

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

ROAD	FROM	TO	MPH
Peace Road	Illinois Route 64	Illinois Route 23 south	50
Somonauk Road	Carol Avenue	Pleasant Street	45

Peace Road from Illinois Route 64 south to Illinois Route 23 was codified by DeKalb County Ordinance 2003-25.

ADOPTED BY THE COUNTY BOARD THIS 20th DAY OF DECEMBER 2006, A.D.

Chairperson, DeKalb County Board

ATTEST:

County Clerk

STATE OF ILLINOIS)

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COUNTY OF DEKALB)

ORDINANCE 2007-02

**AN ORDINANCE GRANTING A VARIATION FROM THE
PROHIBITION OF REESTABLISHING A NONCONFORMING USE
FOR PROPERTY LOCATED AT 1745 SHABBONA GROVE ROAD
IN SHABBONA TOWNSHIP**

WHEREAS, Stanley Todd, the property owner, has filed an application for a Variation to allow the re-establishment of a nonconforming single-family residential use on a 0.75-acre property located on the north side of Shabbona Grove Road, approximately 2,460 feet east of Todd Road in Shabbona Township, zoned A-1, Agricultural District and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, the Variation is requested from Section 8.03.D. of the DeKalb County Zoning Ordinance to waive the restriction against reestablishing a nonconforming use that has discontinued for a period of one year or more; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on October 26, 2006, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Variation, and one member of the public testified in favor of the request and none in opposition thereto; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the requested Variation be denied, as set forth in the Findings of Fact and Recommendation of the DeKalb County Hearing Officer, dated October 26, 2006; and

WHEREAS, however, the Planning and Zoning Committee of the DeKalb County Board has reviewed the testimony given at the aforesaid public hearing and, having considered the findings of fact and recommendations of the Hearing Officer, has made the following findings of fact:

1. The subject property cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations regarding nonconforming uses, as those regulations would prohibit the use of the property for a residence, which has been the historic use of the site;
2. The plight of the owner is due to unique circumstances in that the property has existed as a separate, 0.75-acre residential property for many years, and further that it remained unoccupied as a consequence of the need for repairs to the residential structures and a law suit which delayed completion of those repairs for a number of years;
3. The Variation, if granted, will not alter the essential character of the locality because the subject property has been used as a residence for many years; and
4. A particular hardship is imposed on the petitioner if compelled to abide by the restriction of the regulations regarding nonconforming uses in that the historic use of the property would be prohibited and the site is insufficiently large and it's condition is unsuited to other uses permitted in the A-1, Agricultural District, which circumstance would render the property useless; and

WHEREAS, based on these findings, the Planning and Zoning Committee has forwarded to the DeKalb County Board this Ordinance to approve the requested Variation; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendations of the Hearing Officer and of the Planning and Zoning Committee, and has determined that granting the Variation to allow

the re-establishment of single-family residential use on the subject property would be consistent with the requirements established by Section 10.01.C of the DeKalb County Zoning Ordinance;

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

SECTION ONE: The findings of fact and recommendation of the DeKalb County Planning and Zoning Committee is hereby accepted, and the findings of fact set forth herein are hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above, a Variation from Section 8.03.D. of the DeKalb County Zoning Ordinance is hereby granted for property located at 1745 Shabbona Grove Road to allow the re-establishment of a single-family residential use on a nonconforming property, said property legally described in Exhibit "A" attached hereto.

