



DU PAGE COUNTY

Development Committee

Final Summary

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

Tuesday, April 2, 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.

2. ROLL CALL

PRESENT	Chaplin, Gustin, Ozog, Rutledge, and Tornatore
ABSENT	Krajewski

3. CHAIRMAN'S REMARKS- CHAIR TORNATORE

No remarks were offered.

4. PUBLIC COMMENT

Mike Roth, attorney for the Oburrdale, Inc. petition spoke on their behalf. He explained the reason for the ZBA recommendation to deny petition. There was a concern of a fire hazard due to a woodpile being located near the property line. The petitioner proposed to revise the site plan and eliminate the setback deviation request and meet the required 20 foot setback. The Zoning Board of Appeals did not allow them to make the change at the hearing and were advised to bring this information to the Development Committee. He asked that the Committee either consider this new site plan or return petition to the ZBA.

***Public comment submitted electronically can be found at the end of the meeting minutes packet.

5. MINUTES APPROVAL

5.A. [24-1109](#)

Development Committee - Regular Meeting - March 19, 2024

Attachments: [Final Summary Meeting Minutes 3-19-24.pdf](#)

RESULT:	APPROVED
MOVER:	Liz Chaplin
SECONDER:	Mary Ozog
AYES:	Chaplin, Gustin, Ozog, Rutledge, and Tornatore
ABSENT:	Krajewski

6. REGULATORY SERVICES

6.A. [24-1110](#)

ZSE-24-000001 Naperville Country Club: To approve the special event action item: The Naperville Country Club Fireworks Display scheduled for Sunday, June 30, 2024, at 9:15 PM. (Lisle/ District 5) (Located northwest of Chicago Avenue and Olesen Drive)

Attachments: [ZSE-24-000001 Naperville C.C. Fireworks_Redacted 1.pdf](#)

RESULT:	APPROVED
MOVER:	Liz Chaplin
SECONDER:	Patty Gustin
AYES:	Chaplin, Gustin, Ozog, Rutledge, and Tornatore
ABSENT:	Krajewski

6.B. [DC-O-0013-24](#)

ZONING-23-000078 Hehl: To Approve as “Essentially in Accordance” that the proposed revised site plan is essentially in accordance with the site plan granted per ZONING-23-000078 Hehl and to allow the proposed garage to be attached to the existing home instead of detached. (Downers Grove/ District 3)

Attachments: [Z-23-000078 Hehl Dev. Com. \(04-02-2024\) Essentially In Accordance.pdf](#)

RESULT:	APPROVED
MOVER:	Patty Gustin
SECONDER:	Sheila Rutledge
AYES:	Chaplin, Gustin, Ozog, Rutledge, and Tornatore
ABSENT:	Krajewski

6.C. [DC-O-0014-24](#)

ZONING-23-000095 – Dr. Smoke: To approve the following zoning relief:

1. Conditional Use to allow a restaurant/tavern in the B-1 Local Business District.
2. Variation to reduce the required amount of parking spaces from 15 to 11 spaces, as existing. (York/District 2) (If the County Board seeks to approve the 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)

ZHO Recommendation to Deny

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

Paul Hoss, Planning & Zoning Administration Coordinator explained the reason for the Hearing Officer's recommendation to deny the petition. Per state gaming laws, a pour license is needed from the local jurisdiction. Conditional use is needed for a Class B restaurant in a B-1 zoning district, as well as 15 parking spaces per 1,000 sq ft of gross floor area. They don't have even 5 parking spaces and currently patrons are parking in the

street and in the public right-of-way. There was no hardship, unique circumstance or practical difficulty established at the hearing.

Attachments: [Z-23-000095 Dr. Smoke Cty. Bd. \(04-09-2024\).pdf](#)

RESULT:	RECOMMENDED TO DENY (DEVELOPMENT ONLY)
MOVER:	Sheila Rutledge
SECONDER:	Patty Gustin
NAY:	Chaplin, Gustin, Ozog, Rutledge, and Tornatore
ABSENT:	Krajewski

6.D. [DC-O-0015-24](#)

ZONING-23-000096 – Anjuman-e-Saifee: To approve the following zoning relief:

Variation to reduce the minimum interior side yard setbacks from 40 feet to approximately 20 feet for the construction of two proposed parking lots (Section 37-704.4A). (Downers Grove/District 3)

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

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

Paul Hoss informed the Committee, as part of this petition, the developer has agreed to provide a pedestrian pathway easement in the front of their property on Route 83. This is consistent with the County's Route 83 plan of providing a connection to other pedestrian pathways in this area.

Attachments: [Z-23-000096 Anjuman-e-Saifee Cty. Bd. \(04-09-2024\).pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Liz Chaplin
SECONDER:	Patty Gustin
AYES:	Chaplin, Gustin, Ozog, Rutledge, and Tornatore
ABSENT:	Krajewski

6.E. [DC-O-0016-24](#)

ZONING-24-000001 – Cardinal Fence & Supply, Inc.: To approve the following zoning relief:

Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" (replacing current fence with new fence in same location). (Winfield/District 6)

ZHO Recommendation to Approve

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

(That petitioner has withdrawn the Variation to allow a barbed-wire fence on the subject property (replacing current barbed wire with new barbed wire in same location) on April 2, 2024)

Chair Tornatore verified the barbed wire fence denial was due to subject property not being located in a completely industrial area. Paul Hoss told the Committee that most likely the petitioner is going to remove the request for the barbed wire fencing, but item would still needed to be voted on today.

Petition was bifurcated, the second request is for a variation to allow a barbed wire fence on the property. The motion was made by Member Gustin, seconded by Member Chaplin, vote was unanimous to deny.

Attachments: [Z-24-000001 Cardinal Fence & Supply, Inc. Cty. Bd. Flyer \(04-09-2024\).pdf](#)

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

6.F. [DC-O-0017-24](#)

ZONING-24-000005 – Oburrdale, Inc.: The Zoning Board of Appeals recommended to deny the following zoning relief:

1. Conditional Use for open storage of equipment, equipment storage containers, and landscape materials.
2. Exception/Variation to reduce the south (front yard) setback from required 40 feet to approximately 2 feet.
3. Exception/Variation to reduce the east (interior side yard) setback from required 20 feet to approximately 1.5 feet.
4. Exception/Variation to reduce the west (interior side yard) setback from required 20 feet to approximately 2 feet.
5. Exception/Variation to reduce north (rear yard) setback from required 20 feet to approximately 0 feet. (Downers Grove/District 3) (Generally located northeast of Route 83 and Jeans Road, on the north side of Jeans Road)

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

Chair Tornatore told the Members that if the petitioner was in agreement, due to the new site plan, the petition would be sent back to the Zoning Board of Appeals.

Attachments: [Z-24-000005 Oburrdale, Inc. Dev. Com. Flyer \(04-02-2024\) Redacted.pdf](#)

RESULT:	DEFERRED
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MOTION TO REMAND ZONING-24-000005 OBURRDALE, INC. PETITION BACK TO ZONING BOARD OF APPEALS

RESULT:	APPROVED
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MOVER:	Patty Gustin
SECONDER:	Sheila Rutledge

6.G. [DC-O-0018-24](#)

ZONING-24-000008 – Castillo: To approve the following zoning relief:
Conditional Use to allow existing deck and pool to remain less than 30' (approximately 3.6') from the corner side setback, where it has existed for at least 5 years.
(Bloomingdale/District 1)
ZHO Recommendation to Approve
Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

Attachments: [Z-24-000008 Castillo Cty. Bd. \(04-09-2024\)_Redacted.pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Patty Gustin
SECONDER:	Liz Chaplin
AYES:	Chaplin, Gustin, Ozog, Rutledge, and Tornatore
ABSENT:	Krajewski

7. **OLD BUSINESS**

No old business was discussed.

