AUTHORIZING A SPECIAL USE PERMIT FOR THE
CONVERSION FROM A SINGLE FAMILY DETACHED
DWELLING INTO A TWO-FAMILY RESIDENCE AT 302
SOUTH THIRD STREET DEKALB, ILLINOIS.

WHEREAS, the City of DeKalb, DeKalb County, Illinois is a home rule community with
those powers granted under the provisions of the Illinois Constitution and the Illinois Municipal Code, 65 ILCS 5/1-1-1, et. seq.; and,

WHEREAS, the City of DeKalb has conducted all hearings and satisfied all conditions
precedent to the issuance of a lawful Special Use Permit for residential property located
at 302 South Third Street, DeKalb; and,

WHEREAS, the City of DeKalb Planning and Zoning Commission failed to approve such
Special Use Permit; and,

WHEREAS, the City of DeKalb City Council has determined that it is necessary to
approve such Special Use Permit in order to properly and adequately protect the public
health, safety, welfare and morals; and,

THEREFORE BE IT ORDAINED by the Mayor and City Council of the City of DeKalb,
DeKalb County, Illinois, as follows:

Section 1. Special Use Permit Approved.

The City of DeKalb hereby approves the issuance of a Special Use Permit for the
residential property located at 302 South Third Street to legally convert the single family
detached dwelling into a two family unit residence.

Section 2. All ordinances or portions thereof in conflict with this ordinance are hereby
repealed. All agreements in violation of the terms of this Ordinance shall be terminated,
effective immediately.

Section 3. Should any provision of this Ordinance be declared invalid by a court of
competent jurisdiction, the remaining provisions will remain in full force and affect the
same as if the invalid provision had not been a part of this Ordinance.

Section 4. This Ordinance shall be in full force and effect after passage and publication
pursuant to law. Publication date: N/A. Effective date: N/A.

ORDINANCE FAILED on a 4-4 roll call vote. Aye: Jacobson, Finucane, Marquardt,
COMMUNITY DEVELOPMENT STAFF REPORT PZC -2016
June 9, 2016

TO: DeKalb Planning and Zoning Commission

RE: Application by Jayne Youngquist for a Special Use Permit for a Two Family Unit at 302 S. Third Street, DeKalb, Illinois 60115.

I. GENERAL INFORMATION

A. Purpose To permit a “Two Family Unit” (use #1 of UDO Article 5.14.04 Special Land Uses and Developments of a RC-1 Residential Conservation District)

B. Location 302 S. Third Street

C. Access Franklin Street

D. Size 66 x 156; 10,296 square feet

E. Existing Zoning RC-1 Residential Conservation District

F. Existing Land Use Single family home, detached garage

G. Proposed Land Use Two Family Units:

H. Surrounding Zoning and Land Use North: CBD Central Business; banquet facility
   South: RC-1 Residential Conservation; single family residential
   East: RC-1 Residential Conservation; single family residential
   West: RC-1 Residential Conservation; single family residential

I. Comprehensive Plan Designation Medium Density Residential
II. APPLICANT’S REQUEST

Jayne Youngquist, contract purchaser of 302 S. Third Street, is requesting approval of a special use permit to establish a “Two Family Unit” on the subject property. “Two Family Unit” is listed as a Special Use in UDO Section 5.14.04.

III. CHARACTERISTICS OF SUBJECT PROPERTY AND SURROUNDING LAND USES AND ZONING CLASSIFICATIONS

The subject property is a 10,296 square foot residential lot of record, containing an existing residence and detached two car garage. The residence is physically configured as a two family unit, with two exterior entrance doors, two electric services, and two gas meters. However, there is only one water service, according to City records. Each unit has one bedroom. One of the units is in need of repairs and the owner told staff it has not been used for approximately 5 to 6 years. No City permit records are available regarding when the structure was configured as a two family.

