



**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

630-407-6700  
Fax: 630-407-6702

[www.dupageco.org/building](http://www.dupageco.org/building)

### MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: March 21, 2023

RE: **ZONING-22-000052 Russo (Bloomingdale/ District 6)**

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**DuPage County Board: April 11, 2023:** *(If the County Board seeks to approve the zoning relief it will require a  $\frac{3}{4}$  majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)*

**Development Committee: March 21, 2023:** The DuPage County Development Committee recommended to approve the following zoning relief:

1. Variation to reduce the lot size for two lots with well and septic, from required 40,000 sq. ft./each lot to approximately 29,672 sq. ft. for Lot 1 and 14,233 sq. ft. for Lot 2.
2. Variation to reduce the required lot width from 125 feet to approximately 95.74 feet for Lot 2.

**Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent**

**DEVELOPMENT COMMITTEE FINDINGS OF FACT:**

1. That the DuPage County Development Committee finds that the petitioner demonstrated sufficient evidence in relation to the requested zoning relief to reduce the lot size and lot width for two (2) proposed lots and that proposed Lot 2 can be sufficiently serviced with a BioBarrier septic system on a 14,233 sq. ft. lot per the DuPage County Health Department.

**Zoning Hearing Officer: February 8, 2023:** The Zoning Hearing Officer recommended to deny the following zoning relief:

1. Variation to reduce the lot size for two lots with well and septic, from required 40,000 sq. ft./each lot to approximately 29,672 sq. ft. for Lot 1 and 14,233 sq. ft. for Lot 2.

2. Variation to reduce the required lot width from 125 feet to approximately 95.74 feet for Lot 2.

**ZHO Recommendation to Deny**

**FINDINGS OF FACT:**

- A. That petitioner testified that he seeks the subject zoning relief to divide the subject property into two (2) new lots, approximately 29,672 sq. ft. for Lot 1 and 14,233 sq. ft./95.74 feet wide for Lot 2.
- B. That petitioner testified that his client has owned and lived on the subject property for over twenty (20) years.
- C. That petitioner testified that the subject property is serviced with well and septic, and that water and sewer cannot be brought to the subject property.
  - That petitioner testified that if sewer and water were available to the subject property, the proposed lots could be 10,000 sq. ft. each, with 75-foot lot widths.
- D. That petitioner testified that proposed Lot 2 would be serviced with a modernized BioBarrier septic system, which does not require as much land compared to a standard septic system.
  - Furthermore, that petitioner testified that Lot 2 is proposed to be smaller in size compared to Lot 1 due to the existing septic system located on proposed Lot 1 which cannot be relocated.
- E. That petitioner testified that the subdivision directly to the south of the subject property contains lots that are 10,000-12,000 sq. ft. in size and are serviced on well and septic.
  - In addition, that petitioner testified that there have been many divisions of land within the subject Keeneyville neighborhood that have created lots less than 40,000 sq. ft. in size, and that the proposed two (2) lots will be consistent with the size and character of lots of the subject neighborhood.
- F. That the Hearing Officer finds that while subdivision of the subject property may be appropriate for equally sized lots, like those in the surrounding area, the petitioner has not demonstrated evidence that the proposed lot size of 14, 233 sq. ft. for Lot 2 is like those in the surrounding area.
- G. Furthermore, that the Hearing Officer finds that the reasoning for the proposed zoning relief to reduce the lot size and width for Lot 2 is purely an economic reasoning.
  - Petitioner testified that it would be to cost prohibitive to remove and replace the existing septic system for the home (proposed Lot 1) with a BioBarrier septic system, like that proposed on Lot 2, which does not require as much land compared to a standard septic system.
- H. That the Hearing Officer finds that petitioner has not demonstrated evidence for a practical difficulty or particular hardship regarding the requested zoning relief and did not demonstrate evidence that the proposed lot sizes for the subject property would be consistent with the size and character of lots in within the immediate neighborhood.

