



DEKALB PLANNING AND ZONING COMMISSION AGENDA

Monday, July 21, 2025

6:00 P.M.

DeKalb Public Library

Yusunas Meeting Room

309 Oak St.

DeKalb, IL 60115

A. ROLL CALL

B. APPROVAL OF AGENDA (Additions or Deletions)

C. APPROVAL OF MINUTES

1. July 7, 2025.

D. PUBLIC PARTICIPATION (Open Floor to Anyone Wishing to Speak on Record)

E. NEW BUSINESS

1. **Public Hearing** – A petition by Rick and Teresa Scharp for approval of a variance to the Unified Development Ordinance to allow a new 6-foot-high privacy fence to be constructed in a portion of the front yard along Charter St. for the property located at 1158 S. 5th St.
2. **Public Hearing** – A petition by Lee Ortega for approval of a variance to the Unified Development Ordinance to allow a new 6-foot-high privacy fence to be constructed in a portion of the front yard along W. Taylor St. for the property located at 857 S. 1st St.

F. REPORTS

G. ADJOURNMENT

MINUTES
CITY OF DEKALB
PLANNING AND ZONING COMMISSION
July 7, 2025

The Planning and Zoning Commission held a meeting on July 7, 2025, in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak Street, DeKalb, Illinois. Vice Chair McMahon called the meeting to order at 6:00PM.

A. ROLL CALL

Recording Secretary, Olivia Doss, called the roll. Planning and Zoning Commission members present were: Steve Becker, Trixy O'Flaherty, Jerry Wright, and Vice Chair Bill McMahon. Chair Max Maxwell and Commission member Maria Pena-Graham were absent. Planning Director Dan Olson, City Manager Bill Nicklas and City Attorney Matthew Rose were present representing the City.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Vice Chair McMahon requested a motion to approve the July 7, 2025, agenda as presented. Mr. Wright motioned to approve the agenda as presented. Mr. Becker seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

1. June 16, 2025 – Vice Chair McMahon requested a motion to approve the June 16, 2025, minutes as presented. Ms. O'Flaherty motioned to approve the minutes as submitted. Mr. Wright seconded the motion, and the motion was approved by unanimous voice vote.

D. PUBLIC PARTICIPATION (Open Floor to Anyone Wishing to Speak on Record)

None.

E. NEW BUSINESS

- a. **Public Hearing** – A petition by the City of DeKalb for text amendments to Chapter 23 “Unified Development Ordinance (UDO)” of the Municipal Code to allow cannabis dispensing organizations to have onsite consumption lounges.

Since the City is the applicant, Planning Director, Dan Olson, gave his staff report dated July 3, 2025, as the presentation. Mr. Olson explained on May 27, 2025, the City Council discussed the possibility of allowing “tasting rooms” in cannabis dispensaries. He stated Nakia McAdoo, a principal with Excelleaf Dispensary at 305 E. Locust Street, requested City Council guidance about the prospect of opening a “tasting room” in their dispensary.

Mr. Olson noted that Section 7.18.07, paragraph 12, of the City's UDO prohibits any cannabis business establishment from allowing any person “to smoke, inhale or consume cannabis on the property.” He reminded the Commission that the City Council has the authority, upon recommendation from the Planning and Zoning Commission, to revise UDO provisions. He stated there was consensus among Council members present at the May 27th meeting to move forward with the amendments to the UDO to allow “tasting room” in dispensaries. He told the Commission the minutes from the May 27th City Council meeting were in the background materials.

Mr. Olson recapped that at the City Council meeting, Ms. McAdoo proposed to only allow the consumption of limited quantities of various edible cannabis products and was not interested in featuring inhaled products in the proposed tasting room. Mr. Olson detailed the space for the tasting room has existed in the facility at 305 E. Locust Street since its opening in November 2023, but the room's occupancy would depend on a proposed revision to the UDO as well as an occupancy permit from the City's Building Department. He added any sales from the featured edible products in the proposed tasting room would generate sales tax at the local cannabis rate of 3%. He specified the proposed amendments will establish conditions related to the location of the onsite consumption lounges within the building, maximum square footage, food and beverage restrictions, tobacco and liquor prohibition, hours of operation, age restrictions, employee training, security measures and other restrictions.

Mr. Olson pointed out City Manager Bill Nicklas and City Attorney Matthew Rose were present for questions.

City Attorney Matthew Rose then discussed operation plan requirements in the proposed amendments. He explained the Illinois Administrative Code provides regulations regarding onsite cannabis lounges, and the City has adopted and incorporated those into the proposed text amendments. He continued, stating the dispensary wishing to have a tasting room must create a responsible operations plan with detailed explanations as to how employees will monitor and prevent over intoxications, underage consumption, illegal use or possession of cannabis in the consumption lounge and other potential criminal activity. The plan must also include how best to stop impaired driving. Furthermore, Mr. Rose stated the dispensary must provide a documented employee plan to address all components listed above, a staffing plan with hours of operation, pricing policies and procedures. Additionally, they must also have a general liability insurance coverage policy similar to what bars have for liquor.

Attorney Rose provided detailed information regarding the regulations and conditions imposed under State law which will be imposed in the UDO amendments. He mentioned those include requiring the lounge to be in a separated area with a locked door, a security guard and at least one staff member present. He mentioned a cannabis product destruction and waste management plan must also be created. Clarifying, Mr. Rose explained all dispensaries must have a plan for leftover or discarded products but there is relevance with this to consumption lounges. Leftover consumables cannot just be placed in the garbage where another person could obtain them. Mr. Rose confirmed these plans are required under State regulation but are also required to be submitted as part of their permit application and condition of compliance with the permit.

Maria Davis, co-owner of Excelleef, located at 305 E. Locust Street, gave a brief presentation. Ms. Davis explained the tasting room is a small piece of what they are looking to do with the space; their main focus will be on education. During a recent festival they were part of, they asked the community what they would like to see. She shared some insight into common responses they received which were meditation, classes on illnesses and cannabis effects, and yoga among various other suggestions. She reiterated they are not just looking to create a tasting room, but a way to bring the community together and focus on education about cannabis. She noted some of the education community members were interested in were cannabis effects on Epilepsy, Alzheimer's and mental health. Socially, the community was interested in BINGO nights and other themed nights, workshops on herbs and oils, and culinary options.

Crystal Anderson, co-owner of Excelleef, also spoke. She explained all three (3) principals are nurses and view cannabis as plant medicine. Based on their healthcare background, they believe it is imperative for the community and consumers to know what they are consuming and how it affects the body and certain diseases, leaning heavily on that. She stated employees are educated on how

to deal with customers who consume too much. Employees will teach customers how to consume, properly dose and how much the body is able to tolerate. She added that when customers come to the store, the product is packaged, and customers cannot see what they are consuming until they get home. The tasting lounge would allow patrons to consume small doses in a responsible environment.

No public comments were made, and the public hearing was closed.

Commission member Becker addressed the Commission with a reminder that their job was not to determine morality in their decision, only to determine if this would be the highest and best use for the site. He noted concerns regarding consumption of cannabis at a location that is not at home or on private property. He inquired what happens when a person consumes and then leaves. He stated when someone goes into a bar and is overserved, there is a quick mechanism for determining inebriation, but there is nothing like that for cannabis, outside of a blood test which can be refused. He asked what can be done and what are they (Excelleaf) willing to do to help mitigate that. He also asked the City how they monitor people leaving overserved and whether that is the highest and best use of the property.

Ms. Anderson responded that with other consumption lounges in the area, there are parameters set for how much can be consumed at the lounge. She also stated employees will be able to identify if the person is intoxicated. She explained the State sets parameters and Excelleaf's Standard Operating Procedures (SOP) will include provisions on making arrangement for a person to get home, i.e. providing a ride through Uber or Lyft. She added they would not allow people to get so intoxicated they would not be able to drive.