When the RC-1 District was established, staff surveyed residential structures in the proposed RC-1 areas and determined whether they were single family, two family, or multi family. The subject property was classified as single family. All property owners were notified regarding these determinations and were given an opportunity to request a correction. Approximately 70 property owners responded to the notices, and approximately 25 designations were changed based on the property owners’ information, prior to establishment of the RC-1 District. The subject property did not object or request a change to its single family classification. Therefore, even though the physical configuration of the structure is a two family dwelling, it is not considered an “Original Residential Use” under Section 5.14.03 and therefore a two family use is not permitted.

Staff suggested the applicant obtain documentation of the property being used as a two family dwelling. If it can be shown that the property was legally established prior to being zoned RC-1 and has been used continuously as a two family dwelling, it could qualify as a nonconforming use and be allowed to continue, without a Special Use. One of the four current owners of the property submitted a letter indicating that the property was purchased as a two flat in 1969, at which time each unit had a kitchen, bathroom, living room, and one bedroom. The letter also indicates that later, one of the bedrooms in one of the units was altered into two bedrooms. However, the listing sheet for the property indicates the units each have one bedroom at this time, so apparently the alteration was reversed. So it’s likely that the configuration as a two family dwelling was established legally. However, no evidence has been submitted that it has been continuously occupied as a two family unit. As previously noted, the owners stated to staff that one of the units has not been used for 5 to 6 years due to being in a state of disrepair, so it appears that the property cannot qualify as a nonconforming use.

Because the property is not classified as a two family “Original Residential Use” under Section 5.14.03, and does not qualify as a nonconforming two family dwelling, the only way for the contract purchaser to use the property as a two family unit is to be granted a Special Use.

The land uses immediately adjoining the subject property to the east, west, and south are all single family residential. The land use immediately north of the property, across Franklin Street, is
commercial (Faranda’s Banquets). In the wider area south of Franklin, within approximately 300 feet of the subject property, there are 15 single family, 5 two family, and 2 multi-family structures as well as one church and one parking lot. All of the two family and multi-family structures are classified as “Original Residential Uses” in RC-1.

IV. ANALYSIS

The RC-1 Residential Conservation District was created for the following purposes:

• To promote and provide for economic revitalization
• To protect and strengthen desirable and unique physical features, design characteristics, and recognized identity, charm and flavor
• To protect and enhance the livability of the City
• To reduce conflict and prevent blighting caused by incompatible and insensitive development, and to promote new compatible development
• To enhance property values
• To encourage and strengthen civic pride
• To encourage the harmonious, orderly and efficient growth and redevelopment of the City.

Staff’s primary concern is that granting this Special Use could set a precedent that would encourage additional two family uses in the RC-1 districts, as detailed in Standard #5 below. The RC-1 District was established so that existing two family and multi-family uses could be maintained and would not have the cloud of non-conformity hanging over them when it came time to obtain a mortgage. It was not created to provide a vehicle for new two family uses throughout the area.

V. STANDARDS OF SPECIAL USE

1. The proposed use complies with the applicable district regulations.

No physical changes to the exterior of the building are proposed at this time, so the use is the only regulation in question.

2. The proposed use will not be detrimental to property values in the immediate area nor to the public welfare at large.

The proposed use is inconsistent with the predominant land use in the area, which is single family. However, it is difficult to say whether property values or the public welfare will be significantly affected. If the structure is reconfigured as a single family dwelling, it would likely have two bedrooms. The number of occupants expected in a two bedroom single family home could be about the same as the number of occupants expected in two one-bedroom units. The amount of traffic and parking needs could be about the same as well.

3. The use and accompanying physical attributes are such that the use will not dominate the immediate neighborhood.

The proposed use would utilize the existing structures on the property, and because the number of
occupants in two one-bedroom units may be similar to the number of occupants in a two or three bedroom single family unit, granting the Special Use is not likely to dominate the immediate neighborhood.

