

STATE OF ILLINOIS )

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COUNTY OF DEKALB )

**ORDINANCE 2006-18**

**AN ORDINANCE GRANTING AN INTERIM SPECIAL USE PERMIT  
TO LARRY AND DIANE VODDEN FOR A MOBILE HOME  
ON PROPERTY COMMONLY KNOWN AS 4063 GOV. BEVERIDGE HWY.  
IN SOMONAUK TOWNSHIP**

WHEREAS, Larry and Diane Vodden have filed an application for an Interim Special Use Permit in accordance with Section 4.02.C.3 of the DeKalb County Zoning Ordinance to allow the placement of a mobile home as living quarters for physically-dependent relatives on property commonly known as 4063 Governor Beveridge Highway in Somonauk 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 29, 2006, at which the petitioners presented evidence, testimony, and exhibits in support of the requested Interim Special Use Permit, and no members of the public testified in favor and none 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 Interim Special Use Permit be approved, as set forth in the Findings of Fact and Recommendation of the DeKalb County Hearing Officer, dated June 29, 2006, 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 testimony and exhibits presented at the aforesated public hearing and has considered the findings of fact and recommendations of the Hearing Officer, and has forwarded a recommendation to the DeKalb County Board that the Interim Special Use Permit be granted in accordance with the recommendation of the Hearing Officer; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendations of the Hearing Officer and Planning and Zoning Committee, and has determined that granting the Interim Special Use Permit to allow the mobile home on the subject property as living quarters for physically-dependent relatives is consistent with the requirements established by Section 9.01.B.3. of the DeKalb County 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 above 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, an Interim Special Use Permit is hereby granted to Larry and Diane Vodden to approve the placement of a mobile home on property legally described in Exhibit "A" attached hereto, for the purpose of providing living quarters for physically-dependent relatives.

SECTION THREE: This Interim Special Use Permit shall be subject to the following conditions:

1. The placement of the mobile home on the subject property shall be consistent with the documents submitted as part of the petitioners' application; and
2. This Special Use shall be valid and in force only so long as the mobile home on the subject property is occupied by the dependent relative of the petitioners. Annually, the petitioners shall provide to the DeKalb

County Planning, Zoning and Building Department a notarized affidavit attesting that the mobile home is still occupied by the dependent relative. The mobile home shall be removed from the subject property within 30 days from the time it is no longer occupied by said relatives.

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

SECTION FIVE: Failure of the owners or other party in interest or a subsequent owner or other party in interest to comply with the terms of this Ordinance, after execution of such Ordinance, shall subject the owners or party in interest to the penalties set forth in Section 11.05.A. and B. of the DeKalb County Zoning Ordinance.

PASSED BY THE COUNTY BOARD THIS 16TH DAY OF AUGUST, 2006, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

**Legal Description of Subject Property**

PART OF THE SOUTHEAST QUARTER OF SECTION 8, TOWNSHIP 37 NORTH, RANGE 5, EAST OF THE THIRD PRINCIPAL MERIDIAN, DEKALB COUNTY, ILLINOIS, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 8, THENCE NORTHERLY ALONG THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 510.0 FEET; THENCE WESTERLY PARALLEL WITH THE SOUTH LINE OF SAID SECTION 8, A DISTANCE OF 427.1 FEET; THENCE SOUTHERLY PARALLEL WITH THE EAST LINE OF SAID SECTION 8, A DISTANCE OF 510.0 FEET TO THE SOUTH LINE OF SAID SECTION 8, THENCE EASTERLY ALONG THE SOUTH LINE OF SAID SECTION 8, A DISTANCE OF 427.1 FEET TO THE PLACE OF BEGINNING.

P.I.N.: 18-08-400-004

Petition: SO-06-09  
Date: June 29, 2006

### FINDINGS OF FACT

This matter comes before the DeKalb County Zoning Hearing Officer on June 29, 2006, for consideration of Petition requesting an Interim Special Use Permit to allow a mobile home to be placed on the property at 4063 Governor Beveridge Highway in Somonauk Township, DeKalb County, Illinois.

The application of the Petitioners, Larry and Diane Vodden, was duly filed in accord with the DeKalb County Code. The Petition and its attachments are incorporated into the record of proceedings herein by reference.

#### Publication of Notice

The notice of public hearing has been duly published in accord with the DeKalb County Code. A certificate of publication has been received into the record and reflects publication in the Daily Chronicle on June 11, 2006. Correspondence has been sent to all adjacent property owners.

#### Location of Subject Property

The subject property is located at 4063 Governor Beveridge Highway, approximately 2150 feet south of Orchard Road in Somonauk Township, DeKalb County, Illinois.

#### Site Characteristics

##### A. Location - Access

The subject parcel totals five acres and is presently zoned A-1, Agricultural. All surrounding land is agricultural. Access is to Governor Beveridge Highway, and the property lies approximately three miles north of Somonauk, the nearest incorporated community. The parcel is designated A-1, Agricultural, in the Unified Future Land Use Plan of the DeKalb County Unified Comprehensive Plan.

B. Proposed Use

Plans call for the location of a mobile home on the property to provide a home for the Petitioner's Mother.

The undersigned viewed the property on June 24, 2006 and the Petitioner showed the undersigned the proposed location of the mobile home near the rear of the property.

Persons appearing on behalf of the Petitioner:

Mr. & Mrs. Larry Vodden of 4063 Governor Beveridge Road, Sandwich, Illinois appeared on their own behalf. Mrs. Vodden testified that she wishes to provide a place for her Mother to live. Her Mother presently is 85 years of age and resides in West Chicago, Illinois. They try to take care of her, however, it is difficult to get to West Chicago on a regular basis. Mrs. Vodden's Mother does not drive, and she is approximately 37 miles away. Traveling back and forth has become expensive with the price of gas as well as time consuming. Mr. & Mrs. Vodden live in a two-story home which would not be suitable for her Mother. They plan to move the mobile home presently owned by Mrs. Vodden's Mother to the property. It is approximately 12 x 60 in size and they would be installing a new septic system adjacent to the home. They understand that they would need to remove the home when the mother can no longer reside there. They would have two parking spaces in front of their barn which is in front of the trailer. They further understand that they would need to submit an annual affidavit verifying that their Mother was still living in the home.

Several pictures were admitted into evidence showing the farmstead and the location of the home on the property. They also submitted two letters from adjacent land owners, one being Janet Kessler, who owns the property on three sides of the Petitioner's property and one from Charles Kessler who farms the land as well as owns land in the community. Both letters recommend approval. No one appeared to object to the proposal.

RECOMMENDATION

The undersigned recommends approval of this Petition. It appears to fit ideally within the requirements of the DeKalb County Ordinance. The Petitioner's property is well kept and the trailer would not be visible from the road as the proposed location is toward the rear of the property in a wooded area of the property which appears to be an ideal location for the mobile home. It does not appear that allowing the mobile home would adversely affect the value of surrounding properties and in fact the adjoining land owners have recommended approval. With the addition of a new septic system and the location of the well on the property, it does not appear that utilities would be a problem. They would provide adequate parking and adequate screening.

Respectfully submitted,  
Ronald G. Klein  
Hearing Officer