



Legislation Text

File #: DC-O-0014-23, **Version:** 1

ORDINANCE Zoning Petition ZONING-22-000052 Russo

WHEREAS, a public hearing was held on February 8, 2023 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting 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, on the property hereinafter described:

OF THE WEST HALF OF LOT 49 IN KEENEY'S LAKE STREET FARMS, BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 8 AND PART OF THE WEST HALF OF SECTION 9, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1932 AS DOCUMENT NO. 328341, AND CERTIFICATE OF CORRECTION RECORDED OCTOBER 1, 1982 AS DOCUMENT NO. R82-45135, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on February 8, 2023 does find as follows:

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

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-22-000052 Russo	
ZONING REQUEST	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.	
OWNER	PIETRO AND MARIANNA RUSSO, 25W170 LAWRENCE AVENUE, ROSELLE, IL 60172 / AGENT: PETER DEFILIPPIS, PD3 PROPERTIES, 192 N. GLADE AVENUE, ELMHURST, IL 60126	
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	
ADDITIONAL INFORMATION:		
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 for permit application.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
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 for permit application.	
Bloomington Fire Dist.:	No Objection with the concept of the petition. Additional information may be required for 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's Forest Preserve, we do not have any specific comments. Thank you."
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GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
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

Location	Zoning	Existing Use	LUP
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

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on February 8, 2023, recommends 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

WHEREAS, the County Board Development Committee on March 21, 2023, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to not concur with the findings and recommends 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.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

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, on the property hereinafter described:

OF THE WEST HALF OF LOT 49 IN KEENEY'S LAKE STREET FARMS, BEING A SUBDIVISION OF PART OF THE EAST HALF OF SECTION 8 AND PART OF THE WEST HALF OF SECTION 9, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 13, 1932 AS DOCUMENT NO. 328341, AND CERTIFICATE OF CORRECTION RECORDED OCTOBER 1, 1982 AS DOCUMENT NO. R82-45135, IN DUPAGE COUNTY, ILLINOIS; and

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; PIETRO AND MARIANNA RUSSO, 25W170 LAWRENCE AVENUE, ROSELLE, IL 60172 / AGENT: PETER DEFILIPPIS, PD3 PROPERTIES, 192 N. GLADE AVENUE, ELMHURST, IL 60126; and Township Assessor, Bloomingdale Township, 123 N. Rosedale, Bloomingdale, IL 60108.

Enacted and approved this 11th day of April 2023 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

ATTEST: _____
JEAN KACZMAREK, COUNTY CLERK