8. **NEW BUSINESS**

No new business was discussed.

9. **ADJOURNMENT**

With no further business, the meeting was adjourned at 10:48 A.M.



Minutes

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

File #: 24-1109

Agenda Date: 4/2/2024

Agenda #: 5.A.



DU PAGE COUNTY

Development Committee

Final Summary

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

Tuesday, March 19, 2024

10:30 AM

**COUNTY BOARD ROOM
OVERFLOW IN ROOM 3500A**

1. CALL TO ORDER

10:30 AM meeting was called to order by Chair Sam Tornatore at 10:34 AM.

2. ROLL CALL

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

Chair Tornatore explained to the members of the public that the Committee reviews evidence that has been presented by the Zoning Board of Appeals, there is no new testimony at this hearing, no engaging in questions and answers with the developer or members of the public.

He spoke to the Committee Members who received a letter from the petitioners attorney, stating that it should be treated as public comment, not evidence.

4. PUBLIC COMMENT

Attorney Phil Luetkehans representing the petitioner spoke first. He explained his letter to Committee Members was meant as a summary of the evidence, the only new information is that the applicant has agreed to decrease the number of units from 70 to 60. He affirmed the need for workforce housing in DuPage county and this development guarantees 20% of the units would be for workforce housing and will comply with the Fannie Mae workforce housing program.

Peter Scalera representing the Village of Bloomingdale and the Village Board of Trustees spoke in opposition of the petition. They feel this project would negatively effect the residents of the Village. Some of their concerns are increased traffic, stormwater impact, and visitor onsite parking.

Jim Tierney spoke on behalf of Villa Torino Homeowners Association in opposition to the petition. He is a resident of the 19 townhouses are adjacent to the north side of the development. The developer does not provide any benefit of this new development to the surrounding neighbors, only detriments.

Attorney Joseph Fortunato spoke on behalf of Natalie Stec and Scott Benz who live about 200 feet from the proposed development. They have submitted photographs of significant flooding in the area. Adding these homes, will not cure this. Also, concerns of a septic system for 60 units on a 5 acre parcel.

Karen Latham, resident of Casa Bella in Bloomingdale opposes the petition. The water issue concerns her most, her 24 townhouse neighborhood has a wetland and retention pond within and

her HOA is financially responsible for maintaining these.

Meena Patel lives across the street from the project, which she opposes. Her concerns are flooding and sewage.

Parag Kshatriya is concerned about parking, especially when it snows. He mentioned all the additional residents, he is worried about rising crime rates. He also would prefer more environmentally friendly green space with the development.

Also, Thomas Boher, Bill Belmote (Bloomington Trustee) and Karen Johns were also present, were in opposition to the petition, but did not wish to speak.

***Public comment submitted electronically by the following people can be found at the end of the meeting minutes packet.

Ketan Mody
Parag Kshatriya
Lori Harmon
Ashish Desai
Thaddeus Karas
Ed Capua
John Romanucci
Alex Ingardona
Antoinette Hassenplug
Thomas Hassenplug
Manish Shah
Ryan Vance
Savan Patel
Pratik Patel
Ekta Patel
Joyce Pope
Karen Latham
Lawrence Cerami
Jeanine Mirski
Frank Zorrilla
Jamal Burki
Amar Shah
Eugenia Grubb
James Grubb
Ravi Achanta
James Rafferty
Scott Voytek
Emily Voytek
Suryakant Patel
Michael Procaccio
Anthony Crudele

Jigna Patel
Dilip Patel
Susan Grubb
Vikas Bhala
Jesse Perez
Rick Palandri
Malisa Patel
Keith Boyer
Priti Patel
Nick Abbinante
Qamar Rizvi
Robin Zimmerman
Denise Echols
Noreen Salvino
Leigh Cofrin
Ralph Salvino
Jaldip Patel
Lawrence Brcich
Anthony Guida
Penelope Brcich
Roxanne Boyer
Amar Shah
Chris Troiola
Linda Kim
Andrzej Rybarski
Dawn LaVeau
John Ehrhardt
Shannon McCormick
Daniel McCormick
John Waclawik
Martha Schulkins
Krystyna Waclawik
Elizabeth Waclawik
Joe Chrzanowski
Nina Ito
Craig Thuneman
Janet Thuneman
Gopesh Patel
Jairo Mejia
Meena Patel
Natalie Stec
Zdzislaw Ladzinski
Scott Benz
Parul Mehta
Dr. Pranav Patel
Sandeep Mehta
Biju Mathew

Amanda Poreda
Jason Poreda
Sonali Kshatriya
Teresa Belmonte

5. MINUTES APPROVAL

5.A. [24-0908](#)

Development Committee Minutes - Regular Meeting - Tuesday, March 5, 2024

Attachments: [Final Meet Minutes Summary 3-5-2024.pdf](#)

RESULT:	APPROVED
MOVER:	Brian Krajewski
SECONDER:	Patty Gustin
AYES:	Chaplin, Gustin, Krajewski, Ozog, Rutledge, and Tornatore

6. REGULATORY SERVICES

6.A. [DC-O-0009-24](#)

ZONING-23-000069 – Medinah Road Residences: The Zoning Board of Appeals recommended to deny the following zoning relief:

Conditional Use for a Planned Development in the R-2 Zoning District (70 attached dwelling units on 44 building pads), with the following exceptions:

- To reduce the front yard setback from required 30' to approximately 18';
- To increase the maximum height from 36' to approximately 40'; and
- To increase the maximum FAR from 0.25 to approximately 0.57. (Bloomingdale/ District 1) (Generally located southeast of Lake Street and Medinah Road, on the east side of Medinah Road)

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

Attachments: [Z-23-000069 MEDINAH ROAD RESIDENCES Dev. Com. \(03-19-2024\) Redacted.pdf](#)

Chair Tornatore asked counsel since it was indicated by the petitioner's attorney that this petition is going to be amended from 70 to 60 units, whether it is appropriate for the Committee to take this under consideration now? The Assistant State's Attorney Nicholas Alfonso advice was to remand this back to the Zoning Board of Appeals as amended.

RESULT:	DEFERRED
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MOTION TO REMAND PETITION BACK TO THE ZONING BOARD OF APPEALS

RESULT:	APPROVED
MOVER:	Patty Gustin

SECONDER:	Brian Krajewski
AYES:	Chaplin, Gustin, Krajewski, Ozog, Rutledge, and Tornatore

7. OLD BUSINESS

Member Cahill who represents District 1, has seen how dramatically opposed people in the neighborhood are to this development. She feels that other County Board Members need to listen to the people who are most effected by this.

8. NEW BUSINESS

No new business was discussed.

9. ADJOURNMENT

With no further business, the meeting was adjourned at 11:05 AM.



Action Item

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

File #: 24-1110

Agenda Date: 4/2/2024

Agenda #: 6.A.



