

BE IT FURTHER DECLARED that this Ordinance shall take effect immediately after the erection of said signs giving notice of the maximum speed limits. Said speed limits being established as follows:

ROAD	FROM	TO	MPH
Dresser Road	Wildflower Lane	Glidden Road	50
Peace Road	Illinois Route 64	Illinois Route 23	50
Peace Road	Illinois Route 23	500' south of Foxbend Drive	45
Peace Road	Pleasant Street	Challenger Drive	45
Somonauk Road	Illinois Route 30	1965 feet North of IL Rt 30	40

BE IT FURTHER DECLARED that all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

ADOPTED BY THE COUNTY BOARD THIS 15TH DAY OF FEBRUARY 2006, A.D.

Chair, DeKalb County Board

ATTEST:

County Clerk

STATE OF ILLINOIS)

)SS

COUNTY OF DEKALB)

ORDINANCE 06-06

**AN ORDINANCE AMENDING A SPECIAL USE PERMIT
FOR NORTHSIDE BAPTIST CHURCH AT 17347 PRATT ROAD
IN SANDWICH TOWNSHIP**

WHEREAS, Northside Baptist Church is an existing church located at 17347 Pratt Road in Sandwich Township and legally described as shown in Exhibit "A" attached hereto, and the subject property is zoned A-1, Agricultural District with a Special Use Permit for a church granted via County Board Ordinance 01-12; and

WHEREAS, among the conditions of approval of Ordinance 01-12 is a requirement that an existing portable frame trailer located on the subject property and used as a classroom be removed from the site on or before December 31, 2005, unless an extension of the deadline is granted by the County Board following a public hearing for an amendment to the Special Use Permit; and

WHEREAS, on November 8, 2005, Northside Baptist Church filed an application for such an amendment to its Special Use Permit to approve an extension of the time that the portable trailer may remain in use on the subject property; 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 December 15, 2005, at which the petitioner presented evidence, testimony, and exhibits in support of the requested amendment to a Special Use Permit, and letters of opposition to the request were filed by the City of Sandwich and Sandwich Township, and no members of the public testified in favor of or 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 amendment to the Special Use Permit be approved with the condition that the portable trailer may remain in use on the property for a period not to exceed five years, after which time the trailer should be removed and no further extensions granted, as set forth in the Findings of Fact and Recommendation of the DeKalb County Hearing Officer, dated December 15, 2005, 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 presented at the aforesaid 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 Amendment to the Special Use Permit be granted, allowing the portable trailer to remain in use on the property for a period not to exceed four years; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendations of the Hearing Officer and Planning and Zoning Committee, and the DeKalb County Board has determined that approving the amendment to the Special Use Permit to allow the portable frame trailer to remain in use on the subject property for a period not to exceed four years is consistent with the requirements of Section 9.02.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 amendment to County Board Ordinance 01-12 granting a Special Use Permit to Northside Baptist Church on property commonly known as 17347 Pratt Road in Sandwich Township and legally described in Exhibit "A" attached hereto, is hereby approved to allow the continued use of a portable frame trailer on the subject property.

SECTION THREE: This approval of an amendment to a Special Use Permit is subject to the following conditions:

1. Use of the mobile building on the subject property shall be temporary, and the structure shall be removed on or before December 31, 2009. No further amendment to the Special Use Permit for the Church to allow the continued use of the mobile building or to allow said structure to remain on the subject property shall be granted; and
2. In the event that a permanent accessory building to provide classrooms for the Church is constructed on the subject property prior to the date above, the mobile building shall be removed within 30 days of the issuance of an Occupancy Permit for said accessory building.

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 15TH DAY OF FEBRUARY, 2006, A.D.

Chairman, DeKalb County Board

ATTEST:

DeKalb County Clerk

Exhibit "A"

Legal Description of Subject Property

The East 270 feet, as measured along the South line, (the East and West lines of said East 270 feet being parallel), of Lot "A" of the Almus Pratt Farm, in Section 24, Township 37 North, Range 5 East of the Third Principal Meridian according to the plat thereof recorded in Book "D" of Plats, Page 102 in the Township of Sandwich, in DeKalb County Illinois.

P.I.N.: 19-24-300-014.