Mr. Becker questioned how employees would be able to identify if someone would be overserved. Ms. Anderson stated only samples would be served. Customers cannot come there and purchase large amounts of gummies and sit in the lounge to consume them all. The space is there to educate the community and maybe sample a small piece, but not to get intoxicated. She continued that training modules are required annually for employees.

Commissioner Becker admitted he felt very positive about Excelleaf's commitment to education regarding the different facets of cannabis and asked about how much effort they anticipated going into that aspect. Ms. Davis stated it would be an event space. There would not be daily samples available, but they would have vendors come out and provide people with an opportunity to sample. Mr. Becker stated he originally believed the space would be for socializing and enjoying recreational consumption but sees that is not the case. Ms. O'Flaherty commented the model they are proposing would be similar to wine tastings. Ms. Anderson stated a vendor or cultivator would bring samples and educate consumers on their products while there. She also reiterated Excelleaf pays an annual fee for educational modules employees must complete so they are trained on every product in the store.

City Attorney Rose explained on the regulatory end; the City makes sure the regulations are implemented and failure to comply with the conditions could result in revocation of the permit for the consumption lounge. Excelleaf would want to have plans in place to ensure they do not overserve. Mr. Becker inquired about what mechanism is in place for enforcement, and City Attorney Rose stated it is the same problem with alcohol at a bar. Additional discussion continued between Mr. Becker and City Attorney Rose regarding how the City will mitigate the risk of intoxicated drivers, which Mr. Rose noted bars do not even have the same requirements dispensaries have. He added it is incumbent on the City's Police Department to enforce any instances brought to their attention. Ms. Anderson echoed City Attorney Rose, explaining there are State regulations requiring each employee to prove they have completed the education in order to get a badge to get into the building. She also stated that State Police inspect them regularly.

City Manager Bill Nicklas addressed the Commission. He mentioned there are a number of things that produce a sedative effect or slightly accelerated effect, including a couple of shots at the bar or consuming cannabis products. He noted dispensaries are required to have security which is a lot more than bars are required to have. He stated if someone buys a sample, leaves and then becomes erratic, someone could file a complaint against the establishment with the City and the City would investigate. He explained there are cameras on every corner of the building at 305 E. Locust Street and evidence of the person coming and going would be available, which would not be available at other places.

Mr. Nicklas felt, in addition to private security, there are a number of conditions in the red lined version showing the amendments which go a long way to giving the City some comfort. He commented that you have no way of knowing what someone's intent is. He added the State left it to local governments and private businesses to do it right and do it safely. Mr. Nicklas noted the City does not have all of the answers but will continue to be vigilant and trust that the way of policing these things is now a lot more thoughtful. He admitted it is not quite as easy as a regular BAC test, but police officers are trained to utilize other impairment tests which they receive training. He concluded that Excelleaf is exhibiting safe, legal and thoughtful ownership.

Ms. Anderson added customers will not be allowed to purchase products from the store and then sit in the lounge to consume, they will only be allowed to consume the samples provided for purchase by Excelleaf or the vendor they bring in. Mr. Becker inquired about the training for security, to which she responded they receive the same training as herself and all other employees.

Mr. Wright asked what a consumption lounge might look like. Ms. Davis stated they are in the process of designing it, but it would be a welcoming, inviting and safe space for customers. Ms. Anderson mentioned she has been to a few with couches and a TV, though since their space is small, they probably will not have that. Their goal is to retain floor space for yoga and vendors to have a space to set up tables.

Mr. Wright inquired if not inhalants, what the consumables might be. Ms. Anderson stated they will teach people how to make cannabis infused baked goods at home with the products they sell at the store, but gummies and drinks will be the only items available for sampling. Mr. Wright asked what enhancements they anticipate making to the tasting lounge. Ms. Anderson explained they anticipate seeing an increase in the customer base and more community involvement. Ideally, they would like to pair up with local businesses and non-profits, citing a recent example of a vendor donating a large amount of dog bowls to Tails Humane Society. She stressed that while the intent is to market and grow business, their focus is on education.

Vice Chair McMahon asked the City what exactly the Commission is agreeing to tonight. If they were to vote yes, would NuEra be able to install proper ventilation to allow smoking based on the Commission's decision. Mr. Olson explained, currently, the other dispensary does not have any interest in a tasting lounge, and the Commission is only reviewing the red lined amendment, which does not allow smoking. He said the amendments would apply to NuEra also. Mr. Nicklas pointed out that installing ventilation and allowing smoking would require additional permitting. He remarked it simply would not be possible. The business would need to install several safety measures, but even if that occurred, the smoke would need to be exhausted outside of the building and would be noticed by the surrounding area. Furthermore, the City currently has two (2) dispensaries and will not have a third.

Mr. Rose added that no smoking or vaping is allowed in the proposed language. The Commission is only voting on allowing the consumption of edibles. He confirmed if someone wanted to have a

smoking lounge, they would still have to come back to the Commission for additional Code amendments.

Mr. McMahon inquired if there are requirements for a certain duration of stay. Ms. Anderson noted their counterparts have implemented two (2) hour maximums, but they will be requiring consumers to vacate when the event is over. Additionally, if a customer has purchased something in the store, they must leave and cannot go to the lounge and consume, nor will they be able to leave and come back. Vice-Chair McMahon clarified if there was a minimum stay time in place to help those who have never tried anything before to see how they will react. Ms. Anderson stated there is nothing currently in their SOP but would consider addressing it if necessary.

Mr. McMahon asked if there would be extra security present or if the regular security at the door would meet the requirements. Ms. Anderson confirmed the security at the door would meet the requirements. That security would also have access to the tasting room.

Mr. McMahon then inquired about restroom requirements now that patrons may stay longer at the facility. Ms. Anderson explained they currently have one bathroom in the store and one in the portion that would become the lounge. Mr. Nicklas clarified public bathrooms refer to public patrons and employees combined, and the current bathrooms present meet the requirements.

Mr. McMahon continued with several additional questions, including inquiring if there would be a fee for entering the lounge, how the lounge would increase business sales given the need for additional staff, and what the hours of operation may be. Ms. Anderson explained there would not be an entrance fee, and revenue would be generated from people going inside the store to purchase products. Additionally, their hope is to bring in more customers through increasing their community involvement. She provided an example of someone attending a culinary class and then purchasing the products needed to make the recipe from the store side. Regarding hours of operation, Ms. Anderson noted customers would only be able to taste if there was a vendor present. Ms. O'Flaherty likened this to when grocery stores have alcohol vendors on site to sample products.

Mr. Wright admitted he had been impressed with the way the business is run, and how Ms. Anderson and Ms. Davis have presented. He was also impressed with how they have been implementing education with their employees, how they plan to focus on education with the community, and how they have integrated into the community. Ms. Anderson responded that they try to be responsible business owners.

Vice Chair McMahon asked for a motion to approve the text amendments. Ms. O'Flaherty moved that based on the submitted petition and testimony presented, I move the Planning and Zoning Commission recommend to the City Council approval of text amendments to Article 7.18.07, paragraph 12 of the Unified Development Ordinance to allow cannabis dispensing organizations to have onsite consumption lounges as indicated in Exhibit A of the staff report dated July 3, 2025. Mr. Wright seconded the motion.

A roll call vote was taken: Becker – yes, O'Flaherty – yes, McMahon - yes, Wright – yes. Commission members Pena-Graham and Maxwell were absent. The motion passed 4-0-2.

- b. **Public Hearing** – A petition by Heartland Bank and Trust, represented by Ryan Cour, for a special use permit to allow a bank with drive-through facilities for the property located at 330 Grove St. (SW corner of Grove St. and S. 4th St.).

Tom Weaver (contractor for the project), of 1636 Joseph Sixbury Street in Sycamore gave a presentation regarding the special use permit request. He stated the proposal is for a drive-through

at the property located at 330 Grove Street. The lot previously contained the Post Office which has since been torn down and the new bank will be present at that site. He explained in order to make the bank work the way it is intended, a drive-through is needed.