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

PASSED BY THE COUNTY BOARD THIS 20TH DAY OF DECEMBER, 2006, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Legal Description of Subject Property

COMMENCING ON THE HALF QUARTER SECTION LINE OF THE NORTH WEST 1/4 OF SECTION 32 IN SAID TOWN WHERE A ROAD RUNNING FROM ALLEN'S GROVE TO SHABBONA CROSSES SAID HALF QUARTER SECTION LINE NOW KNOWN AND TRAVELED AS A PUBLIC HIGHWAY, THENCE NORTH 170 RODS AND 7 LINKS THENCE EAST 118 RODS, THENCE SOUTH 163 RODS, THENCE SOUTH 78 DEGREES WEST 118 RODS AND 5 LINKS TO THE PLACE OF BEGINNING, CONTAINING 120 ACRES OF LAND, MORE OR LESS, ALL IN TOWNSHIP 38 NORTH, RANGE 3, EAST OF THE THIRD P.M. ALSO THE SOUTH WEST 1/4 OF THE SOUTH WEST 1/4 OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 3, EAST OF THE THIRD P.M. ALSO THE EAST 1/2 OF THE SOUTH WEST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 29, AND THE EAST HALF OF THE NORTH WEST 1/4 OF THE NORTH EAST 1/4 OF SECTION 32, ALL TOWNSHIP 38 NORTH, RANGE 3, EAST OF THE THIRD P.M. ALL SITUATED IN THE COUNTY OF DEKALB, IN THE STATE OF ILLINOIS.

P.I.N.: 13-32-200-003

STATE OF ILLINOIS)

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COUNTY OF DEKALB)

ORDINANCE 2007-02

**AN ORDINANCE DENYING A VARIATION FROM THE
PROHIBITION OF REESTABLISHING A NONCONFORMING USE
FOR PROPERTY LOCATED AT 1745 SHABBONA GROVE ROAD
IN SHABBONA TOWNSHIP**

WHEREAS, Stanley Todd, the property owner, has filed an application for a Variation to allow the re-establishment of a nonconforming single-family residential use on a 0.75-acre property located on the north side of Shabbona Grove Road, approximately 2,460 feet east of Todd Road in Shabbona Township, zoned A-1, Agricultural District and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, the Variation is requested from Section 8.03.D. of the DeKalb County Zoning Ordinance to waive the restriction against reestablishing a nonconforming use that has discontinued for a period of one year or more; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on October 26, 2006, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Variation, and one member of the public testified in favor of the request and none in opposition thereto; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the requested Variation be denied, as set forth in the Findings of Fact and Recommendation of the DeKalb County Hearing Officer, dated October 26, 2006, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, however, the Planning and Zoning Committee of the DeKalb County Board has reviewed the testimony given at the aforesated public hearing and, having considered the findings of fact and recommendations of the Hearing Officer, has forwarded to the DeKalb County Board this Ordinance to approve the requested Variation; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendations of the Hearing Officer and of the Planning and Zoning Committee, and has determined that granting the Variation to allow the re-establishment of single-family residential use on the subject property would not be consistent with the requirements established by Section 10.01.C of the DeKalb County Zoning Ordinance;

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

SECTION ONE: The findings of fact and recommendation of the DeKalb County Hearing Officer, Exhibit "B" appended hereto, is hereby accepted, and the findings of fact set forth therein are hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above, the Variation requested from Section 8.03.D. of the DeKalb County Zoning Ordinance for property located at 1745 Shabbona Grove Road to allow the re-establishment of a single-family residential use on a nonconforming property, said property legally described in Exhibit "A" attached hereto, is hereby denied.

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

PASSED BY THE COUNTY BOARD THIS 20TH DAY OF DECEMBER, 2006, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Legal Description of Subject Property

COMMENCING ON THE HALF QUARTER SECTION LINE OF THE NORTH WEST 1/4 OF SECTION 32 IN SAID TOWN WHERE A ROAD RUNNING FROM ALLEN'S GROVE TO SHABBONA CROSSES SAID HALF QUARTER SECTION LINE NOW KNOWN AND TRAVELED AS A PUBLIC HIGHWAY, THENCE NORTH 170 RODS AND 7 LINKS THENCE EAST 118 RODS, THENCE SOUTH 163 RODS, THENCE SOUTH 78 DEGREES WEST 118 RODS AND 5 LINKS TO THE PLACE OF BEGINNING, CONTAINING 120 ACRES OF LAND, MORE OR LESS, ALL IN TOWNSHIP 38 NORTH, RANGE 3, EAST OF THE THIRD P.M. ALSO THE SOUTH WEST 1/4 OF THE SOUTH WEST 1/4 OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 3, EAST OF THE THIRD P.M. ALSO THE EAST 1/2 OF THE SOUTH WEST 1/4 OF THE SOUTH EAST 1/4 OF SECTION 29, AND THE EAST HALF OF THE NORTH WEST 1/4 OF THE NORTH EAST 1/4 OF SECTION 32, ALL TOWNSHIP 38 NORTH, RANGE 3, EAST OF THE THIRD P.M. ALL SITUATED IN THE COUNTY OF DEKALB, IN THE STATE OF ILLINOIS.

