



DU PAGE COUNTY

Development Committee

Final Summary

421 N. COUNTY FARM ROAD
WHEATON, IL 60187
www.dupagecounty.gov

Tuesday, January 21, 2025

10:30 AM

Room 3500B

1. CALL TO ORDER

10:30 AM meeting was called to order by Chair Sam Tornatore at 10:30 AM.

2. ROLL CALL

PRESENT	Covert, Krajewski, Ozog, Rutledge, Tornatore, and Yoo
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3. CHAIRMAN'S REMARKS- CHAIR TORNATORE

No remarks were offered.

4. PUBLIC COMMENT

Kurtis Pozsgay, Director of Community Development from the Village of Bensenville spoke in opposition to the Moksh Dham petition. He has concerns about traffic and the use being near an elementary school. He advised that the property is zoned residential, the Route 83 Corridor study also highlights it as residential, but it is continued to be marketed as a commercial property.

Kevin Quinn, Village Planner for Bensenville also spoke in opposition to Moksh Dham. The Village feels a funeral home with a crematorium is not an appropriate use with schools and the park district being adjacent to this property.

Joseph Abel and Brian Armstrong were present to speak on the Biagio Land Corporation. They were advised by Chair Tornatore that this item was being pulled from the agenda. They both chose not to give public comment at this time.

Pete DiCianni, representing Dr. Gopal Lalmalani MD, and read his letter to the Committee. He is in support of the Moksh Dhan. As a person of the Hindu faith his community is in need of a funeral home and crematorium that will handle their rituals, ceremonies and remains of member of the faith. Mr. DiCianni reminded the Members that the R-1 zoning of the property does allow for a conditional use and is a permitted use, no need for variation. He addressed both the traffic and wetland issues.

Sandra Wilhoit spoke in opposition of the Phillips petition. She lives adjacent to the subject property. There is currently a dock built by the Phillips that is mostly on her property. She is asking for further clarification on the Zoning Hearing Officer's finding of "use of the pier".

Adam Kosela spoke on behalf of the Kosela petitioner. The plan is to build a small home if lot division is approved and have his parents move in. The current home on the other lot will be

improved. The neighbors had concerns about watershed and additional traffic. However, this property is lower than most in the immediate area. There wouldn't be additional traffic as only two people would be living in the new home.

***Two electronic comments were received and can be found at the end of the minutes packet.

5. MINUTES APPROVAL

5.A. [25-0271](#)

Development Committee- Regular Meeting - December 3, 2024

Attachments: [Minutes Summary 12-3-24.pdf](#)

RESULT:	APPROVED
MOVER:	Mary Ozog
SECONDER:	Brian Krajewski
AYES:	Covert, Krajewski, Ozog, Rutledge, Tornatore, and Yoo

6. BUDGET TRANSFERS

6.A. [25-0272](#)

Transfer of funds from 1100-2810-50000 (Regular Salaries) in the amount of \$33,000 to 1100-2810-51000 (Benefit Payments), to cover FY24 year-end benefit payout.

Attachments: [BT \\$33000 Benefit Payments_Redacted.pdf](#)

RESULT:	APPROVED
MOVER:	Brian Krajewski
SECONDER:	Sadia Covert
AYES:	Covert, Krajewski, Ozog, Rutledge, Tornatore, and Yoo

7. REGULATORY SERVICES

7.A. [DC-O-0001-25](#)

ZONING-24-000074 – ORDINANCE – Biagio Land Corporation: 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.
(Bloomingdale/District 1) (Generally located southeast of Lake Street and Wheaton Road, on the south side of Lake Street)
ZBA VOTE (to Approve): 5 Ayes, 0 Nays, 2 Absent

Attachments: [Z-24-000074 Biagio Land Corp Dev. Com. \(01-21-2025\) Redacted.pdf](#)

RESULT:	WITHDRAWN
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7.B. [DC-O-0002-25](#)

ZONING-24-000075 – ORDINANCE – Moksh Dham: To approve the following zoning relief:

Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District. (Addison/District 1)

ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent

Development Committee VOTE (Motion to Approve): 6 Ayes, 0 Nays, 0 Absent

Member Krajewski inquired if there was a traffic study completed. Jessica Infelise Datzman, Zoning Administration Coordinator answered "no". She added that the ZBA considered that the subject property is located on Route 83, which is a four lane arterial roadway. Also, there was testimony that services would be held at off peak hours, evenings and weekends. Vice-Chair Yoo asked about the Health Department 's concern. Ms. Infelise Datzman responded that if approved, the septic system would be replaced. Yoo added, the structure on the property is currently a church and she felt the use would not be changing and would be allowed per zoning guidelines. Member Ozog wondered if this was open to only those of the Hindu faith. Testimony was given at the hearing that services would be provided to anyone. Member Covert shared that currently the Hindu community does not have a funeral home/crematorium in the area and this would fill a need for residents. Member Rutledge was concerned with wetlands located on the property. The petitioner has already been working with the County Stormwater Division and would be repairing, enhancing, and mitigating the issues on site.

Attachments: [Z-24-000075 Moksh Dham Cty. Bd. \(01-28-2025\) Redacted.pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Brian Krajewski
SECONDER:	Sadia Covert
AYES:	Covert, Krajewski, Ozog, Rutledge, Tornatore, and Yoo

7.C. [DC-O-0003-25](#)

ZONING-24-000061 – ORDINANCE – Phillips: To approve the following zoning relief: Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake. (Downers Grove/ District 3)

ZHO Recommendation to Approve

Development Committee VOTE (Motion to Approve): 6 Ayes, 0 Nays, 0 Absent

Chair Tornatore asked for Ms. Infelise Datzman for additional information. She explained the homeowner will be removing the current pier and replacing with a new pier. She gave clarification on the Hearing Officer's finding of which he wanted to indicate that him recommending this conditional use does not approve of the petitioner going onto the neighbor's property. She added that the HOA has determined that the petitioner has lake on his property, can build into the lake and they have submitted a letter approving this request.

Attachments: [Z-24-000061 Phillips Cty. Bd. \(01-28-2025\) Redacted.pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Yeena Yoo
SECONDER:	Sadia Covert
AYES:	Covert, Krajewski, Ozog, Rutledge, Tornatore, and Yoo

7.D. [DC-O-0004-25](#)

ZONING-24-000065 – ORDINANCE- Sessions: To approve the following zoning relief:

1. Variation to reduce the required lot size for two lots serviced with water and sewer, from required 15,000 sq. ft. each lot to approximately 8,440 sq. ft. for Lot 1 and 8,440 sq. ft. for Lot 2.
2. Variation to reduce the required lot width for a corner lot (Lot 1) serviced with water and sewer, from required 125 feet to approximately 105.5 feet.
3. Variation to increase the FAR permitted on Lot 1, from permitted 0.3 (approximately 2,531 sq. ft. total) to approximately 0.42 (2,912 sq. ft. for existing house and 600 sq. ft. for new detached garage). (York/District 2) (If the County Board seeks to approve the Variation zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)

ZHO Recommendation to Deny

Development Committee VOTE (Motion to Approve Failed): 0 Ayes, 6 Nays, 0 Absent

Ms. Infelise Datzman explained the Zoning Hearing Officer felt the petitioner did not make a case. The hardship was presented as financial, which the ZHO could not consider as a hardship.

Attachments: [Z-24-000065 Sessions Cty. Bd. \(01-28-2025\)_Redacted.pdf](#)

RESULT:	RECOMMENDED TO DENY (DEVELOPMENT ONLY)
MOVER:	Brian Krajewski
SECONDER:	Yeena Yoo
NAY:	Covert, Krajewski, Ozog, Rutledge, Tornatore, and Yoo

7.E. [DC-O-0005-25](#)

ZONING-24-000069 – ORDINANCE – Kosela: To approve the following zoning relief:

1. Variation to reduce the required lot size (area) for two (2) new lots serviced with well and septic, from required 40,000 sq. ft. to approximately 10,314 sq. ft. for Lot 1 and 21,940 sq. ft. for Lot 2.
2. Variation to reduce the required lot width for one new interior lot serviced with well and septic, from required 125 feet wide to approximately 91.33 feet wide for Lot 1. (Lisle/District 2) (If the County Board seeks to approve the Variation zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)

ZHO Recommendation to Deny

Development Committee VOTE (Motion to Approve Failed): 0 Ayes, 6 Nays, 0 Absent

Chair Tornatore shared that there was opposition by several neighbors for this petition. They were concerned with drainage and small lot size, changing the character of neighborhood.

Attachments: [Z-24-000069 Kosela Cty. Bd. \(01-28-2025\) Redacted.pdf](#)

RESULT:	RECOMMENDED TO DENY (DEVELOPMENT ONLY)
MOVER:	Brian Krajewski
SECONDER:	Sheila Rutledge
NAY:	Covert, Krajewski, Ozog, Rutledge, Tornatore, and Yoo

7.F. [DC-O-0006-25](#)

T-3-24 Text Amendments to the DuPage County Zoning Ordinance: To approve the following zoning relief:

T-3-24 Proposed Text Amendments to the DuPage County Zoning Ordinance relative to the principal arterial conversion of a single dwelling unit into not more than two (2) dwelling units. (Waive First Reading)

ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent

Development Committee VOTE (Motion to Approve): 6 Ayes, 0 Nays, 0 Absent

This text amendment is for single family properties zoned R3 and R4 that have an existing home on an principal arterial roadway. It will allow for conversion into two dwelling units. Property must take direct access from and be located directly on arterial roadway.

Attachments: [T-3-24 Text Amendment CTY BD \(01-28-2025\).pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Brian Krajewski
SECONDER:	Sadia Covert
AYES:	Covert, Krajewski, Ozog, Rutledge, Tornatore, and Yoo

7.G. [25-0273](#)

T-1-25 Proposed Text Amendments: Request to proceed with a public hearing before the DuPage County Zoning Board of Appeals to consider proposed Text Amendments T-1-25 to the DuPage County Zoning Ordinance regarding video gaming, to align the Zoning Ordinance with current liquor license regulations for greater consistency.

Chair Tornatore advised that the Committee would be voting to send this item to the Zoning Board of Appeals for a public hearing. This will bring greater consistency and video gaming will mirror the liquor licenses with a 100 foot setback from protected uses.

Attachments: [T-1-25 TEXT AMENDMENT MANDATE \(01-21-2025\).pdf](#)

RESULT:	APPROVED
MOVER:	Yeena Yoo
SECONDER:	Sheila Rutledge
AYES:	Covert, Krajewski, Ozog, Rutledge, Tornatore, and Yoo

8. OLD BUSINESS

No old business was discussed.

9. NEW BUSINESS

No new business was discussed.

10. ADJOURNMENT

With no further business, the meeting was adjourned at 11:11 AM.



Minutes

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: 25-0271

Agenda Date: 1/7/2025

Agenda #: 5.A.



DU PAGE COUNTY

Development Committee

Final Summary

421 N. COUNTY FARM ROAD
WHEATON, IL 60187
www.dupagecounty.gov

Tuesday, December 3, 2024

10:30 AM

Room 3500B

1. CALL TO ORDER

10:30 AM meeting was called to order by Chair Sam Tornatore at 10:30 AM.

PRESENT	Haider, Honig, Krajewski, Ozog, Rutledge, and Tornatore
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2. ROLL CALL

PRESENT	Haider, Honig, Ozog, Rutledge, and Tornatore
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ABSENT	Krajewski
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3. CHAIRMAN'S REMARKS- CHAIR TORNATORE

Chair Tornatore welcomed newly elected County Board Members, Saba Haider and Andrew Honig.

4. PUBLIC COMMENT

No public comments were offered.

5. MINUTES APPROVAL

5.A. [24-3169](#)

Development Meeting - Regular Meeting - November 19, 2024

Attachments: [Summary Min 11-19-24.pdf](#)

RESULT:	APPROVED
MOVER:	Sheila Rutledge
SECONDER:	Mary Ozog
AYES:	Haider, Honig, Ozog, Rutledge, and Tornatore
ABSENT:	Krajewski

6. BUDGET TRANSFERS

6.A. [24-3167](#)

Transfer of funds from 1100-2810-53830 (Other Contractual Expenses) to 1100-2810-54100-0700 (IT Equipment – Capital Lease) in the amount of \$1,000.00 to cover FY24 year-end expenses.

Attachments: [BT-IT-CAP LEASE \\$1000 11-15-24.pdf](#)

RESULT:	APPROVED
MOVER:	Sheila Rutledge
SECONDER:	Mary Ozog
AYES:	Haider, Honig, Ozog, Rutledge, and Tornatore
ABSENT:	Krajewski

6.B. [24-3168](#)

Transfer of funds from 1100-2810-50000 (Regular Salaries) and 1100-2810-50080 (Salary & Wage Adjustments) in the amount of \$64,000.00 to 1100-2810-51000 (Benefit Payments) and 1100-2810-51040 (Employee Med & Hosp Insurance) in the amount of \$64,000.00 to cover FY24 year-end Personnel expenses.

Attachments: [BT-PERSONNEL \\$64000 11-15-24.pdf](#)

RESULT:	APPROVED
MOVER:	Sheila Rutledge
SECONDER:	Mary Ozog
AYES:	Haider, Honig, Ozog, Rutledge, and Tornatore
ABSENT:	Krajewski

7. **REGULATORY SERVICES**

7.A. [DC-O-0064-24](#)

ZONING-24-000070 – ORDINANCE – Hajek: The DuPage County Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to reduce the corner side yard setback for a new attached garage addition from required 30 feet to approximately 22 feet. (Milton/District 6) (Located at the northwest corner of Delles Road and 39th Street)

ZHO Recommendation to Approve

Attachments: [Z-24-000070 Hajek Dev. Com. \(12-03-2024\).pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Sheila Rutledge
SECONDER:	Mary Ozog
AYES:	Haider, Honig, Ozog, Rutledge, and Tornatore
ABSENT:	Krajewski

7.B. [DC-O-0065-24](#)

ZONING-24-000071 - ORDINANCE- Invest a Little, LLC: The DuPage County Zoning Hearing Officer recommended to approve the following zoning relief:
 Variation to reduce the front yard setback from 30 feet to approximately 22.7 feet for a new house on existing foundation. (Wayne/District 6) (Located at the southeast corner of Woodland Avenue and Shady Lane)
 ZHO Recommendation to Approve

Attachments: [Z-24-000071 INVEST A LITTLE, LLC. Dev. Com. \(12-03-2024\)_Redacted.pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Mary Ozog
SECONDER:	Sheila Rutledge
AYES:	Haider, Honig, Ozog, Rutledge, and Tornatore
ABSENT:	Krajewski

7.C. [DC-O-0066-24](#)

ZONING-24-000072 – ORDINANCE – GoIn: The DuPage County Zoning Hearing Officer recommended to deny the following zoning relief:
 1. Conditional Use to increase the number of hens permitted on the subject property from 5 to 23.
 2. Variation to reduce the interior side setback for an existing chicken coop and chicken run from required 25 feet to approximately 6 feet. (Winfield/District 6) (Generally located northwest of Herrick Road and Cove Lane, on the north side of Cove Lane)
 ZHO Recommendation to Deny

Attachments: [Z-24-000072 GoIn Dev. Com. 1\(12-03-2024\)_Redacted.pdf](#)

RESULT:	RECOMMENDED TO DENY (DEVELOPMENT ONLY)
MOVER:	Sheila Rutledge
SECONDER:	Mary Ozog
NAY:	Haider, Honig, Ozog, Rutledge, and Tornatore
ABSENT:	Krajewski

7.D. [24-3166](#)

Recommendation for the approval of a contract to Veritext, LLC, to provide court reporting services, as needed for Building & Zoning, for the period of December 24, 2024 through December 23, 2025, for a contract total not to exceed \$24,213.75; per lowest responsible bid #24-120-BZP.

- Attachments:** [Veritext PRCC FY25](#)
 [Veritext 24-120-BZP - BID Tab](#)
 [Veritext Pricing Pages](#)
 [Veritext FY25 Vendor Ethics](#)

RESULT:	APPROVED
MOVER:	Sheila Rutledge
SECONDER:	Andrew Honig
AYES:	Haider, Honig, Ozog, Rutledge, and Tornatore
ABSENT:	Krajewski

8. OLD BUSINESS

No old business was discussed.

9. NEW BUSINESS

Chair Tornatore wished the Committee Happy Holidays, since they will not meet again until after the first of the year.

10. ADJOURNMENT

With no further business, the meeting was adjourned at 10:38 AM



Budget Transfer

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: 25-0272

Agenda Date: 1/21/2025

Agenda #: 6.A.

FY 24

DuPage County, Illinois
BUDGET ADJUSTMENT
Effective May 29, 2024

From: 1100
Company #

BUILDING, ZONING & PLANNING
From: Company/Accounting Unit Name

Accounting Unit	Account	Sub-Account	Title	Amount	Finance Dept Use Only Available Balance		Date of Balance
					Prior to Transfer	After Transfer	
2810	50000		REGULAR SALARIES	\$ 33,000.00	43,646.05	10,646.05	1/3/25
Total				\$ 33,000.00			

To: 1100
Company #

BUILDING, ZONING & PLANNING
To: Company/Accounting Unit Name

Accounting Unit	Account	Sub-Account	Title	Amount	Finance Dept Use Only Available Balance		Date of Balance
					Prior to Transfer	After Transfer	
2810	51000		BENEFIT PAYMENTS	\$ 33,000.00	(32,213.81)	786.19	1/3/25
Total				\$ 33,000.00			

Reason for Request:

For year end benefit payout.

[Redacted Signature]

Department Head

1/3/25
Date

Activity _____
(optional)

[Redacted Signature]

Chief Financial Officer

1/10/25
Date

****Please sign in blue ink on the original form****

Finance Department Use Only

Fiscal Year 24 Budget Journal # _____ Acctg Period _____

Entered By/Date _____ Released & Posted By/Date _____

Development - 1/21/25
FIN/CB - 1/28/25

g



Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0001-25

Agenda Date: 1/21/2025

Agenda #: 7.A.



**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>
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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





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

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

Meeting Date: 11/14/24

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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.

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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.

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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

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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









Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0002-25

Agenda Date: 1/21/2025

Agenda #: 12.A.

Zoning Petition ZONING-24-000075 Moksh Dham

WHEREAS, a public hearing was held on December 12, 2024 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 6:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District, on the property hereinafter described:

LOT 1 IN ST. BEDE'S EPISCOPAL CHURCH ASSESSMENT PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 30, 1964, AS DOCUMENT R64-40991, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on January 9, 2025 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that they seek the subject zoning relief for a Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District.
2. That petitioner testified that Moksh Dham is the contract purchaser and is an Illinois not-for-profit company.
3. That petitioner testified that the subject property is approximately four and-a-half (4.5) acres in size and zoned R-4 Single Family Residential.
4. That petitioner testified that there is a dilapidated and vacant split-level brick and frame building on the subject property that was previously a place of assembly use.
5. That petitioner testified that the R-4 Single Family Residential District allows a funeral home as a conditional use where the subject property is located adjacent to a non-residential zoning business district boundary line, or the subject property has frontage on at least a minor arterial roadway.