Landon Faivre, from Heartland Bank and Trust, located at 1985 DeKalb Avenue, in Sycamore, spoke as well. He stated their goal is to continue to serve the community in a new and improved facility on the south side of DeKalb. The drive-through is important to them, and they look forward to continuing to serve the community with a little better visibility than their current DeKalb location on South 4th Street (913 S. 4th).

Mr. Olson gave his staff report dated July 3, 2025. He explained the City has received a special use permit application from Heartland Bank and Trust to allow a bank with drive through facilities at 330 Grove St. The .47-acre vacant parcel is located at the SW corner of Grove St. and S. 4th St. The proposed bank building will be a single-story structure with approximately 2,100 square feet of interior space. The new facility will include two commercial drive-through lanes, and an ATM drive-through lane. Mr. Olson noted along with the special use application, a layout plan, utility plan, landscape plan, grading plan, photometric plan and building elevations were submitted.

He continued, stating Heartland Bank has spent the past few years looking for properties around the south side of DeKalb and in relative proximity to their current location at 913 S. 4th St. Because of the mix of commercial and residential properties, high traffic counts, and proximity to their current location, they have chosen the subject site. Mr. Olson noted with other commercial and residential projects being completed around the area, the applicant believes the addition of a local community bank on the subject property will add to the aesthetics of the neighborhood and serve the financial needs of the community.

Mr. Olson said the site previously contained the DeKalb Community Center Building (Senior Center – Youth Services Bureau), which was demolished in 2023. Heartland Bank purchased the property last October. The applicant has indicated they will close the existing Heartland Bank branch at 913 S. 4th St. after the new one opens. He mentioned the current bank property along S. 4th St. is located far off the road and has limited visibility.

Mr. Olson mentioned the subject site is zoned “CBD” Central Business District. The CBD has no building or parking setbacks or maximum site coverage. He continued by stating the landscape plan does show a 14.5 foot paving setback along S. 4th St. with landscaping covering the area. A five (5) foot paving setback is provided along Grove St. with landscaping in the green space. Landscaping is also provided around the building, meeting all the UDO requirements. Two access points will be provided to the site. Access will be provided from Grove St. using the existing public alley. In addition, a full access off S. 4th St. is proposed. The applicant has obtained approval of the full access onto S. 4th St. from I.D.O.T. since it’s a state-controlled highway. Although it is not required to have on-site parking, the plan shows 10 standard parking spaces and one handicap space.

He pointed out the drive-through lanes were moved from the south side of the proposed building in previous versions of the plan to the north side. This change was made to encourage customers to exit the site using Grove St. instead of S. 4th St, which is busier roadway and has a higher speed limit. The site plan indicates adequate stacking area for three (3) vehicles per lane as required by the UDO. The queue for the vehicles in the drive-through lanes will not interfere with other site traffic or back

up onto a public roadway. The various plans have been examined by staff and all comments applicable to this level of review have been addressed.

No public comments were made, and the hearing was closed.

Ms. O'Flaherty inquired about the alley being used as the shared entrance and how often it is utilized. Mr. McMahon, who owns a restaurant in the area, stated he uses the alley daily. Ms. O'Flaherty expressed concern it would become a similar situation to the alley by Dunkin' Donuts which is located near her hardware store. She explained the alley is difficult to utilize due to the large amount of traffic created from Dunkin' Donuts and did not want the same thing happening with another mixed-use alley. Mr. Olson affirmed the traffic situation that occurs at Dunkin' Donuts will not occur in the alley by the bank.

Mr. McMahon inquired about any grading that will occur to the alley. Mr. Olson stated whatever needs to be done to the alley based on the bank's needs will need to be done by the bank, and the bank has not identified any necessary changes at this time. Mr. Nicklas mentioned the City will most likely collaborate with the property owner to repair the alley and parking since the City's Annex building is just a couple doors down. However, they will wait until after construction as he anticipates large portions of the alley being damaged during that time.

Vice Chair McMahon requested a motion to approve the request for a special use permit. Mr. Becker moved that based upon the submitted petition, testimony presented and findings of fact, I move the Planning and Zoning Commission forward its findings of fact and recommend to the City Council approval of special use permit to allow a bank with drive-through facilities for the property located at 330 Grove St. (SW corner of Grove St. and S. 4th St.) per the site plan described in Exhibit A of the staff report dated July 3, 2025. Mr. Wright seconded the motion.

A roll call vote was taken: Becker – yes, O'Flaherty – yes, McMahon - yes, Wright – yes. Commission members Pena-Graham and Chair Maxwell were absent. The motion passed 4-0-2.

- c. **Public Hearing** – A petition by Ms. Anderson (Worrell) Garvey for approval of a variance to the Unified Development Ordinance to allow a 6-foot-high privacy fence to be constructed in a portion of the front yard for the property located at 1838 E. Lincoln Highway.

The applicant, Ms. Garvey, stated she is asking for the variance to replace a fence that existed prior to her obtaining the property from her grandmother. She would like to construct the 6-foot-high privacy fence past the front of her house to provide additional privacy, security and noise reduction from the highway. She added the fence has fallen down and needs to be replaced.

Mr. Olson gave his staff report dated July 3, 2025. He noted the petitioner is requesting a variance to Articles 7.06.3 and 7.06.6 of the Unified Development Ordinance (UDO) to allow a six (6) foot-high privacy fence in a portion of the front yard along E. Lincoln Hwy. The UDO states that privacy fences cannot be over three (3) feet tall if they are in front of the front building line (home). The applicant notes in their summary they would like to construct the fence for safety and privacy reasons. In addition, the fence will also provide a barrier from garbage blowing on their property and help buffer the traffic noise from E. Lincoln Hwy.

Mr. Olson explained the applicant is requesting the six (6) foot high privacy fence along the west property line and in front of the front building line. The proposed fence would extend 66 feet from a point near the garage on the property to the west (1834-1836 E. Lincoln Hwy.) to about 31 feet in front of the home on the subject site. The fence will replace a previous fence that was four (4) to six (6) feet high and located along the west lot line. The previous fence extended to about six (6) feet away from the sidewalk along E. Lincoln Hwy. The fence was approximately 30 years old, deteriorated over time and gradually fell down. Mr. Olson mentioned the fence was permitted through DeKalb County. The subject site was annexed by the City in 2011 and rezoned to the "LC" Light Commercial District in 2012.

Mr. Olson said the applicant is requesting the fence be extended to be in line with the residential structure to the west at 1834 E. Lincoln Hwy. The proposed fence would be about 31 feet in front of the home on the subject site. The fence will transition down to a four (4) foot high open (50%) fence starting at 25 feet from the sidewalk along E. Lincoln Hwy. Mr. Olson pointed out that if the same fence (height and location) were proposed along the east property line of 1834 E. Lincoln Hwy. they would not need a variance.

Director Olson added the proposed four (4) foot high portion of the fence would not interfere with access or motorist visibility leaving the subject site or leaving the property to the west. The site at 1834-1836 E. Lincoln Hwy. contains a tree service business (Midwest Tree & Landscape) and a home with renters. He stated the previous fence did not impair public health and safety and did not create a negative impact on the surrounding neighborhood and did not cause any safety issues.

Mr. Olson advised the Commission that a public comment in support of the request was received from Michelle Brokop with MARS Inc, a commercial business at 1827 E. Lincoln Highway.

Mr. Olson stated the staff recommended approval of the variance request.

Mr. Becker thanked Ms. Garvey for her patience with the Commission.

Vice Chair McMahon stated it seemed like a request that makes sense to approve. Various additional positive remarks were made amongst the Commission.

Vice Chair McMahon requested a motion to approve the variance request. Ms. O'Flaherty moved that based on the submitted petition, testimony presented and findings of fact, I move the Planning and Zoning Commission approve a variance to Articles 7.06.3 and 7.06.6 of the Unified Development Ordinance to allow a 6-foot-high privacy fence to be constructed in a portion of the front yard for the property located at 1838 E. Lincoln Highway as shown on Exhibit A of the staff report dated July 3, 2025. Mr. Wright seconded the motion.