**DUPAGE
COUNTY**

Building
Division

Zoning &
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Environmental
Division

BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Development Committee

FROM: Staff

DATE: April 2, 2024

RE: **ZSE-24-000001 Naperville C.C. Fireworks
(08-17-301-002 & 08-17-103-001) (Lisle/District 5)**

Action: To approve ZSE-24-000001 Naperville C.C. Fireworks, to be held on June 30, 2024, at approximately 9:15 PM.

The Naperville Country Club has requested to conduct a firework display at their facility on June 30, 2024, beginning at approximately 9:15 P.M. The firework display will be conducted by Pyrotecnico Fireworks Inc.

The Special Event will consist of the following and the applicant has provided the following pursuant to the special event requirements of the Zoning Ordinance:

Date	Sunday, June 30, 2024
Hours	Beginning at approximately 9:15 P.M.
Activities	Firework Display by Pyrotecnico Fireworks Inc. See attached document and insurance of \$1,000,000
Location	Naperville Country Club, 25W570 Chicago Ave., Naperville, IL 60540 (<i>over 120 Acres</i>)
Traffic/Parking	All parking will occur in existing Naperville Country Club parking lot
Insurance	Acrisure, LLC. dba Britton-Gallagher and Associates, Inc. in the amount of \$1,000,000



**DUPAGE
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BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building



January 8, 2024

Jessica Infelise
Building and Zoning Department
Jack T. Knuepfer Administration Building
421 North County Farm Road
Wheaton, IL 60187

Application for Special Event Permit, Fireworks Display

Display Date: June 30, 2024

Sponsor: Naperville Country Club
25 W 570 Chicago Ave.
Naperville, IL 60540

Display Location: Naperville Country Club

Display Time: approximately 9:15 pm

Please find attached the insurance certificate, site diagram, and our distributor's license.

If you have any questions or need any other information, please give me a call. Once the permit has been approved and issued, please forward a copy to me for our files.

Thank you for your time and attention to this matter.

Sincerely,

Wanda Schoof
Pyrotecnico Fireworks, Inc.



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630-407-6700
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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/8/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Acrisure, LLC dba Britton Gallagher & Associates One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114		CONTACT NAME PHONE (A/C, No, Ext): 216-658-7100 FAX (A/C, No): 216-658-7101 E-MAIL: info@brittongallagher.com ADDRESS: info@brittongallagher.com	
INSURED Pyrotechnico Fireworks Inc. P.O. Box 149 299 Wilson Road New Castle PA 16103		INSURER(S) AFFORDING COVERAGE INSURER A: Everest Indemnity Insurance Co. NAIC # 10851 INSURER B: Everest Denali Insurance Company 16044 INSURER C: Arch Speciality Ins Co 21199 INSURER D: Pennsylvania Insurance Company INSURER E: INSURER F:	

COVERAGES **CERTIFICATE NUMBER:** 515897658 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDITIONAL INSURED	UNDERWRITING	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC	Y	Y	018MLD0891-232	10/14/2023	10/14/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMPI/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS	Y	Y	018CA00141-232	10/14/2023	10/14/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
C	UMBRELLA LIAB <input checked="" type="checkbox"/> EXCESS LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$	Y	Y	UXP1035252-04	10/14/2023	10/14/2024	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	82-972095-04-35	10/14/2023	10/14/2024	<input checked="" type="checkbox"/> INC STATUTORY LIMITS <input type="checkbox"/> OTHER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
A	Excess Liability #2			018EXD1314-232	10/14/2023	10/14/2024	Each Occ/Aggregate Total Limits \$5,000,000 \$10,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.
Fireworks Display Date: June 30, 2024
Location: Naperville Country Club, Naperville, Illinois
Additional Insured: Naperville Country Club; City of Naperville, Illinois; Naperville Fire Department

CERTIFICATE HOLDER

Naperville Country Club
25 W 570 Chicago Ave.
Naperville IL 60540

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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ACORD 25 (2010/05)

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DUPAGE COUNTY

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BUILDING & ZONING DEPARTMENT

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

www.dupagecounty.gov/building

Show Name: Naperville Country Club
Location: 25 W570 Chicago Ave. Naperville, IL
Date Created: 11/20/19

Fall-Out Radius: 350'
Distance To Audience: 675'



Launch Location: 
South end of rack banks are 30' North of driving range fairway. Box items just off fairway.

Setup area Dimensions: 50'x50'



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STATE OF ILLINOIS
OFFICE OF THE STATE FIRE MARSHAL
DIVISION OF FIRE PREVENTION
1035 Stevenson Drive • Springfield, IL 62703-4259



Pyrotechnic Distributor License

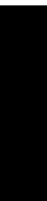
PYROTECNICO FIREWORKS INC
299 WILSON ROAD
NEW CASTLE, PA 16101

IL07-OPF-00036

License #

06/15/2025

EXPIRATION DATE



Matt Perez
STATE FIRE MARSHAL

OPF

CLASSIFICATION

This license may be revoked by
the Office of the State Fire Marshal
for failure to comply with the lawful
rules regulating this program.



Development Ordinance

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

File #: DC-O-0013-24

Agenda Date: 4/2/2024

Agenda #: 6.B.



**DUPAGE
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Environmental
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BUILDING & ZONING DEPARTMENT

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

www.dupageco.org/building

MEMORANDUM

TO: DuPage County Development Committee

FROM: Staff

DATE: April 2, 2024

RE: **ZONING-23-000078 Hehl (Downers Grove/ District 3)
Essentially in Accordance Request**

ACTION REQUESTED: To Approve as “Essentially in Accordance” that the proposed revised site plan is essentially in accordance with the site plan granted per ZONING-23-000078 Hehl, and to allow the proposed garage to be attached to the existing home instead of detached.

SUMMARY:

A. Section 37-1404.3. G of the DuPage County Zoning Ordinance provides that the County Development Committee, among other things, has jurisdiction to review the following relative to a zoning petition:

G. To review proposed changes in site plans for zoning petitions which have been granted previously by the county board and to make determination that the proposed changes are or are not essentially in accordance with the approved site plan.