- a. Petitioner testified that that the subject property has frontage and direct access onto Route 83, which is a four-lane major arterial roadway.
6. That petitioner testified that the Illinois Supreme Court, in the City of Chicago Heights v. Living Word Outreach Full Gospel Church & Ministries, stated that when a use is designated as a conditional use in a zoning district, such designation is a legislative determination that the use is in harmony with the general zoning plan and will not adversely affect the neighborhood.
 - a. That petitioner testified that the Living Word case states that an application for a conditional use permit may not be denied on the grounds that the use is not in harmony with the surrounding neighborhood but whether the use would have an adverse effect.
7. That petitioner testified that the vast majority of funeral services would be held at off-peak traffic and school hours, such as nights and weekends, and that the vast majority of funeral services would end with the cremation of the body on-site, eliminating traffic impacts caused by large funeral processions.
8. That petitioner testified that the second floor of the funeral home is the viewing area with a capacity of three hundred (300) people where the funeral services are held, and that at the end of the funeral, the body is lowered down to the first floor where the cremation units are located and then cremated as part of funeral process.
9. That petitioner testified that the cremation process results in no smoke, no smell, an no noise, and that Section 37-1005.3 of the DuPage County Zoning Ordinance regarding particulate matter emissions would allow up to four and-a-half pounds of particulate matter emissions per hour from this property.
 - a. Furthermore, that petitioner testified that the cremation furnaces that are proposed for the subject property would have particulate matters of only three-hundredths of a pound per hour.
10. That petitioner testified that there are wetlands on the north and east sides of the subject property, which will be rehabilitated and enhanced creating an even greater buffer area to the north, east, and south.
11. That petitioner testified that there are no unique or unusual impacts to the surrounding properties as there are no points of access to them from the subject property due to the location of the wetlands.
12. That the Zoning Board of Appeals finds that petitioner **has demonstrated** sufficient evidence to support the zoning relief for a Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District, and that petitioner provided sufficient evidence to satisfy the seven (7) standards to support a Conditional Use.

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner **has 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 demonstrated** that the proposed funeral home would be developed in accordance with all required bulk regulations relative to setbacks, heights, open space, and stormwater detention, and therefore would not impact an adequate supply of light and air to the adjacent properties.
 - Furthermore, that petitioner testified that the cremation furnaces that are proposed for the subject property have particulate matters of only three-hundredths of a pound per hour and would 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 demonstrated** that the proposed funeral home would comply with all DuPage County codes relative to building, particulate matter, and the Fire Protection District, and would not increase the hazard from fire or other dangers to said property.
 - Furthermore, that petitioner testified that the proposed building would have a sprinkler system, fire alarm system, and enhanced well to allow for greater fire flow.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed funeral home will replace an older vacant building with an entirely new building, which will have no adverse impacts on the value of the surrounding recreational, education, and residential uses.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed funeral home would be located on the east side of Illinois Route 83, a four-lane roadway, utilizing the existing driveway entrance/exit, and that the proposed use in addition to the existing access point, would not 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 proposed funeral home would comply with all codes and requirements by DuPage County and that the Stormwater Department has no objections to the concept of the petition and will require a Stormwater Certification.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the proposed funeral home would comply with all codes and requirements by DuPage County and that the proposed funeral home would 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 proposed funeral home conditional use will be consistent with similar funeral homes within DuPage County and with all ordinances relative to the public health, safety, comfort, morals, and general welfare of the inhabitants of DuPage County.

PETITIONER’S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000075 Moksh Dham
ZONING REQUEST	Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District.
OWNER	4 TH AVENUE GOSPEL CHURCH, 5N047 ROUTE 83, BENSENVILLE, IL 60106 / 4 TH AVENUE GOSPEL CHURCH, 530 ALBION AVENUE, SCHAUMBURG, IL 60193/ AGENT: RASHMI PATEL, MOKSH DHAM CREMATION, INC., 380 E. NORTHWEST HIGHWAY, DES PLAINES, IL 60016/ JAMES WHITE, LAW OFFICE OF JAMES F. WHITE, P.C., 160 S. MUNICIPAL DRIVE, SUGAR GROVE, IL 60554
ADDRESS/LOCATION	5N047 ROUTE 83, BENSENVILLE, IL 60106
PIN	03-14-317-006
TWSP./CTY. BD. DIST.	Addison DISTRICT 1
ZONING/LUP	R-4 SF RES SINGLE FAMILY ATTAC
AREA	4.78 ACRES (208,217 SQ. FT.)
UTILITIES	WELL/SEPTIC
PUBLICATION DATE	Daily Herald: NOVEMBER 26, 2024
PUBLIC HEARING	THURSDAY, DECEMBER 12, 2024
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	Objects. “Current septic system installed in 1964 only has a capacity for 100 people. Septic system will need to be modified to accommodate additional usage.” (See attached documentation)
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application. “No objection with the concept of the conditional use. The site plan and building permit will require additional information under the Stormwater Certification Application to address existing wetland and buffer violations.”
Public Works:	“DPC Public Works doesn’t own any sewer or water in the area.”
EXTERNAL:	

Village of Bensenville:	Objects. (See attached documentation)
Village of Addison:	No Objections
City of Wood Dale:	<i>No Comments Received.</i>
City of Elmhurst:	<i>No Comments Received.</i>
Addison Township:	<i>No Comments Received.</i>
Township Highway:	<i>No Comments Received.</i>
Bensenville Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 2:	Objects. (See attached documentation)
Sch. Dist. 100:	Objects. (See attached documentation)
Forest Preserve:	"We do not have any comments."

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	VACANT	VILLAGE OF BENSENVILLE
North	VILLAGE OF BENSENVILLE	PARK DISTRICT	VILLAGE OF BENSENVILLE
South	VILLAGE OF BENSENVILLE	VILLAGE OF BENSENVILLE	VILLAGE OF BENSENVILLE
East	VILLAGE OF BENSENVILLE	VILLAGE OF BENSENVILLE	VILLAGE OF BENSENVILLE
West	ROUTE 83 AND BEYOND R-4 SF RES/ VILLAGE OF BENSENVILLE	HOUSE	0-5 DU AC/ VILLAGE OF BENSENVILLE

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on January 9, 2025, recommends to approve the following zoning relief:

Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence 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-24-000075 **Moksh Dham** dated December 12, 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): 7 Ayes, 0 Nays, 0 Absent

WHEREAS, the County Board Development Committee on January 21, 2025, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following zoning relief:

Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence 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-24-000075 Moksh Dham** dated December 12, 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.

Development Committee VOTE (Motion to Approve): 6 Ayes, 0 Nays, 0 Absent

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

Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District, on the property hereinafter described:

LOT 1 IN ST. BEDE'S EPISCOPAL CHURCH ASSESSMENT PLAT OF PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT

THEREOF RECORDED OCTOBER 30, 1964, AS DOCUMENT R64-40991, IN DUPAGE COUNTY, ILLINOIS; and

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-24-000075 Moksh Dham dated December 12, 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.

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; 4TH AVENUE GOSPEL CHURCH, 5N047 ROUTE 83, BENSENVILLE, IL 60106 / 4TH AVENUE GOSPEL CHURCH, 530 ALBION AVENUE, SCHAUMBURG, IL 60193/ AGENT: RASHMI PATEL, MOKSH DHAM CREMATION, INC., 380 E. NORTHWEST HIGHWAY, DES PLAINES, IL 60016/ JAMES WHITE, LAW OFFICE OF JAMES F. WHITE, P.C., 160 S. MUNICIPAL DRIVE, SUGAR GROVE, IL 60554; and Township Assessor, Addison Township, 401 North Addison Road, Addison, IL 60101.

Enacted and approved this 28th day of January, 2025 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: January 21, 2025

RE: **ZONING-24-000075 Moksh Dham (Addison/District 1)**

DuPage County Board: January 28, 2025:

Development Committee: January 21, 2025: The DuPage County Development Committee recommended to approve the following zoning relief:

Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence 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-24-000075 Moksh Dham** dated December 12, 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.

Development Committee VOTE (Motion to Approve): 6 Ayes, 0 Nays, 0 Absent

Zoning Board of Appeals Meeting: January 9, 2025: The Zoning Board of Appeals recommended to approve the following zoning relief:

Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence 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-24-000075 Moksh Dham dated December 12, 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): 7 Ayes, 0 Nays, 0 Absent

FINDINGS OF FACT:

1. That petitioner testified that they seek the subject zoning relief for a Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District.
2. That petitioner testified that Moksh Dham is the contract purchaser and is an Illinois not-for-profit company.
3. That petitioner testified that the subject property is approximately four and-a-half (4.5) acres in size and zoned R-4 Single Family Residential.
4. That petitioner testified that there is a dilapidated and vacant split-level brick and frame building on the subject property that was previously a place of assembly use.
5. That petitioner testified that the R-4 Single Family Residential District allows a funeral home as a conditional use where the subject property is located adjacent to a non-residential zoning business district boundary line, or the subject property has frontage on at least a minor arterial roadway.
 - a. Petitioner testified that that the subject property has frontage and direct access onto Route 83, which is a four-lane major arterial roadway.
6. That petitioner testified that the Illinois Supreme Court, in the City of Chicago Heights v. Living Word Outreach Full Gospel Church & Ministries, stated that when a use is designated as a conditional use in a zoning district, such designation is a legislative determination that the use is in harmony with the general zoning plan and will not adversely affect the neighborhood.
 - a. That petitioner testified that the Living Word case states that an application for a conditional use permit may not be denied on the grounds that the use is not in harmony with the surrounding neighborhood but whether the use would have an adverse effect.

7. That petitioner testified that the vast majority of funeral services would be held at off-peak traffic and school hours, such as nights and weekends, and that the vast majority of funeral services would end with the cremation of the body on-site, eliminating traffic impacts caused by large funeral processions.
8. That petitioner testified that the second floor of the funeral home is the viewing area with a capacity of three hundred (300) people where the funeral services are held, and that at the end of the funeral, the body is lowered down to the first floor where the cremation units are located and then cremated as part of funeral process.
9. That petitioner testified that the cremation process results in no smoke, no smell, and no noise, and that Section 37-1005.3 of the DuPage County Zoning Ordinance regarding particulate matter emissions would allow up to four and-a-half pounds of particulate matter emissions per hour from this property.
 - a. Furthermore, that petitioner testified that the cremation furnaces that are proposed for the subject property would have particulate matters of only three-hundredths of a pound per hour.
10. That petitioner testified that there are wetlands on the north and east sides of the subject property, which will be rehabilitated and enhanced creating an even greater buffer area to the north, east, and south.
11. That petitioner testified that there are no unique or unusual impacts to the surrounding properties as there are no points of access to them from the subject property due to the location of the wetlands.
12. That the Zoning Board of Appeals finds that petitioner **has demonstrated** sufficient evidence to support the zoning relief for a Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District, and that petitioner provided sufficient evidence to satisfy the seven (7) standards to support a Conditional Use.

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner **has 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 demonstrated** that the proposed funeral home would be developed in accordance with all required bulk regulations relative to setbacks, heights, open space, and stormwater detention, and therefore would not impact an adequate supply of light and air to the adjacent properties.
 - Furthermore, that petitioner testified that the cremation furnaces that are proposed for the subject property have particulate matters of only three-hundredths of a pound per hour and would 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 demonstrated** that the proposed funeral home would comply with all DuPage County codes relative to building, particulate matter, and the Fire Protection District, and would not increase the hazard from fire or other dangers to said property.

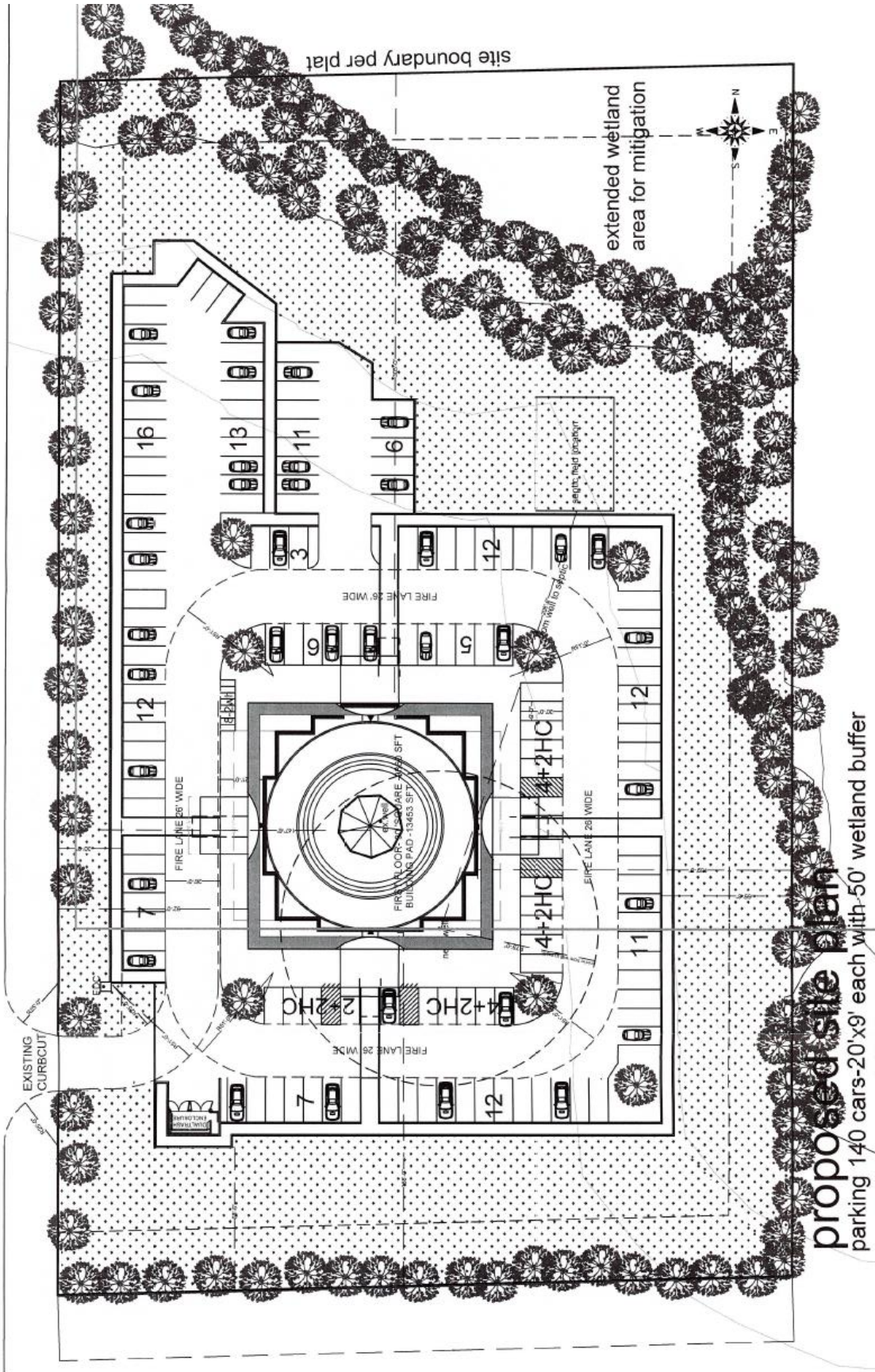
- Furthermore, that petitioner testified that the proposed building would have a sprinkler system, fire alarm system, and enhanced well to allow for greater fire flow.
- c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed funeral home will replace an older vacant building with an entirely new building, which will have no adverse impacts on the value of the surrounding recreational, education, and residential uses.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed funeral home would be located on the east side of Illinois Route 83, a four-lane roadway, utilizing the existing driveway entrance/exit, and that the proposed use in addition to the existing access point, would not 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 proposed funeral home would comply with all codes and requirements by DuPage County and that the Stormwater Department has no objections to the concept of the petition and will require a Stormwater Certification.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the proposed funeral home would comply with all codes and requirements by DuPage County and that the proposed funeral home would 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 proposed funeral home conditional use will be consistent with similar funeral homes within DuPage County and with all ordinances relative to the public health, safety, comfort, morals, and general welfare of the inhabitants of DuPage County.