4. **Adequate utility services exist or will be provided.**

There are existing utilities serving the dwelling and no deficiencies have been identified. As previously noted, there are two electric services and two natural gas services to the building but one water/sewer service.

5. **The use is consistent with good planning practice, and will conform to the regulations of the district in which it is located.**

While the proposed use may not have a large impact on the immediate area, it is inconsistent with the intent and purposes of the RC-1 District. The nature of the RC-1 District is that unless a property is classified as an “Original Residential Use”, its internal configuration has no impact on the uses for which it is permitted. In other words, for purposes of RC-1 zoning, there is no difference between the subject property and a property that was never a two family unit. Therefore, granting the Special Use could set a precedent for allowing new two-family conversions in the RC-1 District.

6. **The use is essential or desirable to preserve and promote the public health, safety and welfare of the citizens of DeKalb.**

It is not essential to allow the proposed use in order to preserve and promote the public health, safety and welfare; there is a good supply of dwelling units in a variety of sizes and prices.

VI. **CITIZEN INPUT**

The City has received one written objection to the proposed Special Use from an owner of a single family home immediately west of the subject property; that owner has requested that the public hearing be postponed because she will be out of town on the 15th.

The City has received one letter in support from one of the current owners of the subject property, who has also requested that the hearing be postponed because she will be out of town. The applicant submitted a petition supporting the application signed by four individuals; it is not clear whether they are residents or owners, but the addresses they listed are located on the same block as the subject property.

VII. **CONCLUSIONS AND RECOMMENDATIONS**

Staff recommends that the public hearing be continued to a date when the two people requesting postponement can attend.

Staff recommends denial of the special use permit application for the reasons stated in this report.
Respectfully Submitted,

Robert Hupp
Consulting Planner
5-30-2016

Mr. Derek Hiland, Planner
200 South Fourth Street
DeKalb, Illinois 60115

Re: 302 S. Third Street, DeKalb, IL

Dear Mr. Hiland,

Received a letter from the City of DeKalb Planning and Zoning commission to consider a Special Use Permit Request to change the above property to a 2 family home.

I am concerned that a change in zoning would alter our neighborhood in a detrimental way and once the zoning is changed any verbal agreements that might have been made would not legally be binding.

If the zoning is changed, could this house be torn down and a large 2 flat be built there? A small two flat with no resemblance to the rest of the street? I would not like that at all. This is a nice old stable neighborhood with homes that have a vintage look and character. A new building would not fit into this area at all.

Also, this is suppose to be an historic neighborhood. Thought that meant nothing could be done to change the outside appearance except to repair what is already there and in the same style. But I am not sure if that is a legal law or just a recommendation.

As things stand now, I object to a zoning change.

As I will be out of town on June 15, I am requesting the hearing date be postponed until after June 19th.

Would like more information before the public hearing.

Thank you,

Mary Lou Hughes
305 S. 3rd Street
DeKalb, IL 60115

CC: Mayor, City Council, City Manager
    DeKalb Planning and Zoning Commission
Citizen Response Form

302 S. Third Street Special Use Request

Owners Name: Mary Lou Hughes

Property Address: 305 S. Third Street

Basic Input:
☐ I support the proposal.
☐ I support redevelopment generally, but would like to see specifics before I decide.
☒ I do not support the proposal.

Written Comments: See attached letter.

Mary Lou Hughes
June 2, 2016

DeKalb Planning and Zoning Commission,

The following information is a brief past history of the property at 302 South Third Street as I, Judith Sulaver, (one of the four owners of the property) will be travelling out of state and unable to attend the meeting on June 15th.

This property was purchased in 1969 from Dee Palmer as a two unit apartment. Each apartment had a kitchen, living room, bathroom, and one bedroom. Later in one of the apartments a larger bedroom was made into two small bedrooms. In the past the owners paid the city water, sewer, and garbage pick-up. Heating costs were shared by tenants and owners per agreement with tenants. The property has continued as a two-unit.