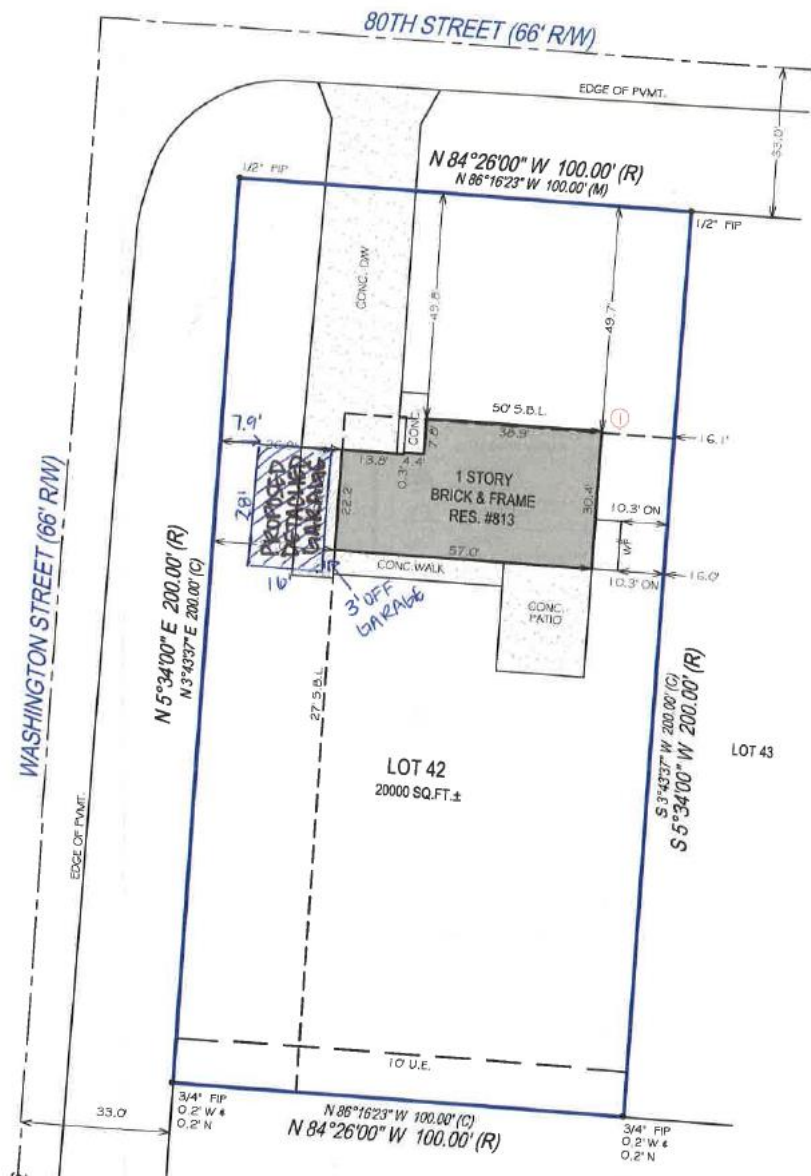
B. That in 2023, the County Board approved zoning relief, ZONING-23-000078 Hehl, as a Variation to reduce the corner side setback for a new, detached garage from required 30' to approximately 7.9'.

C. That Condition #1 of the subject zoning relief required, “That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # ZONING-23-000078 Hehl dated November 1, 2023.”

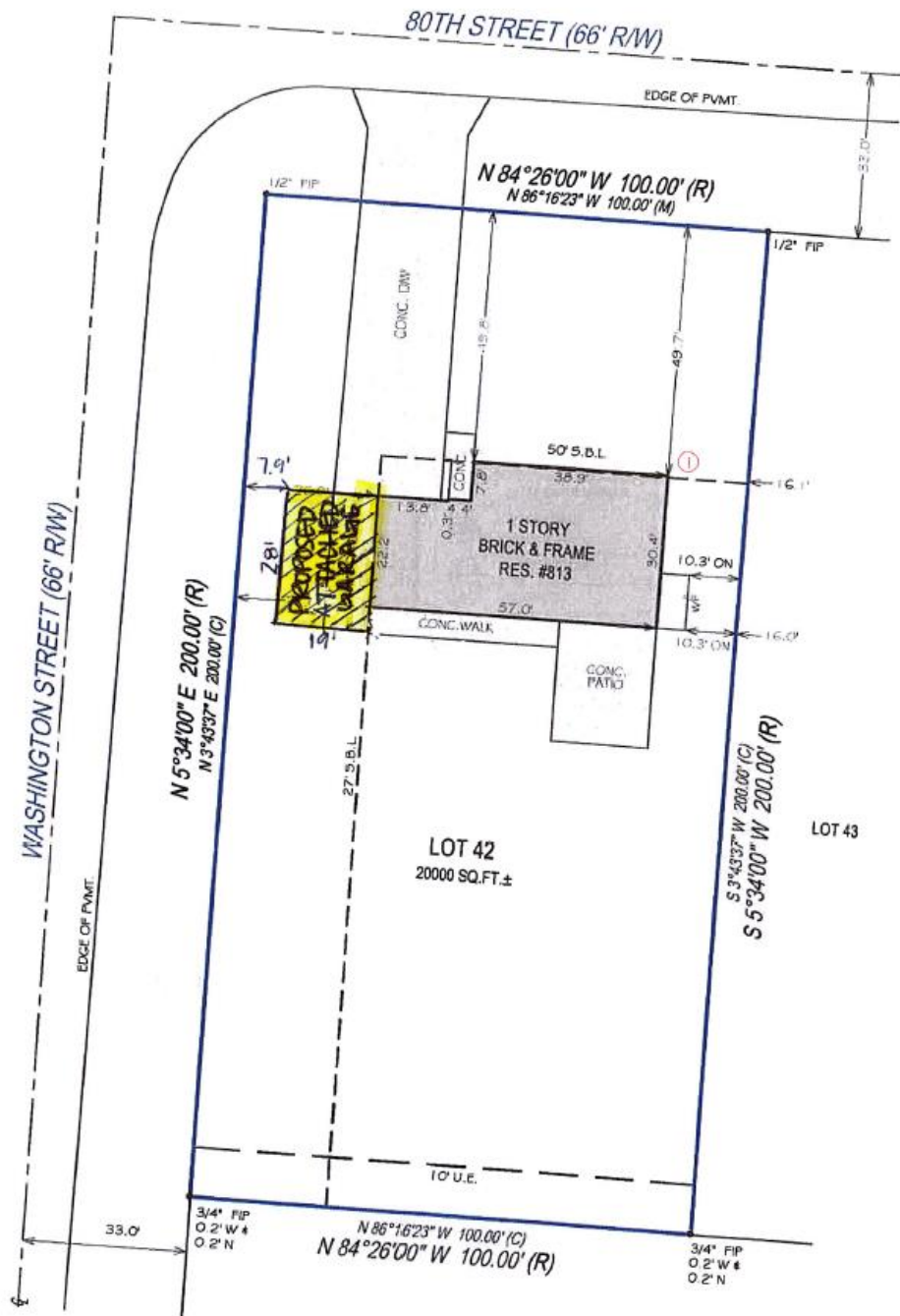
- That during the permitting process, it was determined by the property owner’s contractor that the proposed detached garage be attached to the existing home, maintaining the setback approved in ZONING-23-000078 Hehl.

- That the property owner has indicated that due to the property's grade and building requirements, he must now attach the proposed detached garage under the advice of his contractor. Furthermore, that the once proposed three (3) foot gap between the house and proposed detached garage would be removed, allowing for the proposed attached garage to maintain the approved 7.9' corner side yard setback.
- That it is the Staff's interpretation that attaching the proposed garage would enhance the subject property, with an attached garage being perceived as "less intrusive" compared to detached accessory buildings.