Petition: SA-05-18

Date: December 15, 2005

FINDINGS OF FACT

This matter comes before the DeKalb County Zoning Hearing Officer on December 15, 2005, for consideration of Petition requesting the extension of a Special Use Permit filed by Northside Baptist Church located at 17347 Pratt Road in Sandwich Township, DeKalb County, Illinois to allow a trailer used as a classroom on the property behind the church.

The application of the Petitioner 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 November 27, 2005. Correspondence has been sent to all adjacent property owners.

Location of Subject Property

The subject property is located at 17347 Pratt Road in Sandwich Township approximately one-half mile north of the city limits of Sandwich, Illinois the nearest incorporated community.

Site Characteristics

A. Location - Access

The subject parcel total 4.966 acres and is presently zoned A-1, Agricultural District with a Special Use Permit for a church. All surrounding land is zoned A-1, Agricultural District, however, immediately to the east of the subject property is a cemetery (SU (A-1)). The Unified Future Land Use Plan of the DeKalb County Unified Comprehensive Plan recommends agricultural uses on the subject property.

B. Proposed Use

Plans call for the continuation of a Special Use Permit allowing the operation of a mobile classroom for the church on the subject property. On June 20, 2001 the DeKalb County Board passed Ordinance 01-12 which approved a Special Use Permit for Northside Baptist Church. The Special Use Permit approved the existing church and two accessory buildings, one to be permanent and the other being a portable framed trailer, as well as an expansion of the church parking lot. The Ordinance provided that the mobile building was to be replaced by the permanent building within five years.

C. Correspondence

Correspondence was received from William Lorence, the DeKalb County Highway Engineer stating that he had no objection; from Sandwich Township objecting to the extension, and from the City of Sandwich also objecting to the extension.

Mr. Paul Miller, the DeKalb County Planning Director testified briefly giving an introduction and setting forth the background of this proposal. He stated that the improvements required at the last hearing were made and that the church had complied with all of the requirements set forth at that time.

Persons appearing on behalf of the Petitioner.

Mr. Steven Krenz of Plano, Illinois, attorney for Northside Baptist Church, testified at some length. He stated that they were merely requesting an extension as permitted by law of the Special Use Permit. They were not asking for any expansion of that permit or any variations. He stated that in 2001 the Church spent substantial funds, approximately \$53,000.00, to comply with the requirements at that time. He addressed the question of why they still do not have a permanent structure stating that it takes time for planning and it took more time than expected to raise the necessary funds in order to do their permanent structure. He said they had initially received the trailer very inexpensively and have decided to use it temporarily. Originally they intended to build a sanctuary which is a very expensive structure but have now decided to downsize to a less expensive multi-use structure. They hope to have building permits within 1-3 years and then finish construction within two years after that. Therefore, he stated they were asking for a five-year extension of the Special Use Permit. He stated that the Church has not received a single complaint since the last Special Use Permit was granted and that all of their improvements were made in full compliance with the requirements of the original Special Use Permit. He stated that the Church adjoins the cemetery and therefore was a compatible use in a rural area. He stated that all landscaping had been completed.

Mr. Tim Campbell of 330 Mill Road, Plano, Illinois then testified. He stated he was a former deacon of the Church and is now the treasurer and is also a builder. He stated that their youth ministry was located in the trailer and would remain there during construction of the permanent building. He stated that the multi-use building would be about one-half as expensive as a new sanctuary. He stated that everything had been done that was originally requested.

Pastor Robert Johnson of 517 East North Street, Plano, Illinois then testified. He stated that he is the pastor of the Church and submitted a group of pictures taken on December 14, 2005 of the present structure. He also submitted a sketch of a proposed church building that they plan to build stressing that it was merely a conceptual view of a proposed building. He also stated they had received no complaints and that they had had no water problems during this past five years. He stated that the trailer is used only for their youth ministry and approximately 40-60 youth per week use the building and that they have Sunday School there on Sundays. He said it is a very important part of their program, and they need it in order to continue serving youth in the community. He stated that the church is at capacity as far as their church school space and meeting rooms are concerned. If this request is denied, it would have a substantial negative impact on their programs.