A roll call vote was taken: Becker – yes, O'Flaherty – yes, McMahon - yes, Wright – yes. Commission members Pena-Graham and Maxwell were absent. The motion passed 4-0-2.

F. REPORTS

Planning Director Olson stated the next meeting on July 21st will have two fence variances for corner lots, one at 1158 S. 5th Street and one at 857 S. 1st Street. He also noted a new commission member will hopefully be appointed at the July 28 City Council meeting.

G. ADJOURNMENT

Vice Chair McMahon requested a motion to adjourn. Mr. Wright motioned to adjourn, and Mr. Becker seconded the motion. The meeting adjourned at 7:10 p.m.

Respectfully submitted,

Olivia K. Doss, Recording Secretary

Minutes approved by the Planning and Zoning Commission on July 21, 2025.

Click [here](#) to view the agenda packet for the July 7, 2025 Planning and Zoning Commission Meeting.

Click [here](#) to view the video recording of the July 7, 2025, Planning and Zoning Commission Meeting.

**COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**
July 17, 2025

TO: DeKalb Planning and Zoning Commission
FROM: Dan Olson, Planning Director
RE: Variance – 1158 S. 5th St. (Rick and Teresa Scharp)

I. GENERAL INFORMATION

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|----|---------------------------------|--|
| A. | Purpose | To allow a 6-foot-high privacy fence in a portion of the front yard along Charter St. |
| B. | Location/Size | 1158 S. 5 th St./ .19 acres |
| C. | Petitioner | Rick and Teresa Scharp |
| D. | Existing Zoning | "SFR2"; Single Family Residential District |
| E. | Existing Land Use | Single-Family Home |
| F. | Surrounding Zoning and Land Use | North: "SFR2"; Single-Family Residential
South: "SFR2"; Single-Family Residential
East: "SFR2"; Single-Family Residential
West: "SFR2"; Single-Family Residential |
| G. | Comprehensive Plan Designation | Low Density Residential |

II. BACKGROUND AND ANALYSIS

The City received a variance petition from Rick and Teresa Scharp of 1158 S. 5th St. The petitioner is requesting a variance to Articles 7.06.3, 7.06.4.b and 7.06.6 of the Unified Development Ordinance (UDO) to allow a six (6) foot-high privacy fence in a portion of the front yard along Charter St. The UDO states that privacy fences cannot be over three (3) feet tall if they are in front of the front building line (home). The fence will replace a four (4) foot high chain link fence that is built up to the property line along Charter St. or one (1) foot off the edge of the sidewalk.

The home is about 18 feet from the property line (right-of-way) along Charter St. or about one (1) foot off the edge of the sidewalk. The applicant would like to construct a six (6) foot high wooden privacy fence 14 feet from the southeast corner of the home towards Charter St. or within four (4) feet of the property line along Charter. The fence will then stretch east along Charter St. towards the east property line. The proposed fence will be angled so there is no sight distance issue with the alley and then the fence will run to the north property line. Finally, the fence will go west along the north property line to the camper enclosure. The applicant states they are proposing the new fence at the proposed location, so they don't have to remove some trees and a large bush. They also note they need to contain a dog and provide security for a camper and woodworking shop. In addition, the existing chain link fence has become in disrepair and needs to be removed.

Privacy fences cannot be over three (3) feet tall if they are in front of the front building line (home). The subject lot is 50' x 169' (8,450 sq. ft.) which results in a small area for a usable back yard and greatly limits the area where a six (6) foot high privacy fence could be placed. The subject site is a corner lot and is narrow compared to many other corner lots in the City. The location where the petitioner can place a six (6) foot high privacy fence, under current City regulations, hinders their ability to enjoy the privacy and safety of their yard. The proposed fence will be placed four (4) feet off the sidewalk to provide some green space. In addition, the proposed fence will not alter the character and scale of the structures in the neighborhood nor impact the visibility of any adjoining home.

The Planning and Zoning Commission approved similar variances for two corner lots in the summer of 2024. The owner of 960 N. 12th St. was granted a variance to allow a six (6) foot high privacy fence four (4) feet from School St. right-of-way (property line). The lot was only 44.65 feet wide. For 928 N. 14th St., a variance was approved to allow a six (6) foot high privacy fence in a portion of the yard along Prairie Ave. The fence also was approved to be four (4) feet away from the right-of-way. The width of the lot was 51 feet.

III. FINDINGS OF FACT FOR VARIATIONS

The request has been reviewed using the criteria regarding variances stated in Article 18, Section 18.03.03 of the UDO, titled "Findings of Fact," as follows:

- 1. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations of that district.**



The subject lot is zoned “SFR2” Single-Family Residential District. The Unified Development Ordinance (UDO) states that privacy fences in front of the front building line (home) cannot be over three (3) feet tall. The subject lot is 50’ x 169’ (8,450 sq. ft.) which results in a small area for a usable back yard and greatly limits the area where a six (6) foot high privacy fence could be placed. The location where the petitioner can place a six (6) foot high privacy fence, under current City regulations, hinders their ability to enjoy the privacy and safety of their full yard.

2. The extraordinary or exceptional conditions of the property, requiring the request for the variance, were not caused by the applicant.

The subject lot is .19 acres (8,450 sq. ft.) and has existed since 1903 when the subdivision plat for the area was recorded. The applicant purchased the property in 1992. The existing shape of the property, layout of the home on the site, and resulting variance request were not caused by the applicant.

3. The proposed variance will alleviate a peculiar, exceptional, or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.

The lot is .19 acres (8,450 sq. ft.) and only 50 feet wide, which results in a small area for a usable back yard and greatly limits the area where a six (6) foot high privacy fence could be placed. The subject property is a corner lot which limits the area where a six-foot high privacy fence can be placed. The subject site is a corner lot and is narrow compared to many other corner lots in the City.

The Planning and Zoning Commission approved similar variances for two corner lots in the summer of 2024. The owner of 960 N. 12th St. was granted a variance to allow a six (6) foot high privacy fence four (4) feet from School St. right-of-way (property line). The lot was only 44.65 feet wide. For 928 N. 14th St., a variance was approved to allow a six (6) foot high privacy fence in a portion of the yard along Prairie Ave. The fence also was approved to be four (4) feet away from the right-of-way. The width of the lot was 51 feet.

4. The denial of the proposed variance will deprive the applicant of the use of his/her property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area.

The subject site is a corner lot and is narrow compared to many other corner lots in the City. The applicant’s home is 18 feet from the edge of the sidewalk along Charter St. The lot is 50 feet wide and 169 feet long (8,450 sq. ft.) resulting in a large area that is considered the front yard. This leaves little area for a usable back yard and greatly limits the area where a six (6) foot high privacy fence could be placed. The proposed fence will be placed four (4) feet off the sidewalk to provide some green space.

The Planning and Zoning Commission approved similar variances for two corner lots in the summer of 2024. The owner of 960 N. 12th St. was granted a variance to allow a six (6) foot high privacy fence four (4) feet from School St. right-of-way (property line). The



lot was only 44.65 feet wide. For 928 N. 14th St., a variance was approved to allow a six (6) foot high privacy fence in a portion of the yard along Prairie Ave. The fence also was approved to be four (4) feet away from the right-of-way. The width of the lot was 51 feet.

5. The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.

The fence will be four (4) feet off the sidewalk along Charter St. providing some green space. The proposed fence will not alter the character and scale of the structures in the neighborhood. In addition, the proposed fence will not impact the visibility of any adjoining home or any motorist. The proposed fence will replace an existing four (4) foot high chain link fence that is in disrepair.

6. The proposed variation will not impair an adequate supply of light and air to adjacent property; unreasonably increase the congestion in public streets, increase the danger of fire or endanger the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of DeKalb.