### **STANDARDS FOR VARIATIONS:**

*\*Per Zoning Code Section 37-1411.3*

1. That the Zoning Hearing Officer finds that petitioner **has not demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That Hearing Officer finds that petitioner **has not demonstrated** evidence that there are practical difficulties or particular hardships in the way of carrying out the strict letter of regulations for a Variation request.
3. That Zoning Hearing Officer finds that petitioner **has not demonstrated** the granting of the Variation will not:
  - a. Impair an adequate supply of light and air to the adjacent property, as petitioner **has not demonstrated** evidence that the proposed lot division will not impair the supply of light and air to the adjacent properties.
  - b. Increase the hazard from fire or other dangers to said property, as petitioner **has not demonstrated** evidence that the proposed lot division will not increase hazards from fire or other dangers.
  - c. Diminish the value of land and buildings throughout the County, as petitioner **has not demonstrated** evidence that the proposed lot division will not diminish the value of land throughout the County.
  - d. Unduly increase traffic congestion in the public streets and highways, as petitioner **has not demonstrated evidence** that the proposed lot division will not unduly increase traffic congestion.
  - e. Increase the potential for flood damages to adjacent property, as petitioner **has not demonstrated** evidence that the proposed lot division will not increase the potential for flood damages.
  - f. Incur additional public expense for flood protection, rescue, or relief, as petitioner **has not demonstrated** evidence that the proposed lot division will not incur additional public expense for flood protection, rescue, or relief.
  - g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County, as petitioner **has not demonstrated** evidence that the proposed lot division will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

**PETITIONER'S DEVELOPMENT FACT SHEET**

<b>GENERAL ZONING CASE INFORMATION</b>		
<b>CASE #/PETITIONER</b>	<b>ZONING-22-000052 Russo</b>	
<b>ZONING REQUEST</b>	1. Variation to reduce the lot size for two lots with well and septic, from required 40,000 sq. ft./each lot to approximately 29,672 sq. ft. for Lot 1 and 14,233 sq. ft. for Lot 2. 2. Variation to reduce the required lot width from 125 feet to approximately 95.74 feet for Lot 2.	
<b>OWNER</b>	PIETRO AND MARIANNA RUSSO, 25W170 LAWRENCE AVENUE, ROSELLE, IL 60172 / AGENT: PETER DEFILIPPIS, PD3 PROPERTIES, 192 N. GLADE AVENUE, ELMHURST, IL 60126	
<b>ADDRESS/LOCATION</b>	25W170 LAWRENCE AVENUE, ROSELLE, IL 60172	
<b>PIN</b>	02-08-406-018	
<b>TWSP./CTY. BD. DIST.</b>	BLOOMINGDALE	DISTRICT 6
<b>ZONING/LUP</b>	R-4 SF RES	0-5 DU AC
<b>AREA</b>	1 ACRE (43,560 SQ. FT.)	
<b>UTILITIES</b>	WELL AND SEPTIC	
<b>PUBLICATION DATE</b>	Daily Herald: January 24, 2023	
<b>PUBLIC HEARING</b>	WEDNESDAY, FEBRUARY 8, 2023	
<b>ADDITIONAL INFORMATION:</b>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections.	
Stormwater:	No Objection with the concept of the petition. Additional information may be required at time of permit application.	
Public Works:	Our office has no jurisdiction in this matter.	
<b>EXTERNAL:</b>		
Village of Hanover Park:	No Objections. (See attached documentation)	
Village of Roselle:	Our office has no jurisdiction in this matter. "Not within Roselle's planning boundaries."	
Village of Hanover Park:	<i>No Comments Received.</i>	
Village of Bloomingdale:	<i>No Comments Received.</i>	
Bloomington Township:	<i>No Comments Received.</i>	
Township Highway:	No Objection with the concept of the petition. Additional information may be required at time of permit application.	
Bloomington Fire Dist.:	No Objection with the concept of the petition. Additional information may be required at time of permit application. "Residential sprinklers will be required if a house is built on the property."	
Sch. Dist. 20:	<i>No Comments Received.</i>	

