



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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

www.dupageco.org/building

MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Board of Appeals

DATE: May 3, 2023

RE: **ZONING-23-000013 Hossain (Wayne/District 6)**

Development Committee: May 16, 2023:

Zoning Board of Appeals Meeting: May 3, 2023: The Zoning Board of Appeals recommended to deny the following zoning relief:

Conditional Use for a daycare center.

ZBA VOTE (to Deny): 6 Ayes, 0 Nays, 1 Absent

FINDINGS OF FACT:

1. That petitioner testified that he seeks the subject zoning relief to operate a group day care home at his property located at 3N370 KLEIN ROAD, WEST CHICAGO, IL 60185.
2. That petitioner testified that he proposes to have between ten (10) and twelve (12) children in the proposed daycare center/group daycare home.
3. That petitioner testified that he originally planned to have over sixteen (16) children in the proposed day care at the subject property, which would be considered a daycare center.
 - a. Furthermore, that petitioner later learned that because the subject property is serviced with well and septic, he could have no more than twelve (12) children in a day care on the subject property.
 - b. That petitioner testified that he is no longer requesting to have over sixteen (16) children in the proposed daycare and that his proposal technically would fall

under the group daycare home requirements and still be required to secure a Conditional Use in order to operate at the subject property.

4. That petitioner testified that the proposed daycare would care for preschool and kindergarten-aged children.
5. That petitioner testified that he has sufficient parking in his driveway for the proposed daycare's drop-off and pick-up.
6. That petitioner testified that he has a large front lawn that the daycare children could play on in the summer months.
7. That the Zoning Board of Appeals finds that petitioner has not provided sufficient evidence to support the proposed zoning relief for a Conditional Use for a daycare center/group daycare home located at 3N370 KLEIN ROAD, WEST CHICAGO, IL 60185.
8. Additionally, that the Zoning Board of Appeals finds that petitioner has not provided evidence regarding the operations for the proposed group daycare home, including site logistics, staffing, parking, and recreational areas, and that without evidence on the operations of the proposed use, the safety of the proposed children in a day care center could be implicated on the subject property.

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner **has not demonstrated** that the granting of the Conditional Use 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; and specifically, that the granting of the Conditional Use will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** that the proposed daycare center/ group daycare home will not impair an adequate supply of light and air to the adjacent properties, as petitioner has not provided a site plan with all proposed daycare operations including staffing, parking, and recreational areas, which could 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 not demonstrated** that the proposed daycare center/ group daycare home will not increase the hazard from fire or other dangers to said property, as petitioner has not provided information from the local fire protection district regarding the proposed use.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** that the proposed daycare center/ group daycare home will not diminish the value of land and buildings throughout the County, as petitioner has not provided evidence regarding the impact of a daycare center/group daycare home on the surrounding residential properties.