The fence will not impair an adequate supply of light and air to adjacent properties. Furthermore, it will not impair the public health and safety and will not have a negative impact on the surrounding neighborhood and will not impede traffic or cause any safety issues. The City received letters of support for the variance from Heather O'Connor (1156 S. 5th St.), Mary Katalak (430 Charter St.), Joseph and Ilia Lorenzo (602 Charter St.), Susan Funk (504 Charter St.), and Tyler and Courtney Woolbright (529 Charter St.).

IV. PUBLIC INPUT

The City received letters of support for the variance from Heather O'Connor (1156 S. 5th St.), Mary Katalak (430 Charter St.), Joseph and Ilia Lorenzo (602 Charter St.), Susan Funk (504 Charter St.), and Tyler and Courtney Woolbright (529 Charter St.).

V. RECOMMENDATION

Per the UDO, decisions to approve or deny variances lie solely with the Planning and Zoning Commission. The staff supports the request, and a sample motion is provided.

Sample Variation Motion:

Based on the submitted petition, testimony presented and findings of fact, I move the Planning and Zoning Commission approve a variance to Articles 7.06.3, 7.06.4.b and 7.06.6 of the Unified Development Ordinance to allow a new 6-foot-high privacy fence to be constructed in a portion of the front yard along Charter St. for the property located at 1158 S. 5th St. as shown on Exhibit A of the staff report dated July 17, 2025.



S 5th St

1156

EXHIBIT A

1158

14'

6' High Privacy Fence

4'

10'

Charter St





1153

1144

1155

1150

S 5th St

1156

1157

1158

Charter St

428

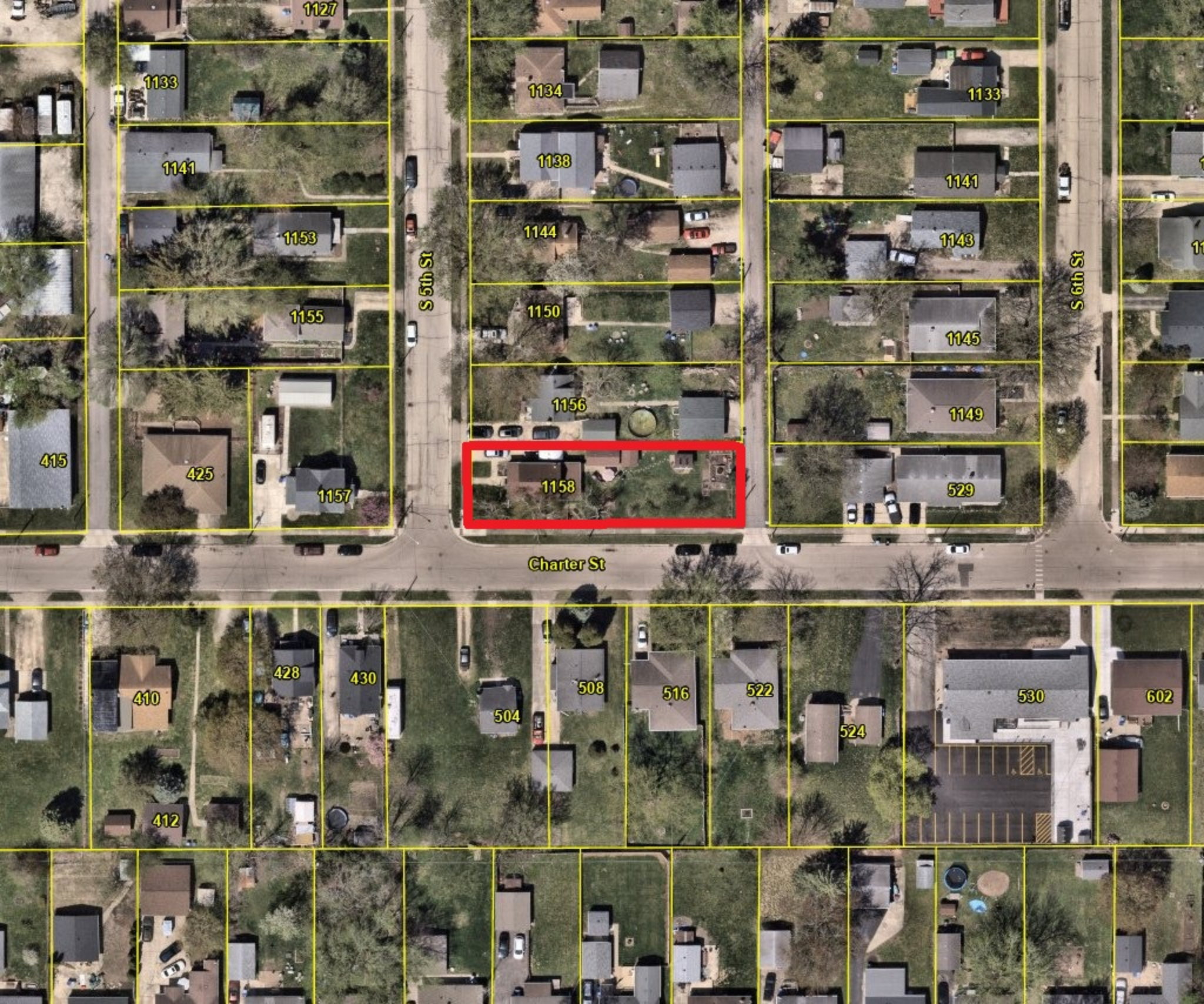
430

504

508

516

522



1127

1133

1141

1153

1155

415

425

1157

S 5th St

1134

1138

1144

1150

1156

1158

Charter St

1133

1141

1143

1145

1149

529

S 6th St

428

430

410

412

504

508

516

522

524

530

602

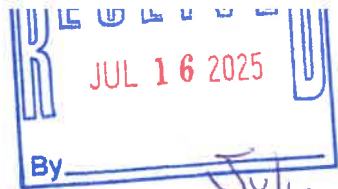
When we purchased our home 32 years ago, the back yard was, and still is, enclosed by a rather ugly cyclone fence. We live on the corner of S. 5th St. and Charter St. Our lot is 50' x 150'. We would like to replace the cyclone fence with a 6' wooden fence. The existing fence is 18' off the south side (Charter St.) of our house. We understand that code is 10'. We are asking for a variance to have a 6' wooden fence installed at 14' off the side of the house due to the following:

1. At the current 10' code for a fence, we would have to cut down all of our trees and one large bush in the back yard ... a large old wood birch tree, two Japanese maple trees, three apple trees, and a large burning bush would all have to go thereby eliminating all of the shade and shade perennials in the entire back yard.
2. We have a dog and we need an enclosed back yard for her.
3. We are replacing an ugly old cyclone fence that is at the end of its life.
4. We want to enclose our 2022 camper and the new woodworking shop for security purposes as there will be thousands of dollars in tools collected over Rick's lifetime in the shop. The fence would certainly aid in security.
5. We have several perennial plantings that would have to be dug up and relocated and this has to be done in the fall, not hot summer so we would either lose them all trying to relocate or they all end up OUTSIDE of the fence if we have to install the fence at 10' from the house. We've had the use of, and enjoyed, the full 18' for 32 years.

6. All fence posts will be erected by Peerless Fence using a locator to locate property pins. Posts will be on the inside (our side) of all fencing.

7. Because we have an alley behind our property, we understand that we have to erect a 4' wooden fence 25' back from the intersection of the sidewalk and the alley in both directions, cutting the back corner into a triangle or clip (unsure of the terminology). It is shown on the attached proposed fence image.

We are hoping to have a beautiful copperwood hand nailed fence professionally installed by Peerless Fence who just recently purchased Northern Illinois Fence in Sycamore. Their main office is located in St. Charles. The fence will certainly add to our pretty old neighborhood here on the south side and we hope it will add to everyone's property values, not just ours. Our only neighbor to the north looks forward to our new fence which will complete her privacy fencing around her back yard and above ground pool where her young daughters swim daily and now won't be visible from Charter St.



