



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

630-407-6700
fax: 630-407-6702

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Board of Appeals

DATE: December 5, 2024

RE: **ZONING-24-000074 Biagio Land Corporation
(Bloomingdale/District 1)**

Development Committee: January 21, 2025:

Zoning Board of Appeals Meeting: December 5, 2024: The Zoning Board of Appeals recommended to approve the following zoning relief:

Rezoning from B-1 Local Business District to B-2 General Business District.

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-24-000074 Biagio Land Corporation** dated November 14, 2024.
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 in conjunction with the submittal of a building permit the developer provides a landscape plan showing full landscape screens around the perimeter of the development.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZBA VOTE (to Approve): 5 Ayes, 0 Nays, 2 Absent

FINDINGS OF FACT:

1. That petitioner testified that they seek the subject zoning relief to rezone the subject property from B-1 Local Commercial to B-2 General Business District.

2. That petitioner testified that the current property is used by the petitioner, a concrete contractor, and that they propose to continue to use the property as construction office and yard as a concrete contractor, which is permitted in the B-2 General Business Zoning District.
3. That petitioner testified that if the rezoning is granted, they plan to tear down the existing building and construct a new building that will comply with all required codes of DuPage County.
 - a. That petitioner testified that have two (2) to three (3) employees in the office every day and then have a number of employees that come to the subject property, pick up a company vehicle, and take them to a job site.
4. That petitioner testified that the intention of the B-1 Zoning District is to service neighborhoods, and that due to the growth and development of Lake Street as a heavily traveled arterial roadway and regional corridor, the highest and best use would be a permitted use under the B-2 General Business District.
5. That petitioner testified that everything north of Lake Street across from the subject property is within the Village of Roselle and zoned B-5 commercial.
6. That petitioner testified that most of the properties abutting Lake Street that take direct access to Lake Street (such as the subject property), are either zoning B-2 in the County or B-5 in the Village of Roselle, with the exception of the subject property and the lots on either side of the subject property.
7. That petitioner testified that the existing uses of the property in question are primarily commercial and residential, and that directly to the east of the subject property is a commercial use, to the west is a vacant lot and beyond that are commercial uses, to the north is a commercial use within the Village of Roselle, and to the south are residential uses.
8. That petitioner testified that to the east of the subject property is zoned B-1 Local Business (operating as a B-2 use), to the west is zoned B-1 Local Business and is vacant but beyond that is zoned B-2 General Business, to the north is zoned commercial in the Village of Roselle, and the south is zoned R-4 Single Family Residential
9. That petitioner testified that due to the location of the subject property on Lake Street, the long-standing use of properties directly abutting Lake Street are commercial uses primarily found in the B-2 Zoning District and commercial uses primarily found in the B-5 District of the Village of Roselle.
10. That petitioner testified that the trend of development in the general area is towards commercial uses in the B-2 General Business District, and that due to

the location of the subject property on Lake Street, no B-1 Local Business District uses have been interested in the subject property.

11. That petitioner testified that the subject property has lacked the ability and interest to develop as a use within the B-1 Local Business District, and that the current zoning designation prohibits the subject property from being developed in its highest and best use.
12. That petitioner testified that due to the surrounding uses and location on a major arterial roadway (Lake Street), the B-1 Local Business zoning classification significantly decreases the interest of the subject property, and that a rezoning from B-1 to B-2 would be the highest and best use of the subject property.
13. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the map amendment (rezoning) is in harmony with the general purpose and intent of the Zoning Ordinance, and that the petitioner has demonstrated sufficient evidence and testimony regarding the required six (6) standards for a map amendment (rezoning).

STANDARDS FOR MAP AMENDMENT (REZONING):

That the Zoning Board of Appeals finds that petitioner **has demonstrated** that the granting of the map amendment (rezoning) is in harmony with the general purpose and intent of the Zoning Ordinance, and that the petitioner has demonstrated the following standards for a map amendment (rezoning):

1. Existing uses of property within the general area of the property in question, as petitioner **has demonstrated** that the existing uses of property within the general area of the property in question are primarily commercial and residential, and that directly east of the subject property is a commercial use, to the west is a vacant lot and beyond that are commercial uses, to the north is a commercial use within the Village of Roselle, and to the south is a residential use.
2. The zoning classifications of property within the general area of the property in question, as petitioner **has demonstrated** that directly to the east of the subject property is zoned B-1 Local Business (operating as a B-2 use), to the west is zoned B-1 Local Business and is vacant but beyond that are zoned B-2 General Business, to the north is zoned commercial in the Village of Roselle, and the south is zoned R-4 Single Family Residential
3. The suitability of the property in question for the uses permitted under the existing zoning classification, as petitioner **has demonstrated** that due to the location of the subject property on Lake Street, the long-standing use of the properties directly abutting Lake Street are commercial uses primarily found in the B-2 Zoning District.
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which may have taken place since the property in question was placed in its

present zoning classification, as petitioner **has demonstrated** that the trend of development in the general area is towards commercial uses in the B-2 General Business District, and that due to the location of the subject property on Lake Street, no B-1 Local Business District uses have been interested in the subject property.