Persons speaking in opposition or requesting the proposal:

Mr. Darrell Lohmeier stated that he owns adjoining property at 2855 East Sandwich Road, Sandwich, Illinois although he resides in Lisle, Illinois. He stated that his deceased wife is buried in the cemetery located next to the church. He said that initially he did not know how long a period the church was requesting for an extension but was satisfied when he learned that it would be only for five years. He had originally objected to the proposal. He questioned where the location of the new building would be and was told that it would not be attached to the present building and would be north of the new parking lot. He was also told that the functions of the Sunday School room would go into the new building. He stated that he had been somewhat concerned about the property because there had been debris located at the corner of the cemetery and a burn pile there. He was told by Pastor Johnson that the burn pile had been moved to the center of the property away from the cemetery. Mr. Lohmeier further testified that he appreciated the addition of trees to partially screen the trailer and he was not objecting to the extension at this time.

Mr. Jeff Fucrell of 414 East Knight Road, Sandwich, Illinois stated that he is a deacon in the church and a youth worker. He stated there is a need for this program both for the church and the community. He said they had experienced tremendous growth. He also pointed out that they had complied with all requests previously made of them at the time the Special Use Permit was originally granted. He said their goal is to build a permanent structure

and they now have a plan in place to do that.

Mr. Paul Miller stated that it was very important that the church stick to the time line as the County did not want a temporary structure to remain in place permanently. He did not feel that more than one additional extension would be desirable and that if the extension is not granted, the building will need to be removed as soon as possible.

Mr. Steven Krenz then stated that he was upset that they had not previously seen the written objections filed by Sandwich Township and by the City of Sandwich. He was advised by the undersigned that we had just received those letters and had not had an opportunity to share them with him. Mr. Krenz said that they had not been able to attend the meetings at either the City of Sandwich or the Sandwich Township and he felt that the objections should not be made a part of the record.

Mr. Lohmeyer said that he felt that part of the reason for the objection from the City of Sandwich and the Sandwich Township went back to the initial circumstances of when the church first requested the Special Use Permit five years ago after already having moved the trailer on to the property.

RECOMMENDATION AND FINDINGS

The undersigned hereby recommends that the Special Use Permit be extended for an additional five years or until a new building is constructed, whichever occurs first. The undersigned advised the petitioners that at least as far as he was concerned, there would be no further extensions and that this extension is granted because the church had complied with all of the original requirements and had cooperated fully with the County during the past five years. The undersigned feels that it is not a good policy to allow the “temporary structure” to become a permanent structure and therefore feels that the extension should not be granted beyond an additional five years. It does not appear that the proposed Special Use will be unreasonably detrimental to the value of other property in the neighborhood nor will it dominate the immediate neighborhood so as to prevent use of neighboring property in accordance with applicable Zoning District regulations. There was no indication that there had been any complaints during the past five years about the conduct of the church in this location and in fact, it appears that the church conducts a program for the youth of the community that is beneficial. There appears to be adequate off street parking and no problems were reported with regard to utilities, drainage and other necessary facilities for the operation of the classroom located in the temporary structure. As stated above, the undersigned recommends that the Special Use Permit be extended for an additional five years but strongly recommends that it not be extended beyond that time.

Respectfully submitted,

Ronald G. Klein
Hearing Officer

STATE OF ILLINOIS)
)SS
COUNTY OF DEKALB)

ORDINANCE 2006-07

**AN ORDINANCE AMENDING ARTICLE 8
OF THE DEKALB COUNTY ZONING ORDINANCE
REGARDING ILLEGAL NONCONFORMING LOTS**

WHEREAS, Section 8.05 of the DeKalb County Zoning Ordinance contains regulations related to the use of illegal nonconforming lots; and

WHEREAS, subparagraph D. of the above-referenced section restricts the uses and possible improvements to illegal, nonconforming lots, but establishes that such lots are only those created subsequent to the effective date of the Zoning Ordinance, which is April 20, 2005; and

WHEREAS, however, the policy of the County has been that all nonconforming lots created after September 18, 1991 by action or actions of the current or previous property owner(s) and not by government action shall be considered illegal, nonconforming, but this date was not included in the April 20, 2005 update to the Zoning Ordinance; and

WHEREAS, under the direction of the Planning and Zoning Committee of the DeKalb County Board, the Planning, Zoning and Building Department has prepared and submitted an application for an Amendment to the text of Section 8.05.D to specify that September 18, 1991 is the date after which subsequently created nonconforming lots shall be considered illegal, and to further clarify that additions to existing buildings and structures on such lots shall not be permitted, as set forth below; and

WHEREAS, following due notice published in The Daily Chronicle not less than 15 days in advance, a public hearing was conducted on December 2, 2005 by the DeKalb County Hearing Officer regarding the proposed Zoning Text Amendment, and no persons spoke in favor of the proposal and none in opposition thereto; and