Whom it may concern

July 14, 202

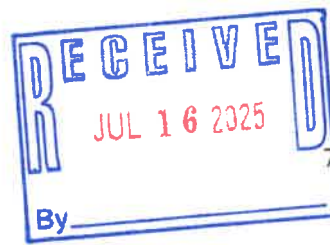
I Heather O'Connor, at
1156 S. 5th St Dekalb, IL Support
the proposal, of Teresa and Rick
at 1158 S. 5th St Dekalb, IL. I think
it would be a great addition to the
end of the neighborhood. In addition
to be able to enjoy thier own privacy. Maybe
also would help others do the same to fix
up the neighborhood. I agree with the
fence.

Heather O'Connor

Mary <marykatalak@gmail.com>

Fence

To scraps215@comcast.net



7/7/2025 12:32 PM

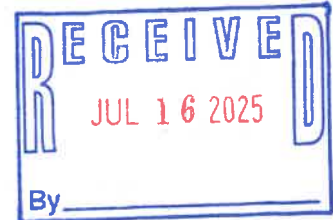
To whom it may concern,

I am a neighbor of Teresa Sharp's. She has explained to me her plans for a 6 foot privacy fence. I am not bothered by a 6 foot privacy fence at all. As a matter of fact, I think it would improve the look of the property. I encourage this!

If you have any questions, please feel free to shoot me an email.

Thank you,
Mary Katalak

1158 S. 5th St. - Variance – Fence
Public Response Form



Owners Name: Joseph + Ilia Lorenzo

Property Address: 1602 Charter St Dekalb

Basic Input:

- ☒ I support the proposal.
- ☐ I support the proposal in general but would like to see specifics before I decide.
- ☐ I do not support the proposal.

Written Comments:

I believe it's a good idea for the 6 foot fence
around this property.





To Whom It May Concern:

July 12, 2025

My name is Susan Funk. I live at 504 Charter St. in DeKalb. I am writing regarding the property at 1158 S. 5th St. owned by Rick and Teresa Scharp, who have been my neighbors for almost fourteen years. Regulations regarding a chain link fence they wish to replace with a privacy fence have made this property the subject of a public hearing. I sit and look out my front window at Rick and Teresa's house most days. It is one of the nicest, best maintained properties in the entire neighborhood. They keep their yard immaculate. They grow a lovely garden every summer, sadly, now just anyone can step right over the current fence and help themselves to my neighbor's hard work. They have a lovely little dog, however she cannot even run free in her own yard because every dog being walked past the yard will lunge and bark at the Scharp's little dog. Not to mention she has somehow escaped the yard several times and run off, lucky to be found. But we still can't figure out how she got out? I believe someone reached right over the fence, myself. Penny is a small, valuable dog and could easily be plucked right from her own yard. Rick and Teresa work very hard to keep their home and yard nice. Being retired, I do not blame them one bit for wanting their privacy by building a fence so they can enjoy their hard earned Peace in their own backyard.

I do not have a problem with them building a privacy fence and considering the fact that I can stand in my backyard and see THREE privacy fences that have gone up in the last 2 years, I don't understand why the City of DeKalb would have a problem either? I also do not understand how my next door neighbor was told to REMOVE his chain link fence, while the Scharps have been told they cannot?

I truly hope to see these folks fulfill their wish to have privacy. They are longtime residents, and taxpayers. Rick is a veteran, and Teresa retired from NIU. I would think the City would honor these folks by allowing them their privacy, on their own property.

Most Sincerely, and Respectfully,

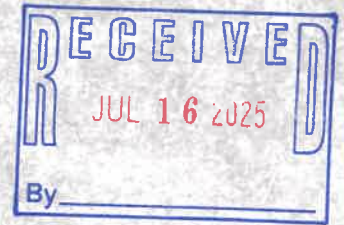
Susan Funk

504 Charter St.

Dekalb, IL 60115

779-777-5192

Tyler and Courtney Woolbright
529 Charter Street
Dekalb, Illinois 60115



July 15th, 2025

To Whom It May Concern:

We have recently received notice from the City of Dekalb in regards to a petition request by Rick and Teresa Scharp for approval of a variance to Articles 7.06.3, 7.06.4.b and 7.06.6 of the Unified Development Ordinance to allow a new 6-foot-high privacy fence to be constructed in a portion of the front yard along Charter Street for the property located at 1158 S. 5th St. As property owners within 250 feet of the above-mentioned property, we were notified of the request and invited to attend and participate at the public hearing held by the DeKalb Planning and Zoning Commission.

After a quick discussion, we are happy to support Rick and Teresa Scharp in their proposal. We believe this project will bring several benefits to both their household and the neighborhood as a whole.

The installation of a new fence will provide Rick and Teresa with enhanced privacy and security, which are essential for maintaining a safe and comfortable living environment. Additionally, a well-designed and properly maintained fence can significantly improve the visual appeal of their property, contributing positively to the overall aesthetic of our neighborhood. Such improvements not only benefit individual homeowners but also help to preserve and potentially increase the value of properties in the surrounding area. Furthermore, the Scharp's have demonstrated not only a commitment to maintaining their property, but also respecting our opinions and views regarding the matter. We trust that this project will be no exception.

Should you require any additional information or wish to discuss this matter further, please do not hesitate to contact me. We can be reached at 779.255.0998.

Thank you for your time and consideration.

Tyler Woolbright + Courtney Woolbright

Tyler and Courtney Woolbright





S Fifth St

Charter St

502 Charter St

DeKalb, Illinois



Google Street View

Oct 2022 See latest date

Share





524 Charter St

DeKalb, Illinois



Google Street View

Oct 2022

[See latest date](#)



1159 S 5th St

DeKalb, Illinois



Google Street View

Oct 2022

[See latest date](#)

Share





VARIANCE REQUEST

TO: Community Development Department, City of DeKalb, Illinois

FROM: Petitioner Name(s) Rick and Teresa Scharp

Phone [REDACTED]

Mailing Address [REDACTED]

City [REDACTED] State [REDACTED] ZIP [REDACTED]

Email [REDACTED]

Property Owner Name(s) Same as Petitioner

Phone

Mailing Address

City State ZIP

Email

1. The petitioner hereby petitions the Planning and Zoning Commission to approve a Variance Request for the following property

A. Common Address of Property 1158 S. 5th St.

B. Parcel Identification Number (PIN) 08-26-155-012

C. Legal Description – attach additional page(s) if necessary See attached

2. Current Zoning District SFR2 Current Use Single Family Residential

3. From what portion of the Unified Development Ordinance are you requesting a variance?

Article 7 Section 06 Paragraph 3,4.b and 6

4. The petitioner hereby submits the following:

- ☒ Variance Fee (\$100.00 Residential; \$250.00 Non-Residential)
- ☐ Plat of Survey of the property showing lot lines, location of existing buildings, structures, and other improvements, and a scale drawing of the proposed addition(s) or change(s) requiring the variance
- ☐ Documentation attached on additional page(s) that supplies the following:
 - A. Explain the nature of the variance requested and attach a scale drawing of the survey of the property showing lot lines, location of existing buildings, structures and other improvements, and showing the proposed addition or change requiring the variance.
 - B. Describe in detail how the strict application of the terms of the ordinance relating to the request for a variance imposes practical difficulties or particular hardship while not serving merely as a convenience to the petitioner.
 - C. Demonstrate the request for a variance will be in harmony with the general purpose and intent of the ordinance by clarifying the request will NOT:
 - 1) Impair an adequate supply of light and air to adjacent property,
 - 2) Unreasonably increase congestion upon public streets,
 - 3) Increase the danger of fire or endanger public safety,
 - 4) Unreasonably diminish or impair established property values within the surrounding area,
 - 5) In any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of DeKalb.
 - D. Demonstrate that denial of the request for a variance will:
 - 1) Prevent the property in question from yielding a reasonable return if only permitted to be used under the conditions allowed by ordinance,
 - 2) Prove the exceptional conditions were not caused by the applicant,
 - 3) Prove the proposed variance will deprive the applicant the use of the property in a manner equivalent to the use permitted to be made by owners of property in the area,
 - 4) Result in a structure that is appropriate to and compatible with the character and scale of structures in the area.