5. The length of time the property has been vacant as zoned, considered in the context of the land development in the area surrounding the subject property, as petitioner **has demonstrated** that the subject property has lacked the ability and interest to develop as a use within the B-1 Local Business District, and that the current zoning designation prohibits the subject property from being developed in its highest and best use.
6. The extent to which the property values are diminished by particular zoning restrictions, as petitioner **has demonstrated** that due to the surrounding uses and location on a major arterial roadway (Lake Street), the B-1 Local Business zoning classification significantly decreases the interest of the subject property, and that a rezoning from B-1 to B-2 would be the highest and best use of the subject property.

PETITIONER'S DEVELOPMENT FACT SHEET

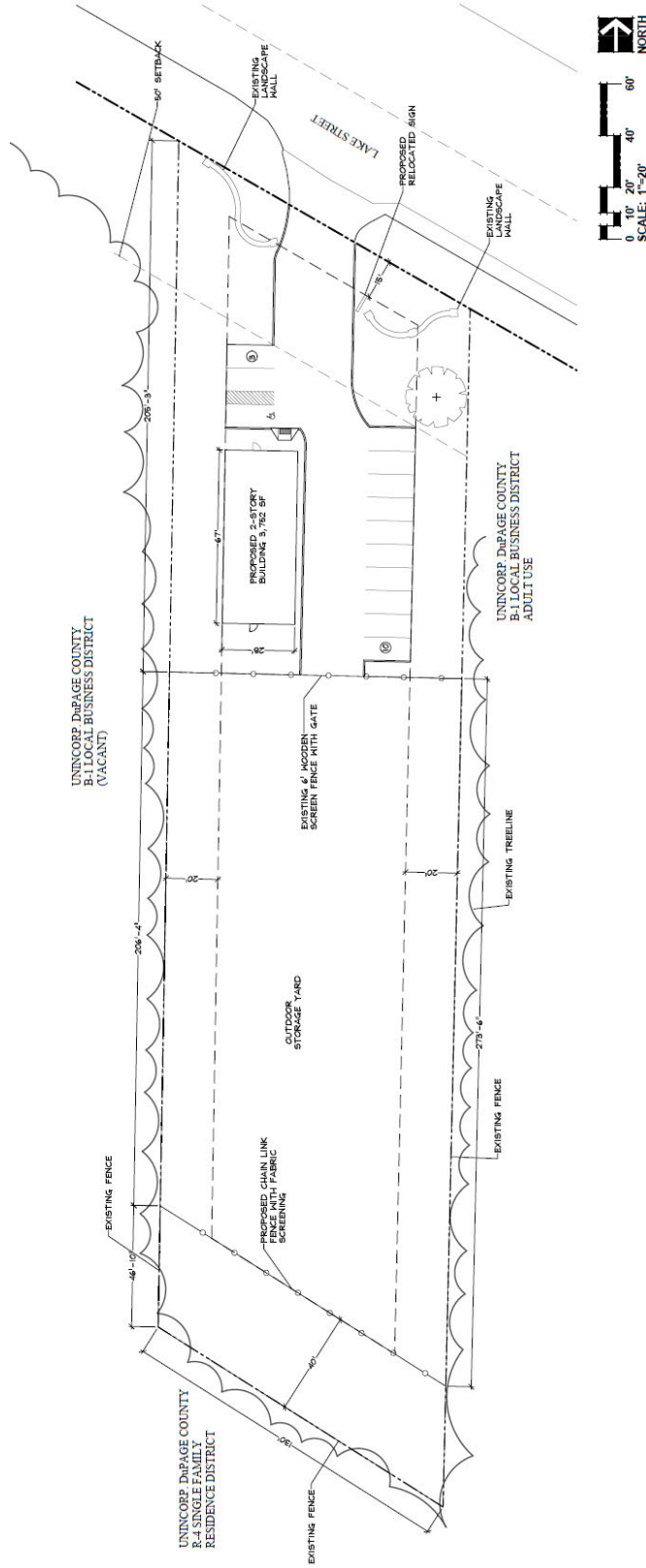
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000074 Biagio Land Corporation
ZONING REQUEST	Rezoning from B-1 Local Business District to B-2 General Business District.
OWNER	BIAGIO LAND CORP, 24W733 LAKE STREET, ROSELLE, IL 60172 / BIAGIO LAND CORP, 4N475 MEDINAH ROAD, ADDISON, IL 60101 / AGENT: BRIAN ARMSTRONG, LUETKEHANS, BRADY, GARNER & ARMSTRONG, LLC., 2700 INTERNATIONAL DRIVE, SUITE 305, WEST CHICAGO, IL 60185
ADDRESS/LOCATION	24W733 LAKE STREET, ROSELLE, IL 60172
PIN	02-09-302-006
TWSP./CTY. BD. DIST.	BLOOMINGDALE DISTRICT 1
ZONING/LUP	B-1 LOCAL BUSINESS 0-5 DU AC
AREA	1.19 ACRES (51,836 SQ. FT.)
UTILITIES	WELL/SEPTIC
PUBLICATION DATE	Daily Herald: OCTOBER 30, 2024
PUBLIC HEARING	THURSDAY, NOVEMBER 14, 2024
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	<i>No Comments Received.</i>
Stormwater:	Our office has no jurisdiction in this matter.
Public Works:	“DPC PW doesn’t own any sewer or water in the area.
EXTERNAL:	
Village of Roselle:	<i>No Comments Received.</i>
Village of Bloomingdale:	<i>No Comments Received.</i>
Village of Hanover Park:	No Objections. “The site is 3000-3500 ft. east of Hanover Park’s boundaries and does not abut our existing lots. Proposed use is similar to existing (landscaping/paving contractor).
Village of Schaumburg:	<i>No Comments Received.</i>
Bloomington Township:	<i>No Comments Received.</i>
Township Highway:	Our office has no jurisdiction in this matter.
Bloomington Fire Dist.:	No Objections with the concept of the petition. Additional information may be required at time of permit application. (See attached documentation)
Sch. Dist. 20:	<i>No Comments Received.</i>
Sch. Dist. 108:	<i>No Comments Received.</i>