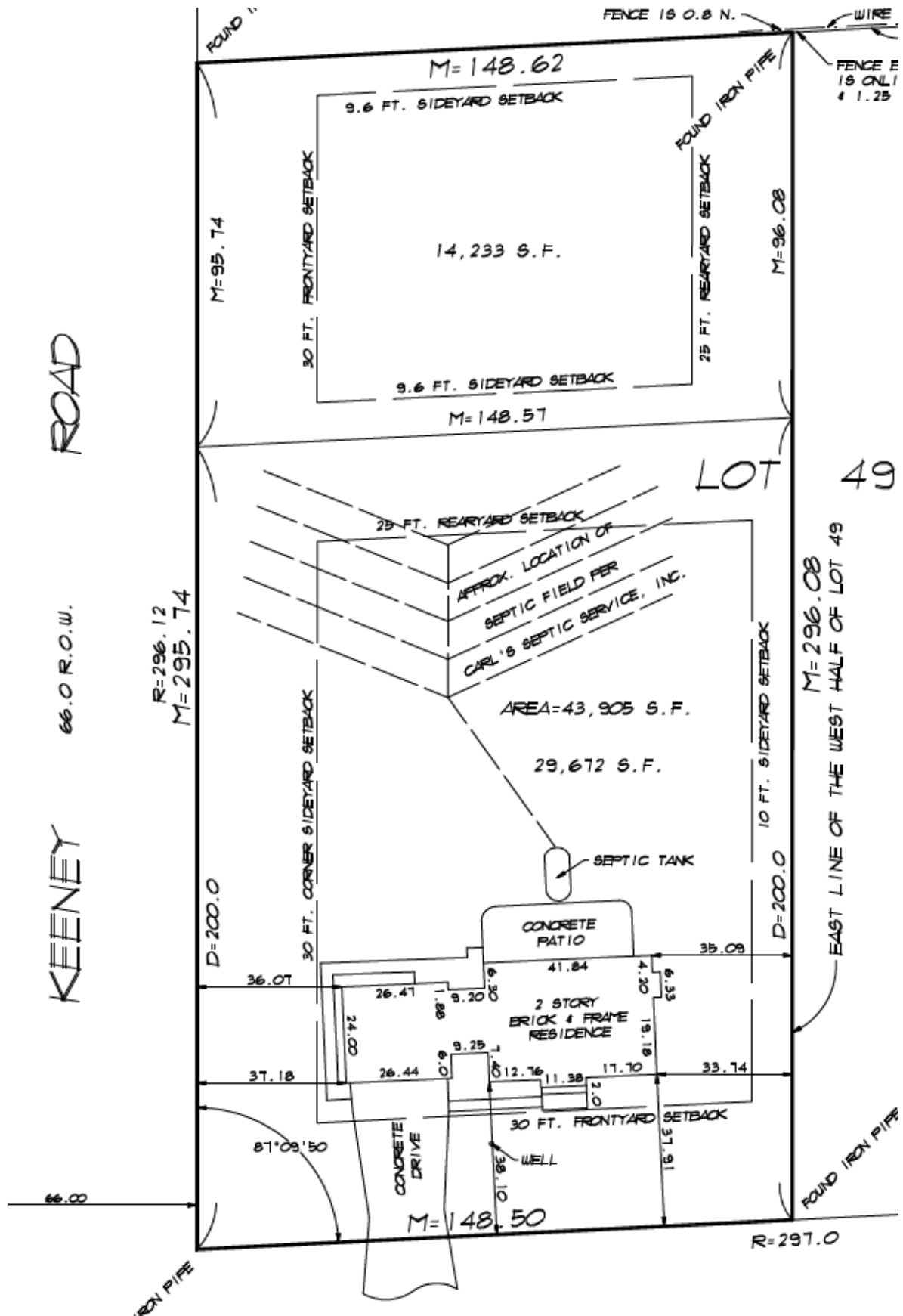
Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and the District property, we do not have any specific