Enclosed are pictures of the property showing the dwelling is small and not able to accommodate many persons to negatively affect the population in the area.

Thank you for reviewing this information as you consider the Special Use Permit Request by Jane Youngquist.

Sincerely,

Judith Sulaver
CITY OF DEKALB PLANNING & DEVELOPMENT
200 S FOURTH STREET
DEKALB IL 60115

Shaw Media certifies that it is the publisher of the Daily Chronicle. The Daily Chronicle is a secular newspaper, has been continuously published daily for more than fifty (50) weeks prior to the first publication of the attached notice, is published in the City of DeKalb, County of DeKalb, State of Illinois, is of general circulation throughout that county and surrounding area, and is a newspaper as defined by 715 ILCS 5/5.

A notice, a true copy of which is attached, was published 1 time(s) in the Daily Chronicle, namely one time per week for one successive week(s). Publication of the notice was made in the newspaper, dated and published on 05/28/2016

This notice was also placed on a statewide public notice website as required by 5 ILCS 5/2.1.

In witness, Shaw Media has signed this certificate by Karen Pletsch, its publisher, at DeKalb, Illinois, on 28th day of May, A.D. 2016

Shaw Media By:  

Karen Pletsch, Publisher

Account Number 10028045 Amount $79.80

PUBLIC NOTICE

NOTICE is hereby given that a public hearing will be held before the DeKalb Zoning Planning and Zoning Commission at a meeting on or after Wednesday, June 15, 2016 at 6:00PM in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois, on a petition by Jane Youngquist for a Special Use Permit request to legally convert a single-family residence on property zoned 90-4 Residential Conservation District into a two-family residential structure located at 302 S. Third Street DeKalb, Illinois.

The property is legally described as:
LOT 1 IN BLOCK 17 OF THE ORIGINAL TOWN (NOW CITY) OF DEKALB, DEKALB COUNTY, ILLINOIS, SITUATED IN DEKALB COUNTY, ILLINOIS (F.I.N. 08-23-396-600)

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 this proposal to the City of DeKalb, Community Development Department, 200 South Fourth Street, DeKalb, Illinois, 60115 by 5:00 p.m. on Wednesday, June 8, 2016.

Further information is available from the Community Development Department (815) 748-2384.

Christine Atkinson, Chairman DeKalb Planning and Zoning Commission City of DeKalb

(Published in the Daily Chronicle, May 28, 2016)
May 26, 2016

Dear Property Owner(s):

The DeKalb Planning and Zoning Commission (PZC) will consider a Special Use Permit Request petition by Jane Youngquist on behalf of Judith Sulaver on property zoned “RC-1” Residential Conservation District in order to amend the landuse of the property located at 302 S. Third Street DeKalb, Illinois. (see enclosed map). The petitioner seeks to convert a single family residential dwelling to a two family dwelling by changing the legally recognized land use of the property from single family to two family residential with a Special Use Permit. In order to do the petitioner so needs the approval of the Planning and Zoning Commission.

The DeKalb PZC will hold the public hearing and review this request at their regular meeting on Wednesday, June 15, 2016 at 6:00 p.m. The meeting will be at the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. As a property owner within two-hundred and fifty feet of 302 S. Third Street, you are encouraged to attend the meeting to learn about and/or comment on these requests. You may submit written comments regarding the proposal on the enclosed comment sheet by fax (815-748-2359), by mail (Derek Hiland, 200 S. Fourth Street, DeKalb, Illinois 60115), or by email (dhiland@cityofdekalb.com). All comments will be shared with the PZC and will be included in the public record. Comments should be submitted by Wednesday, June 8, 2016 at 5:00 p.m.

If you have any questions about these requests, please feel free to contact me in the Community Development Department at (815) 748-2364.

