

MINUTES  
CITY OF DEKALB  
**PLANNING AND ZONING COMMISSION**  
July 21, 2025

The Planning and Zoning Commission held a meeting on July 21, 2025, in the Yusunas Meeting Room at the DeKalb Public Library, 309 Oak Street, DeKalb, Illinois. Chair Maxwell 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, Maria Pena-Graham and Chair Max Maxwell. Vice Chair Bill McMahon was absent. Planning Director Dan Olson and Assistant City Manager Bob Redel were present representing the City.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Maxwell requested a motion to approve the July 21, 2025, agenda as presented. Mr. Becker motioned to approve the agenda as presented. Ms. O'Flaherty seconded the motion, and the motion was approved by unanimous voice vote.

C. APPROVAL OF MINUTES

1. July 7, 2025 – Chair Maxwell requested a motion to approve the July 7, 2025, minutes as presented. Mr. Wright motioned to approve the minutes as submitted. Mr. Becker 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 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. 5<sup>th</sup> St.

Rick and Teresa Scharp discussed their need for a variance request. They explained they purchased the home 33 years ago, and the backyard is currently enclosed by an old cyclone fence. Their lot is at the NE corner of South 5<sup>th</sup> Street and Charter Street. The Scharp's stated their lot is 50' x 169' and they would like to install a six (6) foot-high wooden privacy fence in the yard along Charter Street. They noted the existing fence is currently 18 feet from the south side of the house but understood code only allows for 10 feet. They expressed their reasons for the variance request to allow them to install a six (6) foot-high privacy fence 14 feet off the SE corner of the home towards Charter St. The reasons included the following: if a fence was installed per code, all of the trees in their backyard would need to be cut down to accommodate the fence; including the perennial garden. Additionally, the Scharp's have a small dog and anticipate getting another one, requiring an enclosed backyard. Furthermore, the Scharp's explained the current fence is at the end of its life and desperately needs replacement. They stated an additional six (6) foot-high security fence to enclose the other side of the driveway for security purposes is included in the request.

The Scharp's mentioned they have enjoyed the use of all 18 feet in their backyard for the last 33 years. They specified Peerless Fence in Sycamore will be installing the fence. They said the vision triangle requirements will be met by keeping the fence 10 feet from the alley. The Scharp's hope the new fence will not only bring value to their property, but to neighboring properties as well. Finally, they noted the fence will also complete their neighbor's privacy fence, enclosing her backyard as well.

Planning Director, Dan Olson, gave his staff report dated July 17, 2025. He explained the City received a variance petition from Rick and Teresa Scharp of 1158 S. 5<sup>th</sup> St. 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). As explained by the Scharp's, 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.

Ms. Olson continued, describing how 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 Scharp's 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. As stated by the Scharp's, they are proposing the new fence at the proposed location, so they don't have to remove some trees and a large bush. Mr. Olson also noted 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.

Director Olson said the privacy fence 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. Mr. Olson added 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. Mr. Olson confirmed the proposed fence will not alter the character and scale of the structures in the neighborhood nor impact the visibility of any adjoining home.

Mr. Olson reminded the Commission they approved similar variances for two corner lots in the summer of 2024. The owner of 960 N. 12<sup>th</sup> 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. 14<sup>th</sup> 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.

Director Olson stated five (5) written public comments were received in support of the request: Heather O'Connor of 1156 S. 5<sup>th</sup> Street, Mary Katalak of 430 Charter Street, Joseph and Ilia Lorenzo of 602 Charter Street, Susan Funk of 504 Charter Street and Tyler and Courtney Woolbright of 529 Charter Street.

No public comments were made, and Chair Maxwell closed the public hearing.

Commission member Becker believed it is always a good idea to replace a chain-link fence with a privacy fence, and the other Commission members agreed.

Chair Maxwell requested a motion to approve. 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, 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. 5<sup>th</sup> St. as shown on Exhibit A of the staff report dated July 17, 2025. Ms. Pena-Graham seconded the motion.

