa Township
Location of Hearing:	DeKalb County Administrative Building Conference Room East 110 East Sycamore Street Sycamore, IL

NATURE OF THE ACTION

The petitioner is requesting to be granted a map amendment to permit a minor, as defined by County ordinance, planned development changing the previously approved usage of the subject property. The prior use permitted a 12-unit residential subdivision, and petitioner is seeking to establish a single residential unit, with assorted outbuildings. The property is currently zoned PDR, Planned Development Residential. It should be further noted that this property has been subject to requirements of prior litigation, which has impacted the available uses for this property since the conclusion of that litigation, many years ago.

Before such a Map Amendment can be considered and/or granted, a public hearing must be held. The hearing was held pursuant to the applicable published notice on the above date and time.

Present for the County –	Derek Hiland, DeKalb County Planning Director Marcellus Anderson, Assist. Director
Present for Petitioner:	Benjamin Koppie; Kait Koppie George Chrzaszcz, property owner-in-fact

RECEIVED IN THE RECORD: **Exhibit B**

1. Public Notice, duly published within the time required by law, setting this matter for hearing.

2. DeKalb County Staff Report, with Staff Comments and recommendations, relating to the petition.

3. The application petition, and attachments, including supplemental information received from petitioner as requested.

4. Other correspondence and information received from County agencies and/or other appropriate agencies, including the DeKalb County Health Department.

5. Other correspondence from the owner-in-fact authorizing the petitioners to present the petition; correspondence from County Health Department concerning well-septic discussions; and correspondence from the Genoa Township Highway Commissioner indicating a review of the draft site plan's driveway access points at two locations, and indicating no issues.

I. Summary of Proceedings

Assistant Director Anderson provided a brief initial summary of the nature of the proceedings and the request by the petitioner. Thereafter, the petitioner presented their application for map amendment.

The petitioner, in their testimony and submissions, described the nature and intended use of the property. Petitioner noted that the planned and previously approved use for the property as presently zoned was for a multi-residential subdivision and that the present application would result in a nominal residential density, as only one residence is now being proposed for the parcel. Petitioner described the various agencies contacted, and studies performed, including an Eco-Cat study. Consistent with the Aero Lakes Estates community, they are proposing a personal use aircraft hanger, accessory pole barn, a single-family home and various loafing sheds. Petitioner indicated all would be consistent in size and design with such structures presently existing in Aero Lakes. Petitioner indicated tha the remainder of the property that would not be occupied by those structures would retain its agricultural character and uses.

There was considerable discussion as to two different legal descriptions and a proposed "shaving off" of the southeast corner of a parcel, on the site plans. It appeared that the changed legal and demarcation was not part of the original application or discussions with the County. Petitioner was advised by Director Hiland that any lot line changes would be subject to a different process, require County approval, and would require in effect a restart of the current application

process. Petitioner elected to stand on the application and legal description showing the current and unchanged property lines, as did the owner-in-fact who was also present at hearing. **Exhibit B**

Pubic Comment:

Gene and Margo Quintell, Genoa Township - had concerns that the pole barn and outbuildings would be in their line-of-site, and pointed out that the current use calls for 12 residential units. They stated that in their opinion the proposed use is not in the best interests or good value for the property and surrounding property.

James Murphy, Genoa Township - he fully supported the application.

Ted Koppie, Hampshire Township and father of applicant - fully supported the application.

Rhonda Henke, Mayfield Township - asked how many hangars were presently on the property, and the response from petitioner was that there were five (5) hangars.

George Chrzaszcz, Genoa Township and current landowner and also the owner/operator of the airport - fully supports the project.

II. Recommendations

Under the criteria established pursuant to Section 53-1.2.B.3 of the County Ordinance, I find that the petitioner has met their burden for approval of the special use change, and further, in relation to the requested Map Amendment Section 53-J-4.F, I find the following:

1. The planned land use for the subject property as shown on the DeKalb County Comprehensive Land Use Plan Map.

   The proposed use will not compromise the Plan.

2. Existing uses of property within the general area of the property in question.

   The proposed use is consistent with the uses of property in the general area.

3. The zoning classification of property within the general area of the property.

The proposed use and map change is consistent with the classification and uses of property within the general area of the subject property.

4. The suitability of the property in question for the uses permitted under the existing zoning classification.

The property is suited for the uses permitted under the existing zoning classification. However, for various causes and reasons, it remains under-utilized and not developed in conformity with the permitted uses, and as related herein prior litigation and conclusion of that litigation has impacted the current permitted uses of the property.

5. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the day the property in question was placed in its present zoning classification.

The proposed use is consistent with the trend of development in the area and surrounding existing uses.

6. The extent to which property values would be diminished by the proposed amendment.

There was no evidence presented that the proposed changes and uses would diminish property values.

7. The length of time the property has been vacant as zones, considered in the context of land development in the vicinity of the subject property.

For various causes and reasons, the property remains under-utilized and not developed in conformity with the permitted uses, and as related herein prior litigation and conclusion of that litigation has impacted the current permitted uses of the property and its under-utilization and lack of development.

8. The effect of the proposed change upon the public health, safety, and welfare.

The proposed change and uses would not be detrimental to the public health, safety, or welfare.

As a result of the above and foregoing, I recommend approval of the application, on the following conditions, as recommended by County Staff and that I find appropriate to this application:

Exhibit "B"

1. That the zoning standards of RC-2 Residential Conservation District 2, as amended and identified in paragraph 2, sub-paragraphs 1,2 of the County Staff report shall apply.
2. All conditions outlined in paragraph 3, page 3, including all sub-paragraphs (a) through (c) shall apply.
3. Petitioner shall comply with all setbacks and required codes with respect to the proposed hangar, pole barn, and outbuildings, including all codes relating to Building, Zoning, and Health.

Respectfully submitted,

Dale J. Clark
Hearing Officer

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