Sincerely,

Derek Hiland
Planner

Enclosures

CC: Mayor, City Council, City Manager
DeKalb Planning and Zoning Commission
Special Use Permit Request

302 S. Third Street

Subject Property

May 26, 2019

Addresses (Yellow)
Street Lanes (Yellow)

Parcels_2015_July_County_Records
SPECIAL USE PERMIT PETITION

TO: City Clerk, Mayor, and City Council of the City of DeKalb, Illinois

FROM: Petitioner(s): Jane Youngquist
Mailing Address: PO Box 901
Genoa, IL 60135

Petitioner’s Representative: 
Mailing Address: 

Telephone: 
Fax: 
Cell: 312 772 8319
Email: 

1. The petitioner hereby petitions the City of DeKalb to approve a Special Use Permit for the following property:

A. Legal Description and Parcel # (s):
(If necessary, attach the full legal description on a separate sheet of paper) 4082308061
Lot 1, Block 17 DeKalb (original town)

B. Street Address or Common Location: 302 S. 3rd St. DeKalb, IL.

C. Size (square feet or acres): 66 x 156 10,296 sq. feet

D. Existing Zoning District: RC-1

E. Proposed Use and Description: On a separate piece of paper, describe the proposed use’s characteristics such as operating hours, number of employees, capacity of facility, etc. Also, indicate whether or not the proposed use would: a) be in conformance with City’s Comprehensive Plan and how the proposed use may; b) impact adjacent existing and future land uses; c) impact adjacent property values; d) impact the general public’s health, safety, and welfare; and e) in conformance with all elements of the “UDO,” Unified Development Ordinance.
2. The petitioner hereby submits the following information:

( ) Vicinity map of the area proposed for the special use

( ) List of current owner, and their mailing addresses, of all property within 250 feet (Exclusive of right-of-way) of the property proposed to be rezoned

$500.00 Petition fee

( ) 12 photo copies and an electronic copy on a disk of a site plan which must show the following items:

Location and type of landscaping (including existing trees 6" in diameter or greater and existing tree masses)

Location, type, and height of fencing or walls

Location and width of driveways and curb cuts; internal traffic patterns

Floor area (square footage)

Location of exterior lighting

Location, type, and height of signage

Direction of storm water flow, location of detention area

(Note to Petitioner: A site plan for a special use permit is intended to be a schematic plan only. All plans must eventually conform to other City standards prior to the issuance of any building permits or other permits.)

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

Date of pre-application conference: 5/1/16

Those in attendance: Derek Hiland

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

4. The petitioner hereby agrees that this petition will be placed on the Plan Commission's agenda only if it is completed in full and submitted in advance of established deadlines.

5. The petitioner has read and completed all of the above information and affirms that it is true and correct.
6. Petitioner/property owner(s) hereby give the City of DeKalb permission to post a public notice sign(s) on the subject property.

Signature

Petitioner

[Signature]

Date

5/13/16

Subscribed and sworn to before me this 13th day of May, 2016.

[Signature]

Notary Public

I hereby affirm that I am the legal owner (or authorized agent or representative of the owner – proof attached) of the subject property and authorize the petitioner to pursue this Special Use Permit petition as described above (petitioner must sign if he/she is the owner).

Signature

Owner’s Signature

[Signature]

Owner’s Signature

[Signature]

Notary Public

---STAFF USE ONLY---

Planning & Development Division

Is petition completed in full? _____ yes _____ no

Date Received: ____________________________

Received by: ____________________________

Public Hearing Date: ____________________________

City Clerk Signature

[Stamp]
Petitioner proposes to continue the current use of the subject property as a duplex (2 unit building) without any enlargements. Furthermore, petitioner intends to live on the premises and maintain in a conformance similar to that of the surrounding properties inhabited by their owners. It is, therefore, foreseen not to be a detriment to surrounding properties, but rather an enhancement to allow this petitioner to be able to proceed purchase as a duplex and begin to improve the aesthetic qualities that can only improve and conform to a vision of pride and maintenance in the city of Bel Air.
**Address:** 302 South Third Street, DeKalb  

**Owner:** Sulaver  

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Older two-unit in need of some repairs. Very large lot, close to downtown.