comments. Thank you.”
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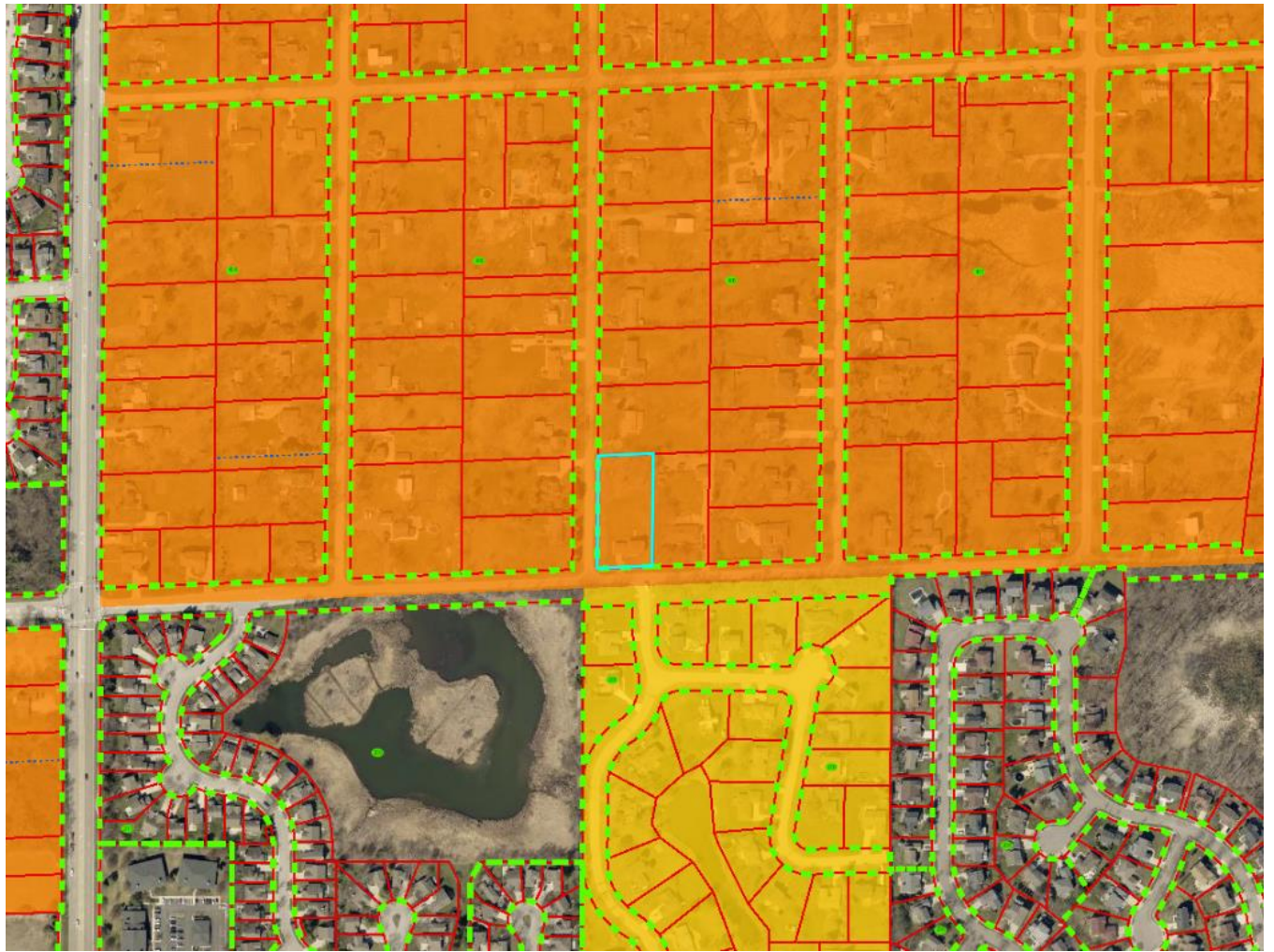
**GENERAL BULK REQUIREMENTS:**