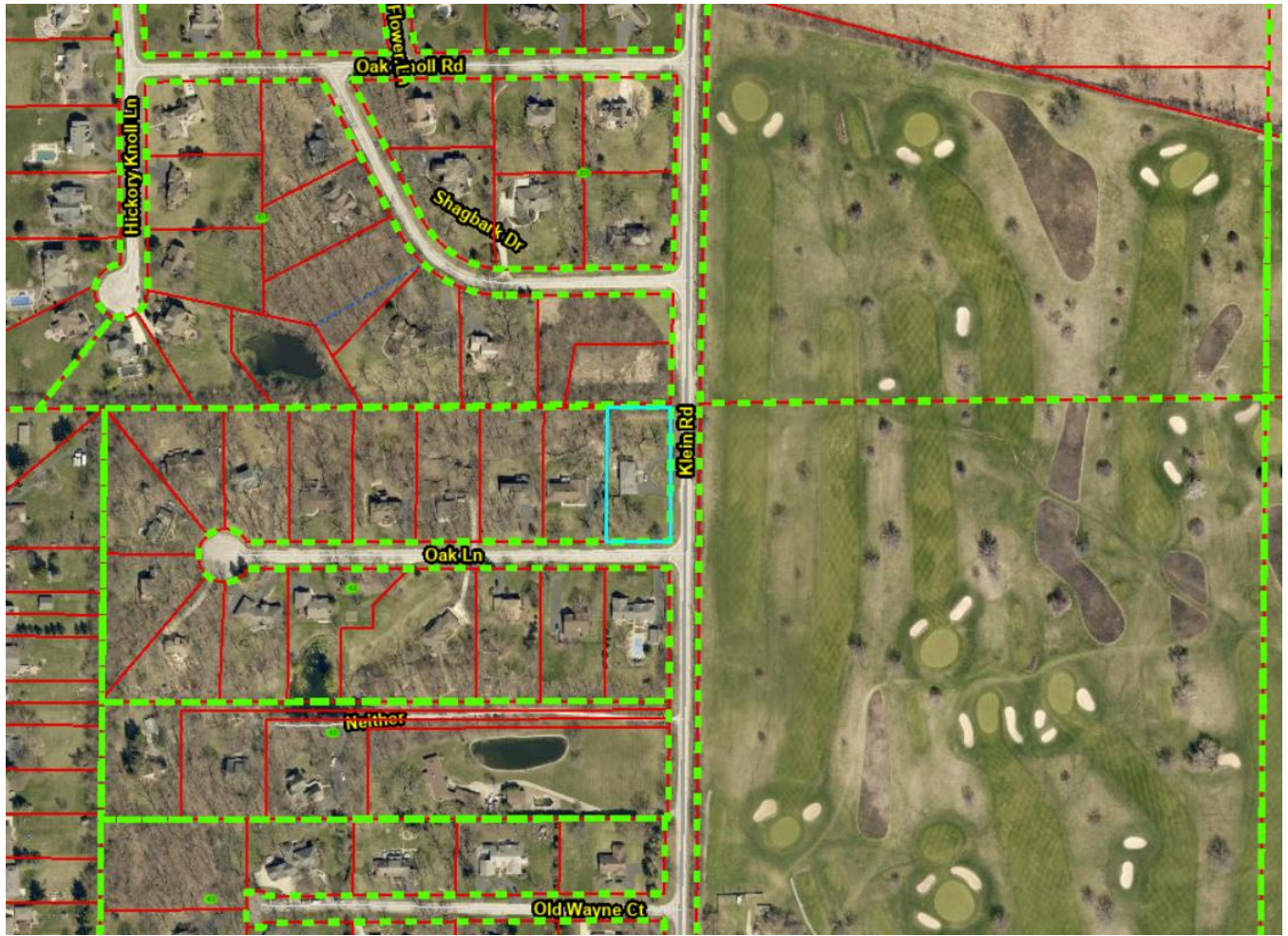
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has not demonstrated** that the proposed daycare center/ group daycare home will not unduly increase traffic congestions in the public streets and highways and that petitioner has not addressed possible traffic concerns regarding a daycare center/group daycare home proposed to take direct access to and from Klein Road.
- e. Increase the potential for flood damages to adjacent property as petitioner **has not demonstrated** that the proposed daycare center/ group daycare home will not increase the potential for flood damages to adjacent properties.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated** that the proposed daycare center/ group daycare home 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** that the proposed daycare center/ group daycare home will not impair the public health, safety, comfort, morals, or general welfare of the surrounding neighborhood and the inhabitants of DuPage County.