*The petitioner hereby states that a pre-application conference (☒ was / ☐ was not) held with City staff prior to the submittal of this petition

Date of meeting _____

Those in attendance _____

***Note to Petitioner:** *A pre-application conference with staff is highly encouraged to avoid delays and help in the timely processing of this petition.*

5. The petitioner hereby agrees that this petition will be placed on the Planning and Zoning Commission's agenda only if it is completed in full and submitted in advance of established deadlines.
6. The petitioner hereby agrees to abide by the requirements set forth in the Planning and Zoning Commission's Public Hearing Procedures.

I hereby swear that all statements contained herein, and any plans and papers submitted herewith, are true to the best of my knowledge and belief.

Rick A. Scharp
Teresa R. Scharp
Petitioner Signature

6-26-25
Date

Rick A. Scharp
Teresa R. Scharp
Property Owner Signature

6-26-25
Date

**COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT**
July 17, 2025

TO: DeKalb Planning and Zoning Commission

FROM: Dan Olson, Planning Director

RE: Variance – 857 S. 1st St. (Lee Ortega)

I. GENERAL INFORMATION

- | | | |
|----|---------------------------------|---|
| A. | Purpose | To allow a 6-foot-high privacy fence in a portion of the front yard along W. Taylor St. |
| B. | Location/Size | 857 S. 1 st St./ .31 acres |
| C. | Petitioner | Lee Ortega |
| D. | Existing Zoning | “RC-1”; Residential Conservation District |
| E. | Existing Land Use | Single-Family Home |
| F. | Surrounding Zoning and Land Use | North: “RC-1”; Single-Family Residential
South: “SFR2”; Single-Family Residential
East: “RC-1” Single-Family Residential
West: “RC-1”; Single-Family Residential |
| G. | Comprehensive Plan Designation | Low Density Residential |

II. BACKGROUND AND ANALYSIS

The City received a variance petition from Lee Ortega of 857 S 1st St. The petitioner is requesting a variance to Articles 7.06.3, 7.06.4.b and 7.06.6 of the Unified Development Ordinance (UDO) to allow a six (6) foot-high privacy fence in a portion of the front yard along W. Taylor St. The UDO states that privacy fences cannot be over three (3) feet tall if they are in front of the front building line (home).

The home is about 50 feet from the property line (right-of-way) along W. Taylor St. The applicant would like to construct a six (6) foot high wooden privacy fence 10 feet from the property line along W. Taylor St., which is one (1) foot off the edge of the sidewalk. The proposed fence would start at the southwest corner of the home and stretch to 10 feet from the W. Taylor St. right-of-way. It would then run to the west to the owner's property line adjacent to the alley. There is an existing chain link fence that runs along the west property line to the driveway. A four (4) foot high open wooden fence was previously located along W. Taylor St. and was removed a few years ago.

The applicant states in their summary they are proposing the new fence so they can have some privacy and security from the traffic along W. Taylor St. and S. 1st St. Mr. Ortega also notes he would like some privacy and buffer from the current bus stop along the north side W. Taylor St. that is in front of his home. He mentions some transit riders trespass on his lot and is concerned about the safety of his children. Mr. Ortega states he is not able to make the full use of his lot with the current fence regulations.

Privacy fences cannot be over three (3) feet tall if they are in front of the front building line (home). The home on the subject lot is about 50 feet from the right-of-way line along W. Taylor St., which highly restricts the location a privacy fence can be installed and causes a hardship. Since a six (6) foot high privacy fence cannot be any closer to the W. Taylor St. than the home, a large area of the yard along W. Taylor St. cannot be enclosed. The homes on the lots to the west and east as well as across W. Taylor St. are much closer to the road than the home on the subject site. Both of the homes to the west (764 Haish Blvd.) and east (844 S. 1st St) of the subject property are about 20 feet from the right-of-way of W. Taylor St. The location where the petitioner can place a six (6) foot high privacy fence, under current City regulations, hinders their ability to enjoy the privacy and safety of their full yard.

Mr. Ortega has agreed to add some bushes between the proposed fence and sidewalk to buffer the fence. The addition of landscaping between the fence and sidewalk was also recommended for the variance request approved on June 16th at 2324 Monticello Dr.

III. FINDINGS OF FACT FOR VARIATIONS

The request has been reviewed using the criteria regarding variances stated in Article 18, Section 18.03.03 of the UDO, titled "Findings of Fact," as follows:

1. The property in question cannot yield a reasonable return if permitted to be



used only under the conditions allowed by the regulations of that district.

The subject lot is zoned “RC-1” Residential Conservation District. The Unified Development Ordinance (UDO) states that privacy fences in front of the front building line (home) cannot be over three (3) feet tall. The subject lot is 13,475 sq. ft. and the home is about 50 feet from the right-of-way along W. Taylor St., which highly restricts the location a privacy fence can be installed and causes a hardship. The location where the petitioner can place a six (6) foot high privacy fence, under current City regulations, hinders their ability to enjoy the privacy and safety of their full yard.

2. The extraordinary or exceptional conditions of the property, requiring the request for the variance, were not caused by the applicant.

The subject lot is .31 acres (13,475 sq. ft.) and has existed since 1889 when the subdivision plat for the area was recorded. The applicant purchased the property in December 2023. The existing shape of the property, layout of the home on the site, and resulting variance request were not caused by the applicant.

3. The proposed variance will alleviate a peculiar, exceptional, or undue hardship, as distinguished from a mere inconvenience or pecuniary hardship.

The lot is .31 acres (13,475 sq. ft.) and the home is about 50 feet away from the W. Taylor St. right-of-way, which highly restricts the location a fence can be installed and causes a hardship. The subject site is located on a busy intersection and a six (6) foot high fence will allow some reduction of the noise and add some privacy for the applicant. Since a six (6) foot high privacy fence cannot be any closer to the W. Taylor St. than the home, a large area of the yard along W. Taylor St. can't be enclosed.

4. The denial of the proposed variance will deprive the applicant of the use of his/her property in a manner equivalent to the use permitted to be made by the owners of property in the immediate area.

Since a six (6) foot high privacy fence cannot be any closer to the W. Taylor St. than the home, a large area of the yard along W. Taylor St. can't be enclosed. The homes on the lots to the west and east as well as across W. Taylor St. are much closer to the road than the home on the subject site. Both of the homes to the west (764 Haish Blvd.) and east (844 S. 1st St) of the subject property are about 20 feet from the right-of-way of W. Taylor St.

5. The proposed variance will result in a structure that is appropriate to and compatible with the character and scale of structures in the area in which the variance is being requested.

The fence will be four (4) feet off the sidewalk along W. Taylor St. providing some green space. The applicant has agreed to add some bushes between the proposed fence and sidewalk to buffer the fence. The proposed fence will not alter the character and scale of



the structures in the neighborhood. In addition, the proposed fence will not impact the visibility of any adjoining home or any motorist.

6. The proposed variation will not impair an adequate supply of light and air to adjacent property; unreasonably increase the congestion in public streets, increase the danger of fire or endanger the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of DeKalb.

The fence will not impair an adequate supply of light and air to adjacent properties. Furthermore, it will not impair the public health and safety and will not have a negative impact on the surrounding neighborhood and will not impede traffic or cause any safety issues.

IV. PUBLIC INPUT

As of the posting of the agenda on July 17th, the City did not receive any written comments.

V. RECOMMENDATION

Per the UDO, decisions to approve or deny variances lie solely with the Planning and Zoning Commission. The staff supports the request, and a sample motion is provided below.