Forest Preserve:	“We do not have any comments.”
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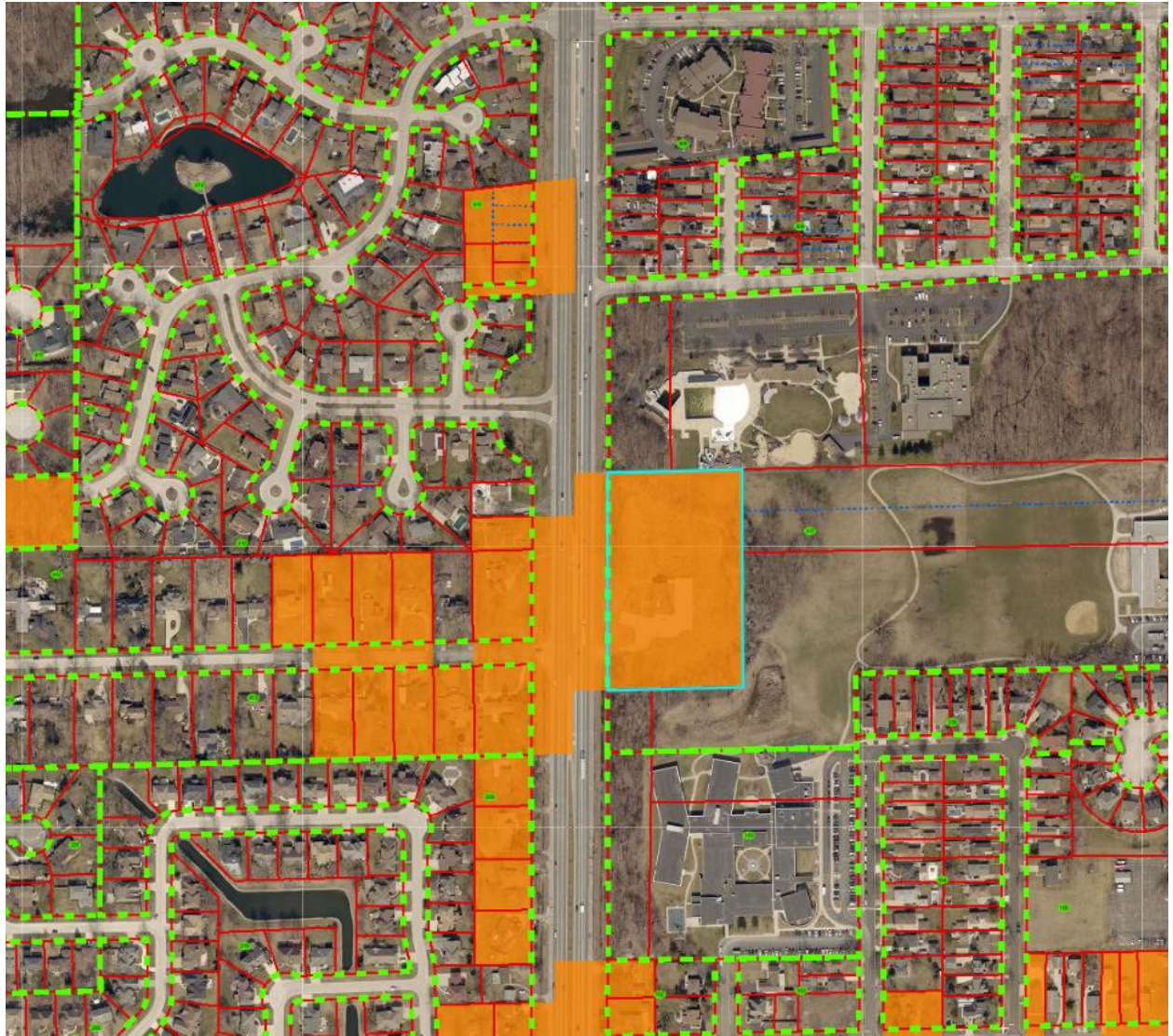
LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	VACANT	VILLAGE OF BENSENVILLE
North	VILLAGE OF BENSENVILLE	PARK DISTRICT	VILLAGE OF BENSENVILLE
South	VILLAGE OF BENSENVILLE	VILLAGE OF BENSENVILLE	VILLAGE OF BENSENVILLE
East	VILLAGE OF BENSENVILLE	VILLAGE OF BENSENVILLE	VILLAGE OF BENSENVILLE
West	ROUTE 83 AND BEYOND R-4 SF RES/ VILLAGE OF BENSENVILLE	HOUSE	0-5 DU AC/ VILLAGE OF BENSENVILLE

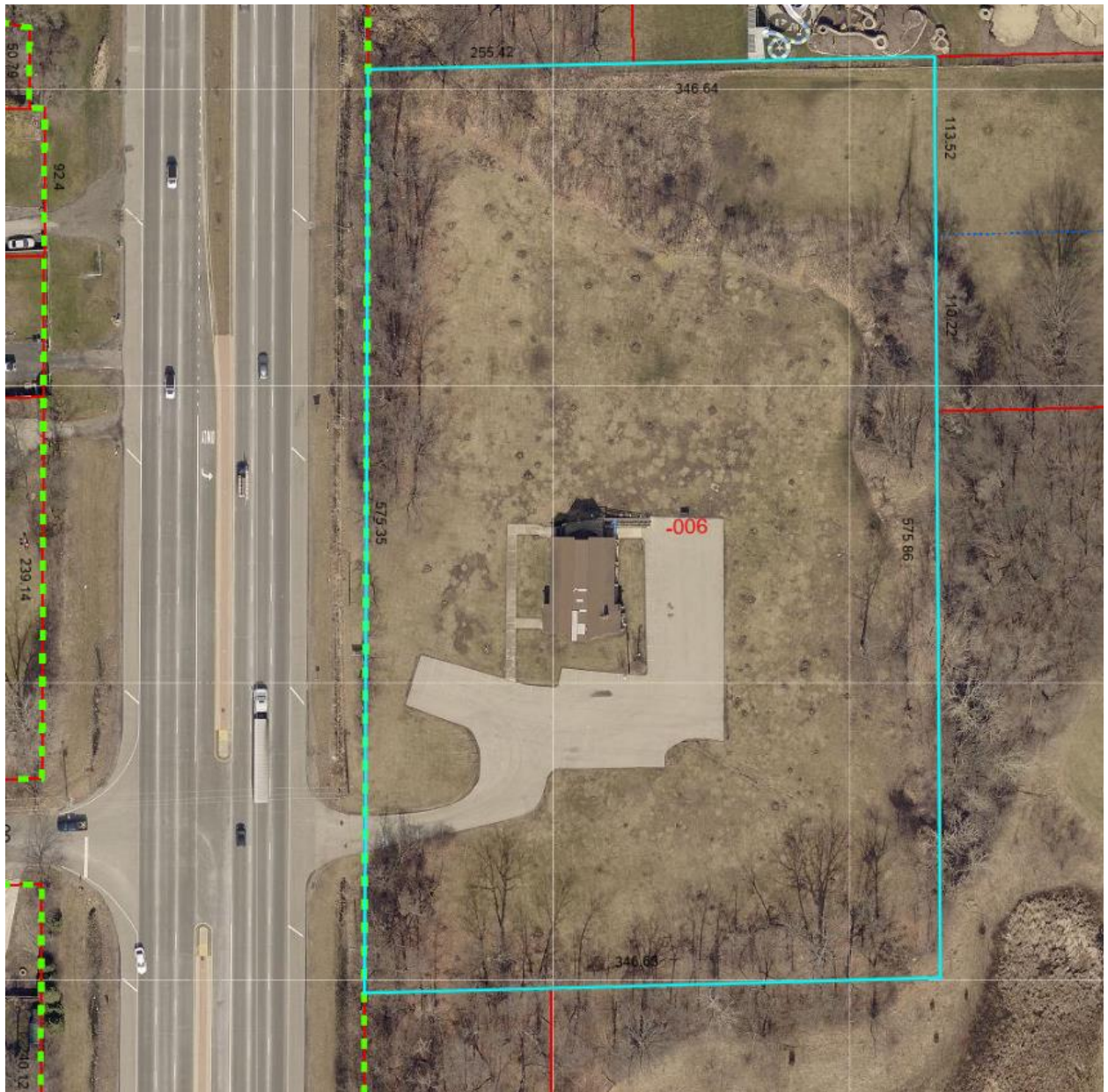
ROUTE IL-83



proposed site plan
parking 140 cars-20'x9' each with 50' wetland buffer









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-24-000075 Moksh Dham Cremation

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 **DECEMBER 11, 2024**.

COMMENT SECTION:	
<input type="checkbox"/> OUR OFFICE HAS NO JURISDICTION IN THIS MATTER	
<input type="checkbox"/> NO OBJECTION/CONCERNS WITH THE PETITION	
<input checked="" type="checkbox"/> NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION	
<input type="checkbox"/> I OBJECT/ HAVE CONCERNS WITH THE PETITION.	
COMMENTS: No objection with the concept of the conditional use. The site plan and building permit will require additional information under the Stormwater Certification Application to address existing wetland and buffer violations.	
SIGNATURE: [REDACTED] DATE: 12/2/24	
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: DPC Stormwater Management	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000075 Moksh Dham Cremation
ZONING REQUEST	Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District.
OWNER	4 TH AVENUE GOSPEL CHURCH, 5N047 ROUTE 83, BENSENVILLE, IL 60106 / 4 TH AVENUE GOSPEL CHURCH, 530 ALBION AVENUE, SCHAUMBURG, IL 60193/ AGENT: RASHMI PATEL, MOKSH DHAM CREMATION, INC., 380 E. NORTHWEST HIGHWAY, DES PLAINES, IL 60016/ JAMES WHITE, LAW OFFICE OF JAMES F. WHITE, P.C., 160 S. MUNICIPAL DRIVE, SUGAR GROVE, IL 60554
ADDRESS/LOCATION	5N047 ROUTE 83, BENSENVILLE, IL 60106
PIN	03-14-317-006
TWSP./CTY. BD. DIST.	Addison DISTRICT 1
ZONING/LUP	R-4 SF RES SINGLE FAMILY ATTACHED RESIDENTIAL
AREA	4.78 ACRES (208,217 SQ. FT.)
UTILITIES	WELL/SEPTIC
PUBLICATION DATE	Daily Herald: NOVEMBER 26, 2024
PUBLIC HEARING	THURSDAY, DECEMBER 12, 2024

1

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



**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-24-000075 Moksh Dham Cremation

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 **DECEMBER 11, 2024**.

COMMENT SECTION:	
<input type="checkbox"/>	OUR OFFICE HAS NO JURISDICTION IN THIS MATTER
<input type="checkbox"/>	NO OBJECTION/CONCERNS WITH THE PETITION
<input type="checkbox"/>	NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION
<input checked="" type="checkbox"/>	OBJECT/HAVE CONCERNS WITH THE PETITION.
COMMENTS:	
<p>The proposed use is not in accordance with the DuPage County Route 83 Corridor Plan adopted November 9, 2021, or the 2015 Bensenville Comprehensive Plan. Both plans designate the area as residential, with the County's plan including a sample residential layout for this specific property. As a result, it is in direct conflict with the standards for zoning relief. Additionally, if this property were to annex into the Village, it would not conform to our Zoning Code. A funeral home is only allowed in a C-1 Downtown Mixed-Use District or a C-2 Commercial District. The nearest C-2 Commercial District accessible by Route 83 is over a mile away. The property is zoned R-3 Single-Unit Dwelling District on three sides, with nearby land uses including: Bensenville Park District water park and Deer Park; School District 2 's Wesley A Johnson middle school; and residential homes. Additionally, the parking area appears to not conform to Village of Bensenville standards. Based on the available information, it appears to not meet parking design standards, refuse area location standards, snow storage standards, landscaping and landscape island standards. The owners of this property continue to use a flawed valuation of this property, marketing it as commercial. Their broker is John Greene Real Estate, who specialize in 'commercial, land, and industrial' properties. They have not shown a good faith effort to market it as a residential opportunity, which the public clearly stated they wanted during the Route 83 corridor planning. Financial considerations of the current property owner should not be a justification for approving a special use that is incompatible with approved planning documents and the wishes of the community.</p>	
SIGNATURE	DATE: 12/15/24
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: Village of Bensenville	

1



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DU PAGE COUNTY ZONING BOARD OF APPEALS Zoning Petition ZONING-24-000075 Moksh Dham Cremation

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 **DECEMBER 11, 2024**.

COMMENT SECTION:	
<input type="checkbox"/> : OUR OFFICE HAS NO JURISDICTION IN THIS MATTER	
<input type="checkbox"/> : NO OBJECTION/CONCERNS WITH THE PETITION	
<input type="checkbox"/> : NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION.	
<input type="checkbox"/> : ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION	
<input checked="" type="checkbox"/> : I OBJECT/ HAVE CONCERNS WITH THE PETITION.	
<p>COMMENTS: Fenton Community High School District 100 is situated in this residential zone and our students walk and drive past the subject property every day going to and from school. Similarly, we have partner institutions that back up to this subject property and they utilize our students for daytime internships and after school activities. We strongly believe the nature of this proposed commercial use is not appropriate for a residential neighborhood where children are present for large amounts of the day. A funeral home with cremation services in such close proximity would be a significant distraction and we would prefer a land use that further compliments the neighborhood's family-based environment.</p>	
SIGNATURE: [REDACTED]	DATE: 12/10/24
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: FENTON COMMUNITY HIGH SCHOOL DISTRICT 100	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000075 Moksh Dham Cremation
ZONING REQUEST	Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District.
OWNER	4 TH AVENUE GOSPEL CHURCH, 5N047 ROUTE 83, BENSENVILLE, IL 60106 / 4 TH AVENUE GOSPEL CHURCH, 530 ALBION AVENUE, SCHAUMBURG, IL 60193/ AGENT: RASHMI PATEL, MOKSH DHAM CREMATION, INC., 380 E. NORTHWEST HIGHWAY, DES PLAINES, IL 60016/ JAMES WHITE, LAW OFFICE OF JAMES F. WHITE, P.C., 160 S. MUNICIPAL DRIVE, SUGAR GROVE, IL 60554
ADDRESS/LOCATION	5N047 ROUTE 83, BENSENVILLE, IL 60106
PIN	03-14-317-006
TWSP/CTY. BD. DIST.	Addison DISTRICT 1
ZONING/LUP	R-4 SF RES SINGLE FAMILY ATTACHED RESIDENTIAL
AREA	4.78 ACRES (208,217 SQ. FT.)
UTILITIES	WELL/SEPTIC
PUBLICATION DATE	Daily Herald: NOVEMBER 26, 2024
PUBLIC HEARING	THURSDAY, DECEMBER 12, 2024

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



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fax: 630-407-6702

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DU PAGE COUNTY ZONING BOARD OF APPEALS Zoning Petition ZONING-24-000075 Moksh Dham Cremation

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 **DECEMBER 11, 2024**.

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: <i>Current septic system installed in 1964 only has a capacity for 100 people. Septic system will need to be modified to accommodate additional usage.</i>	
SIGNATURE:	DATE:
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000075 Moksh Dham Cremation
ZONING REQUEST	Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District.
OWNER	4 TH AVENUE GOSPEL CHURCH, 5N047 ROUTE 83, BENSENVILLE, IL 60106 / 4 TH AVENUE GOSPEL CHURCH, 530 ALBION AVENUE, SCHAUMBURG, IL 60193/ AGENT: RASHMI PATEL, MOKSH DHAM CREMATION, INC., 380 E. NORTHWEST HIGHWAY, DES PLAINES, IL 60016/ JAMES WHITE, LAW OFFICE OF JAMES F. WHITE, P.C., 160 S. MUNICIPAL DRIVE, SUGAR GROVE, IL 60554
ADDRESS/LOCATION	5N047 ROUTE 83, BENSENVILLE, IL 60106
PIN	03-14-317-006
TWSP./CTY. BD. DIST.	Addison DISTRICT 1
ZONING/LUP	R-4 SF RES SINGLE FAMILY ATTACHED RESIDENTIAL
AREA	4.78 ACRES (208,217 SQ. FT.)
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1

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



BENSENVILLE

SCHOOL DISTRICT 2

210 S. Church Road, Bensenville, IL 60106 | 630-766-5940 | www.bsd2.org

December 11, 2024

DuPage County Zoning Board of Appeals
Via email to Jessica.Infelise@dupageco.org
DuPage County Building and Zoning Department

Re: Zoning Petition ZONING-24-000075 Moksh Dham Cremation

Gentlemen and Ladies:

The primary operation of the petitioner's buyer & agent ("Petitioner") is not a funeral home under the Zoning Code. School District 2 therefore asks you to deny the request for a Conditional Use permit for a funeral home.

The parcel in question adjoins W. A. Johnson School in Bensenville. The school has about 600 students in Kindergarten through fifth grade. It has been at that location since 1958. In 2012, it was fully renovated and doubled in size. All of the District's schools are in residential neighborhoods.

Elsewhere in DuPage County, businesses providing on-site cremation services are not located in residential neighborhoods. Consider, for instance, Hultgren Funeral Home, located at 565 Randy Road in Carol Stream, and DuPage Cremations, located at 951 W Washington Street in West Chicago.

The Petitioner's own sources clearly show that it is in the cremation business.

- Its name is Moksh Dham Cremation Inc.
- Its most recent annual report to the Illinois Secretary of State declares that its activity is "Providing Very low cost cremation services." See Attachment 1.
- Its website applies the largest font to the phrase "*Hindu Cremation Service*". See Attachment 2 from <http://mokshdham.org/>.
- Its president, Nitin Patel, appears to be a source for a newspaper article describing "*the non-profit's journey to establish a dedicated cremation center.*" See Attachment 3 from NewIndiaTimes.com.

Cremation activities are not included within the Code's term "funeral home". Dictionaries and common usage treat the two concepts separately. The term "funeral home" means the commonly understood combination of embalming services and locations to host funerals and wakes. By comparison, the word "crematorium" is defined without using the word funeral or the phrase funeral home. See Attachment 4 from <https://www.merriam-webster.com/dictionary/>.

A Conditional Use permit under section 37-704.2 therefore cannot be issued to Petitioner, because its activities are different from the Code's intended activity of Funeral Home. The petition should be denied.

Sincerely,

Katie McCluskey, Ed.D.
Superintendent of Schools

Blackhawk Middle School
250 S. Church Road
Bensenville, IL 60106
630-766-2601

Tioga School
212 W. Memorial Road
Bensenville, IL 60106
630-766-2602

W.A. Johnson School
252 Ridgewood Avenue
Bensenville, IL 60106
630-766-2605



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BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

DU PAGE COUNTY ZONING BOARD OF APPEALS Zoning Petition ZONING-24-000075 Moksh Dham Cremation

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 **DECEMBER 11, 2024**.