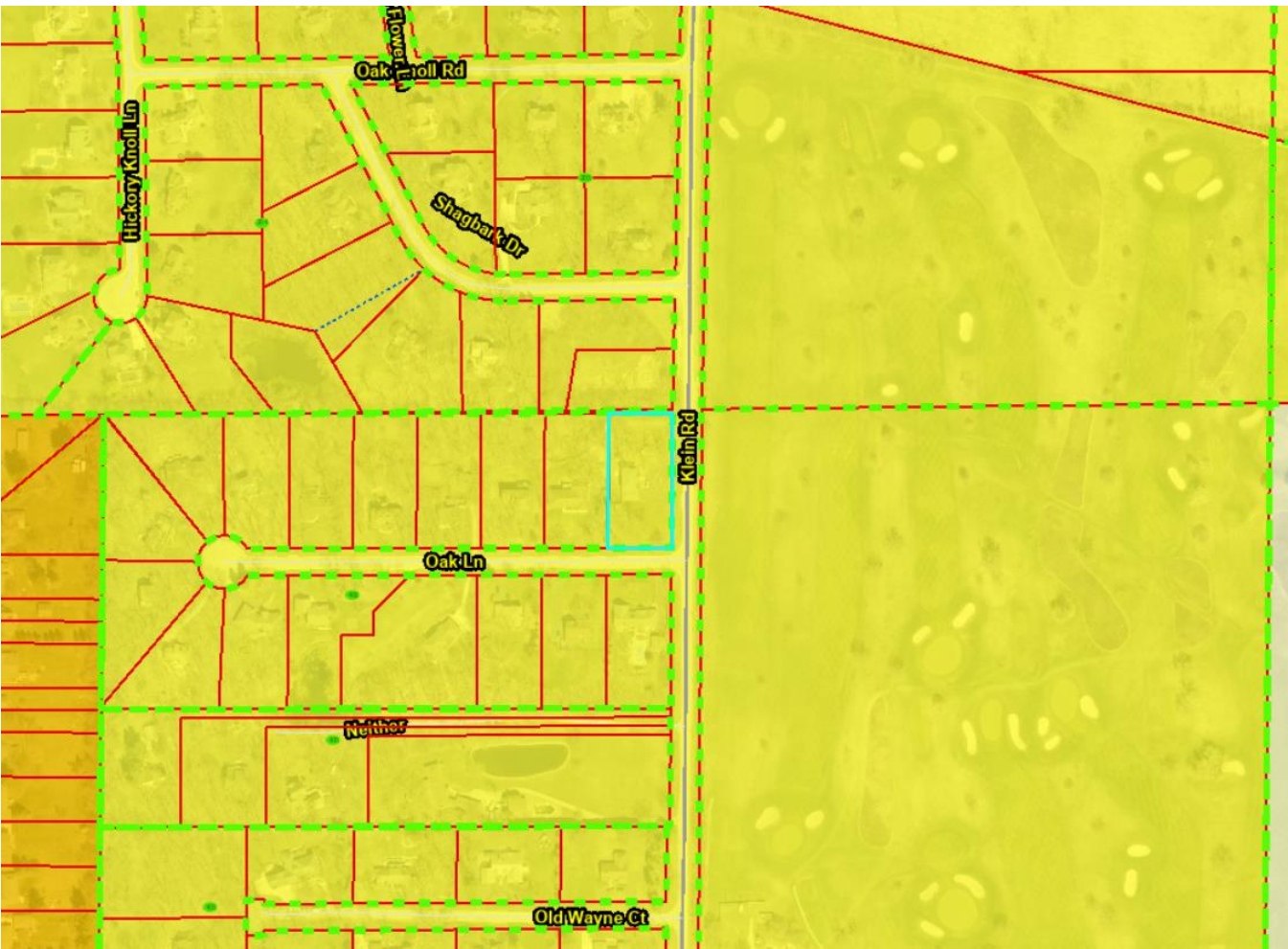
PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000013 Hossain	
ZONING REQUEST	Conditional Use for a daycare center.	
OWNER	MONOWAR HOSSAIN, 3N370 KLEIN ROAD, WEST CHICAGO, IL 60185	
ADDRESS/LOCATION	3N370 KLEIN ROAD, WEST CHICAGO, IL 60185	
PIN	01-27-402-001	
TWSP./CTY. BD. DIST.	WAYNE	DISTRICT 6
ZONING/LUP	R-2 SF RES	0-5 DU AC
AREA	1 ACRES (43,560 SQ. FT.)	
UTILITIES	WELL AND SEPTIC	
PUBLICATION DATE	Daily Herald: April 5, 2023	
PUBLIC HEARING	Thursday, April 20, 2023	
<u>ADDITIONAL INFORMATION:</u>		
Building:	No Objections or concerns with the concept of the petition. Additional information may be required at time of permit application.	
DUDOT:	<i>No Comments Received.</i>	
Health:	Objects. (See attached documentation)	
Stormwater:	No Objections.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
City of West Chicago:	<i>No Comments Received.</i>	
Village of Carol Stream:	<i>No Comments Received.</i>	
Village of Bartlett:	<i>No Comments Received.</i>	
Village of Wayne:	<i>No Comments Received.</i>	
Wayne Township:	<i>No Comments Received.</i>	
Township Highway:	<i>No Comments Received.</i>	
West Chicago Fire Dist.:	<i>No Comments Received.</i>	
Sch. Dist. 25:	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 the subject property and District property, we do not have any specific comments. Thank you."	