WHEREAS, based on the testimony given at the public hearing, the Hearing Officer has forwarded to the Planning and Zoning Committee of the DeKalb County Board his findings and recommendation that the proposed amendment to the Zoning Ordinance be approved, as set forth in the Findings of Fact and Recommendation, dated December 2, 2005, a copy of which is appended hereto as Exhibit "A"; and

WHEREAS, the Planning and Zoning Committee has considered the proposed Text Amendment and the recommendation of the Hearing Officer and has forwarded a recommendation to the full County Board that the proposed amendment be adopted; and

WHEREAS, the County Board of DeKalb County has determined that it is in the best

interests of the citizens of the County to amend Article 8 of the DeKalb County Zoning Ordinance in accordance with the amended text;

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

SECTION ONE: The findings and recommendation of the DeKalb County Hearing Officer, Exhibit "A" attached hereto, are hereby adopted as the findings and conclusions of the DeKalb County Board.

SECTION TWO: Section 8.05.D of the DeKalb County Zoning Ordinance, Appendix A of the DeKalb County Code, is hereby replaced in its entirety with the following:

- D. Illegal Nonconforming Lots: A nonconforming lot where such nonconformity was created subsequent to September 18, 1991 by action or actions of the current or previous property owner(s) and not by government action(s), is declared an illegal nonconforming lot. New uses, buildings and structures, and additions to existing uses, buildings and structures, shall not be permitted on such lots, and repair of existing buildings and structures which are damaged by any means, if the cost of such repair exceeds 50% of the value of the building or structure, shall not be permitted.

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

ADOPTED BY THE COUNTY BOARD THIS 15TH DAY OF FEBRUARY, 2006, A.D.

Chairman, DeKalb County Board

ATTEST:

DeKalb County Clerk

February 9, 2006

DeKalb County Planning & Zoning Dept.
110 East Sycamore St.
Sycamore, IL 60178

RE: Zoning Text Amendment
Petition DC-05-17

Dear Sirs:

This is to advise you that I held a public hearing on December 1, 2005 at 1:00 p.m. in the DeKalb County Administration Building, Conference Room East. The DeKalb County Planning, Zoning and Building Department, on behalf of the Planning & Zoning Committee of the DeKalb County Board, filed an application for a zoning text amendment to amend Section 8.05.D of the DeKalb County Zoning Ordinance. The DeKalb County Zoning Ordinance includes provisions that certain lots were split off without meeting County regulations. Such lots are designated "illegal, non-conforming," and the Zoning Ordinance restricts new uses and buildings from taking place on these lots. The current Zoning Ordinance does not include the September 18, 1991 date that has been, by policy, the cutoff date after which non-conforming lots have been considered illegal. The request by the Planning & Zoning Committee was to correct this oversight by including the September 18, 1991 date in Section .05.D of the Zoning Code.

Notice of the public hearing was published on November 13, 2005.

Mr. Paul Miller, the Planning Director, was present and testified explaining the problem. He stated that the policy of the County has been to treat lots that were created prior to September 1991 as legal, non-conforming (grandfathered), and to treat all non-conforming lots that were created subsequent to that date as illegal, non-conforming. However, he pointed out that the existing language in the above provision would allow any lot created before April, 2005 (the date of the current Zoning Ordinance) to be treated as legal, non-conforming. The existing ordinance carried over the previous language without recognizing the need to identify the actual date beyond which non-conforming lots are created by persons who have disregarded, for one reason or another, applicable regulations.

He further pointed out that the intent of this provision is to assure that properties that have been split off illegally may not be improved until the non-conformity is addressed. Improvements include not only existing buildings, but additions to existing buildings.

In order to address this situation it was recommend that 8.05.D, illegal, non-conforming lots, be amended to read as follows:

A non-conforming lot where such non-conformity was created subsequent to September 18, 1991 by action or actions of the current or previous property owner(s) and not by government actions, is declared an illegal, non-conforming lot. New uses, buildings and structures, and additions to existing uses, buildings and structures, shall not be permitted on such lots, and repair of existing buildings and structures which are damaged by any means, if the cost of such repair exceeds 50% of the value of the building or structure, shall not be permitted.

The undersigned hereby recommends approval of the above amendment for the reasons set forth above.

Respectfully submitted,

Ronald G. Klein
Hearing Officer

RGK/dla