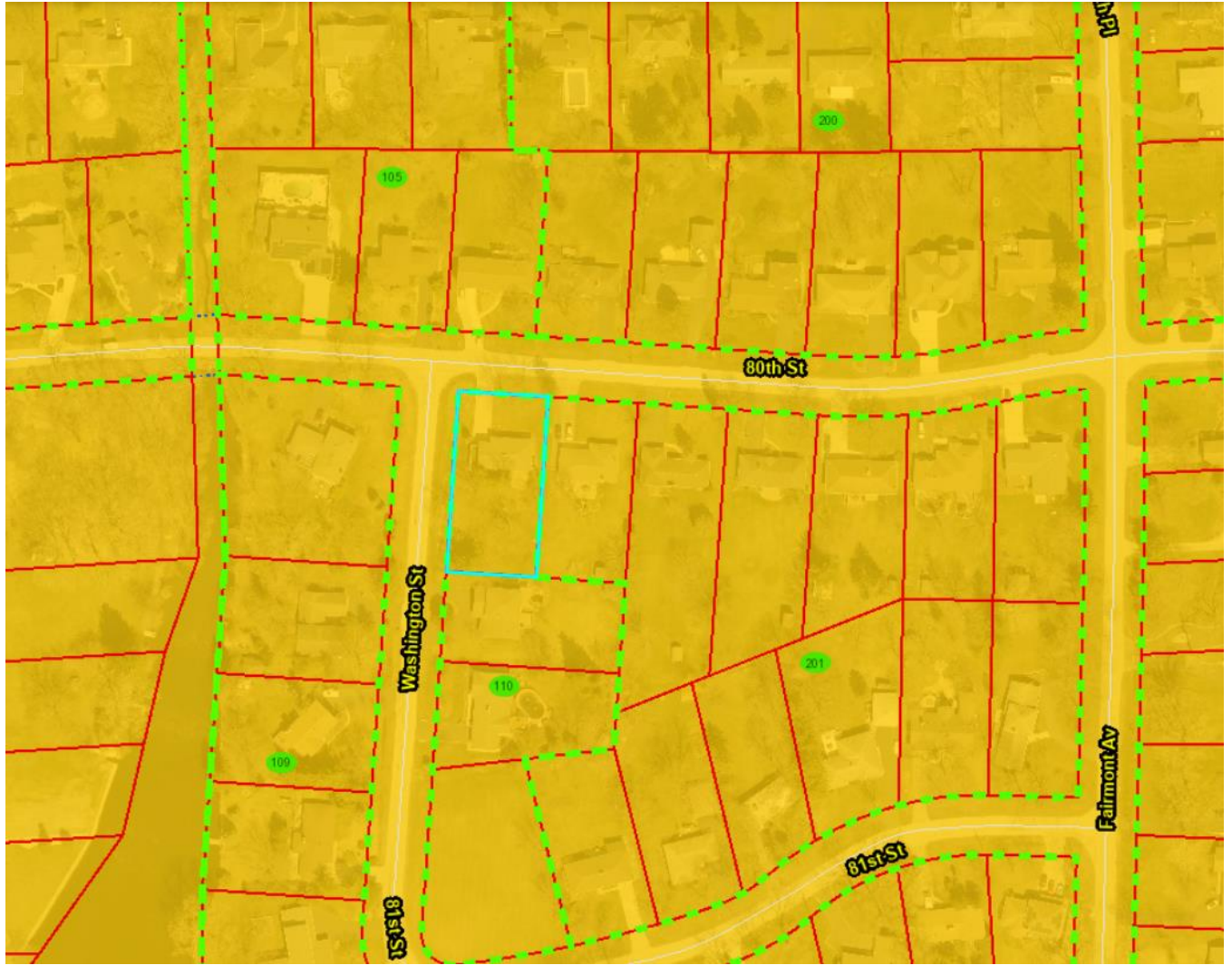
Approved Site Plan per ZONING-23-000078 Hehl:



Revised Site Plan per ZONING-23-000078 Hehl (Essentially in Accordance):











Development Ordinance

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

File #: DC-O-0014-24

Agenda Date: 4/9/2024

Agenda #: 6.C.

Zoning Petition ZONING-23-000095 Dr. Smoke

WHEREAS, a public hearing was held on February 7, 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. Conditional Use to allow a restaurant/tavern in the B-1 Local Business District.
2. Variation to reduce the required amount of parking spaces from 15 to 11 spaces, as existing, on the property hereinafter described:

LOT 1 AND THE EAST 5 FEET OF LOT 2 IN BLOCK 5 IN LASALLE REALTY CO'S VILLA ROOSEVELT, BEING A SUBDIVISION OF THE WEST HALF OF WEST HALF OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1, 1929, AS DOCUMENT 276750, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on February 7, 2024 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that the purpose of the proposed zoning relief is to allow an existing tobacco store to allow for video gaming on the premises, which requires a liquor pouring license.
- B. That petitioner testified that they will not be a restaurant or bar, and will not serve food, and that they are required to be classified as a restaurant or tavern in order to have a liquor pour license, with the ultimate goal of having six (6) video gaming machines.
- C. That petitioner testified that no changes will be made to structure or parking lot.
- D. That petitioner testified that the hours of operation for the existing tobacco store are from 9 AM to 9 PM, seven (7) days a week.

- E. That petitioner testified that they have two (2) employees, with only one (1) present in the store at a time.
- F. That the Zoning Hearing Officer finds that from the testimony given at the public hearing, there is no intent to operate a restaurant or tavern at the subject property and therefore, the requested zoning relief is not applicable to the subject property. Furthermore, that petitioner indicated that he is only attempting to obtain a liquor license for the purpose of video gaming, with no intent to operate a restaurant or tavern and will only have a “cooler of alcohol (beer)” for customers utilizing the video gaming machines.
- G. Furthermore, that the Zoning Hearing Officer finds from the testimony given at the public hearing, that the existing tobacco store will remain on the subject property and that a restaurant or tavern will not be operated on the subject property and that if a restaurant were to be added to the subject property, petitioner would be required to request a Conditional Use for a Planned Development to allow two (2) uses on the subject property.

STANDARDS FOR CONDITIONAL USES AND VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner **has not demonstrated** that the granting of the Conditional Use and 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; and specifically, that the granting of the Conditional Use will not:
- a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** or provided sufficient evidence that the restaurant/tavern in the B-1 Local Business District with parking variation will not impair an adequate supply of light and air to the adjacent property.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated** or provided sufficient evidence that the restaurant/tavern in the B-1 Local Business District with parking variation 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** or provided sufficient evidence that the restaurant/tavern in the B-1 Local Business District with parking variation 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** or provided sufficient evidence that the restaurant/tavern in the B-1 Local Business District with parking variation 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** or provided evidence that the restaurant/tavern in the B-1 Local Business District with parking variation 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** or provided evidence that the restaurant/tavern in the B-1 Local Business District with parking variation 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** or provided evidence that the restaurant/tavern in the B-1 Local Business District with parking variation will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000095 Dr. Smoke	
ZONING REQUEST	1. Conditional Use to allow a restaurant/tavern in the B-1 Local Business District. 2. Variation to reduce the required parking spaces from 15 to 11 spaces, as existing.	
OWNER	TOP PROPERTY, LLC., 18W511 ROOSEVELT ROAD, LOMBARD, IL 60148/ TOP PROPERTY, LLC, 18W511 ROOSEVELT ROAD, LOMBARD, IL 60148/ AGENT: PATEL, 17241 BROWNING DRIVE, ORLANDO, FL 32835	
ADDRESS/LOCATION	18W511 ROOSEVELT ROAD, LOMBARD, IL 60148	
PIN	06-21-104-023	
TWSP./CTY. BD. DIST.	YORK	DISTRICT 2
ZONING/LUP	B-1 LOCAL BUSINESS	LOCAL COMMERCIAL
AREA	0.17 ACRES (7,405 SQ. FT.)	
UTILITIES	WATER AND SEWER	
PUBLICATION DATE	Daily Herald: JANUARY 23, 2024	
PUBLIC HEARING	WEDNESDAY, FEBRUARY 7, 2024	
ADDITIONAL INFORMATION:		
Building:	No Objection with the concept of the petition. Additional information not required for this application.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objection with the concept of the petition. Additional information not required for this application.	
Stormwater:	Our office has no jurisdiction in this matter.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Lombard:	No Comments Received.	
Village of Villa Park:	No Comments Received.	
City of Oakbrook Terrace:	No Comments Received.	
Village of Oak Brook:	No Comments Received.	
York Township:	No Comments Received.	
Township Highway:	No Objections.	