COMMENT SECTION:	
<input type="checkbox"/>	OUR OFFICE HAS NO JURISDICTION IN THIS MATTER
<input type="checkbox"/>	NO OBJECTION/CONCERNS WITH THE PETITION
<input type="checkbox"/>	NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION
<input checked="" type="checkbox"/>	I OBJECT/ HAVE CONCERNS WITH THE PETITION.
<p>COMMENTS: The Conditional Use request should be denied. The proposed enterprise is not primarily a "funeral home" under section 37-704.2. A Variance, not a Conditional Use permit, is required. Most businesses providing funeral services do not have on-site cremation equipment. The term "funeral home" in the Code therefore means the traditional combination of embalming services and locations to host funerals and wakes. The term does not include the much-less-common installation of cremation equipment. Cremation services are the primary goal for this enterprise and the community that petitioners intend to serve. Cremation services are a light industrial use that is not in harmony with an R-4 district, even if eligible for a Conditional Use permit.</p>	
SIGNATURE:	DATE: 12/11/2024
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000075 Moksh Dham Cremation
ZONING REQUEST	Conditional Use for a funeral home with cremation services in the R-4 Single Family Residence District.
OWNER	4 TH AVENUE GOSPEL CHURCH, 5N047 ROUTE 83, BENSENVILLE, IL 60106 / 4 TH AVENUE GOSPEL CHURCH, 530 ALBION AVENUE, SCHAUMBURG, IL 60193/ AGENT: RASHMI PATEL, MOKSH DHAM CREMATION, INC., 380 E. NORTHWEST HIGHWAY, DES PLAINES, IL 60016/ JAMES WHITE, LAW OFFICE OF JAMES F. WHITE, P.C., 160 S. MUNICIPAL DRIVE, SUGAR GROVE, IL 60554
ADDRESS/LOCATION	5N047 ROUTE 83, BENSENVILLE, IL 60106
PIN	03-14-317-006

1

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

State of Illinois
DOMESTIC CORPORATION
ANNUAL REPORT
General Not for Profit Corporation Act

Attachment 1

Year: 2023 File #: 72427467
 FILED February 05, 2024

Alexi Giannoulis, Secretary of State

1. Corporation Name: MOKSH DHAM CREMATION INC
2. Registered Agent: NITIN PATEL
 Registered Office: 1001 S BUSSE RD
 City, IL, ZIP, County: MOUNT PROSPECT, IL 60056-4507
- 3a. Date of Incorporation/Qualification: 08/08/2019 3b. State of Incorporation: ILLINOIS

4. Names and Addresses of Corporation's Officers and Directors:

OFFICE	NAME	NUMBER & STREET	CITY	STATE	ZIP
Title Name & Address	PRESIDENT NITIN PATEL	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Title Name & Address	SECRETARY MANISH PATEL	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Title Name & Address	OFFICER RASHMI C PATEL	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

5. Brief statement of type of activity the corporation is conducting:
 Providing Very low-cost cremation services
6. Is this Corporation a Condominium Association as established under the Condominium Property Act? Yes No
 Is this a Cooperative Housing Corporation as defined in Section 216 of the Internal Revenue Code of 1954? Yes No
 Is this Corporation a Homeowner's Association, which administers a common-interest community as defined in subsection (c) of Section 9-102 of the code of Civil Procedure? Yes No
7. Address, including street and number, of Corporation's Principal Office:
 [REDACTED]
MOUNT PROSPECT, IL 60056

8. Under the penalty of perjury and as an authorized officer, I declare that this annual report, pursuant to provisions of the General Not for Profit Corporation Act, has been examined by me and is, to the best of my knowledge and belief, true, correct and complete.
- By RASHMI C PATEL
 Authorized Officer
OFFICER February 05, 2024
 Title & Date

Fee Summary	
Filing Fee:	\$ 10.00
Penalty:	\$ 3.00
Total Fee:	\$ 13.00
Approved by: MAP	

This document was electronically generated at www.ilsos.gov



State of Illinois
Domestic/Foreign Corporation Annual Report

Year 2023 Corporation File No 72427467


FILED February 05, 2024

Alexi Giannoulis, Secretary of State

1. Corporate Name MOKSH DHAM CREMATION INC
 Registered Agent NITIN PATEL
 Registered Office [REDACTED]
 City, IL, Zip Code, County MOUNT PROSPECT, IL 60058-4507

Officers	
Title Name & Address	DIRECTOR RASHMI C PATEL [REDACTED] MOUNT PROSPECT, IL 60058
Title Name & Address	DIRECTOR MANISH PATEL [REDACTED] ELK GROVE VILLAGE, IL 60007
Title Name & Address	DIRECTOR NITIN PATEL [REDACTED] MOUNT PROSPECT, IL 60058
Title Name & Address	
Title Name & Address	
Title Name & Address	
Title Name & Address	
Title Name & Address	
Title Name & Address	
Title Name & Address	

Attachment 2



Hindu Cremation Service

MOKSHDHAM Cremations Inc. is a not for profit 501 (c) 3 charitable organization based in Chicago, IL

[DONATE](#)

Attachment 3

Mokshdham Project aimed at building a cremation venue in Chicagoland makes significant headway

By Bhalla I M. Patel (<https://www.newsindiatimes.com/author/ela/>) - November 20, 2024

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Virendra Desai, Kantibhai Patel, Rajesh Patel, K.N. Patel, Vinod Parikh, Dr. Rashmi Patel, Ashok Dave, Dr. A. J. Patel, Nitin Patel, Kantibhai Patel, Haribhai Patel, Nita Patel, Dr. Bharat Barai, DP Prajapati, Manish Patel, Rohit Joshi, Bhalla I M. Patel, Hament Patel and Barakat Virani. And Nita Dave.
PHOTO: Heena Pandya

Bensenville, IL – The General Body Meeting of Mokshdham (Mokshdham.org) held at the Manav Seva Mandir, November 17, 2024, marked a significant milestone in the nonprofit's journey to establish a dedicated cremation center in the Chicago metro area.

The meeting was attended by super trustees, directors, and prominent community leaders who have pledged to provide dignified and cost-effective cremation services that respect cultural and religious traditions.

As a 501(c)(13) charitable organization, Mokshdham says it aims to offer affordable cremation services, religious support through qualified priests, and accommodations for over 300 visitors. Future plans include grief counseling and social services, with 24/7 resources available online at Mokshdham.org.

Key updates presented during the meeting highlighted progress on zoning approval, anticipated by January 31, 2025, and advancements in land acquisition, as reported by Dr. Rashmi Patel. Fundraising was emphasized as critical to expediting the project, with Vinod Parikh and Dr. A.J. Patel urging immediate financial support. In a show of generosity, Hari Patel offered his facility for fundraising events and pledged additional donations through his senior member network, while Mr. Nitin Patel announced a fundraising event scheduled for December 14, 2024, at the Rana Ranga Center. The meeting celebrated the extraordinary contributions of new Super Trustees, including Dr. Barai, Rajesh Patel, and Hari Patel, who each donated \$25,000. Additional support from Mafat Patel and Ashok Pandya further reflected the community's shared vision for this transformative project.

Organizers recognize the need for a dedicated cremation center is pressing, particularly for the over 250,000 Hindus, Jains, Sikhs, and Buddhists living in the Chicago metro area, 35% of whom are senior citizens. Cremation, a sacred rite known as Antim Agni-Sanskar, is currently hindered by the lack of appropriate facilities, with existing providers charging exorbitant fees. The demand for cremation services has grown by approximately 30% in recent years, making this project a vital solution for the community.

With zoning approval and land acquisition on track, Mokshdham is poised to make significant strides in fulfilling its mission. Organizers at the meeting underscored the broad support for this initiative.

For more information or to contribute to the fundraising efforts, please contact Dr. Rashmi Patel at 773-592-9501 or Nitin Patel at 847-571-5368.

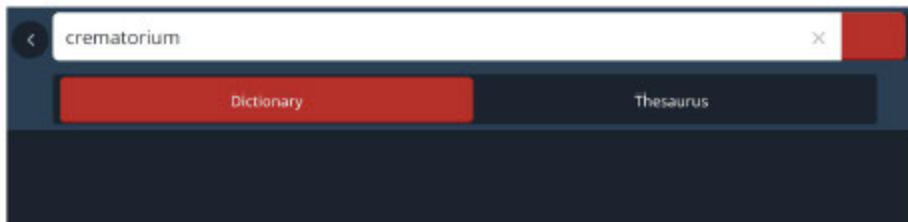
<https://www.newsindiatimes.com/mokshdham-project-chicagoland-makes-significant-headway>
Mokshdham Project Aims at Building a Cremation Venue in Chicago

<https://www.addtoany.com/share?url=https%3A%2F%2Fwww.newsindiatimes.com%2Fmokshdham-project-chicagoland-makes-significant-headway%2F&title=Mokshdham%20Project%20aimed%20at%20building%20a%20cremation%20venue%20in%20Chicago>



funeral home noun

: an establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and for funerals
→ called also *funeral parlor*



crematorium noun

cre-ma-to-ri-um ˌkr̩-mə-ˈtɔr-ē-əm ◀◀ ◀◀ ˌkre-

plural crematoria ˌkr̩-mə-ˈtɔr-ē-ə ◀◀ ◀◀ ˌkre- or crematoriums

: an establishment or structure in which the bodies of the dead are **cremated**

He had two funerals in the morning, both bodies due for the *crematorium* afterward ...

— Jack Higgins

The depositions enabled the commission to gather further evidence from coroners and from the files in morgues, mortuaries and *crematoriums*.

— Alfred Stepan



Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0003-25

Agenda Date: 1/21/2025

Agenda #: 12.B.

Zoning Petition ZONING-24-000061 Phillips

WHEREAS, a public hearing was held on November 20, 2024 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:

Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake, on the property hereinafter described:

LOT 27 IN BRUCE LAKE COUNTRY ESTATES UNIT ONE, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 32, AND PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 24, 1955 AS DOCUMENT 758198, AS AMENDED BY INSTRUMENT RECORDED AS DOCUMENT 760085, 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 December 4, 2024 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake.
- B. That petitioner testified that they purchased the subject property in 2015 and have had a pier on the property since 2016.
- C. That petitioner testified that they would remove the existing pier and build the proposed pier as indicated in the requested zoning relief.
- D. That petitioner testified that a portion of the lake is on the southwest corner of the subject property and that the proposed pier would be stationary/ constructed at ground level in the portion of the lake that is on the subject property.
- E. That petitioner testified that the proposed small pier would be built completely on the subject property and would

not be built over the rear property line.

- F. That at the public hearing, adjacent neighbors testified that they object to the requested zoning relief due to a setback concern and a potential encroachment concern of the proposed pier onto their property over the rear property line of the subject property.
- G. That the Zoning Hearing Officer finds that petitioner has demonstrated that the subject relief for a Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake, would be 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.
- Furthermore, that the Zoning Hearing Officer finds that nothing in this order is intended to permit any intrusion on any neighboring property, either by virtue of the construction, maintenance, or use of the pier to be constructed.

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Hearing Officer finds that petitioner **has 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 demonstrated** that the proposed pier will not impact or impair the supply of light and air to adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they will receive a building permit from the County for the proposed pier and that it will be built pursuant to the current DuPage County Building Code.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed pier will be completely located on the subject property and 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 proposed pier will be located behind the front wall of the home and will not impact traffic.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the proposed pier.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the proposed pier.

- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the proposed pier 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-24-000061 Phillips
ZONING REQUEST	Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake.
OWNER	DAVID AND SANDRA PHILLIPS, 721 81 ST STREET, DOWNERS GROVE, IL 60516
ADDRESS/LOCATION	721 81 ST STREET, DOWNERS GROVE, IL 60516
PIN	09-32-202-003
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	R-3 SF RES 0-5 DU AC
AREA	0.51 ACRES (22,216 SQ. FT.)
UTILITIES	WATER/SEWER
PUBLICATION DATE	Daily Herald: November 5, 2024
PUBLIC HEARING	WEDNESDAY, NOVEMBER 20, 2024
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	<i>No Comments Received.</i>
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application.

Public Works:	DPC PW owns the sewer main in the ROW of 81 st street, this project will not affect our sewer. Water is owned by Darien.
EXTERNAL:	
City of Darien:	<i>No Comments Received.</i>
Village of Woodridge:	<i>No Comments Received.</i>
Village of Downers Grove:	“The Village of Downers Grove has no comments.”
Downers Grove Township:	<i>No Comments Received.</i>
Township Highway:	Our office has no jurisdiction in this matter.
Darien-Woodridge Fire Dis	<i>No Comments Received.</i>
Sch. Dist. 66:	<i>No Comments Received.</i>
Sch. Dist. 99:	“D99 has no opinions on this.”
Forest Preserve:	<i>No Comments Received.</i>

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	81 ST STREET AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
South	R-3 SF RES	HOUSE	0-5 DU AC
East	R-3 SF RES	HOUSE	0-5 DU AC
West	R-3 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 December 4, 2024, recommends to approve the following zoning relief:

Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake.

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-24-000061 Phillips dated November 20, 2024.

2. That the Conditional Use zoning relief shall expire after ten (10) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
 - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
 - b. The structure is voluntarily removed.
3. That the property owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
4. That petitioner maintains the existing landscaping around the perimeter of the subject property.
5. 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 January 21, 2025, 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:

Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake.

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-24-000061 Phillips dated November 20, 2024.
2. That the Conditional Use zoning relief shall expire after ten (10) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
 - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
 - b. The structure is voluntarily removed.
3. That the property owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

4. That petitioner maintains the existing landscaping around the perimeter of the subject property.
5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (Motion to Approve): 6 Ayes, 0 Nays, 0 Absent

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

Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake, on the property hereinafter described:

LOT 27 IN BRUCE LAKE COUNTRY ESTATES UNIT ONE, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 32, AND PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 24, 1955 AS DOCUMENT 758198, AS AMENDED BY INSTRUMENT RECORDED AS DOCUMENT 760085, IN DUPAGE COUNTY, ILLINOIS; and

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-24-000061 Phillips dated November 20, 2024.
2. That the Conditional Use zoning relief shall expire after ten (10) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
 - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
 - b. The structure is voluntarily removed.
3. That the property owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
4. That petitioner maintains the existing landscaping around the perimeter of the subject property.
5. 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; DAVID AND SANDRA PHILLIPS, 721 81ST STREET, DOWNERS GROVE, IL 60516; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 28th day of January, 2025 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: January 21, 2025

RE: **ZONING-24-000061 Phillips (Downers Grove/District 3)**

DuPage County Board: January 28, 2025:

Development Committee: January 21, 2025: The DuPage County Development Committee recommended to approve the following zoning relief:

Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake.

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-24-000061 Phillips** dated November 20, 2024.
2. That the Conditional Use zoning relief shall expire after ten (10) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
 - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
 - b. The structure is voluntarily removed.
3. That the property owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

4. That petitioner maintains the existing landscaping around the perimeter of the subject property.
5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (Motion to Approve): 6 Ayes, 0 Nays, 0 Absent

Zoning Hearing Officer: December 4, 2024: The Zoning Hearing Officer recommended to approve the following zoning relief:

Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake.

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-24-000061 Phillips dated November 20, 2024.
2. That the Conditional Use zoning relief shall expire after ten (10) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
 - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
 - b. The structure is voluntarily removed.
3. That the property owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
4. That petitioner maintains the existing landscaping around the perimeter of the subject property.
5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZHO Recommendation to Approve

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake.

- B. That petitioner testified that they purchased the subject property in 2015 and have had a pier on the property since 2016.
- C. That petitioner testified that they would remove the existing pier and build the proposed pier as indicated in the requested zoning relief.
- D. That petitioner testified that a portion of the lake is on the southwest corner of the subject property and that the proposed pier would be stationary/ constructed at ground level in the portion of the lake that is on the subject property.
- E. That petitioner testified that the proposed small pier would be built completely on the subject property and would not be built over the rear property line.
- F. That at the public hearing, adjacent neighbors testified that they object to the requested zoning relief due to a setback concern and a potential encroachment concern of the proposed pier onto their property over the rear property line of the subject property.
- G. That the Zoning Hearing Officer finds that petitioner has demonstrated that the subject relief for a Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake, would be 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.
 - Furthermore, that the Zoning Hearing Officer finds that nothing in this order is intended to permit any intrusion on any neighboring property, either by virtue of the construction, maintenance, or use of the pier to be constructed.

STANDARDS FOR CONDITIONAL USES:

- 1. That the Zoning Hearing Officer finds that petitioner **has 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 demonstrated** that the proposed pier will not impact or impair the supply of light and air to adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they will receive a building permit from the County for the proposed pier and that it will be built pursuant to the current DuPage County Building Code.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed pier will be completely located on the subject property and 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 proposed pier will be located behind the front wall of the home and will not impact traffic.
- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the proposed pier.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the proposed pier.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the proposed pier 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-24-000061 Phillips
ZONING REQUEST	Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake.
OWNER	DAVID AND SANDRA PHILLIPS, 721 81 ST STREET, DOWNERS GROVE, IL 60516
ADDRESS/LOCATION	721 81 ST STREET, DOWNERS GROVE, IL 60516
PIN	09-32-202-003
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	R-3 SF RES 0-5 DU AC
AREA	0.51 ACRES (22,216 SQ. FT.)
UTILITIES	WATER/SEWER
PUBLICATION DATE	Daily Herald: November 5, 2024
PUBLIC HEARING	WEDNESDAY, NOVEMBER 20, 2024

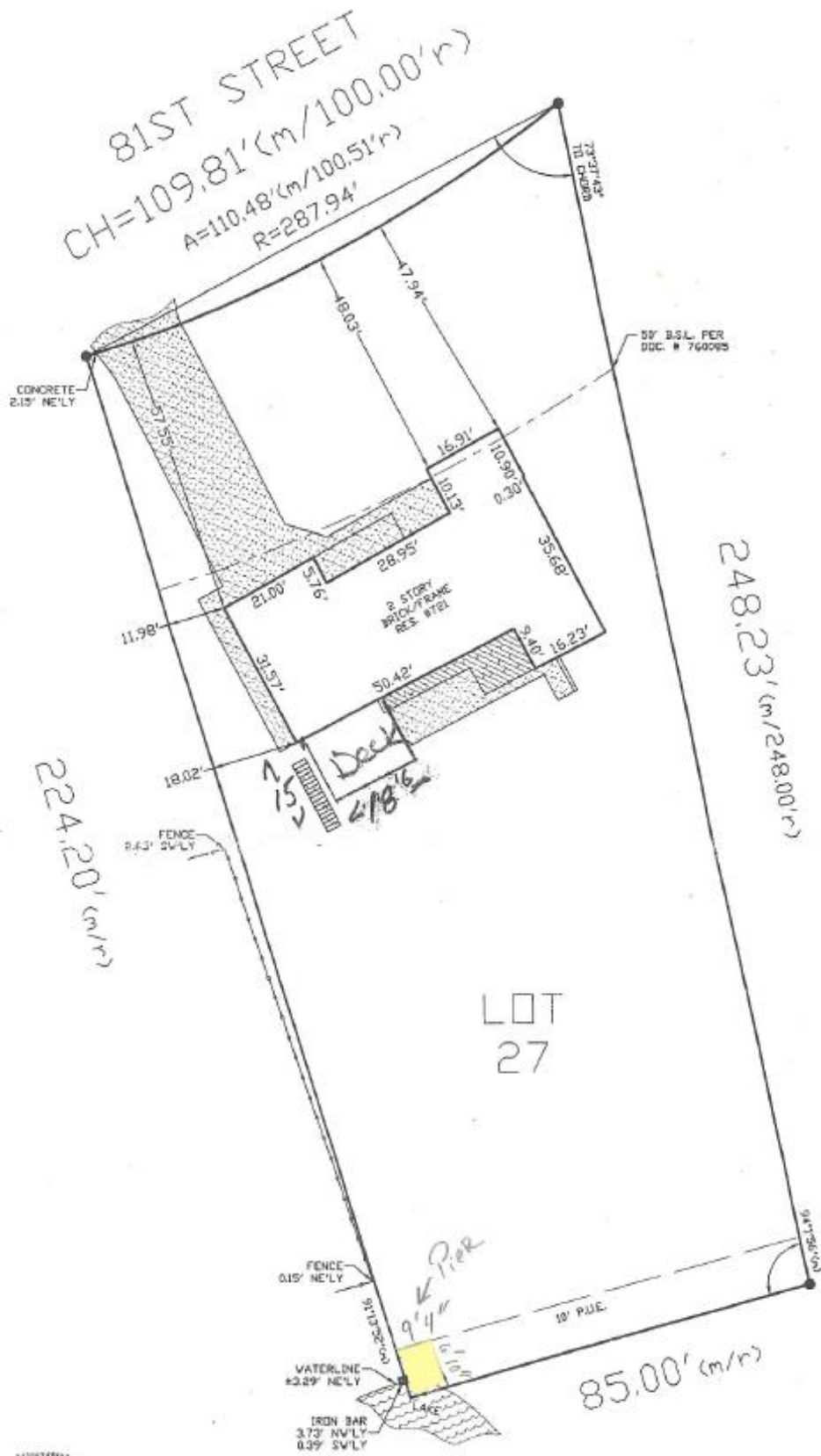
ADDITIONAL INFORMATION:

Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	<i>No Comments Received.</i>
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
Public Works:	DPC PW owns the sewer main in the ROW of 81 st street, this project will not affect our sewer. Water is owned by Darien.
EXTERNAL:	
City of Darien:	<i>No Comments Received.</i>
Village of Woodridge:	<i>No Comments Received.</i>
Village of Downers Grove:	“The Village of Downers Grove has no comments.”
Downers Grove Township:	<i>No Comments Received.</i>
Township Highway:	Our office has no jurisdiction in this matter.
Darien-Woodridge Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 66:	<i>No Comments Received.</i>
Sch. Dist. 99:	“D99 has no opinions on this.”
Forest Preserve:	<i>No Comments Received.</i>

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	81 ST STREET AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
South	R-3 SF RES	HOUSE	0-5 DU AC

East	R-3 SF RES	HOUSE	0-5 DU AC
West	R-3 SF RES	HOUSE	0-5 DU AC









Bruce Lake Homeowners Association
901 81st Street
Downers Grove IL, 60516
Email: blhaboard@googlegroups.com



To: DuPage County Zoning

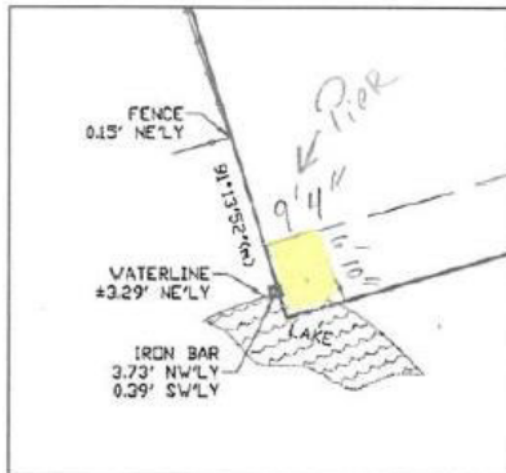
Date: September 18, 2024

The Bruce Lake Homeowners Association approves of the installation of a pier at the Phillips residents at 721 81st Street per the location provided.