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-2 SF RES	House	0-5 DU AC
North	R-2 SF RES	House	Open Space
South	Oak Lane and beyond R-2 SF RES	House	0-5 DU AC
East	R-2 SF RES	Golf Course	Open Space
West	R-2 SF RES	House	0-5 DU AC









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DU PAGE COUNTY ZONING BOARD OF APPEALS Zoning Petition ZONING-23-000013 Hossain

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 or via facsimile at 630-407-6702 by April 19, 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.

ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION

☒ : I OBJECT/ HAVE CONCERNS WITH THE PETITION.

COMMENTS:

DCFS will require an Annual Food Operating Permit from the Health Department. However, the Health Department is unable to issue a food permit because DuPage County Septic Ordinance prohibits food establishments on a septic system.

SIGNATURE: [REDACTED]

DATE: 4-13-23

MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:

Health

GENERAL ZONING CASE INFORMATION

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PIN	01-27-402-001	
TWSP/CTY. BD. DIST.	WAYNE	DISTRICT 6
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UTILITIES	WELL AND SEPTIC	
PUBLICATION DATE	Daily Herald: April 5, 2023	
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PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.

1

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

From: Michael DeSmedt <mdesmedt@dupagehealth.org>
Sent: Monday, April 17, 2023 9:07 AM
To: Hoss, Paul; Infelise, Jessica
Subject: RE: Z23-013

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

Good morning,

Not sure Mr. Hossain explained properly what he is trying to do to DCFS. So, here is how the regulations work with either a daycare or group home:

Home day cares with more than 3 with a maximum of 8 children, only require DCFS registration and a few requirements. Once, they go above that number all normal daycare requirements must be followed including the food permit requirement unless this is considered a pre-school or half day care. Pre-school and half day care can apply for an exemption to the food permit requirement and only service juice/pre-packaged foods that don't require refrigeration.

So, similar to the previous two children weight control groups homes, once the number of individuals designed to attend is over 10 the DCFS group home requirements that exempts group homes from other regulations do not apply. To serve food at a group home over 10 individuals will still require a permit from the Health Department because they cannot use the group home exemption.

Finally, with 16 individuals either type of facility designation the county septic code does not allow this type of facility to be operated on a septic system.

Hope this helps,

Mike

IN REGARDS TO DUPAGE COUNTY ZONING PETITION (ZONING -2000013-HOSSIAN)

I have familiarized myself with the Zoning Board of Appeals Case know as ZBA 23-000013-Hossian who is requesting the following zoning relief: Conditional Use Permit for a Day Care Center

I do object to the proposed zoning relief. In addition, I have stated below my reasons for objecting.