York Center Fire Dist.:	No Objection with the concept of the petition. Additional information needed for application. "Will need to comply with current Fire / Life Safety codes."
Sch. Dist. 45:	<i>No Comments Received.</i>
Sch. Dist. 88:	<i>No Comments Received.</i>
Forest Preserve:	The Forest Preserve District of DuPage County staff has reviewed the information and due to the sizable distance between the subject property and District, no specific comments. Thank you."

LAND USE

Location	Zoning	Existing Use	LUP
Subject	B-1 LOCAL BUSINESS	COMMERCIAL	LOCAL COMMERCIAL
North	ROOSEVELT ROAD AND BEYOND VILLAGE OF LOMBARD	COMMERCIAL	VILLAGE OF LOMBARD
South	ALLEY AND BEYOND R-4 SF RES	RESIDENTIAL	0-5 DU AC
East	LUTHER AVENUE AND BEYOND B-1 LOCAL BUSINESS	COMMERCIAL	LOCAL COMMERCIAL
West	B-1 LOCAL BUSINESS	UTILITY	LOCAL COMMERCIAL

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on February 7, 2024, recommends to deny the following zoning relief:

1. Conditional Use to allow a restaurant/tavern in the B-1 Local Business District.
2. Variation to reduce the required amount of parking spaces from 15 to 11 spaces, as existing.

ZHO Recommendation to Deny

WHEREAS, the County Board Development Committee on April 2, 2024, 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 to the following zoning relief:

1. Conditional Use to allow a restaurant/tavern in the B-1 Local Business District.
2. Variation to reduce the required amount of parking spaces from 15 to 11 spaces, as existing.

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

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

1. Conditional Use to allow a restaurant/tavern in the B-1 Local Business District.
2. Variation to reduce the required amount of parking spaces from 15 to 11 spaces, as existing, on the property hereinafter described:

LOT 1 AND THE EAST 5 FEET OF LOT 2 IN BLOCK 5 IN LASALLE REALTY CO'S VILLA ROOSEVELT, BEING A SUBDIVISION OF THE WEST HALF OF WEST HALF OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1, 1929, AS DOCUMENT 276750, IN DUPAGE COUNTY, ILLINOIS; and

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; TOP PROPERTY, LLC., 18W511 ROOSEVELT ROAD, LOMBARD, IL 60148/ TOP PROPERTY, LLC., 6510 LINCOLN AVENUE, LINCOLNWOOD, IL 60712/ AGENT: PRADEEP PATEL, 17241 BROWNING DRIVE, ORLAND PARK, IL 60467; and Township Assessor, York Township, 1502 S. Meyers Road, Lombard, IL 60148.

Enacted and approved this 9th day of April, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

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: April 2, 2024

RE: **ZONING-23-000095 Dr. Smoke (York/District 2)**

DuPage County Board: April 9, 2024: *(If the County Board seeks to approve the 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: April 2, 2024: The Motion to Approve Failed relative to the following zoning relief:

1. Conditional Use to allow a restaurant/tavern in the B-1 Local Business District.
2. Variation to reduce the required amount of parking spaces from 15 to 11 spaces, as existing.

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

Zoning Hearing Officer: February 7, 2024: The Zoning Hearing Officer recommended to deny the following zoning relief:

1. Conditional Use to allow a restaurant/tavern in the B-1 Local Business District.
2. Variation to reduce the required amount of parking spaces from 15 to 11 spaces, as existing.

ZHO Recommendation to Deny

FINDINGS OF FACT:

- A. That petitioner testified that the purpose of the proposed zoning relief is to allow an existing tobacco store to allow for video gaming on the premises, which requires a liquor pouring license.

- B. That petitioner testified that they will not be a restaurant or bar, and will not serve food, and that they are required to be classified as a restaurant or tavern in order to have a liquor pour license, with the ultimate goal of having six (6) video gaming machines.
- C. That petitioner testified that no changes will be made to structure or parking lot.
- D. That petitioner testified that the hours of operation for the existing tobacco store are from 9 AM to 9 PM, seven (7) days a week.
- E. That petitioner testified that they have two (2) employees, with only one (1) present in the store at a time.
- F. That the Zoning Hearing Officer finds that from the testimony given at the public hearing, there is no intent to operate a restaurant or tavern at the subject property and therefore, the requested zoning relief is not applicable to the subject property. Furthermore, that petitioner indicated that he is only attempting to obtain a liquor license for the purpose of video gaming, with no intent to operate a restaurant or tavern and will only have a “cooler of alcohol (beer)” for customers utilizing the video gaming machines.
- G. Furthermore, that the Zoning Hearing Officer finds from the testimony given at the public hearing, that the existing tobacco store will remain on the subject property and that a restaurant or tavern will not be operated on the subject property and that if a restaurant were to be added to the subject property, petitioner would be required to request a Conditional Use for a Planned Development to allow two (2) uses on the subject property.

STANDARDS FOR CONDITIONAL USES AND VARIATIONS:

- 1. That the Zoning Board of Appeals finds that petitioner **has not demonstrated** that the granting of the Conditional Use and 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; and specifically, that the granting of the Conditional Use will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** or provided sufficient evidence that the restaurant/tavern in the B-1 Local Business District with parking variation will not impair an adequate supply of light and air to the adjacent property.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated** or provided sufficient evidence that the restaurant/tavern in the B-1 Local Business District with parking variation 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** or provided sufficient evidence that the restaurant/tavern in the B-1 Local Business District with parking variation 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** or provided sufficient evidence that the restaurant/tavern in the B-1 Local Business District with parking variation 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** or provided evidence that the restaurant/tavern in the B-1 Local Business District with parking variation 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** or provided evidence that the restaurant/tavern in the B-1 Local Business District with parking variation 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** or provided evidence that the restaurant/tavern in the B-1 Local Business District with parking variation will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