<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
LOT SIZE:	40,000 SQ. FT./EACH	APPROX. 43,560 SQ. FT.	29,672 SQ. FT. FOR LOT 1 14,233 SQ. FT. FOR LOT 2

**LAND USE**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-4 SF RES	HOUSE	0-5 DU AC
North	R-4 SF RES	HOUSE	0-5 DU AC
South	LAWRENCE ROAD AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
East	R-4 SF RES	HOUSE	0-5 DU AC
West	KEENEY ROAD AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC

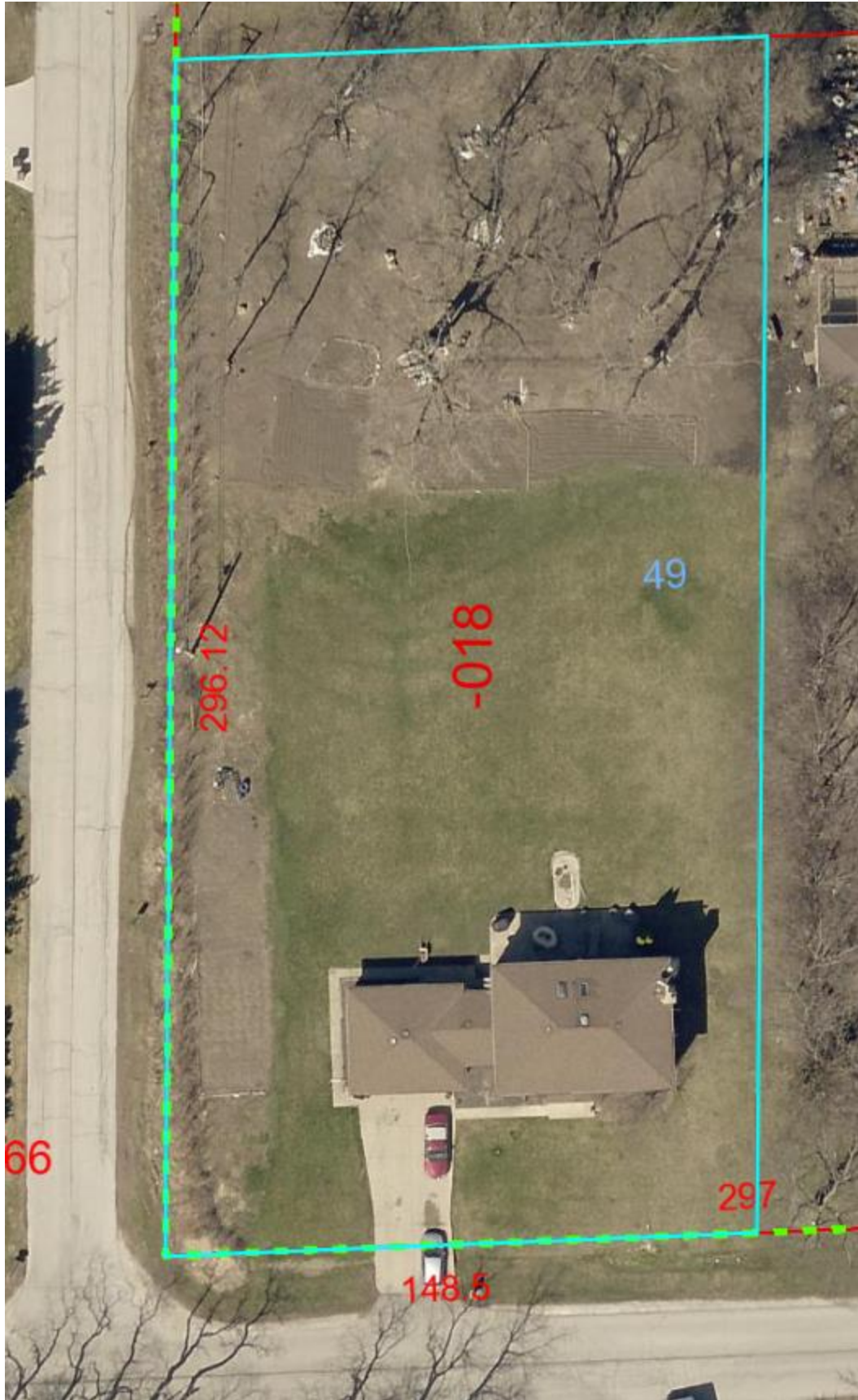














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### DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-22-000052 Russo

Please review the information herein and return with your comments to:  
Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm  
Road, Wheaton, Illinois 60187; or via email at [Jessica.Infelise@dupageco.org](mailto:Jessica.Infelise@dupageco.org) or via facsimile  
at 630-407-6702 by **February 7, 2023**.

COMMENT SECTION:	
:	OUR OFFICE HAS NO JURISDICTION IN THIS MATTER
:	NO OBJECTION/CONCERNS WITH THE PETITION
X	NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION
:	I OBJECT/HAVE CONCERNS WITH THE PETITION.
<b>COMMENTS:</b> The face of the plat should contain language similar to the following:  "This property was subdivided on [date]. At the time of subdivision, the PCBMP and stormwater detention thresholds for the original parcel were subsequently subdivided among the newly created parcels. The threshold distribution ratio for each of the new parcels shall be calculated as the area of the new parcel divided by the area of the original parcel. This threshold distribution ratio shall be multiplied by the regulatory thresholds in effect at the time of any new development. Please check with your local permitting authority regarding all stormwater management requirements."	
<b>SIGNATURE:</b> Clayton Heffter <b>DATE:</b> 1/30/23	
<b>MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:</b> DPC Stormwater Management	
<b>GENERAL ZONING CASE INFORMATION</b>	