**McCabe Realtors**

**Listing Agent:** Jerry Wahlstrom  
**Cell:** 815 757-7867  
**Listing No:** 09079467  
**e-mail:** gwahl@aol.com
PETITION OF AGREEMENT

The undersigned agrees to allow Jayne Youngquist to continue the use of 302 S. 3rd St. Dekalb, Il. as a duplex (2unit building and support the approval of City of Dekalb Special Use permit for that purpose.

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<td>Patrick Country</td>
<td>318 S. 3rd</td>
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<td>Max C.</td>
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<tr>
<td>Mary Cherry</td>
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<td>Enoch Begnar</td>
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Date: May 12th, 2016
May 26, 2016

Dear Property Owner(s):

The DeKalb Planning and Zoning Commission (PZC) will consider a Special Use Permit Request petition by Jane Youngquist on behalf of Judith Sulaver on property zoned “RC-1” Residential Conservation District in order to amend the landuse of the property located at 302 S. Third Street, DeKalb, Illinois. (see enclosed map). The petitioner seeks to convert a single family residential dwelling to a two family dwelling by changing the legally recognized land use of the property from single family to two family residential with a Special Use Permit. In order to do the petitioner so needs the approval of the Planning and Zoning Commission.

The DeKalb PZC will hold the public hearing and review this request at their regular meeting on Wednesday, June 15, 2016 at 6:00 p.m. The meeting will be at the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. As a property owner within two-hundred and fifty feet of 302 S. Third Street, you are encouraged to attend the meeting to learn about and/or comment on these requests. You may submit written comments regarding the proposal on the enclosed comment sheet by fax (815-748-2359), by mail (Derek Hiland, 200 S. Fourth Street, DeKalb, Illinois 60115), or by email (dhiland@cityofdekalb.com). All comments will be shared with the PZC and will be included in the public record. Comments should be submitted by Wednesday, June 8, 2016 at 5:00 p.m.

If you have any questions about these requests, please feel free to contact me in the Community Development Department at (815) 748-2364.

Sincerely,

Derek Hiland
Planner

Enclosures

CC: Mayor, City Council, City Manager
DeKalb Planning and Zoning Commission
LEGAL NOTICE

NOTICE is hereby given that a public hearing will be held before the DeKalb Zoning Planning and Zoning Commission at a meeting on or after Wednesday, June 15, 2016 at 6:00PM in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois, on a petition by Jane Youngquist for a Special Use Permit request to legally convert a single family residence on property zoned “RC-1” Residential Conservation District into a two family residential structure located at 302 S. Third Street DeKalb, Illinois.

The property is legally described as:

LOT 1 IN BLOCK 17 OF THE ORIGINAL TOWN (NOW CITY) OF DEKALB, DEKALB COUNTY, ILLINOIS., SITUATED IN DEKALB COUNTY, ILLINOIS. (P.I.N. 08-23-308-001)

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 this proposal to the City of DeKalb, Community Development Department, 200 South Fourth Street, DeKalb, Illinois, 60115 by 5:00 p.m. on Wednesday, June 8, 2016.

Further information is available from the Community Development Department, (815) 748-2364.

Christina Atherton, Chairman
DeKalb Planning and Zoning Commission
City of DeKalb
Citizen Response Form

302 S. Third Street Special Use Request

Owners Name: ________________________________________________________________

Property Address: _____________________________________________________________

Basic Input:

☐ I support the proposal.
☐ I support redevelopment generally, but would like to see specifics before I decide.
☐ I do not support the proposal.

Written Comments:
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________
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____________________________________________________________________________
Special Use Permit Request

302 S. Third Street

May 30, 2018

Subject Property

1:572

0 0.005 0.01 0.02 mi.

0 0.01 0.02 0.04 km.

Permit 2016 July County Records