Per the Bruce Lake HOA Rules and Regulations:

"Docks – Members with lakefront property may extend docks into Bruce Lake past their property line with the approval of the BLHA Board. It should be understood that the Board may require removal or modification of such structures at any time and for any reason. Docks cannot exceed 20 feet in length".

[BLHA-RULES-AND-REGULATIONS-revised-2018.pdf \(brucelake.org\)](#)



Sincerely,

Mark Ihde

President of Bruce Lake HOA

BLHA RULES AND REGULATIONS

Membership Dues – The membership dues shall be \$250 per year. BLHA members who are 62 or older and on a fixed income may opt to pay only \$150. Currently initiation fees will be waived.

Guests – The use of Bruce Lake and Park facilities is limited to members of the BLHA (and their guests) who have paid all dues through the current fiscal year. Members and their guests should wear identification tags issued upon payment of dues each year. Individuals without tags will be asked to leave the park. Guests of any one property owner should not exceed ten in number, unless proper reservation has been made (see below).

Park Rental – Members who have paid all dues through the current fiscal year may reserve the park for private parties, not to exceed 50 people. Parties greater than 50 people put undue stress on the facilities provided by the Homeowners Association, and a rental fee will apply for Porta-Pottie fees as charged by the current company. In addition, large private parties booked for consecutive nights, with no scheduled garbage pick-up or Porta-Pottie servicing in between, will need to share in the cost to adequately clean and service the park in preparation for the next event. Private parties shall not inhibit access to the beach and other park facilities to the rest of the BLHA members. Reservations will be taken on a first come, first served basis by the Bruce Lake website, after March 1. Notice of the reservation will be posted on the on-line calendar on the day of the party. A \$150 deposit will be required, to be returned if the facilities have been restored to their original status within 24 hours. This does not include the cabana. In the event that further cleanup is necessary after a private party, the reserving member is responsible to pay all expenses. Members also have the option of renting the cabana. There will be a \$50 deposit on the cabana, returned when the cabana is returned to a clean state. A damage waiver must be signed prior to the event.

Parking is limited to spots in front of park, and street parking along the vacant lot. Parking on private property is prohibited. Cars parked illegally will result in a phone call to the sheriff.

Boat Storage – Every boat must have its owner's name and address on the side, and be registered with a designated Board member. Assignment of limited boat storage space will be on a first come, first served basis each year. BLHA will not be held responsible for theft or damage to boats kept at the park. The Board may require the removal of boats at any time for any reason.

Docks – Members with lakefront property may extend docs into Bruce Lake past their property line with the approval of the BLHA Board. It should be understood that the Board may require removal or modification of such structures at any time and for any reason. Docks cannot exceed 20 feet in length.

Boating & Other Recreational Vehicles – All vehicles/boats with gas/diesel powered engines are prohibited on the lake or in the park, except for lake management services. Sail, row, and electric powered are permitted.



Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0004-25

Agenda Date: 1/28/2025

Agenda #: 12.C.

Zoning Petition ZONING-24-000065 Sessions

WHEREAS, a public hearing was held on October 16, 2024 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 water and sewer, from required 15,000 sq. ft. each lot to approximately 8,440 sq. ft. for Lot 1 and 8,440 sq. ft. for Lot 2.
2. Variation to reduce the required lot width for a corner lot (Lot 1) serviced with water and sewer, from required 125 feet to approximately 105.5 feet.
3. Variation to increase the FAR permitted on Lot 1, from permitted 0.3 (approximately 2,531 sq. ft. total) to approximately 0.42 (2,912 sq. ft. for existing house and 600 sq. ft. for new detached garage), on the property hereinafter described:

LOT 46 IN FRED'K H. BARTLETT'S YORK ROAD FARM ESTATES, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHEAST QUARTER AND PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1939 AS DOCUMENT NO. 402497, 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 December 18, 2024 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is to subdivide the subject property into two (2) new lots by reducing the required lot size for two (2) lots (with his existing house to remain on the proposed Lot 1), reducing the required lot width of corner lot for proposed Lot 1, and increasing the permitted FAR on proposed Lot 1 in order to build a new detached garage.
- B. That petitioner testified that he has requested the subject zoning relief in order to subdivide his property into two (2) lots, which would be consistent with the surrounding area and corner properties.
- C. That petitioner testified that he has lived at the subject property for approximately 1.5 years.

- D. That petitioner testified that both lots would be serviced with public sewer and water.

- E. That petitioner testified that he has drainage concerns on his property and that a new detached garage would assist and alleviate drainage concerns on the subject property.

- F. That the Zoning Hearing Officer finds that petitioner has not demonstrated sufficient evidence for a practical difficulty or particular hardship in relation to the subject zoning relief to reduce the required lot size for two (2) new lots, to reduce the required corner side yard lot width for proposed Lot 1, and to increase the FAR to allow for a new detached garage on proposed Lot 1.

- G. That the Zoning Hearing Officer finds that in supplemental documents submitted by the petitioner following the public hearing, petitioner indicated that there was a hardship of being deprived of the value for the subject land due to the minimum lot size requirements, and that the Zoning Hearing Officer finds that a financial/self-made hardship does not qualify as particular hardship or practical difficulty for a Variation.

- H. Furthermore, that the Zoning Hearing Officer finds that at the public hearing, the petitioner testified to existing drainage concerns on the subject property.

STANDARDS FOR VARIATIONS:

- 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 the 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** that the proposed lot subdivision 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 not demonstrated** that the proposed lot subdivision will not increase the hazard from fire or other dangers to said property.

 - c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** that the proposed lot subdivision 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 not demonstrated** that the proposed lot subdivision 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 not demonstrated** that the proposed lot subdivision 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 not demonstrated** that the

proposed lot subdivision 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 lot subdivision will not impair the public health, safety, comfort, morals, or general welfare and will be an added benefit to the neighborhood.

PETITIONER’S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000065 Sessions
ZONING REQUEST	1. Variation to reduce the required lot size for two lots serviced with water and sewer, from required 15,000 sq. ft. each lot to approximately 8,440 sq. ft. for Lot 1 and 8,440 sq. ft. for Lot 2. 2. Variation to reduce the required lot width for a corner lot (Lot 1) serviced with water and sewer, from required 125 feet to approximately 105.5 feet. 3. Variation to increase the FAR permitted on Lot 1, from permitted 0.3 (approximately 2,531 sq. ft. total) to approximately 0.42 (2,912 sq. ft. for existing house and 600 sq. ft. for new detached garage).
OWNER	DAVID AND TAMALA SESSIONS, 15W375 CONCORD STREET, ELMHURST, IL 60126
ADDRESS/LOCATION	15W375 CONCORD STREET, ELMHURST, IL 60126
PIN	06-13-308-014
TWSP./CTY. BD. DIST.	YORK DISTRICT 2
ZONING/LUP	R-3 SF RES 0-5 DU AC
AREA	0.38 ACRES (16,553 SQ. FT.)
UTILITIES	Water/Sewer
PUBLICATION DATE	Daily Herald: October 1, 2024
PUBLIC HEARING	Wednesday, October 16, 2024
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	Our office has no jurisdiction in this matter.

Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application. (See attached documentation)
Public Works:	“DPC Public Works doesn’t own the sewer or water in this area, they are in Flagg Creek Sanitary District.”
EXTERNAL:	
City of Elmhurst:	<i>No Comments Received.</i>
City of Oakbrook Terrace:	<i>No Comments Received.</i>
Village of Oak Brook:	No Objections.
York Township:	<i>No Comments Received.</i>
Township Highway:	No Objections.
Yorkfield Fire Dist. (Elmhu	<i>No Comments Received.</i>
Sch. Dist. 205:	<i>No Comments Received.</i>
Forest Preserve:	“We do not have any specific comments.”

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	CONCORD STREET AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
South	R-3 SF RES	HOUSE	0-5 DU AC
East	POPLAR AVENUE AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
West	R-3 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 December 18, 2024, recommends to deny the following zoning relief:

1. Variation to reduce the required lot size for two lots serviced with water and sewer, from required 15,000 sq. ft. each lot to approximately 8,440 sq. ft. for Lot 1 and 8,440 sq. ft. for Lot 2.
2. Variation to reduce the required lot width for a corner lot (Lot 1) serviced with water and sewer, from required 125 feet to approximately 105.5 feet.
3. Variation to increase the FAR permitted on Lot 1, from permitted 0.3 (approximately 2,531 sq. ft. total) to approximately 0.42 (2,912 sq. ft. for existing house and 600 sq. ft. for new detached garage).

ZHO Recommendation to Deny

WHEREAS, the County Board Development Committee on January 21, 2025, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and a motion to approve, the motion to failed relative to the following zoning relief:

1. Variation to reduce the required lot size for two lots serviced with water and sewer, from required 15,000 sq. ft. each lot to approximately 8,440 sq. ft. for Lot 1 and 8,440 sq. ft. for Lot 2.
2. Variation to reduce the required lot width for a corner lot (Lot 1) serviced with water and sewer, from required 125 feet to approximately 105.5 feet.
3. Variation to increase the FAR permitted on Lot 1, from permitted 0.3 (approximately 2,531 sq. ft. total) to approximately 0.42 (2,912 sq. ft. for existing house and 600 sq. ft. for new detached garage).

Development Committee VOTE (Motion to Approve Failed): 0 Ayes, 6 Nays, 0 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 water and sewer, from required 15,000 sq. ft. each lot to approximately 8,440 sq. ft. for Lot 1 and 8,440 sq. ft. for Lot 2.
2. Variation to reduce the required lot width for a corner lot (Lot 1) serviced with water and sewer, from required 125 feet to approximately 105.5 feet.
3. Variation to increase the FAR permitted on Lot 1, from permitted 0.3 (approximately 2,531 sq. ft. total) to approximately 0.42 (2,912 sq. ft. for existing house and 600 sq. ft. for new detached garage), on the property hereinafter described:

LOT 46 IN FRED'K H. BARTLETT'S YORK ROAD FARM ESTATES, BEING A SUBDIVISION OF PART OF THE WEST HALF OF THE SOUTHEAST QUARTER AND PART OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 11, 1939 AS DOCUMENT NO. 402497, 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; DAVID AND TAMALA SESSIONS, 15W375 CONCORD STREET, ELMHURST, IL 60126; and Township Assessor, York Township, 1502 S. Meyers Road, Lombard, IL 60148.

Enacted and approved this 28th day of January, 2025 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: January 21, 2025

RE: **ZONING-24-000065 Sessions (York/District 2)**

DuPage County Board: January 28, 2025: *(If the County Board seeks to approve the Variation 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: January 21, 2025: The Motion to Approve failed relative to the following zoning relief:

1. Variation to reduce the required lot size for two lots serviced with water and sewer, from required 15,000 sq. ft. each lot to approximately 8,440 sq. ft. for Lot 1 and 8,440 sq. ft. for Lot 2.
2. Variation to reduce the required lot width for a corner lot (Lot 1) serviced with water and sewer, from required 125 feet to approximately 105.5 feet.
3. Variation to increase the FAR permitted on Lot 1, from permitted 0.3 (approximately 2,531 sq. ft. total) to approximately 0.42 (2,912 sq. ft. for existing house and 600 sq. ft. for new detached garage).

Development Committee VOTE (Motion to Approve Failed): 0 Ayes, 6 Nays, 0 Absent

Zoning Hearing Officer: December 18, 2024: The Zoning Hearing Officer recommended to deny the following zoning relief:

1. Variation to reduce the required lot size for two lots serviced with water and sewer, from required 15,000 sq. ft. each lot to approximately 8,440 sq. ft. for Lot 1 and 8,440 sq. ft. for Lot 2.

2. Variation to reduce the required lot width for a corner lot (Lot 1) serviced with water and sewer, from required 125 feet to approximately 105.5 feet.
3. Variation to increase the FAR permitted on Lot 1, from permitted 0.3 (approximately 2,531 sq. ft. total) to approximately 0.42 (2,912 sq. ft. for existing house and 600 sq. ft. for new detached garage).

ZHO Recommendation to Deny

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is to subdivide the subject property into two (2) new lots by reducing the required lot size for two (2) lots (with his existing house to remain on the proposed Lot 1), reducing the required lot width of corner lot for proposed Lot 1, and increasing the permitted FAR on proposed Lot 1 in order to build a new detached garage.
- B. That petitioner testified that he has requested the subject zoning relief in order to subdivide his property into two (2) lots, which would be consistent with the surrounding area and corner properties.
- C. That petitioner testified that he has lived at the subject property for approximately 1.5 years.
- D. That petitioner testified that both lots would be serviced with public sewer and water.
- E. That petitioner testified that he has drainage concerns on his property and that a new detached garage would assist and alleviate drainage concerns on the subject property.
- F. That the Zoning Hearing Officer finds that petitioner has not demonstrated sufficient evidence for a practical difficulty or particular hardship in relation to the subject zoning relief to reduce the required lot size for two (2) new lots, to reduce the required corner side yard lot width for proposed Lot 1, and to increase the FAR to allow for a new detached garage on proposed Lot 1.
- G. That the Zoning Hearing Officer finds that in supplemental documents submitted by the petitioner following the public hearing, petitioner indicated that there was a hardship of being deprived of the value for the subject land due to the minimum lot size requirements, and that the Zoning Hearing Officer finds that a financial/self-made hardship does not qualify as particular hardship or practical difficulty for a Variation.
- H. Furthermore, that the Zoning Hearing Officer finds that at the public hearing, the petitioner testified to existing drainage concerns on the subject property.

STANDARDS FOR VARIATIONS:

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 the 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** that the proposed lot subdivision 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 not demonstrated** that the proposed lot subdivision will not increase the hazard from fire or other dangers to said property.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** that the proposed lot subdivision 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 not demonstrated** that the proposed lot subdivision 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 not demonstrated** that the proposed lot subdivision 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 not demonstrated** that the proposed lot subdivision 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 lot subdivision will not impair the public health, safety, comfort, morals, or general welfare and will be an added benefit to the neighborhood.