P.I.N.: 13-32-200-003

STATE OF ILLINOIS)

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COUNTY OF DEKALB)

ORDINANCE 2007-03

**AN ORDINANCE AMENDING A SPECIAL USE PERMIT
FOR PRODUCTION AND SALE OF WINE
ON PROPERTY COMMONLY KNOWN AS
11582 WATERMAN ROAD IN CLINTON TOWNSHIP**

WHEREAS, on November 17, 2004, the DeKalb County Board approved Ordinance 2004-40 granting a Special Use Permit to Stientunt Vineyards and Winery, Inc. for the production and sales of wine on property commonly known as 11582 Waterman Road in Clinton Township and legally described as shown in Exhibit "A" attached hereto, and said Ordinance includes a condition that the Special Use Permit shall remain in effect and valid only until Terrie and Alexa Tuntland, Larry Engelsman, and Clem Stiely terminate their relationship with Stientunt Vineyards and Winery, Inc.; and

WHEREAS, the owners of the winery desire to change the name to Waterman Winery and Vineyards, Inc., and Larry Engelsman has sold his shares of the business to the wives of the other two owners, which changes are inconsistent with the entity to whom the Special Use Permit was granted and to the condition contained in Ordinance 2004-40; and

WHEREAS, therefore, the owners of the winery have filed a petition for an Amendment to the Special Use Permit granted by Ordinance 2004-40 to approve the Special Use on the subject property rather than granting the Permit to a specific entity, and further to eliminate the condition related to ownership of the business; and

WHEREAS, following due notice published in The Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, a public hearing was conducted on November 2, 2006 by the DeKalb County Hearing Officer regarding the Amendment to a Special Use Permit request, and no members of the public appeared in favor of and none in opposition to the proposal; and

WHEREAS, based on the testimony given at the public hearing, the Hearing Officer forwarded to the DeKalb County Board findings of fact and a recommendation that the Special Use Permit approved by Ordinance 2004-40 be amended in accordance with the request, as set forth in the Findings of Fact, dated November 2, 2006, and attached hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has considered the requested Amendment to a Special Use Permit and the recommendation of the Hearing Officer, and has forwarded a recommendation to the DeKalb County Board that the requested Amendment be approved; and

WHEREAS, the County Board of DeKalb County has determined that granting the Amendment to the Special Use Permit for the wine production and sales use on the property at 11582 Waterman Road in Clinton Township is consistent with the findings required by Section 9.01.B.3 of the DeKalb County Zoning Ordinance;

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

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

SECTION TWO: Based on the findings of fact set forth above, the Special Use Permit granted by Ordinance 2004-40 is hereby amended as follows:

1. The Special Use Permit shall allow the production and sale of wine from crops grown on the same property

where such production and sales take place, said property being legally described in Exhibit "A" attached hereto, without regard to the name of the winery; and

2. Section Three, item 1. of Ordinance 2004-40 is hereby deleted.

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

ADOPTED BY THE COUNTY BOARD THIS 20TH DAY OF DECEMBER, 2006, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Legal Description of the Subject Property

Exhibit "A"

The Northwest Fractional Quarter of Section 3, Township 38 North, Range 4 East of the Third Principal Meridian (excepting therefrom the east 45 acres thereof) in DeKalb County, Illinois.