- **Tranquility** We bought my home 30+ years ago knowing this was the place I was going to retire and live in peace and quiet. It is that way now and hopefully will stay quiet and private. The petitioner's lot is 44 Feet from my house and 65 feet from my building. His back yard will be the playground several times a day which is very close to our outdoor patio. Please see the photos provided.
- **Business Free Zone:** Keep Oak Lane a Business free zone. I for one want to keep it that way with no businesses run on the block. I would have never bought this home if I knew there was going to be a Day Care or School next door. This is a very small and private street area with only one entrance. It has about 16 home sites on the street. Oak Lane is known for its lack of traffic. Only people who live here and their guest's and family drive this street. Oak Lane has very limited drive by traffic. It is very unusual to have cars other than delivery vehicles such as amazon. That is why we bought here. I am sure the rest of the neighborhood feels the same.
- **Business Free Zones:** This home is located on a block Zoned residential street with no other businesses on it, and the neighborhood would like to keep this residential and not have businesses run for profit on it.
- **Safety Concern:** The petitioner house is located at the entrance to a street which has only one entrance on Oak Lane and at the end of the block is a Cul-de-sac. The egresses and entry are very limited and is in dangerous spot on Klein Road which is a two lane township road that many people use to get to North Avenue. It is located within 25 feet of the flood retention point mandated for overflow of flood waters and is on Klein Rd next to the creek. In addition, there are blind spots due to the hills to the North and South of the lot line. (See Photos attached)
- **Safety Concerns:** The block has 13 children, please note that 3 families have children with disabilities and we are all very aware and careful to be alert. We feel additional possible cars would hinder to their safety.
- **Safety Concerns:** Klein Road has a history of cars speeding in that area – on any given day you can hear the cars Reve up/ speed and go beyond the speed limit. Cars come over the hill from the North and South at 40mph or more.
- **Safety Concerns:** Petitioner has approximately 12 very large Oak 100-year-old trees that have many dead branches. (See photos attached - note branes on ground photos taken this week). These branches break off on a regular base any one of these could kill a child.
- **Safety Concerns:** There are no sidewalks for use on Klein or Oak Lane therefore everyone walks on the roads.
- **Safety Concern:** The use as a school or day care center would create a potential fire hazard with so many occupants needing to be serviced by a kitchen on site.
- **Safety Concern:** Snowplowing results in roadside piles with no sidewalk and no curbs, which is dangerous at times with very narrow two-lane highway.
- **Safety Concern:** The Septic Field is not built to handle a business, school or daycare center. It is an environmental hazard with excessive use and is next to a West Branch River tributary creek running on the north side of the subject property. That creek often floods Klein Road multiple times per year.
- **Safety Concern:** The subject property entrance is located on the west side of Old Wayne Golf Course along the long 4th hole to the East separated by only a hedge row and Klein Road. During the golf season on any given day many balls land in his yard a real danger to someone if hit. I have seen this for 30+ years and have collected hundreds of balls from the yard over the years.

- **Safety Concern:** The drop off and pick up of the children who attend the day care/School is going to be done during the busiest times of the day when the school bus is picking up and returning our children on Oak Lane.
- **Safety Concern:** Unduly increased traffic congestion on Klein and Oak Lane will be a threat to Oak Lane Children. There is only enough room on the driveway for a few cars which means other parents will be stopped on Klein Road or turning on our dead end side Street.
- **Safety Concern:** The dangers of the **bus stop area and entrance** to the petitioner's driveway is a big concern. The location of the entrance to the driveway is a hazard. It has visibly issues, flooding issues especially when driving north and south on Klein due to the hills which located at each end of the petitioner's lot, (See Photos attached)
- **Diminish Property Values: This use will diminish the value of the surrounding properties. Potential buyers would view the conditional use of a day care center or school as a negative factor.**
- **Safety Concern:** The proposed conditional use will impair the safety, comfort and general welfare of the local inhabitants and create a nuisance.

I _____ residing at _____

Hereby affirm and attest that I have circulated the above petition and that the names and address of the signers of the petition are true and accurate.