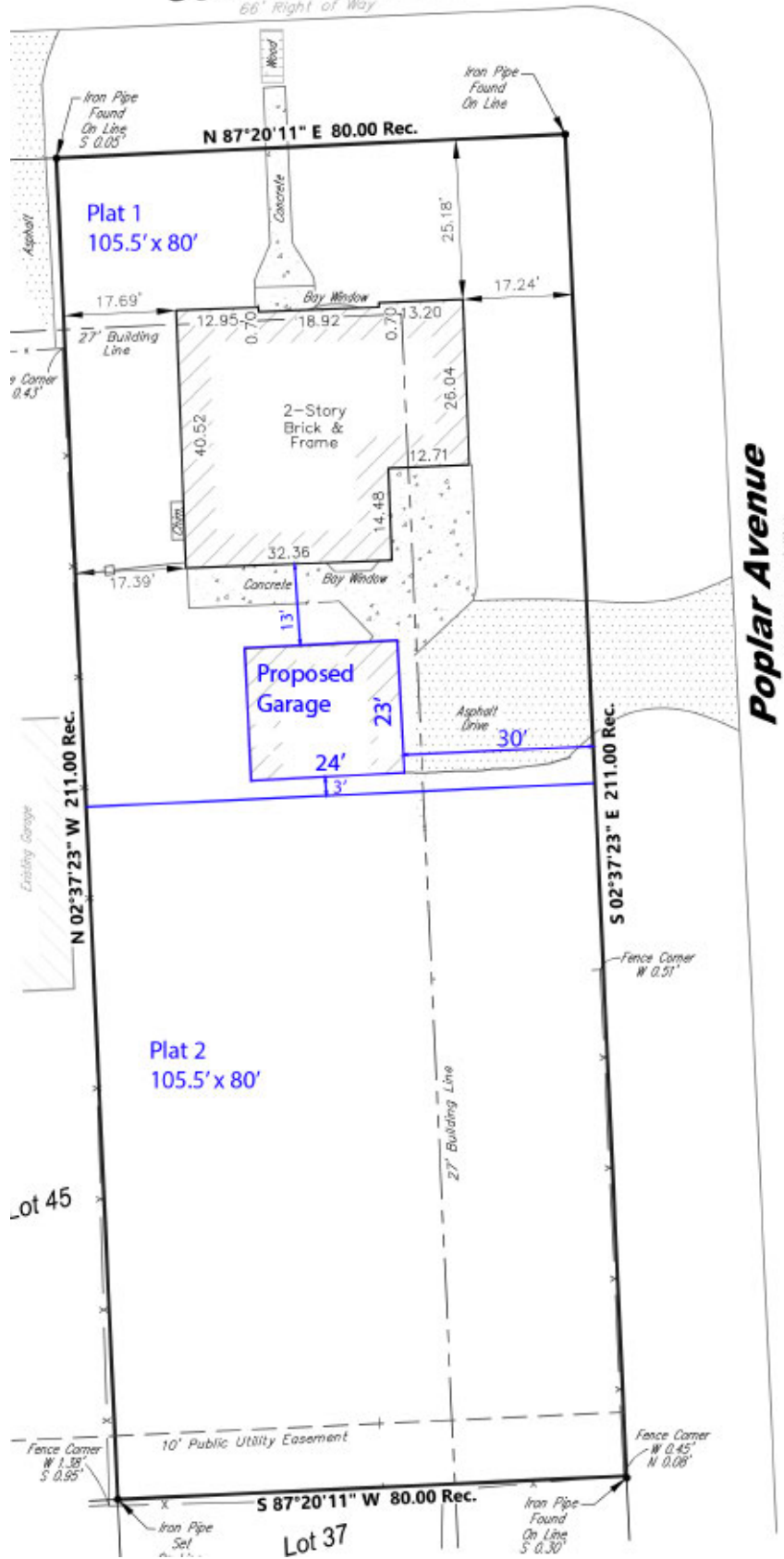
PETITIONER'S DEVELOPMENT FACT SHEET

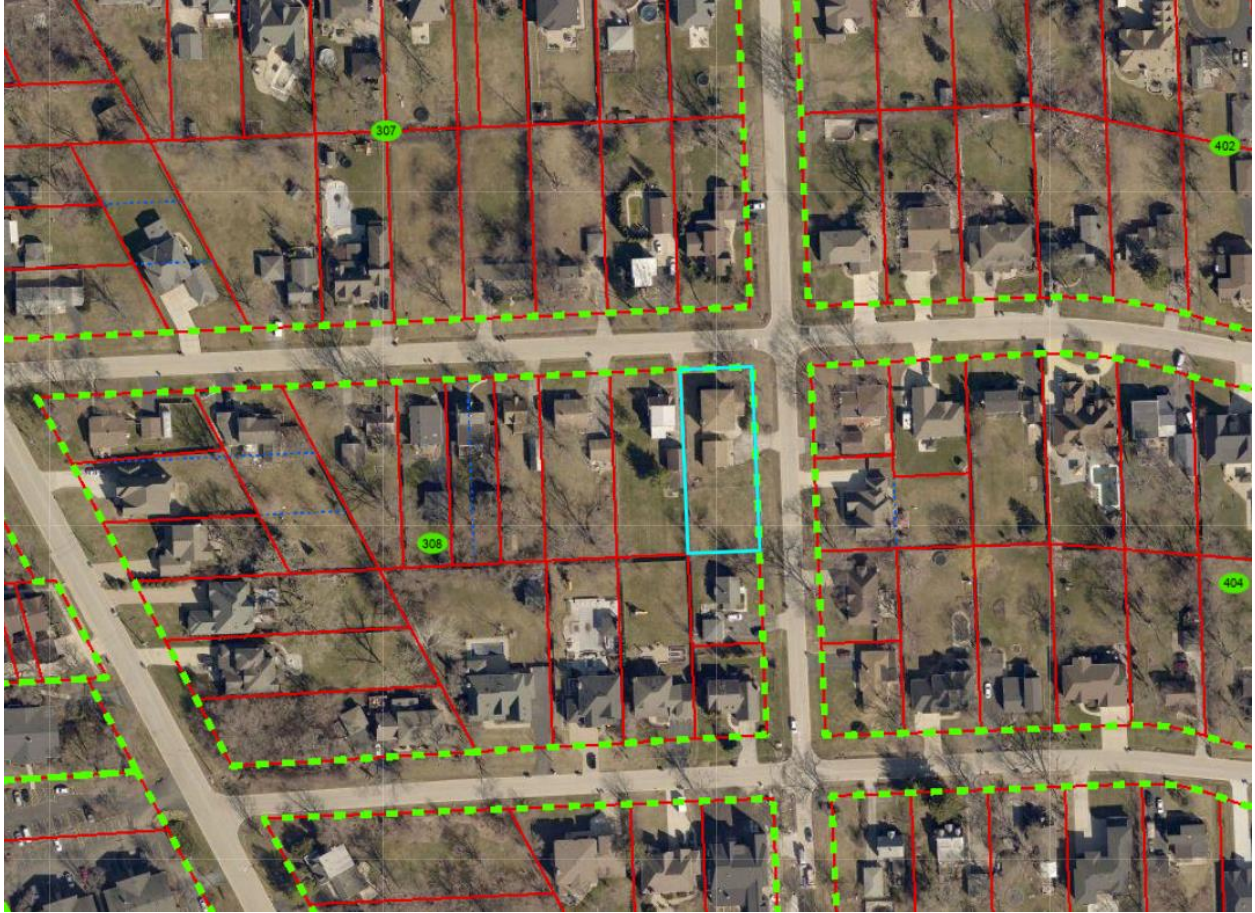
GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-24-000065 Sessions	
ZONING REQUEST	<ol style="list-style-type: none"> Variation to reduce the required lot size for two lots serviced with water and sewer, from required 15,000 sq. ft. each lot to approximately 8,440 sq. ft. for Lot 1 and 8,440 sq. ft. for Lot 2. Variation to reduce the required lot width for a corner lot (Lot 1) serviced with water and sewer, from required 125 feet to approximately 105.5 feet. Variation to increase the FAR permitted on Lot 1, from permitted 0.3 (approximately 2,531 sq. ft. total) to approximately 0.42 (2,912 sq. ft. for existing house and 600 sq. ft. for new detached garage). 	
OWNER	DAVID AND TAMALA SESSIONS, 15W375 CONCORD STREET, ELMHURST, IL 60126	
ADDRESS/LOCATION	15W375 CONCORD STREET, ELMHURST, IL 60126	
PIN	06-13-308-014	
TWSP./CTY. BD. DIST.	YORK	DISTRICT 2
ZONING/LUP	R-3 SF RES	0-5 DU AC
AREA	0.38 ACRES (16,553 SQ. FT.)	
UTILITIES	Water/Sewer	
PUBLICATION DATE	Daily Herald: October 1, 2024	
PUBLIC HEARING	Wednesday, October 16, 2024	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	Our office has no jurisdiction in this matter.	
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application. (See attached documentation)	
Public Works:	"DPC Public Works doesn't own the sewer or water in this area, they are in Flagg Creek Sanitary District."	
EXTERNAL:		
City of Elmhurst:	<i>No Comments Received.</i>	
City of Oakbrook Terrace:	<i>No Comments Received.</i>	
Village of Oak Brook:	No Objections.	
York Township:	<i>No Comments Received.</i>	
Township Highway:	No Objections.	
Yorkfield Fire Dist. (Elmhurst):	<i>No Comments Received.</i>	
Sch. Dist. 205:	<i>No Comments Received.</i>	
Forest Preserve:	"We do not have any specific comments."	

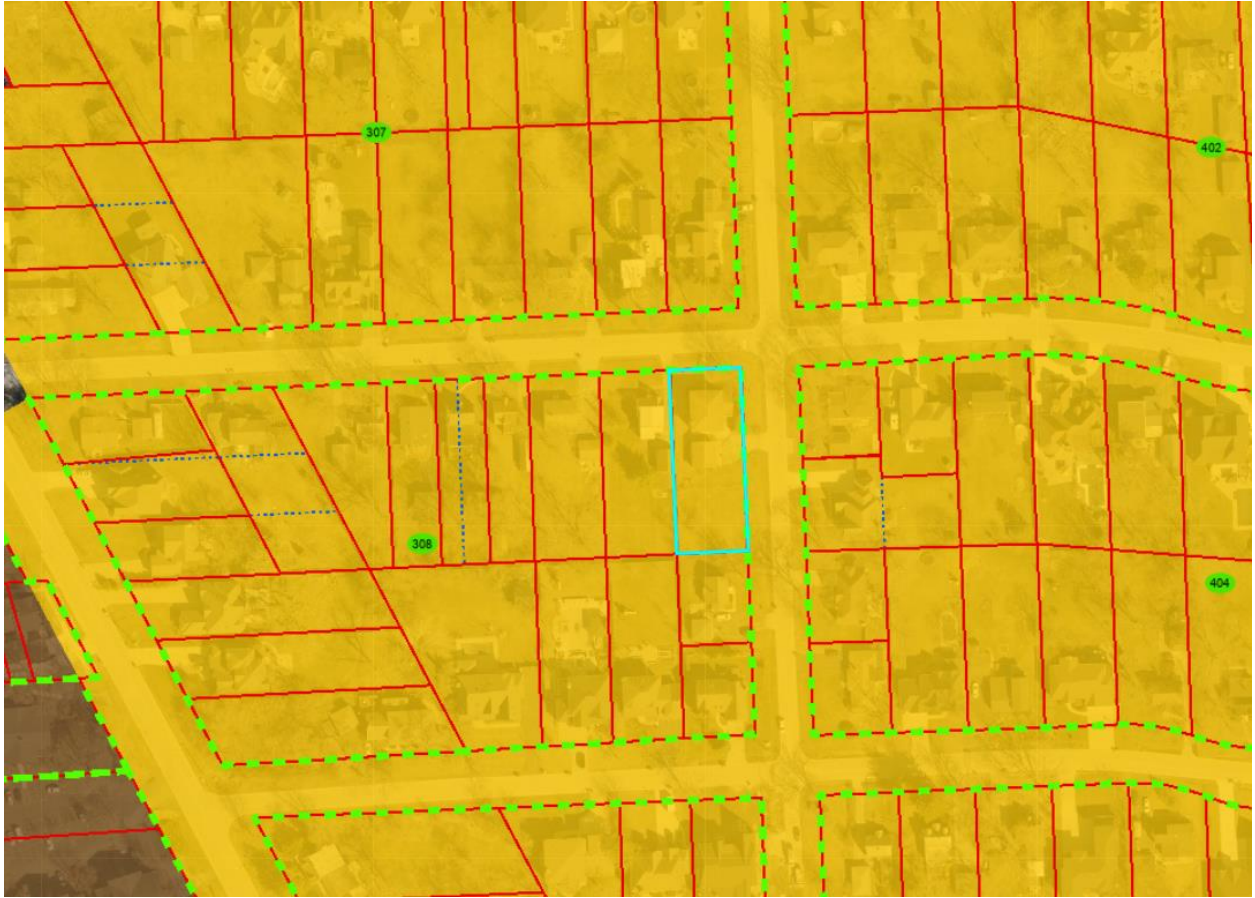
LAND USE

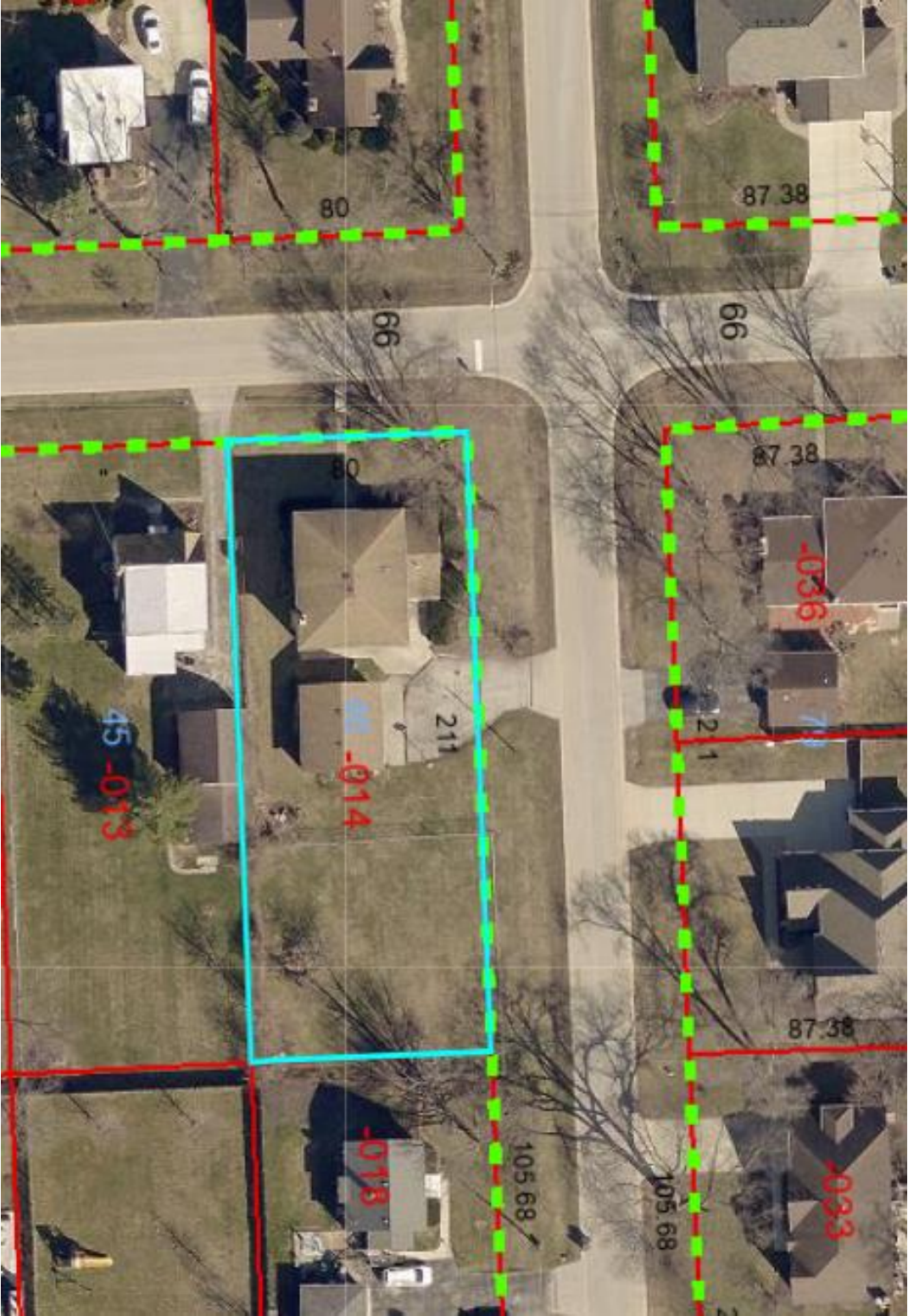
Location	Zoning	Existing Use	LUP
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	CONCORD STREET AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
South	R-3 SF RES	HOUSE	0-5 DU AC
East	POPLAR AVENUE AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
West	R-3 SF RES	HOUSE	0-5 DU AC

Concord Street
66' Right of Way











**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 HEARING OFFICER PROGRAM Zoning Petition ZONING-24-000065 Sessions

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 **October 15, 2024**.

COMMENT SECTION:	
<input type="checkbox"/>	OUR OFFICE HAS NO JURISDICTION IN THIS MATTER
<input type="checkbox"/>	NO OBJECTION/CONCERNS WITH THE PETITION
<input checked="" type="checkbox"/>	NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION
<input type="checkbox"/>	I OBJECT/HAVE CONCERNS WITH THE PETITION.
<p>COMMENTS: The face of the plat should contain language similar to the following:</p> <p>"This property was subdivided on [date]. At the time of subdivision, the Post Construction Best Management Practice (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. If a PCBMP is required pursuant to the DuPage County Countywide Stormwater and Floodplain Ordinance, the property owner shall be obligated to implement the required PCBMP directly on the property and shall not have the option to satisfy such requirement through payment of a fee-in-lieu, unless such implementation is deemed impractical or is not in accordance with the ordinance at the time of submittal(s). Please check with your local permitting authority regarding all stormwater management requirements."</p>	
SIGNATURE: [REDACTED] DATE: 10/10/24	
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: DPC Stormwater Management	
GENERAL ZONING CASE INFORMATION	

1

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

- 1.) There are numerous lots in the neighborhood that are already under the 15,000 square foot requirement. Source: DuPage County GIS, parcels < 15,000sqft



- 2.) Current residence is situated in the northern part of the current lot leaving at least 50 percent of the southern end as vacant and not utilized
- 3.) The 15,000 square foot minimum requirement creates a hardship to develop the unutilized land in a manner consistent with the surrounding neighborhood


Sent: Wednesday, November 6, 2024 9:05 AM
To: Infelise, Jessica
Cc: Schwalm, Eileen
Subject: Re: DuPage County Zoom

[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.]

To Whom it may concern,

I vote against the lot being subdivided.

Best,

Albert John




Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0005-25

Agenda Date: 1/21/2025

Agenda #: 12.D.

Zoning Petition ZONING-24-000069 Kosela

WHEREAS, a public hearing was held on October 16, 2024 and November 20, 2024 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 (area) for two (2) new lots serviced with well and septic, from required 40,000 sq. ft. to approximately 10,314 sq. ft. for Lot 1 and 21,940 sq. ft. for Lot 2.
2. Variation to reduce the required lot width for one new interior lot serviced with well and septic, from required 125 feet wide to approximately 91.33 feet wide for Lot 1, on the property hereinafter described:

LOT 18 IN BLOCK 14 IN ARTHUR T. MC INTOSH AND COMPANY'S LISLE FARMS, BEING A SUBDIVISION OF LOTS 2 TO 12, INCLUSIVE (EXCEPT PARTS OF 10 AND 11), OF ASSESSMENT PLAT OF SECTIONS 10, 11, 14 AND 15, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ARTHUR T. MC INTOSH AND COMPANY'S LISLE FARMS RECORDED DECEMBER 31, 1924 AS DOCUMENT NO. 186704, IN DU PAGE 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 December 4, 2024 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is for Variations to subdivide the subject property into two (2) new lots serviced with well and septic, requiring Variations for lot width and area.
- B. That petitioner testified that Lot 2 would be serviced with a mechanical septic system that would require approximately 600 sq. ft. of land.
- C. That petitioner testified that he would build a ranch home on proposed Lot 2, approximately 1,500 sq. ft. in size.
- D. That petitioner testified that the particular hardship for the subject Variations is that he is deprived of the value for the land by only having one (1) house on the subject property and that due to the size of the subject property, it would bring more value to have two (2) houses on the subject property.