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at 630-407-6702 by **February 7, 2023**.

COMMENT SECTION:	
: OUR OFFICE HAS NO JURISDICTION IN THIS MATTER	
: NO OBJECTION/CONCERNS WITH THE PETITION	
: NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION.	
<b>XX</b> ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION	
: I OBJECT/HAVE CONCERNS WITH THE PETITION.	
COMMENTS: Residential sprinklers will be required if a house is built on the property.	
SIGNATURE: <u>Matthew Beyer</u> DATE: <u>1/31/23</u>	
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-22-000052 Russo
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ADDRESS/LOCATION	25W170 LAWRENCE AVENUE, ROSELLE, IL 60172
PIN	02-08-406-018
TWSP./CTY. BD. DIST.	BLOOMINGDALE DISTRICT 6
ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	1 ACRE (43,560 SQ. FT.)
UTILITIES	WELL AND SEPTIC
PUBLICATION DATE	Daily Herald: January 24, 2023
PUBLIC HEARING	WEDNESDAY, FEBRUARY 8, 2023

PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.

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Jack T. Knuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187



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#### COMMENTS:

The site does not immediately abut the corporate limits of Hanover Park, and I therefore do not have an objection as it does not directly impact us. However, the County may want to consider the character of other homes/dev around the subject site – it appears surrounding lots are large lots. The new lot seems much smaller (14,000 sq. ft. vs the required 40,000 sq. ft.) – so pl ensure that it is adequately sized for septic field. Does this meet County's criteria for a variance? – seems to be a "self-created hardship". What justification have they provided for creating a lot significantly smaller than the zoning requirement.

SIGNATURE: Shubhra Govind DATE: 2/7/23

MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:

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