Sample Variation Motion:

Based on the submitted petition, testimony presented and findings of fact, I move the Planning and Zoning Commission approve a variance to Articles 7.06.3, 7.06.4.b and 7.06.6 of the Unified Development Ordinance to allow a new 6-foot-high privacy fence to be constructed in a portion of the front yard along W. Taylor St. for the property located at 857 S. 1st St. as shown on Exhibit A of the staff report dated July 17, 2025 subject to the addition of landscaping between the proposed fence and sidewalk along W. Taylor St. per the approval of the Planning Director.



EXHIBIT A

849

851

857

6 foot high
privacy fence

10 feet

S 1st St





736

744

845

847

851

849

857

840

842

844

S 1st St

W Taylor St

E Taylor St



733

728

829

826

741

835

730

745

736

845

747

847

830

836

838

751

754

851 849

840

847

853

763

857

842

123

764

844

Haish Blvd

S 1st St

W Taylor St

E Taylor St

204

126

122

120

901

100

104

108

112

116

120

903

812

917

923

818

100 ft



736

744

845

847

851

849

857

840

842

844

S 1st St

W Taylor St

E Taylor St

From: [Lee Ortega](#)
To: [Olson, Dan](#)
Subject: Re: 857 S 1st St - Fence Variance Request
Date: Tuesday, July 1, 2025 8:21:34 PM

[**NOTICE:** This message originated outside of the City Of DeKalb mail system -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

I am writing this with regards to my variance request for my property at 857 S. First St.

Since i have been residing in the home for the past year i have become better acclimated to the area and being a new resident of Dekalb i have become more aware of the amount of traffic that flows through my neighborhood. I am a father and have 3 kids and a Dog that are currently unable to make full use of our new home due to their not being any privacy currently. I have no problem supervising my children while they are outside but again they are not 100% comfortable without me being present. There is currently a bus stop directly outside my dining room window that people will stand at sometimes until midnight, i am not disputing the use of the bus stop in any way, and personally feel it is very useful for alot of our community members, unfortunately this also brings alot of loidering and prying eyes to the property which inturn creates uncomfortability for my family as well. Living on a corner lot, there is a lot of through traffic on First and Taylor. Being that it is a busy intersection i have personally witnessed in the past year, three accidents and numerous people running the stop signs, which makes it fairly dangerous as well. If my variance is allowed, i would kindly offer to add bushes in the space between the fence and the side walk to add a more asthetically pleasing look to the neighborhood. Thank you for your time and consideration and I look forward to meeting with you.

Lee Ortega
857 S. First St.
Dekalb, Il. 60115

Search Google Maps



Share



DeKalb MPO (DSATS)



May 2025

[See more dates](#)





DeKalb MPO (DSATS)



May 2025

[See more dates](#)



Bush St



DeKalb Seventh-Day
Adventist Church



DeKalb MPO (DSATS)

Search

May 2025

[See more dates](#)







100 W Taylor St

DeKalb, Illinois



Google Street View

Oct 2022

[See more dates](#)



Bush St

DeKalb Seventh-Day

LEGAL NOTICE

NOTICE is hereby given that a public hearing will be held before the DeKalb Planning and Zoning Commission at its regular meeting on Monday, July 21, 2025, at 6:00 p.m. in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak St., DeKalb, IL, on the petition by Lee Ortega for approval of a variance to Articles 7.06.3, 7.06.4.b and 7.06.6 of the Unified Development Ordinance to allow a new 6-foot-high privacy fence to be constructed in a portion of the front yard along W. Taylor St. for the property located at 857 S. 1st St. The subject site has a Parcel Identification Number of 08-22-457-027 and is zoned "RC-1" Residential Conservation District.

All interested persons are invited to appear and be heard at the time and place listed above. Interested persons are also encouraged to submit written comments on the proposal to the City of DeKalb, Community Development Department, 164 E. Lincoln Highway, DeKalb, Illinois, 60115 by 12:00 p.m. on Monday, July 21, 2025, or by e-mail to dan.olson@cityofdekalb.com. Further information regarding the petition is available from the Community Development Department at (815) 748-2361 or on the City of DeKalb's web page at <https://www.cityofdekalb.com/1103/Public-Hearings>.

Max Maxwell, Chair

DeKalb Planning and Zoning Commission



VARIANCE REQUEST

TO: Community Development Department, City of DeKalb, Illinois

FROM: Petitioner Name(s) Lee Ortega

Phone [REDACTED]

Mailing Address [REDACTED]

City [REDACTED] State [REDACTED] ZIP [REDACTED]

Email [REDACTED]

Property Owner Name(s) Same as Petitioner

Phone

Mailing Address

City State ZIP

Email

1. The petitioner hereby petitions the Planning and Zoning Commission to approve a Variance Request for the following property

A. Common Address of Property 857 S. 1st St.

B. Parcel Identification Number (PIN) 08-22-457-027

C. Legal Description – attach additional page(s) if necessary See attached

2. Current Zoning District RC-1 SFR Current Use Single-Family Home

3. From what portion of the Unified Development Ordinance are you requesting a variance?

Article 7 Section 06 Paragraph 3, 4.b and 6

4. The petitioner hereby submits the following:

- ☒ Variance Fee (\$100.00 Residential; \$250.00 Non-Residential)
- ☐ Plat of Survey of the property showing lot lines, location of existing buildings, structures, and other improvements, and a scale drawing of the proposed addition(s) or change(s) requiring the variance
- ☐ Documentation attached on additional page(s) that supplies the following:
 - A. Explain the nature of the variance requested and attach a scale drawing of the survey of the property showing lot lines, location of existing buildings, structures and other improvements, and showing the proposed addition or change requiring the variance.
 - B. Describe in detail how the strict application of the terms of the ordinance relating to the request for a variance imposes practical difficulties or particular hardship while not serving merely as a convenience to the petitioner.
 - C. Demonstrate the request for a variance will be in harmony with the general purpose and intent of the ordinance by clarifying the request will NOT:
 - 1) Impair an adequate supply of light and air to adjacent property,
 - 2) Unreasonably increase congestion upon public streets,
 - 3) Increase the danger of fire or endanger public safety,
 - 4) Unreasonably diminish or impair established property values within the surrounding area,
 - 5) In any other respect impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of DeKalb.
 - D. Demonstrate that denial of the request for a variance will:
 - 1) Prevent the property in question from yielding a reasonable return if only permitted to be used under the conditions allowed by ordinance,
 - 2) Prove the exceptional conditions were not caused by the applicant,
 - 3) Prove the proposed variance will deprive the applicant the use of the property in a manner equivalent to the use permitted to be made by owners of property in the area,
 - 4) Result in a structure that is appropriate to and compatible with the character and scale of structures in the area.

*The petitioner hereby states that a pre-application conference (☐ was / ☐ was not) held with City staff prior to the submittal of this petition

Date of meeting June 24, 2025

Those in attendance Lee Ortega and Dan Olson, Planning Director

***Note to Petitioner:** *A pre-application conference with staff is highly encouraged to avoid delays and help in the timely processing of this petition.*



5. The petitioner hereby agrees that this petition will be placed on the Planning and Zoning Commission's agenda only if it is completed in full and submitted in advance of established deadlines.
6. The petitioner hereby agrees to abide by the requirements set forth in the Planning and Zoning Commission's Public Hearing Procedures.

I hereby swear that all statements contained herein, and any plans and papers submitted herewith, are true to the best of my knowledge and belief.



Petitioner Signature

6/27/25

Date



Property Owner Signature

6/27/25

Date

EXHIBIT A
LEGAL DESCRIPTION

The following described property situated in the County of DeKalb, State of Illinois, to wit:

Lot 13 (Except the North 15 feet of said Lot 13) and all Lot 14, in Block 11 in Taylor's Addition to the City of Dekalb, according to the plat thereof recorded in Book "B" of Plats, Page 104, On December 27, 1889, in Dekalb County, Illinois.

Property Address: 857 South 1st Street, Dekalb, IL 60115

Assessor's Parcel No.: 08-22-457-027

Unofficial

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857 S. 1st. St.