Forest Preserve:	<i>No Comments Received.</i>
------------------	------------------------------

LAND USE

Location	Zoning	Existing Use	LUP
Subject	B-1 LOCAL BUSINESS	COMMERCIAL	0-5 DU AC
North	LAKE STREET AND BEYOND VILLAGE OF ROSELLE	COMMERCIAL	VILLAGE OF ROSELLE
South	R-4 SF RES	HOUSE	0-5 DU AC
East	B-1 LOCAL BUSINESS	COMMERCIAL	0-5 DU AC
West	B-1 LOCAL BUSINESS	COMMERCIAL	0-5 DU AC

BIAGIO LAND CORPORATION











**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
fax: 630-407-6702

www.dupagecounty.gov/building

**DU PAGE COUNTY ZONING BOARD OF APPEALS
Zoning Petition ZONING-24-000074 Biagio Land Corporation**

Please review the information herein and return with your comments to:
Jessica Infelise Datzman, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupagecounty.gov or via facsimile at 630-407-6702 by November 13, 2024.

COMMENT SECTION:
: OUR OFFICE HAS NO JURISDICTION IN THIS MATTER
: NO OBJECTION/CONCERNS WITH THE PETITION
XX : 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.
COMMENTS:
<ol style="list-style-type: none"> 1. Please provide revised drawings showing an approved type of emergency vehicle turn around area in the rear of the property for our review and approval. The revised drawing would also need to show the entry drives into the property and the opening widths. If any gates or fences are to be installed, they need to be shown on the revised drawings for review and approval. 2. The above ground storage tanks on the property need to be indicated in the revised drawings. Approval for the above ground storage tanks need to be obtained through the DuPage County Building Department and the Office of the State Fire Marshal. All required setbacks and secondary containment shall be provided for review and approval. 3. The proposed building will be required to be fire sprinkled. In addition, a 30-90-minute on-site water supply would be required for the sprinkler system depending on the classification of the new building and processes that would be conducted at this location.
SIGNATURE: [REDACTED] DATE: 11/12/24
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: Bloomingdale Fire Protection District No. 1

Sent: Tuesday, November 12, 2024 3:30 PM
To: Web Master <Webmaster@dupagecounty.gov>; County Board Public Comment
<PublicComment@dupagecounty.gov>
Subject: PublicComment

[Caution: This email originated outside Dupagecounty.gov. Do not click links or open attachments unless you recognize the sender and know the content is safe.]