A roll call vote was taken: Becker – yes, O'Flaherty – yes, Maxwell - yes, Wright – yes, Pena-Graham - yes. Commission member Vice Chair McMahon was absent. The motion passed 5-0-1.

- b. **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. 1<sup>st</sup> St.

Mr. Ortega presented his request to the Commission. He explained he recently moved to the home in January of 2024. He mentioned it is a high traffic area and has noticed numerous traffic accidents, people running stop signs and a general disregard for safety at that corner. With the variance request, he hopes to install a fence to bring privacy and security to his family as well as increase the property value of his house, as he does not plan to leave the area.

He explained when he first purchased his home, it was overgrown with trees and weeds which he removed from the side of the house. The proposed fence will connect to the existing chain-link fence along the alley making his family more comfortable at home. He noted there is a very busy City bus stop near his home along Taylor St. that runs until midnight on Fridays and Saturdays where people tend to loiter. Their dining room faces that, and his family feels uncomfortable when people stare into their windows from the bus stop. Mr. Ortega provided an anecdote of a recent incident with a neighbor he had as well. He stated the proposed fence would add a lot of needed privacy.

Mr. Olson gave his staff report dated July 17, 2025. He explained the City received a variance petition from Lee Ortega of 857 S 1<sup>st</sup> St, who 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 of the front building line (home).

He described how 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 vinyl 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. Mr. Olson mentioned a four (4) foot high open wooden fence was previously located along W. Taylor St. and was removed a few years ago.

Mr. Olson reiterated Mr. Ortega is proposing the new fence so they can have some privacy and security from the traffic along W. Taylor St. and S. 1<sup>st</sup> St. He also noted the applicant 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. Mr. Olson noted the petitioner is not able to make full use of his lot with the current fence regulations.

Mr. Olson said 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 where privacy fence can be installed and causes a hardship. Since a six (6) foot high privacy fence cannot be any closer to 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. Olson stated Mr. Ortega has agreed to add some bushes between the proposed fence and sidewalk to buffer the fence. He mentioned the addition of landscaping between the fence and sidewalk was also recommended for the variance request approved on June 16th at 2324 Monticello Dr.

Mr. Olson noted he received a call from Rima Wright of 835 S. 1<sup>st</sup> Street, inquiring about the location of the fence. She believed it was more around the perimeter of the subject lot. Mr. Olson clarified with her where the fence would go, and confirmed visibility is adequate from the alley and the UDO requirements are being met. Mr. Olson said Ms. Wright was happy with the answer.

No public comments were made, and Chair Maxwell closed the public hearing.

A few brief positive remarks from the Commission were made in support of the request.

Chair Maxwell requested a motion to approve. Mr. Becker 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, 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. 1<sup>st</sup> 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. Mr. Wright seconded the motion.

A roll call vote was taken: Becker – yes, O’Flaherty – yes, Maxwell - yes, Wright – yes, Pena-Graham - yes. Commission member Vice Chair McMahon was absent. The motion passed 5-0-1.

#### F. REPORTS

Planning Director Olson stated the next meeting on August 4<sup>th</sup> will contain one public hearing for 802 S. 4<sup>th</sup> Street, the former site of 7/11. The hearing is a rezoning request for a gas station/convenience store.

He also noted a new Planning and Zoning Commission member will be appointed at the next City Council meeting on July 28<sup>th</sup>.

#### G. ADJOURNMENT

Chair Maxwell requested a motion to adjourn. Mr. Wright motioned to adjourn, and Ms. Pena-Graham seconded the motion. The meeting adjourned at 6:26 p.m.

Respectfully submitted,

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Olivia K. Doss, Recording Secretary

Minutes approved by the Planning and Zoning Commission on August 4, 2025.

Click [here](#) to view the agenda packet for the July 21, 2025 Planning and Zoning Commission Meeting.

Click [here](#) to view the video recording of the July 21, 2025, Planning and Zoning Commission Meeting.