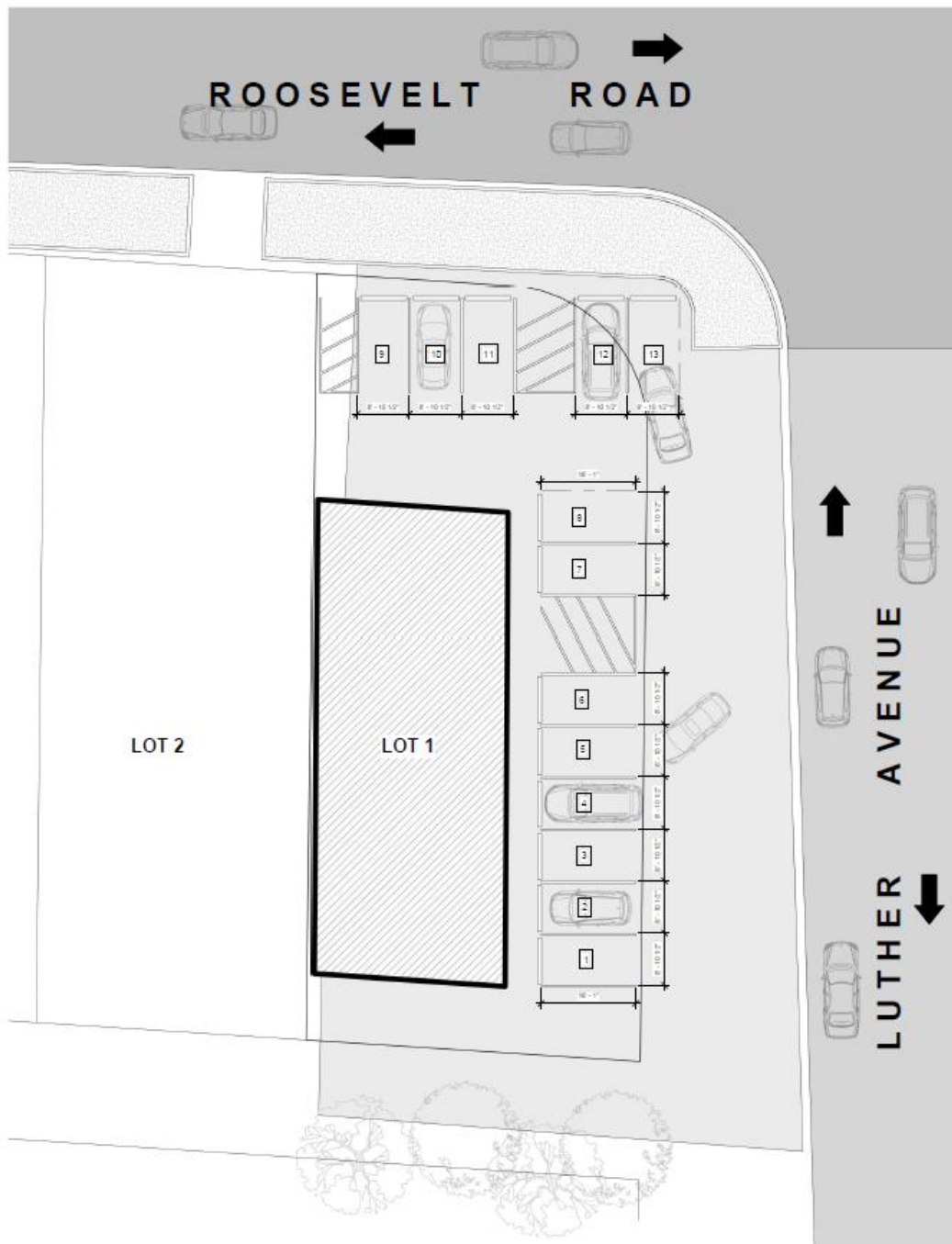
GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000095 Dr. Smoke	
ZONING REQUEST	1. Conditional Use to allow a restaurant/tavern in the B-1 Local Business District. 2. Variation to reduce the required amount of parking spaces from 15 to 11 spaces, as existing.	
OWNER	TOP PROPERTY, LLC., 18W511 ROOSEVELT ROAD, LOMBARD, IL 60148/ TOP PROPERTY, LLC., 6510 LINCOLN AVENUE, LINCOLNWOOD, IL 60712/ AGENT: PRADEEP PATEL, 17241 BROWNING DRIVE, ORLAND PARK, IL 60467	
ADDRESS/LOCATION	18W511 ROOSEVELT ROAD, LOMBARD, IL 60148	
PIN	06-21-104-023	
TWSP./CTY. BD. DIST.	YORK	DISTRICT 2
ZONING/LUP	B-1 LOCAL BUSINESS	LOCAL COMMERCIAL
AREA	0.17 ACRES (7,405 SQ. FT.)	
UTILITIES	WATER AND SEWER	
PUBLICATION DATE	Daily Herald: JANUARY 23, 2024	
PUBLIC HEARING	WEDNESDAY, FEBRUARY 7, 2024	
ADDITIONAL INFORMATION:		
Building:	No Objection with the concept of the petition. Additional information may be required at time of permit application.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objection with the concept of the petition. Additional information may be required at time of permit application.	
Stormwater:	Our office has no jurisdiction in this matter.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Lombard:	<i>No Comments Received.</i>	
Village of Villa Park:	<i>No Comments Received.</i>	
City of Oakbrook Terrace:	<i>No Comments Received.</i>	
Village of Oak Brook:	<i>No Comments Received.</i>	
York Township:	<i>No Comments Received.</i>	
Township Highway:	No Objections.	
York Center Fire Dist.:	No Objection with the concept of the petition. Additional information may be required at time of permit application. "Will need to comply with current Fire / Life Safety codes from this office."	
Sch. Dist. 45:	<i>No Comments Received.</i>	

Sch. Dist. 88:	<i>No Comments Received.</i>
Forest Preserve:	The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you.”