Formstack Submission For: PublicComment
Submitted at 11/12/24 3:29 PM

Meeting Date: 11/14/24

1

Meeting:	Zoning Board of Appeals
Name:	NICOLE TOTH
Organization:	
Address:	[REDACTED] ROSELLE, IL 60172
Daytime Phone:	[REDACTED]
Subject:	BIAGIO LAND CORP, 24W733 LAKE STREE, ROSELLE IL - CONCERN FROM RESIDENTIAL NEIGHBOR
Comment:	<p>We are residents living adjacent to Biagio Land Corp, [REDACTED] Roselle, IL 60172.</p> <p>Fortis has been operating next to us for several years now. They do not demonstrate a respect for the residential environment they are located in, and we find their operations disruptive to our quality of life and to the value of our property. Here are some supporting details:</p> <ol style="list-style-type: none">1. Noise pollution: They are loud. They routinely begin operating their vehicles around 6am in the warmer months (whenever the sun rises) and these sounds continue through the day, including Sundays. If our windows are open in the AM we wake up to the "beep beep" of trucks in reverse, often accompanied by hammering and yelling.2. Liquid waste and stormwater runoff: They regularly engage in a routine of cleaning their cement trucks with power washers. This is also loud, but we are more concerned about leaching to the underlying aquifer which is our drinking water source. What is in that water? We also observed a pool of concrete sludge on their land at one point.3. Solid waste: They stockpile garbage and debris on their lot, and up against the fence. Notably right now there is a hefty pile of soil mixed with debris, of questionable quality. We are concerned about runoff and leaching to the underlying aquifer.4. Change of ground surface elevation: Several years ago they raised the elevation of their property, applying crushed gravel to the ground surface (maybe 1-2' in thickness). Was it permitted? This uncertainty adds to our concerns about stormwater runoff and water quality.

2

We have photos and video to support these claims.

Before Fortis settles in to rebuild and continue growing their business we want assurance that our drinking water is not being impacted by their activities. We also want to know how they will mitigate the noise they make, and when they plan to clean up all the garbage.

Copyright © 2024 Formstack, LLC. All rights reserved. This is a customer service email.

Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038

Sent: Tuesday, November 12, 2024 4:40 PM
To: Infelise, Jessica
Subject: Fwd: Concerns about 24W733 Lake Street, Roselle.
Attachments: Gmail - Re_24W733 Lake Street, Roselle and 24W733 Lake Street, Roselle.pdf

[Caution: This email originated outside Dupagecounty.gov. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Jessica, sorry for the second email, it looks like the photos didn't come through with the first one.

----- Forwarded message -----

From: Nicole Toth <[REDACTED]>
Date: Sun, Nov 10, 2024 at 2:31 PM
Subject: Concerns about 24W733 Lake Street, Roselle.
To: <StormwaterReg@dupagecounty.gov>
Cc: Lorian Toth <[REDACTED]>

Good Morning Stormwater Office,

We are residents living adjacent (south) to Biagio Land Corp, 24W733 Lake Street, Roselle, IL 60172. Our address is [REDACTED] Roselle, IL 60172. There is a public hearing scheduled Thursday November 14th, 2024 with the zoning board of appeals, for Biagio Land Corps (a.k.a. "Fortis") request to rezone their property from B-1 to B-2 business district, then do some building. My husband and I have a lot to say about this and would rather send it to you this way then try to present it all at a public hearing.

Fortis has been operating next to us for several years now. They do not demonstrate a respect for the residential environment they are located in, and we find their operations disruptive to our quality of life and to the value of our property. Here are some supporting details:

1. Noise pollution: They are loud. They routinely begin operating their vehicles around 6am in the warmer months (whenever the sun rises) and these sounds continue through the day, including Sundays. If our windows are open in the AM we wake up to the "beep beep" of trucks in reverse, often accompanied by hammering and yelling.
2. Liquid waste and stormwater runoff: They regularly engage in a routine of cleaning their cement trucks with power washers. This is also loud (video in the dropbox location below), but we are more concerned about leaching to the underlying aquifer which is our drinking water source. What is in that water? We also observed a pool of concrete sludge on their land at one point (see attached photos).
3. Solid waste: They stockpile garbage and debris on their lot, and up against the fence. Notably right now there is a hefty pile of soil mixed with debris, of questionable quality (see attached photo). We are concerned about runoff and leaching to the underlying aquifer.
4. Change of ground surface elevation: Several years ago they raised the elevation of their property, applying ~1.5- 2.0 feet of crushed gravel to the ground surface. Was it permitted? This uncertainty adds to our concerns about stormwater runoff and water quality. I reported this in an email back in 2022 along with some of these other concerns (email attached as a reference).

Before Fortis settles in to rebuild and continue growing their business we want assurance that our drinking water is not being impacted by their activities. We also want to know how they will mitigate the noise they make, and when they plan to clean up all the garbage.

There are more photographs of solid and liquid waste, and video of noise and stormwater see page, posted here to dropbox, https://www.dropbox.com/scl/fo/tnqg1ukv8i8blio4nz2o/AK2gsihLSXsicsXe_rf1Grc?rlkey=rwktirdr0thzo35q5hz5f501r&e=1&st=ykfp3npm&dl=0

As a fellow environmental professional I want to thank you for what you do. If your office has a preferred method to share files or if there are any questions for us, please don't hesitate to contact me at this email address or my cell

Nicole Toth