- E. That the Zoning Hearing Officer finds that petitioner has not demonstrated or provided sufficient evidence to support the proposed Variations, specifically, that petitioner has not demonstrated or provided sufficient evidence in relation to a practical difficulty or particular hardship in order to support the Variations.
- Furthermore, that the Zoning Hearing Officer finds that petitioner testified to a financial hardship of being deprived of the value for the subject land, and that the Zoning Hearing Officer finds that a financial/self-made hardship does not qualify as a particular hardship for a Variation.

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 the 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** that the proposed two (2) lot subdivision 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 not demonstrated** that the proposed two (2) lot subdivision will not increase in the hazard from fire or other dangers.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** that the proposed two (2) lot subdivision 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 not demonstrated** that the proposed two (2) lot subdivision 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 not demonstrated** that the proposed two (2) lot subdivision 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 two (2) lot subdivision 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 two (2) lot subdivision 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-24-000069 Kosela
ZONING REQUEST	1. Variation to reduce the required lot size (area) for two (2) new lots serviced with well and septic, from required 40,000 sq. ft. to approximately 10,314 sq. ft. for Lot 1 and 21,940 sq. ft. for Lot 2. 2. Variation to reduce the required lot width for one new interior lot serviced with well and septic, from required 125 feet wide to approximately 91.33 feet wide for Lot 1.
OWNER	BARBARA KOSELA, 5517 ESSEX ROAD, LISLE, IL 60532
ADDRESS/LOCATION	5517 ESSEX ROAD, LISLE, IL 60532
PIN	08-14-101-006
TWSP./CTY. BD. DIST.	LISLE DISTRICT 2
ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	0.73 ACRES (31,799 SQ. FT.)
UTILITIES	WELL/SEPTIC
PUBLICATION DATE	Daily Herald: OCTOBER 1, 2024
PUBLIC HEARING	WEDNESDAY, OCTOBER 16, 2024, CONTINUED TO NOVEMBER 20, 2024
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	No Objections with the concept of the petition. Additional information may be required at time of permit application
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application. (See attached documentation)
Public Works:	“The property is on Septic & Well, there are no sewer or water mains in the area.”
EXTERNAL:	
Village of Lisle:	Objects. “On October 7, 2024, the Lisle Village Board of Trustees approved a motion objecting to the proposed variance for private well.” “The Village of Lisle has a water main along the subject property’s Kohley Road frontage. It is the Village’s position that connection to public water should be required.”
Village of Downers Grove:	“The Village of Downers Grove has no comments.”
Village of Woodridge:	<i>No Comments Received.</i>

Lisle Township:	<i>No Comments Received.</i>
Township Highway:	<i>No Comments Received.</i>
Lisle-Woodridge Fire Dist.	“No jurisdiction in this matter.”
Sch. Dist. 202:	<i>No Comments Received.</i>
Forest Preserve:	“We do not have any specific comments.”

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	KOHLEY ROAD AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
East	R-4 SF RES	HOUSE	0-5 DU AC
West	ESSEX 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 December 4, 2024, recommends to deny the following zoning relief:

1. Variation to reduce the required lot size (area) for two (2) new lots serviced with well and septic, from required 40,000 sq. ft. to approximately 10,314 sq. ft. for Lot 1 and 21,940 sq. ft. for Lot 2.
2. Variation to reduce the required lot width for one new interior lot serviced with well and septic, from required 125 feet wide to approximately 91.33 feet wide for Lot 1.

ZHO Recommendation to Deny

WHEREAS, the County Board Development Committee on January 21, 2025, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and on a motion to approve, the motion failed relative the following zoning relief:

1. Variation to reduce the required lot size (area) for two (2) new lots serviced with well and septic, from required 40,000 sq. ft. to approximately 10,314 sq. ft. for Lot 1 and 21,940 sq. ft. for Lot 2.
2. Variation to reduce the required lot width for one new interior lot serviced with well and septic, from required 125 feet wide to approximately 91.33 feet wide for Lot 1.

Development Committee VOTE (Motion to Approve Failed): 0 Ayes, 6 Nays, 0 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 (area) for two (2) new lots serviced with well and septic, from required 40,000 sq. ft. to approximately 10,314 sq. ft. for Lot 1 and 21,940 sq. ft. for Lot 2.
2. Variation to reduce the required lot width for one new interior lot serviced with well and septic, from required 125 feet wide to approximately 91.33 feet wide for Lot 1, on the property hereinafter described:

LOT 18 IN BLOCK 14 IN ARTHUR T. MC INTOSH AND COMPANY'S LISLE FARMS, BEING A SUBDIVISION OF LOTS 2 TO 12, INCLUSIVE (EXCEPT PARTS OF 10 AND 11), OF ASSESSMENT PLAT OF SECTIONS 10, 11, 14 AND 15, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ARTHUR T. MC INTOSH AND COMPANY'S LISLE FARMS RECORDED DECEMBER 31, 1924 AS DOCUMENT NO. 186704, IN DU PAGE 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; BARBARA KOSELA, 5517 ESSEX ROAD, LISLE, IL 60532; and Township Assessor, Lisle Township, 4721 Indiana Avenue, Lisle, IL 60532

Enacted and approved this 28th day of January, 2025 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: January 21, 2025

RE: **ZONING-24-000069 Kosela (Lisle/District 2)**

DuPage County Board: January 28, 2025: *(If the County Board seeks to approve the Variation 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: January 21, 2025: The Motion to Approve failed relative to the following zoning relief:

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2. Variation to reduce the required lot width for one new interior lot serviced with well and septic, from required 125 feet wide to approximately 91.33 feet wide for Lot 1.

Development Committee VOTE (Motion to Approve Failed): 0 Ayes, 6 Nays, 0 Absent

Zoning Hearing Officer: December 4, 2024: The Zoning Hearing Officer recommended to deny the following zoning relief:

1. Variation to reduce the required lot size (area) for two (2) new lots serviced with well and septic, from required 40,000 sq. ft. to approximately 10,314 sq. ft. for Lot 1 and 21,940 sq. ft. for Lot 2.
2. Variation to reduce the required lot width for one new interior lot serviced with well and septic, from required 125 feet wide to approximately 91.33 feet wide for Lot 1.

ZHO Recommendation to Deny

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is for Variations to subdivide the subject property into two (2) new lots serviced with well and septic, requiring Variations for lot width and area.
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 - Furthermore, that the Zoning Hearing Officer finds that petitioner testified to a financial hardship of being deprived of the value for the subject land, and that the Zoning Hearing Officer finds that a financial/self-made hardship does not qualify as a particular hardship for a Variation.

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.
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 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** that the proposed two (2) lot subdivision 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 not demonstrated** that the proposed two (2) lot subdivision will not increase in the hazard from fire or other dangers.

- c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** that the proposed two (2) lot subdivision 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 not demonstrated** that the proposed two (2) lot subdivision 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 not demonstrated** that the proposed two (2) lot subdivision 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 two (2) lot subdivision 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 two (2) lot subdivision will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

Sch. Dist. 202:	<i>No Comments Received.</i>
Forest Preserve:	“We do not have any specific comments.”

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	KOHLEY ROAD AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
East	R-4 SF RES	HOUSE	0-5 DU AC
West	ESSEX ROAD AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC







**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 HEARING OFFICER PROGRAM Zoning Petition ZONING-24-000069 Kosela

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@dupagecounty.gov or via
facsimile at 630-407-6702 by **October 15, 2024**.

COMMENT SECTION:
<input type="checkbox"/> : OUR OFFICE HAS NO JURISDICTION IN THIS MATTER
<input type="checkbox"/> : NO OBJECTION/CONCERNS WITH THE PETITION
<input checked="" type="checkbox"/> : NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION
<input type="checkbox"/> : I OBJECT/ HAVE CONCERNS WITH THE PETITION.
COMMENTS: The face of the plat should contain language similar to the following: "This property was subdivided on [date]. At the time of subdivision, the Post Construction Best Management Practice (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. If a PCBMP is required pursuant to the DuPage County Countywide Stormwater and Floodplain Ordinance, the property owner shall be obligated to implement the required PCBMP directly on the property and shall not have the option to satisfy such requirement through payment of a fee-in-lieu, unless such implementation is deemed impractical or is not in accordance with the ordinance at the time of submittal(s). . Please check with your local permitting authority regarding all stormwater management requirements."
SIGNATURE: [REDACTED] DATE: 10/10/24
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: DPC Stormwater Management
GENERAL ZONING CASE INFORMATION



Z-24-000069 Kosela ZHO Legal and Staff (10-16-2024).pdf 455 KB ▾

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Jessica,

Please see attached. The Village of Lisle has a water main along the subject property's Kohley Road frontage. It is the Village's position that connection to public water should be required.

Michael R. Smetana
Development Services Director
Village of Lisle
925 Burlington Ave
Lisle, Illinois 60532
630-271-4153; 630-271-4155 (fax)
mismetana@villageoflisle.org

Sent: Wednesday, November 20, 2024 4:33 PM
To: Infelise, Jessica
Cc: Martin Ptasinski; wplim@aol.com
Subject: RE: Kosela

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Ms. Infelise,

I had some issues with my microphone during the zoom meeting but I just wanted to follow up in regards to a couple items brought up by the public during the meeting, for your consideration.

1. As it is typical with all new developments, all of the stormwater that is currently tributary to the subject property and any additional stormwater runoff generated by new impervious areas will be managed on-site and conveyed to the public storm system (in this case the roadside ditches along the south and west side of the property). As shown in the Preliminary Site Drawings submitted, the runoff is captured and directed to the roadside ditches, and this development will not increase any runoff onto the neighboring property to the north. Per existing topography, majority of the runoff currently draining onto that property is coming from the east. 5517 Essex Road does not drain to the neighboring property to the north, as shown below and it is unlikely that this property is the cause for any water damages to the residence to the north.



- a.
- In regards to the water supply system and mentioned aquifer argument. I don't believe that one single family home will have a noticeable or adverse impact on the public water supply in this area.

My apologies for my technical issues. If you have any further questions, please don't hesitate to reach out.

Sincerely,

KRYSTIAN USTUPSKI, P.E
PHONE: (630) 561-1802
KRYSTIAN@KRUENGDDESIGN.COM



Sent: Tuesday, November 26, 2024 9:48 AM
To: Infelise, Jessica
Subject: Kosela case.
Attachments: 20241120_125920.jpg; 20241120_125824.jpg; 20241120_125759.jpg

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Sent from my T-Mobile 5G Device
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Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0006-25

Agenda Date: 1/21/2025

Agenda #: 12.E.

**Zoning Petition T-3-2024
(Waive First Reading)**

WHEREAS, a public hearing was held on December 10, 2024 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 6:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following text amendment:

T-3-24 proposed Text Amendments to the DuPage County Zoning Ordinance relative to the principal arterial conversion of a single dwelling unit into not more than two (2) dwelling units; and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested text amendment presented at the above hearing and at the recommendation meeting held on January 9, 2025 does find as follows:

FINDINGS OF FACT:

1. That the Zoning Board of Appeals finds that over the past several months, County Board members have asked staff to research various housing topics relevant to their constituents. In response, staff has completed the research and developed the proposed text amendment to the DuPage County Zoning Ordinance regarding the principal arterial conversion of a single dwelling unit into not more than two (2) dwelling units.
2. That the Zoning Board of Appeals finds that on November 19, 2024, the Development Committee voted to direct staff to present the proposed text amendment for consideration at a public hearing before the Zoning Board of Appeals.
3. That the Zoning Board of Appeals finds that Text Amendment T-3-24 was presented during a public hearing held on December 10, 2024, before the Zoning Board of Appeals. The proposed text amendments, which pertain to the conversion of a single dwelling unit into no more than two (2) dwelling units along principal arterial roadways, are considered vital to the County's ongoing efforts to promote sustainable development. These amendments are aligned with the County's broader goals of protecting and enhancing the health, welfare, and safety of its residents, while also addressing the evolving housing needs of the community

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on January 9, 2025, recommends to approve the following text amendment:

T-3-24 proposed Text Amendments to the DuPage County Zoning Ordinance relative to the principal arterial conversion of a single dwelling unit into not more than two (2) dwelling units.

ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent

WHEREAS, the County Board Development Committee on January 21, 2025, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following text amendment:

T-3-24 proposed Text Amendments to the DuPage County Zoning Ordinance relative to the principal arterial conversion of a single dwelling unit into not more than two (2) dwelling units.

Development Committee VOTE (Motion to Approve): 6 Ayes, 0 Nays, 0 Absent

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

T-3-24 proposed Text Amendments to the DuPage County Zoning Ordinance relative to the principal arterial conversion of a single dwelling unit into not more than two (2) dwelling units; 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; and DuPage County Division of Transportation.

Enacted and approved this 28th day of January, 2025 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK

EXHIBIT A.

Add to and Amend Section 37-418: HOME OCCUPATIONS, PRINCIPAL ARTERIAL OFFICE USE, AND PRINCIPAL ARTERIAL CONVERSION OF A SINGLE DWELLING INTO TWO (2) DWELLING UNITS.

37-418.1: HOME OCCUPATIONS, PRINCIPAL ARTERIAL OFFICE USE, AND PRINCIPAL ARTERIAL CONVERSION OF A SINGLE DWELLING INTO TWO (2) DWELLING UNITS.

C. PRINCIPAL ARTERIAL CONVERSION OF A SINGLE DWELLING INTO TWO (2) DWELLING UNITS REQUIREMENTS:

1. The principal arterial dwelling conversion use shall be subject to the following:

- a. **The property is zoned in a R-3 or R-4 Single Family Residential Dwelling District:**
- b. **The property fronts on a designated principal arterial roadway as follows:**
 - **Illinois Route 59,**
 - **County Farm Road,**
 - **Main Street - Wheaton between Illinois Route 38 (Roosevelt Road) to Illinois Route 64 (North Avenue),**
 - **Illinois Route 64 (North Avenue),**
 - **Naperville-Wheaton Road, Naper Boulevard,**
 - **Illinois Route 53 south of Illinois Route 38 (Roosevelt Road),**
 - **Illinois Route 83 (Kingery Highway),**
 - **Illinois Route 19 (Irving Park Road),**
 - **U.S. Route 20 (Lake Street),**
 - **Illinois Route 38 (Roosevelt Road),**
 - **22nd Street from Interstate 294 to Illinois Route 56 (Butterfield Road)**
 - **Illinois Route 56 (Butterfield Road) from 22nd Street west to the DuPage-Kane county line,**
 - **U.S. Route 34 (Ogden Avenue) from DuPage-Cook county line to North Aurora Avenue and from 75th Street to the DuPage-Kane county line,**
 - **North Aurora Avenue from U.S. Route 34 (Ogden Avenue) to Illinois Route 59,**
 - **75th Street from U.S. Route 34 (Ogden Avenue) to Illinois Route 83,**

- Army Trail Road from U.S. Route 20 (Lake Street) to the DuPage-Kane County line, and
- Lemont Road
- c. The property takes direct and exclusive access to the Principal Arterial Roadway.
- d. The property is not defined as a reserve lot.
- e. The property is not part of a planned unit development.

2. The principal arterial dwelling conversion use shall be subject to the following site requirements:

- a. The principal buildings or structures in which the principal arterial conversion is located shall be subject to the front, side, and rear setbacks of the applicable single-family residential zoning district.
- b. The principal arterial dwelling conversion shall only be for the principal building.
- c. All building facades of the principal building shall maintain the existing single-family residential character of the structure.
 - 1. Other than necessary building code requirements to convert the dwelling into not more than two (2) dwelling units, the exterior of the existing dwelling unit may only be altered or rehabilitated provided the alteration is a nonstructural repair of the building including the replacement of the roof covering, veneering or outer walls and incidental repairs which do not extend or intensify the existing dimensions of the building.
 - 2. The building, however, shall not be enlarged, expanded, or extended.
 - 3. Repairs and alterations may be made to the exterior or interior of the building to return the building to a safe condition in accordance with the county codes.
 - 4. The principal building shall be oriented toward the principal arterial roadway.
 - 5. The principal building shall have been constructed prior to the effective date of this Ordinance Amendment.
- d. Existing landscaping on the site shall be preserved and maintained.
- e. Parking requirements shall be based upon the current parking requirements for a two-family dwelling. All other parking requirements for the principal arterial dwelling conversion use shall be provided per the minimum requirements of article XII, "Off Street Parking And Loading Requirements," of this chapter.
- f. The principal arterial dwelling conversion use shall be subject to landscape review.
- g. All driveways, parking areas and refuse containers shall require a full landscape screen and the remainder of the property shall maintain at least a partial landscape screen around the structures on the property used for the principal arterial dwelling conversion use as well as any additional landscape requirements within the respective single-family residential zoning district.
- h. The building conversion and use shall meet all other DuPage County Codes for such uses.
- i. Property owners meeting the requirements and qualifications and intending to conduct a principal

arterial dwelling conversion use on their premises shall require a building permit from the DuPage County prior to the conversion.

- j. One of the dwelling units in the Principal Arterial Conversion shall be occupied by the owner of the property**

Add to R-3 and R-4 Single Family Zoning Districts as a Permitted Use:

Principal arterial conversion of a single dwelling into two (2) dwelling units.

END



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: January 21, 2025

RE: **T-3-24 Text Amendments (Waive First Reading)**

DuPage County Board: January 28, 2025:

Development Committee: January 21, 2025: The DuPage County Development Committee recommended to approve the following zoning relief:

T-3-24 proposed Text Amendments to the DuPage County Zoning Ordinance relative to the principal arterial conversion of a single dwelling unit into not more than two (2) dwelling units.

Development Committee VOTE (Motion to Approve): 6 Ayes, 0 Nays, 0 Absent

Zoning Board of Appeals: January 9, 2025: The Zoning Board of Appeals recommended to approve the following text amendments:

T-3-24 proposed Text Amendments to the DuPage County Zoning Ordinance relative to the principal arterial conversion of a single dwelling unit into not more than two (2) dwelling units.

ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent

FINDINGS OF FACT:

1. That the Zoning Board of Appeals finds that over the past several months, County Board members have asked staff to research various housing topics relevant to their constituents. In response, staff has completed the research and developed the proposed text amendment to the DuPage County Zoning Ordinance regarding the principal arterial conversion of a single dwelling unit into not more than two (2) dwelling units.

2. That the Zoning Board of Appeals finds that on November 19, 2024, the Development Committee voted to direct staff to present the proposed text amendment for consideration at a public hearing before the Zoning Board of Appeals.
3. That the Zoning Board of Appeals finds that Text Amendment T-3-24 was presented during a public hearing held on December 10, 2024, before the Zoning Board of Appeals. The proposed text amendments, which pertain to the conversion of a single dwelling unit into no more than two (2) dwelling units along principal arterial roadways, are considered vital to the County's ongoing efforts to promote sustainable development. These amendments are aligned with the County's broader goals of protecting and enhancing the health, welfare, and safety of its residents, while also addressing the evolving housing needs of the community

EXHIBIT A.

