

MINUTES  
CITY OF DEKALB  
**PLANNING AND ZONING COMMISSION**  
August 21, 2023

The Planning and Zoning Commission held a meeting on August 21, 2023, at the DeKalb Police Department in the 2<sup>nd</sup> Floor Training room located at 700 W. Lincoln Highway, DeKalb, Illinois. Chair Max Maxwell called the meeting to order at 6:01 PM.

A. ROLL CALL

Recording Secretary Stephanie Turner called the roll. Planning and Zoning Commission members present were: Steve Becker, Trixy O'Flaherty, Shannon Stoker, Bill McMahon, and Chair Max Maxwell. Maria Pena-Graham arrived at 6:05 p.m., after the roll call was taken. Jerry Wright was absent. Planning Director Dan Olson was present representing the City of DeKalb.

B. APPROVAL OF THE AGENDA (Additions/Deletions)

Chair Maxwell requested a motion to approve the August 21, 2023, agenda as presented. Mr. McMahon 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 17, 2023 –Chair Maxwell requested a motion to approve the July 17, 2023, minutes as presented. Mr. McMahon motioned to approve the minutes as presented. 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

1. **Public Hearing** – A petition by Bradley Burns for a special use permit to allow the resubdivision of a “TFR” Two Family Residential zoned lot into two single-family attached lots in accordance with Article 5.03.06.b of the Unified Development Ordinance for the subject property located at 1304-1306 Chestnut St.

Russell Burns, representing the property owner, stated the tenant in 1304 Chestnut St. has been a good tenant for approximately eight years and has signed a contract to purchase the unit contingent upon the City approving the petition. Mr. Burns explained this request is very similar to the request on Chamberlain Dr. the Commission approved not too long ago. He informed all the utilities are separate except for the sanitary sewer. Mr. Burns noted if this petition is approved, a separate sanitary line would be run to the dwelling unit.

Planning Director Olson went through the Staff Report dated August 17, 2023, and stressed the Commission has seen a few of these requests recently including on Lewis St and Chamberlain Dr. Mr. Olson touched on the regulations from the UDO and noting the proposed lot sizes of 6500 sq. ft. for Lot 1 and 5300 sq. ft. for Lot 2. He then said there must be separate utilities to each dwelling unit, and they must comply with the minimum lot width of 25 feet and the minimum lot size of 3500 sq. ft.

Mr. Olson stated the applicant submitted a shared wall agreement which covers maintenance of the common wall between the units. He spoke on the benefits of changing from renter occupied to owner occupied. Mr. Olson shared there were no written public comments received and this request meets all the findings of fact for a special use. He said the City recommends approval of the request subject to all staff comments being addressed prior to recording of the plat and the two dwelling units shall remain compatible in relation colors, materials, and architecture.

Chair Maxwell asked if there were any questions or comments from the public in which there were none.

Chair Maxwell asked if there were any questions or comments from the Commission members.

Steve Becker stated this is a straightforward request and was in favor.

Mr. McMahon moved that based on the submitted petition, testimony presented and findings of fact, the Planning and Zoning forward its findings of fact and recommend to the City Council approval of a special use permit to allow the Resubdivision of a "TFR" Two Family Residential Zoned Lot into Two Single-Family Attached Lots in accordance with Article 5.03.06.b of the UDO for the property located at 1304-1306 Chestnut St. and approval of the Final Plat of B&B Resubdivision No. One dated 8/14/23 labeled as Exhibit A subject to all staff comments being addressed prior to recording the Plat and subject to the condition the exterior of the two dwelling units shall remain compatible in relation to the colors, materials, and architecture.

Ms. Stoker seconded the motion.

A roll call vote was taken. Mr. Becker – Yes, Ms. O'Flaherty – Yes, Ms. Pena-Graham - Yes, Ms. Stoker – Yes, Mr. McMahon – Yes, Chair Maxwell – Yes. Jerry Wright was absent. Motion passed 6-0-1.

2. **Public Hearing** – A petition by William and Beth Kennedy of 417 S. 6<sup>th</sup> St. for approval of a variance to Article 7.04.4a of the Unified Development Ordinance to allow a detached garage to be setback 8 feet in lieu of the required 10-foot setback from an alley right-of-way.

Planning Director Olson went through the Staff Report dated August 17, 2023. He spoke on the reason for the variance request indicating it was for a detached garage to have an 8-foot setback in lieu of the required 10-foot setback from an alley right-of-way. He mentioned the owner received a permit and construction began on the garage and once the concrete slab was poured, it was determined it was about two feet into the required setback. He added the measurement was done by the contractor from

the edge of the pavement of the alley and not the alley right-of-way. Mr. Olson noted that City inspectors noticed the error in the measurement and advised the owner a variance was needed.

Mr. Olson indicated the construction of the garage was allowed to continue subject to the owner requesting a variance. He added the garage is near completion with only the electrical work remaining. He said the City focused on comparing the garage on the subject site with other garages along the alley and most are setback similar to the garage at this location. He added most of them are closer to the alley right-of-way than the garage on the subject site.

Planning Director Olson said there were three responses from the public all voicing their approval for the variance. He stated they were from Larry Howlett of 623 E. Garden St., Jeff Cox of 412 S. 5<sup>th</sup> St, and Bernadine Meier of 418 S. 5<sup>th</sup> St. He added the City recommends approval of the variance.

Chair Maxwell asked if there were any questions or comments from the public in which there were none.

Chair Maxwell asked if there were any questions or comments from the Commission in which there were none.

Mr. Becker moved that based on the submitted petition, testimony presented and findings of fact, the Planning and Zoning Commission approve a variance to Article 7.04.4a of the Unified Development Ordinance to allow a detached garage to be setback 8 feet in lieu of the required 10-foot minimum setback from an alley right-of-way for the property located at 417 S. 6<sup>th</sup> St. as shown on Exhibit A of the staff report.

Ms. Stoker seconded the motion.

A roll call vote was taken. Mr. Becker – Yes, Ms. O’Flaherty – Yes, Ms. Pena-Graham - Yes, Ms. Stoker – Yes, Mr. McMahon – Yes, Chair Maxwell – Yes. Jerry Wright was absent. Motion passed 6-0-1.

#### F. REPORTS

Planning Director Olson announced the next Commission meeting is set for Tuesday, September 5 due to the Labor Day holiday being on Monday. He said there is one hearing set for the Goldin Property at Peace and Gurler Roads for annexation and rezoning. Mr. Olson stated the second meeting will be on September 18 with two possible hearings on that date. He finished with notifying the Commission the City Council approved the Nehring Properties rezoning on July 24.

#### G. ADJOURNMENT

Mr. Becker motioned to adjourn, Ms. O’Flaherty seconded the motion, and the motion was approved by unanimous voice vote. The Planning and Zoning Commission Meeting adjourned at 6:20 PM.

Minutes prepared by: Stephanie Turner Approved: September 5, 2023