

STATE OF ILLINOIS     )  
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COUNTY OF DEKALB    )

**ORDINANCE 2008-10**

**AN ORDINANCE DENYING A USE VARIATION  
FOR A NEW SINGLE FAMILY HOME  
ON 10 ACRES ON THE NORTH SIDE OF WHIPPLE ROAD  
IN SYCAMORE TOWNSHIP**

WHEREAS, The National Bank and Trust Company, representing the Roberta Hackett Trust and Ellen Beulah Hackett Trust as property owner, has filed an application for a Use Variation to allow the construction of one single-family home on a 10.2-acre parcel located on the north side of Whipple Road, approximately 1,700 feet east of the intersection of Whipple and Brickville Roads in Sycamore Township, said property being zoned A-1, Agricultural District and legally described as shown in Exhibit "A" attached hereto; 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 June 19, 2008, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Use Variation, and one member of the public testified in favor of the petition and two in opposition thereto; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the requested Use Variation be denied, as set forth in the Findings of Fact and Recommendation of the DeKalb County Hearing Officer, dated June 19, 2008, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the exhibits and testimony presented at the aforesated public hearing and has considered the findings of fact and recommendations of the Hearing Officer, and has forwarded to the DeKalb County Board this Ordinance to deny the Use Variation; and

WHEREAS, the DeKalb County Board has considered the evidence, testimony and exhibits, and the findings of fact and recommendations of the Hearing Officer and the Planning and Zoning Committee, and has determined that granting the Use Variation to allow the construction of one single-family home on the subject property would be inconsistent with the requirements and criteria for Use Variations set forth in Section 10.02 of the DeKalb County Zoning Ordinance, and would not meet the standards for Variations set forth in Section 10.01.C. of the Zoning Ordinance;

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

SECTION ONE: The Findings of Fact and Recommendation of the DeKalb County Hearing

Officer, Exhibit "B" attached hereto, is hereby accepted, and the findings of fact set forth therein are hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above, the request for a Use Variation by The National Bank and Trust Company on behalf of the Roberta Hackett Trust and Ellen Beulah Hackett Trust to allow the construction of one single-family home on a 10.2-acre property located on the north side of Whipple Road in Sycamore Township, said property legally described in Exhibit "A" attached hereto, is hereby denied.

SECTION THREE: 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 20TH DAY OF AUGUST, 2008, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

**Legal Description of Subject Property**

All that portion of the following described property lying West of the Western boundary of a strip of land 100 feet wide extending across the West one-half of the Southwest 1/4 of Section 8, Township 41 North, Range 5, East of the third principal meridian, said strip being 50 feet in width on each side of the center line of the railroad right of way (now removed) of the Chicago and Northwestern Railroad Company as said railroad center line was originally surveyed and platted as per plat thereof recorded in Book "E" of plats, pages 15 and 16 and excepting all of said property lying East of the Eastern boundary of said strip:

That part of Sections 7, 8 and 17, Township 41 North, Range 5, East of the third principal meridian, described as follows: commencing at a stone on the section line between sections 7 and 8 in Township 41 North, Range 5, East of the third principal meridian, 635.3 feet South of the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said section 8; thence North 84 degrees 26 minutes West 180.9 feet to a stone; Thence North 59 minutes East 620 feet to a stone on the north line of the Southeast 1/4 of the Southeast 1/4 of said section 7; Thence South 89 degrees 20 minutes East on said quarter quarter section line and also the north line of the Southwest 1/4 of the Southwest 1/4 of said section 8, 1,413.3 feet; Thence south 84 degrees 10 minutes east 3,377.0 feet to the center line of the Sycamore-Genoa Road; Thence south 14 degrees 50 minutes east along the center line of said road 1,404.0 feet; Thence north 85 degrees 16 minutes West 4,978.6 feet to the section line between said sections 7 and 8; Thence North 666.0 feet to the point of beginning, the last named course being the meridian of the bearings of the preceding courses, (excepting therefrom that part of the property conveyed to the State of Illinois, Department of Public Works and Building, by warranty deed recorded January 6, 1965 as document 324930, and also excepting therefrom that portion previously dedicated and used for roadway purposes) (also excepting therefrom the following: A strip of land 100 feet wide extending across the west one-half of the Southwest 1/4 of section 8, Township 41 North, Range 5, East of the third principal meridian, said strip being 50 feet in width on each side of the center line of the railroad right of way (now removed) of the Chicago and Northwestern Railroad Company as said railroad center line was originally surveyed and platted as per plat thereof recorded in Book "E" of plats, pages 15 and), all being situated in Township 41 North, Range 5, East of the third principal meridian, in DeKalb County, Illinois.

P.I.N.s: 06-07-476-008 and part of 06-08-300-005