Add to and Amend Section 37-418: HOME OCCUPATIONS, PRINCIPAL ARTERIAL OFFICE USE, AND PRINCIPAL ARTERIAL CONVERSION OF A SINGLE DWELLING INTO TWO (2) DWELLING UNITS.

37-418.1: HOME OCCUPATIONS, PRINCIPAL ARTERIAL OFFICE USE, AND PRINCIPAL ARTERIAL CONVERSION OF A SINGLE DWELLING INTO TWO (2) DWELLING UNITS.

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 - a. **The property is zoned in a R-3 or R-4 Single Family Residential Dwelling District:**
 - b. **The property fronts on a designated principal arterial roadway as follows:**
 - **Illinois Route 59,**
 - **County Farm Road,**
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 - **Illinois Route 64 (North Avenue),**
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 - **Illinois Route 53 south of Illinois Route 38 (Roosevelt Road),**
 - **Illinois Route 83 (Kingery Highway),**
 - **Illinois Route 19 (Irving Park Road),**
 - **U.S. Route 20 (Lake Street),**
 - **Illinois Route 38 (Roosevelt Road),**
 - **22nd Street from Interstate 294 to Illinois Route 56 (Butterfield Road)**
 - **Illinois Route 56 (Butterfield Road) from 22nd Street west to the DuPage-Kane county line,**
 - **U.S. Route 34 (Ogden Avenue) from DuPage-Cook county line to North Aurora Avenue and from 75th Street to the DuPage-Kane county line,**
 - **North Aurora Avenue from U.S. Route 34 (Ogden Avenue) to Illinois Route 59,**

- 75th Street from U.S. Route 34 (Ogden Avenue) to Illinois Route 83,
 - Army Trail Road from U.S. Route 20 (Lake Street) to the DuPage-Kane County line, and
 - Lemont Road
- c. The property takes direct and exclusive access to the Principal Arterial Roadway.
- d. The property is not defined as a reserve lot.
- e. The property is not part of a planned unit development.
2. The principal arterial dwelling conversion use shall be subject to the following site requirements:
- a. The principal buildings or structures in which the principal arterial conversion is located shall be subject to the front, side, and rear setbacks of the applicable single-family residential zoning district.
- b. The principal arterial dwelling conversion shall only be for the principal building.
- c. All building facades of the principal building shall maintain the existing single-family residential character of the structure.
1. Other than necessary building code requirements to convert the dwelling into not more than two (2) dwelling units, the exterior of the existing dwelling unit may only be altered or rehabilitated provided the alteration is a nonstructural repair of the building including the replacement of the roof covering, veneering or outer walls and incidental repairs which do not extend or intensify the existing dimensions of the building.
 2. The building, however, shall not be enlarged, expanded, or extended.
 3. Repairs and alterations may be made to the exterior or interior of the building to return the building to a safe condition in accordance with the county codes.
 4. The principal building shall be oriented toward the principal arterial roadway.
 5. The principal building shall have been constructed prior to the effective date of this Ordinance Amendment.
- d. Existing landscaping on the site shall be preserved and maintained.
- e. Parking requirements shall be based upon the current parking requirements for a two-family dwelling. All other parking requirements for the principal arterial dwelling conversion use shall be provided per the minimum requirements of article XII, "Off Street Parking And Loading Requirements," of this chapter.
- f. The principal arterial dwelling conversion use shall be subject to landscape review.
- g. All driveways, parking areas and refuse containers shall require a full landscape screen and the remainder of the property shall maintain at least a partial landscape screen around the structures on the property used for the principal arterial dwelling conversion use as well as any additional landscape requirements within the respective single-family residential zoning district.
- h. The building conversion and use shall meet all other DuPage County Codes for such uses.
- i. Property owners meeting the requirements and qualifications and intending to conduct a principal arterial dwelling conversion use on their premises shall require a building permit from the DuPage County prior to the conversion.

- j. One of the dwelling units in the Principal Arterial Conversion shall be occupied by the owner of the property

Add to R-3 and R-4 Single Family Zoning Districts as a Permitted Use:

Principal arterial conversion of a single dwelling into two (2) dwelling units.

END



Action Item

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: 25-0273

Agenda Date: 1/21/2025

Agenda #: 7.G.



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Development Committee

FROM: Staff

DATE: January 21, 2025

RE: **T-1-25 Proposed Text Amendments to the County Zoning Code relative to Video Gaming**

DuPage County Development Committee: January 21, 2025:

T-1-25 Proposed Text Amendments: Request to proceed with a public hearing before the DuPage County Zoning Board of Appeals to consider proposed Text Amendments T-1-25 to the DuPage County Zoning Ordinance regarding video gaming, to align the Zoning Ordinance with current liquor license regulations for greater consistency.

EXHIBIT A:

Amend ARTICLE III. - RULES AND DEFINITIONS, Section 37-302: - DEFINITIONS:

Video gaming:

Video gaming café **restaurant**: An establishment wherein the principal business use is video gaming where the proprietor holds a video gaming license from the State of Illinois and provides alcohol service per a liquor license from the County and may serve prepared food or packaged food for consumption on the premises incidental to the operation of video gaming.
(See also definition of Restaurant).

Video gaming terminal establishment (**accessory use**): An accessory use that is not a Video Gaming Cafe, where video gaming terminals are an accessory use to the principal/**primary** business use on the premises, and where the proprietor of the principal business use holds a video gaming license from the State of Illinois and may hold a liquor license from the County.

Amend Section 37-801: B-1 LOCAL BUSINESS DISTRICT: 37-801.2: -CONDITIONAL USES:

The following conditional uses require prior approval after a public hearing in accordance with the requirements of section 37-1413 of this chapter:

Restaurants, class B and C, including open air dining, ~~and including any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least one hundred feet (100 feet) 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café, Tavern or Class B or C restaurant that also has a Video Gaming Terminal Establishment.~~

Video Gaming Café: Any Video Gaming Café must be located at least one hundred (100) feet from a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use). The distance of one hundred (100) feet shall be measured to the nearest part of any building used for a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use) and not to property boundaries.

Video Gaming Terminal Establishment (Accessory Use): Any video gaming terminal establishment accessory use must be located at least one hundred (100) feet, from a place of assembly use, school or day care facility and another Video Gaming Café or use that has a Video Gaming Terminal Establishment (Accessory Use). The distance of one hundred (100) feet shall be measured to the nearest part of any building used for a place of assembly use, school or day care facility and another Video Gaming Café or use that has a Video Gaming Terminal Establishment (Accessory Use) and not to property boundaries.

Amend Section 37-802: B-2 GENERAL BUSINESS DISTRICT: 37-802.1: -PERMITTED USES:

The following uses are permitted:

General services:

Taverns, **including Video Gaming Terminal Establishments. Any Tavern Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from**

a place of assembly use, school or day care facility and another Tavern Use that also has a Video Gaming Terminal Establishment.

Retail businesses:

Automobile service stations, **including Video Gaming Terminal Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment.**

Convenience Store: Establishment where pre-packaged foods and beverages are sold for off premises consumption. **Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment.**

Restaurants - carryout, class A, B, and C. **Including Video Gaming Establishments and Video Gaming Café. Any Video Café or any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café or Class B or C restaurant that also has a Video Gaming Terminal Establishment.**

Video Gaming Café: Any Video Gaming Café must be located at least one hundred feet (100 feet) from a place of assembly use, school, day care facility or any other Video Gaming Café, or use that also has a Video Gaming Terminal Establishment (Accessory Use). The distance of one hundred (100) feet shall be measured to the nearest part of any building used for a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use) and not to property boundaries.

Video Gaming Terminal Establishment (Accessory Use): Any video gaming terminal establishment accessory use to a permitted principal use must be located at least one hundred (100) feet from a place of assembly use, school or day care facility and another Video Gaming Café or a Video Gaming Terminal Establishment (Accessory Use). The distance of one hundred (100) feet shall be measured to the nearest part of any building used for a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use) and not to property boundaries.

Amend Section 37-1001: I-1 LIGHT INDUSTRIAL DISTRICT: 37-1001.1: PERMITTED USES:

Retail businesses:

Convenience Store: Establishment where pre-packaged foods and beverages are sold for off premises consumption, ~~and may include Video Gaming Terminal Establishments. Any convenience store that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another convenience store that also has a Video Gaming Terminal Establishment.~~

Restaurants - carryout, class A, B, ~~and C, and may include Video Gaming Establishments and Video Gaming Café. Video Gaming Café or any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café or Class B or C restaurant that also has a Video Gaming Terminal Establishment~~

Truck stop, Large, ~~: May include Video Gaming Terminals. Any Large Truck facility that also has Video Gaming terminals must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Large Truck facility that also has a Video Gaming Terminals.~~

Truck stop, Small, ~~: May include Video Gaming Terminals. Any Small Truck facility that also has Video Gaming terminals must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Small Truck facility that also has a Video Gaming Terminals.~~

Video Gaming Café: Any Video Gaming Café must be located at least one hundred feet (100 feet) from a place of assembly use, school, day care facility and another Video Gaming Café or use that has a Video Gaming Terminal Establishment. (Accessory Use). The distance of one hundred (100) feet shall be measured to the nearest part of any building used for a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use) and not to property boundaries.

Video Gaming Terminal Establishment (Accessory Use): Any video gaming terminal establishment accessory use must be located at least one hundred feet (100 feet), from a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use). The distance of one hundred (100) feet shall be measured to the nearest part of any building used for a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use) and not to property boundaries.

Service businesses:

Automobile service stations, ~~May include Video Gaming Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment.~~

Amend Section 37-1002: I-2 GENERAL INDUSTRIAL DISTRICT: 37-1002.1: PERMITTED USES:

Retail businesses:

Convenience Store: Establishment where pre-packaged foods and beverages are sold for off premises consumption, ~~and may include Video Gaming Terminal Establishments. Any Convenience Store that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Convenience Store that also has a Video Gaming Terminal Establishment.~~

Restaurants - carryout, class A, B, ~~and C, and may include Video Gaming Establishments and Video Gaming Café. Video Gaming Café or any Class B or C Restaurant Use that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Video Gaming Café or Class B or C restaurant that also has a Video Gaming Terminal Establishment.~~

Truck stop, Large, ~~: May include Video Gaming Terminals. Any Large Truck facility that also has Video Gaming terminals must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Large Truck facility that also has a Video Gaming Terminals~~

Truck stop, Small, ~~May include Video Gaming Terminals. Any Small Truck facility that also has Video Gaming terminals must be located at least 1,000 feet from a place of assembly use, school or day care facility and another Small Truck facility that also has a Video Gaming Terminals~~

Video Gaming Café: Any Video Gaming Café must be located at least one hundred feet (100 feet) from a place of assembly use, school, day care facility and another Video Gaming Café or use that has a Video Gaming Terminal Establishment (Accessory Use). The distance of one hundred (100) feet shall be measured to the nearest part of any building used for a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use) and not to property boundaries.

Video Gaming Terminal Establishment (Accessory Use): Any video gaming terminal establishment accessory use must be located at least one hundred feet (100 feet), from a place of assembly use, school or day care facility and another Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use). The distance of one hundred (100) feet shall be measured to the nearest part of any building used for a place of assembly use, school or day care facility and another

Video Gaming Café or use that also has a Video Gaming Terminal Establishment (Accessory Use) and not to property boundaries.

Service businesses:

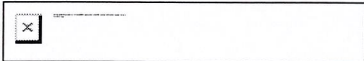
Automobile service stations, ~~and may include Video Gaming Terminal Establishments. Any automobile service station that also has a Video Gaming terminal establishment must be located at least 1,000 feet from a place of assembly use, school or day care facility and another automobile service station that also has a Video Gaming Terminal Establishment.~~

END

Blakely, Heidi

From: noreply@formstack.com
Sent: Friday, January 17, 2025 11:59 AM
To: Web Master; County Board Public Comment
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 01/17/25 11:58 AM

Meeting Date: 01/21/25

Meeting: Development Committee

Name: Keith Wilhoit

Organization: home owner

Address: [REDACTED]
Downers Grove, IL 60516

Daytime Phone:

Subject: Request application define Southern boundary setback for pier

20250121WilhoitCommentsPhillipsCase.pdf

Comment: Submitted by Keith and Sandra Wilhoit
Downers Grove, IL 60516

Comments for the January 21, 2025 Phillips Conditional Use Permit Application

1. The Phillips petition request a 1 inch setback on the interior West property line -- “Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake.” In the past meetings with the county – it was confirmed the conditional request was for the West property line only.

Closeup of proposed pier.

2. One major objection by the Wilhoits is that Phillips will not define their setback for this structure on their southern boundary line. According to DuPage County rules, when completing a conditional use permit and/or applying for a building permit, the petitioner must define the setback for any affected property lines. Phillips has refused to define the setback for his southern boundary line and the Wilhoits northern boundary line. Per Phillips he is going to build their dock “in the water”. Wilhoits request that Phillips must follow DuPage County rules and build, if approved, this pier 3 feet from his southern boundary line. Phillips is ignoring the fact that the Wilhoits own property directly abutting to the Phillips southern property line. What is the setback for this structure along Phillips southern boundary?

The lakebed south of Phillips property is the Wilhoits private property. The hearing officer has recognized that the land south of Phillips Property is owned by the Wilhoits. We are asking for confirmation that Phillips must follow DuPage County rules and honor the 3 foot rear property line setback.

3. As required by DuPage County rules when submitting a Conditional Use permit, the Phillips should be required to obtain a current Plat of Survey. This is important because the Phillips do not accept the Plat of Survey pins that were placed when we had a survey completed on 9/4/2024 to ensure the protection of our property from infringement by the Phillips. The non acceptance is indicated because the Phillips recently planted a tree a foot South of the Wilhoit survey pin on the Wilhoit shoreline property.

Wilhoit Plat of Survey at intersection of Phillips Lot 27 and Wilhoit Property South of Phillips.

5. Why is this important to the Wilhoits? Our northern shoreline has been damaged by the Phillips dock built illegally on our property and then moved trying to avoid a violation. We are going to have to pay to have the damage to our property restored. He planted a tree on the property line and again this summer he planted a tree on our shoreline. The Phillips continue to be disregard our property boundary line which is why we are asking for confirmation of a 3 foot setback. Last, Mr. Phillips has complained about the number of shoreline feet we own. In DuPage county and in the state of Illinois, you can't just build on someone's property because you want it. We paid a high price for this property, we pay taxes on this land and we simply object to Phillips building and causing damage to our property.

6 Phillips has submitted building plans which include a mud disc that is 9 inches wide. For some reason they think they can build this dock 1 inch from the southern property line. If he builds one inch from the property line – he will be again encroaching on our property if granted a one inch setback with the 9 inch mud disc. This 9 inch mud disc will be anchored and secured on the Wilhoit lakebed property as verified by our survey. We again object to Phillips encroaching on our property.

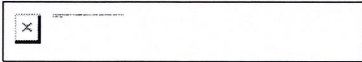
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Formstack, 11671 Lantern Road, Suite 300, Fishers, IN 46038

Blakely, Heidi

From: noreply@formstack.com
Sent: Sunday, January 5, 2025 10:00 PM
To: Web Master; County Board Public Comment
Subject: PublicComment

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Formstack Submission For: PublicComment

Submitted at 01/05/25 10:00 PM

Meeting Date: 01/21/25

Meeting: Development Committee

Name: Wojciech Kosela

Organization:

Address: 5517 Essex Road
Lisle, IL 60532

**Daytime
Phone:**

Subject: 5517 Essex Variance

Comment: I am petitioning a variance to divide my current property at 5517 Essex to allow for the construction of another small, ranch style single family home less than 1500 square feet. We believe that this variance would not negatively effect the surrounding neighborhood, public welfare, or conflict the counties plans for development. We believe that the petitioned variance would add value to the neighborhood, influx more tax revenue into the county, and compliment other properties that have already been divided and developed in the same way in the McIntosh and Meadows sub division.

The proposed variance would not impede light and air quality of adjacent properties. This corner lot has spacious light and air flow to both the south and west. The properties to the north and northeast are separated with existing heavy brush and tree growth in excess of 25 feet tall. The proposed home is well outside of all setbacks and will not be taller than the existing tree's, have little to no effect on air and light quality versus the existing heavy overgrowth.

There is no increase to fire hazards or other dangers with the proposed variance. A new single family home will be constructed in accordance to all local fire codes. My property was evaluated in person by Michael J. DeSmedt, Assistant Director of Environmental Health of the Dupage County Health Department. Dupage County stated that there is no conflict or other concern with the proposed variance.

Construction after approval of the variance will add to the value of the neighborhood and county. A new single family home would add to additional tax revenue. Additional tax funding allows for improvement of roads, utilities, and schools throughout. A new construction home adds to the curb appeal, cleanliness, and overall appeal of the neighborhood and increased property values.

There will be no undue increase to traffic. Regular road service of a single family home can be expected to be between 1 and 2 cars daily, reflecting home owners leaving and returning to their residence.

There is no increase to public expenses for flooding control, rescue or relief. In response to public concern of water control issue, per our submitted site drawings based on current topography, all water will be controlled on site. Per our engineer: "As it is typical with all new developments, all of the stormwater that is currently tributary to the subject property and any additional stormwater runoff generated by new impervious areas will be managed on-site and conveyed to the public storm system (in this case the roadside ditches along the south and west side of the property). As shown in the Preliminary Site Drawings submitted, the runoff is captured and directed to the roadside ditches, and this development will not increase any runoff onto the neighboring property to the north. Per existing topography, majority of the runoff currently draining onto that property is coming from the east. 5517 Essex Road does not drain to the neighboring property to the north, as shown below and it is unlikely that this property is the cause for any water damages to the residence to the north." Also, per our engineer " In regards to the water supply system and mentioned aquifer argument. I don't believe that one single family home will have a noticeable or adverse impact on the public water supply in this area." After professional evaluation, there is no concern with additional water control expense.

There are no concerns of impairment of public health, safety, comfort, morals, or general welfare of the habitants of Dupage County. As previously stated, the division and construction of a new home allows for additional tax revenue, increase property values, improved neighborhood appeal, and improved flood control.

There are currently several properties in this subdivision that have been split and developed in the same way as is proposed here. Two sets of key examples are 940 and 930 South Road as well as 1001 and 1011 Kohley Road. These four properties are a result of an almost identical variance that I am requesting. My request and proposed development plan is in harmony with the rest of the sub-division and is beneficial to the County of Dupage and Village of Lisle.

Thank You!

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