P.I.N.: 14-03-100-001.

STATE OF ILLINOIS)
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COUNTY OF DEKALB)

ORDINANCE 2007-04

**AN ORDINANCE APPROVING A SPECIAL USE PERMIT
FOR A HOME OCCUPATION BUSINESS
ON PROPERTY LOCATED AT 15100 STATE RTE. 23
IN AFTON TOWNSHIP**

WHEREAS, Rodney Buehler, part-owner, has filed an application for a Special Use Permit in accordance with Section 9.01 of the DeKalb County Zoning Ordinance to allow the operation of a home-based business, in the form of coral farming and aquarium maintenance and supplies, on property located at 15100 State Route 23 in Afton Township, said property being zoned PD-R, Planned Development - Residential District and legally described as shown in Exhibit "A" attached hereto; and

WHEREAS, following due and proper notice by publication in the Daily Chronicle not less than fifteen (15) nor more than thirty (30) days prior thereto, and by mailing notice to all owners of property abutting the subject property at least ten (10) days prior thereto, the DeKalb County Hearing Officer conducted a public hearing on November 9, 2006, at which the petitioner presented evidence, testimony, and exhibits in support of the requested Special Use Permit, and five members of the public testified in favor of the request and none in opposition thereto; and

WHEREAS, the Hearing Officer, having considered the evidence, testimony and exhibits presented has made his findings of fact and recommended that the requested Special Use Permit be granted, subject to conditions, as set forth in the Findings of Fact and recommendation of the DeKalb County Hearing Officer, dated November 9, 2006, a copy of which is appended hereto as Exhibit "B"; and

WHEREAS, the Planning and Zoning Committee of the DeKalb County Board has reviewed the testimony and exhibits presented at the public hearing and has considered the Findings of Fact and recommendation of the Hearing Officer, and has forwarded a recommendation to the DeKalb County Board that the requested Special Use Permit be approved; and

WHEREAS, the DeKalb County Board has considered the findings of fact and recommendation of the Hearing Officer and the recommendation of the Planning and Zoning Committee, and has determined that granting the Special Use Permit to allow the operation of a home-based business on the subject property would be consistent with the requirements established by Section 9.02.B.3. of the DeKalb County Zoning Ordinance;

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

SECTION ONE: The report of the DeKalb County Hearing Officer, Exhibit "B" attached hereto, is hereby accepted and the findings set forth therein are hereby adopted as the findings of fact and conclusions of the DeKalb County Board.

SECTION TWO: Based on the findings of fact set forth above, the request of Rodney Buehler for a Special Use Permit to allow a home occupation in the form of coral farming and aquarium maintenance and supplies on property located at 15100 State Route 23 in Afton Township, said property being legally described in Exhibit "A" attached hereto, is hereby approved.

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

1. Operation of the home business shall be in accordance with the submitted application for Special Use Permit; and
2. The applicant shall comply with all applicable requirements for home occupations and parking regulations

set forth in the DeKalb County Zoning Ordinance.

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

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

PASSED BY THE COUNTY BOARD THIS 20TH DAY OF DECEMBER, 2006, A.D.

Chairman, DeKalb County Board

ATTEST:

County Clerk

Legal Description of Subject Property

A part of the Southwest quarter of Section 14, Township 39 North, Range 4, East of the Third Principal Meridian described as follows: Beginning at the Southwest Corner of said Section 14; thence Northerly along the West line of said Section 14 and along the center line of a public highway, the same being S. B. I. Route 23, a distance of 526.0 feet to a point, which is the point of beginning of the property herein described; thence continuing Northerly along said section line and center line, a distance of 150 feet to a point; thence Easterly at right angles to the last described course, a distance of 300 feet to a point; thence Southerly parallel to said section line and center line 150 feet to point; thence Westerly at right angles to the last described course, a distance of 300 feet to the place of beginning; Subject to general taxes for year 1966 and subsequent years.

P.I.N.: 11-14-351-005