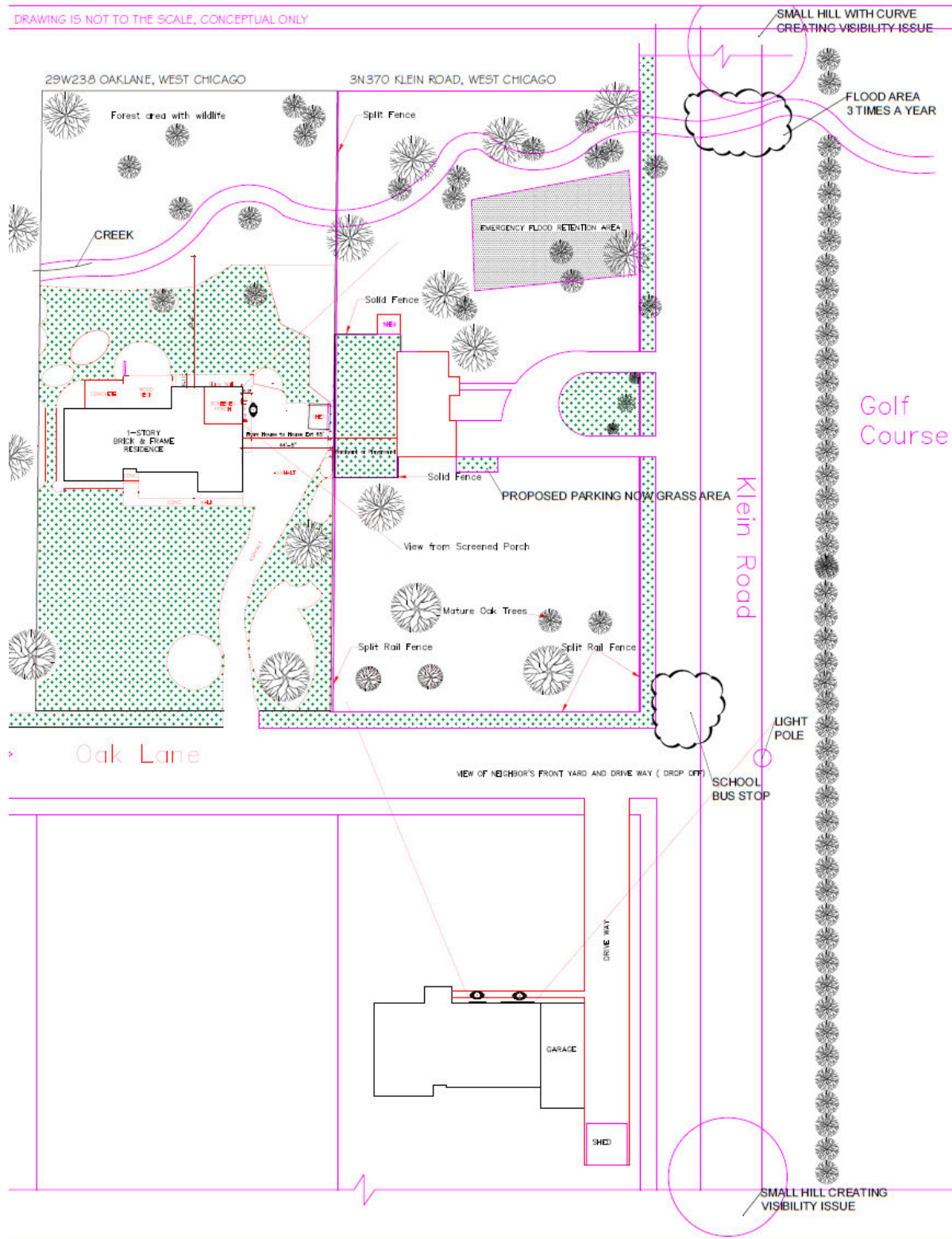
Subscribed and sworn to before me this:

_____ Day of _____, _____

Notary Public: _____



DRAWING IS NOT TO THE SCALE, CONCEPTUAL ONLY





playground



Rutzen shed















Sent: Friday, April 21, 2023 1:07:34 PM

To: Infelise, Jessica <Jessica.Infelise@dupageco.org>; paul.hoss@dupageco.org <paul.hoss@dupageco.org>

Subject: Re: Z23-013

Hi Paul/Jessica,

Could you please change our request for maximum number of children to 10-12, our current application request for is 10-20 children, as per DCFS, that is the maximum we can have license for s 12 . And let others know about the change.

Regards,

Monowar