



Legislation Text

File #: DC-O-0019-23, **Version:** 1

ORDINANCE Zoning Petition ZONING-23-000009 Gorecki

WHEREAS, a public hearing was held on March 1, 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 required lot size for two lots serviced with well and sewer from required 20,000 sq. ft. to approximately 5,576 sq. ft./ each lot.
2. Variation to reduce required lot width for two lots serviced with well and sewer from required 100 feet to approximately 54 feet/ each lot, on the property hereinafter described:

LOTS 16 AND 17 EXCEPT THE EAST 25.89 FEET (MEASURED ALONG THE NORTH AND SOUTH LINES THEREOF) IN BLOCK 9 IN LA SALLE REALTY COMPANY'S VILLA ROOSEVELT, BEING A SUBDIVISION OF THE WEST HALF OF THE NORHTEAST QUARTER AND THE EAST HALF OF THE NORTHWEST WUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1, 1929 AS DOCUMENT 276750, 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 March 1, 2023 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that he seeks the subject zoning relief to reduce the lot size and lot width for two (2) lots serviced with well and sewer.
- B. That petitioner testified that the two (2) subject lots were previously historic lots of record platted in 1929 and that a rear portion of each lot was sold off to the adjacent neighbor to the east prior to petitioner's purchase.
 - That petitioner testified that due to the prior owners selling off the rear twenty-five (25) feet of each lot, the two (2) subject lots lost their historic lot of record designation.
- C. That petitioner testified that they purchased the two (2) subject lots with the intention to build two (2) homes but later learned that they were unable to build a house on each lot due to the removed historic lot of record designation.
- D. That petitioner testified that the two (2) subject lots are now approximately 1,350 sq. ft. smaller than all other historic lots of record in the subject neighborhood.

- E. That petitioner testified that the two (2) subject lots would be serviced with well and sewer.
- F. That the Hearing Officer finds that petitioner demonstrated evidence for a practical difficulty and particular hardship as the two (2) subject lots were previously historic lots of record and that due to the prior owners selling the rear twenty-five (25) feet to the neighbor to the east, the subject properties lost their historic lots of record designation.

STANDARDS FOR VARIATIONS:

**Per Zoning Code Section 37-1411.3*

1. That the Zoning Hearing Officer finds that petitioner **has 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 the Zoning Hearing Officer finds that petitioner **has demonstrated** the granting of the Variation will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the two (2) subject lots were previously historic lots of record and are similar in size to those in the neighborhood, and therefore will not impair an adequate supply of light and air to the adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the two (2) subject lots were previously historic lots of record and are similar in size to those in the neighborhood, and therefore will not increase the hazard from fire or other dangers.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the two (2) subject lots were previously historic lots of record and are similar in size to those in the neighborhood, and therefore will not diminish the value of land and buildings throughout the County.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the two (2) subject lots were previously historic lots of record and are similar in size to those in the neighborhood, and therefore will not unduly increase traffic congestion in the public streets and highways.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the two (2) subject lots were previously historic lots of record and are similar in size to those in the neighborhood, and therefore will not increase the potential for flood damages to adjacent property.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the two (2) subject lots were previously historic lots of record and are similar in size to those in the neighborhood, and therefore 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 demonstrated** that the two (2) subject lots were previously historic lots of record and are similar in size to those in the neighborhood, and therefore 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-23-000009 Gorecki	
ZONING REQUEST	1. Variation to reduce the required lot size for two lots serviced with well and sewer from required 20,000 sq. ft. to approximately 5,576 sq. ft./ each lot. 2. Variation to reduce required lot width for lots serviced with well and sewer from required feet to approximately 54 feet/ each lot.	
OWNER	GORECKI TRUST, 33 N AHRENS, LOMBARD, IL 60148/ AGENT: JAMES KAMPERT, 1317 SOUTH 3 RD STREET, LOMBARD, IL 60148	
ADDRESS/LOCATION	LOTS 16 AND 17 ON LUTHER AVENUE, NORTHEAST OF LUTHER AVENUE AND 14 TH STREET	
PIN	06-21-109-014/ 06-21-109-016	
TWSP./CTY. BD. DIST.	York	DISTRICT 2
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.13 ACRES PER LOT (5,576 SQ. FT. PER LOT)	
UTILITIES	WELL AND SEWER	
PUBLICATION DATE	Daily Herald: FEBRUARY 14, 2023	
PUBLIC HEARING	WEDNESDAY, MARCH 1, 2023	
<u>ADDITIONAL INFORMATION:</u>		
Building:	No Objections with the concept of the petition. Additional information required at time of permit application. "It should be verified that the proposed dwelling dimensions meeting the current building code."	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections with the concept of the petition. Additional information required at time of permit application.	
Stormwater:	No Objections with the concept of the petition. Additional information required at time of permit application.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Lombard:	"LOTS 16 AND 17 ON LUTHER AVENUE, NORTHEAST OF LUTHER AVENUE AND 14 TH STREET are outside our planning boundary. Therefore we have no comments."	
Village of Villa Park:	<i>No Comments Received.</i>	

City of Oakbrook Terra	<i>No Comments Received.</i>
Village of Oak Brook:	<i>No Comments Received.</i>
Township:	<i>No Comments Received.</i>
Township Highway:	No Objections.
Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 45:	No Objections.
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 subject property and District property, we do not have any specific comments. Thank you.

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Lot Size:	20,000 sq. ft. / each	5,576 sq. ft. / each	5,576 sq. ft. / each

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	R-4 SF RES	House	0-5 DU AC
East	R-4 SF RES	House	0-5 DU AC
West	Luther Avenue 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 March 1, 2023, recommends to approve the following zoning relief:

1. Variation to reduce the required lot size for two lots serviced with well and sewer from required 20,000 sq. ft. to approximately 5,576 sq. ft./ each lot.
2. Variation to reduce required lot width for two lots serviced with well and sewer from required 100 feet to approximately 54 feet/ each lot.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #ZONING-23-000009 Gorecki dated March 1, 2023.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZHO Recommendation to Approve

WHEREAS, the County Board Development Committee on March 21, 2023, considered the above

findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to approve the following zoning relief:

1. Variation to reduce the required lot size for two lots serviced with well and sewer from required 20,000 sq. ft. to approximately 5,576 sq. ft./ each lot.
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Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #ZONING-23-000009 Gorecki dated March 1, 2023.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

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 required lot size for two lots serviced with well and sewer from required 20,000 sq. ft. to approximately 5,576 sq. ft./ each lot.
2. Variation to reduce required lot width for two lots serviced with well and sewer from required 100 feet to approximately 54 feet/ each lot, on the property hereinafter described:

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The Zoning Relief is subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #ZONING-23-000009 Gorecki dated March 1, 2023.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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; GORECKI TRUST, 33 N AHRENS, LOMBARD, IL 60148/ AGENT: JAMES KAMPERT, 1317 SOUTH 3RD STREET, LOMBARD, IL 60148; and Township Assessor, York Township, 1502 S. Meyers Road, Lombard, IL 60148.

Enacted and approved this 28th day of March 2023 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

ATTEST: _____
JEAN KACZMAREK, COUNTY CLERK