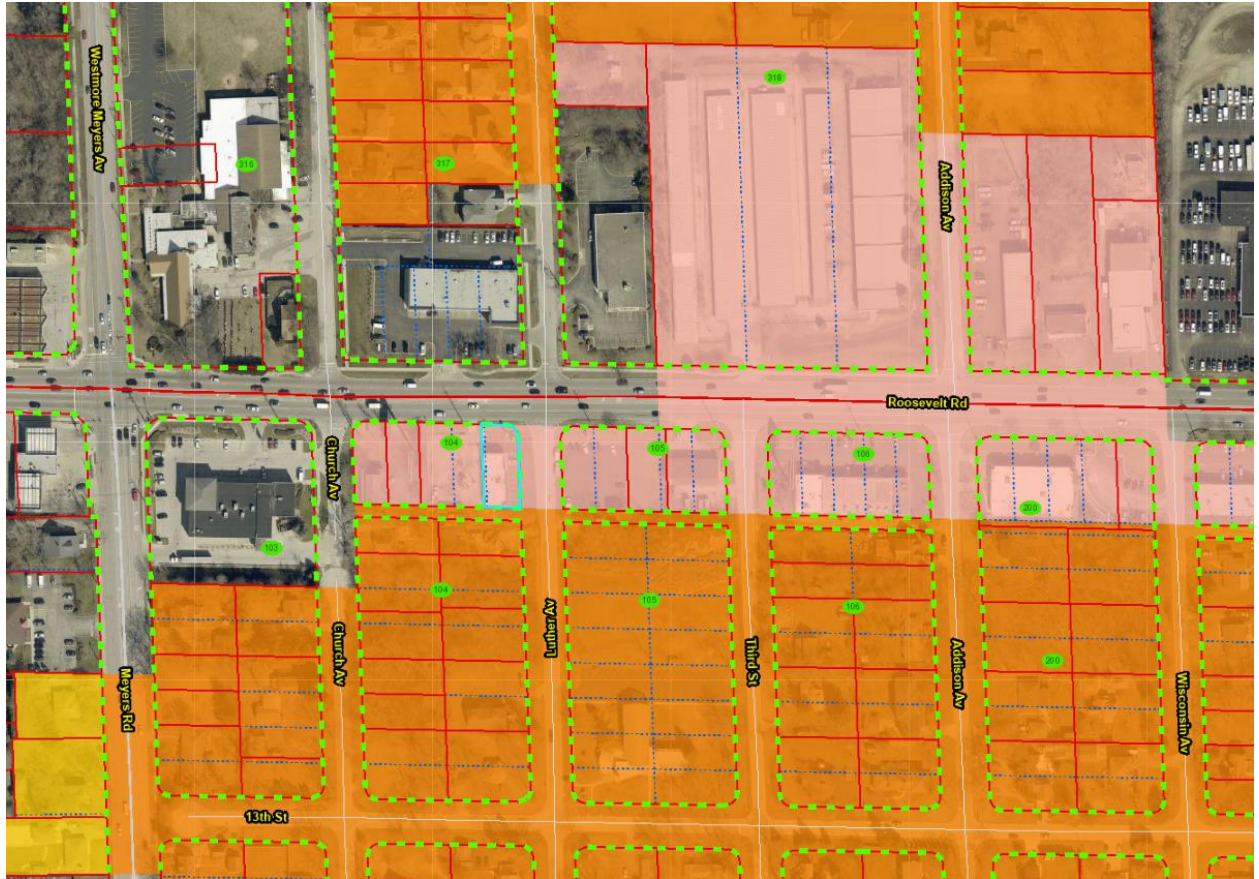
LAND USE

Location	Zoning	Existing Use	LUP
Subject	B-1 LOCAL BUSINESS	COMMERCIAL	LOCAL COMMERCIAL
North	ROOSEVELT ROAD AND BEYOND VILLAGE OF LOMBARD	COMMERCIAL	VILLAGE OF LOMBARD
South	ALLEY AND BEYOND R-4 SF RES	RESIDENTIAL	0-5 DU AC
East	LUTHER AVENUE AND BEYOND B-1 LOCAL BUSINESS	COMMERCIAL	LOCAL COMMERCIAL
West	B-1 LOCAL BUSINESS	UTILITY	LOCAL COMMERCIAL









Sent: Sunday, February 4, 2024 12:11 PM
To: Infelise, Jessica
Subject: Dr. Smoke petition

[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.]

Thank you for allowing me to give my thoughts on the petition of Dr. Smoke being allowed to have only 11 parking spaces along with packaged liquor, and gaming machines.

As for the 11 parking spaces -- currently that amount seems to be enough, but if there are more people that want to gamble with the gaming machines I would think tht parking could become a big problem. This is because instead of people coming in and out for a few minutes they will instead stay for hours to gamble, increasing the need for parking spaces.

Next is packaged liquor --- This is another item that will cause a need for more parking as there will be an increase in the amount of traffic going to the store to purchase liquor. Further there is already a problem with discarded vaping supplies along Luther Ave. causing those in the neighborhood to have to pick up waste nearly every day. Packaged liquor will add to this amount of waste being thrown out and onto the properties in the neighborhood. Especially if people drink while in their cars, causing them to throw out the empty bottles, cans, and packaging so that they do not get caught with these items in their car.

Currently, as said, there are only 11 parking spaces. The biggest problem with the parking spaces currently is that when traffic turns from Roosevelt Rd onto Luther Ave by Dr. Smoke both cars going down Luther Ave and coming out of Dr. Smoke have to be very careful since it is very hard to see either of them. I know that I have had several near misses of hitting someone that was coming out of Dr. Smoke. Anymore traffic will increase the chances that an accident will occur, causing injuries and damage to vehicles. Another occasional problem currently is the semi tractors driving through the neighborhood and over the curb at the corners, which can cause damage to the properties there.

I think that the petition should be denied due to the reasons I have mentioned.

Sincerely, Paul Kraft 1 S. 076 Luther Ave. Lombard IL 60148

Heather Lowe
1310 Church Street
Lombard, IL 60148

2.7.24

Jessica Inpelis

421 North County Farm Road

Wheaton, IL 60187

Subject: Concerns Regarding Proposed Liquor and Gambling Establishment in Our Neighborhood

Dear Jessica,

I hope this letter finds you well. I am writing to express my deep concerns and reservations regarding the proposed liquor and gambling establishment that is planned for our neighborhood. As a long standing resident, I believe that it is essential to voice these concerns on behalf of many concerned residents who share similar apprehensions.

First and foremost, our neighborhood has always prided itself on its family-friendly environment and strong sense of community. The introduction of a liquor and gambling establishment poses a significant threat to the safety, tranquility, and well-being of our community. Such establishments often attract a clientele that may engage in disruptive and potentially illegal activities, which could lead to increased noise, littering, and a general sense of unease for our residents, particularly our children and seniors. In addition, there are parking and traffic concerns at that corner that are currently disruptive and will likely increase.

The presence of a liquor and gambling facility can lead to increased crime rates in our area. History has shown that these establishments can attract individuals with a propensity for criminal activities, potentially resulting in disturbances, thefts, and other security concerns for our residents. We have worked hard to maintain the safety of our

neighborhood, and allowing such an establishment would be counterproductive to these efforts.

Moreover, the potential for addiction and financial hardship associated with gambling establishments is a grave concern. Easy access to gambling facilities can lead to addiction issues among vulnerable individuals, which can have devastating consequences for families and individuals alike. We have a responsibility to promote a healthy and supportive environment that is free from these negative influences.

Additionally, there is a risk that property values in our area could be negatively impacted. Prospective homebuyers and renters may be deterred from choosing a neighborhood with such businesses, potentially leading to a decrease in property values for existing homeowners.

In light of these concerns, I kindly urge you to reconsider the decision to permit the establishment of this liquor and gambling facility in our neighborhood. Instead, I propose that we explore alternative options that better align with the values and interests of our community. We can collectively work towards fostering an environment that promotes family-friendly activities, cultural events, or businesses that contribute positively to the well-being of our residents.

I am more than willing to collaborate with fellow concerned neighbors to explore alternative solutions and support efforts that maintain the charm and safety of our neighborhood. I believe that by working together, we can find a solution that benefits everyone involved.

I implore you to consider the long-term implications of allowing this establishment to operate in our neighborhood. Instead, I propose that we focus our efforts on encouraging businesses and initiatives that promote positive values, community engagement, and family-friendly activities. There are countless alternatives that can enrich our neighborhood without the adverse effects of liquor and gambling.

Thank you for your attention to this matter, and I eagerly await your response. Our community's future and its continued prosperity are at stake, and I believe that, by working together, we can make decisions that benefit us all.

Sincerely,

Heather Lowe



File #: DC-O-0015-24

Agenda Date: 4/2/2024

Agenda #: 6.D.

Zoning Petition ZONING-23-000096 Anjuman-e-Saifee

WHEREAS, a public hearing was held on January 18, 2024 and February 15, 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:

Variation to reduce the minimum interior side yard setbacks from 40 feet to approximately 20 feet for the construction of two proposed parking lots (Section 37-704.4A), on the property hereinafter described:

PARCEL 1: THAT PART OF LOTS 9 AND 21 LYING WESTERLY OF A LINE DRAWN FROM A POINT ON THE NORTH LINE OF SAID LOT 9, 31.16 FEET EAST OF THE NORTHWEST CORNER THEREOF TO A POINT ON THE SOUTH LINE OF SAID LOT 21, 29.70 FEET EAST OF THE SOUTHWEST CORNER THEREOF AND LOTS 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, AND 20, TOGETHER WITH THAT PART OF VALLEY VIEW DRIVE AND BRIANNA DRIVE ADJOINING SAID LOTS AND PART OF LOTS IN TIMBER LAKE GLEN, BEING A RESUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 17, 1989 AS DOCUMENT R89-29732 IN DUPAGE COUNTY, ILLINOIS ALSO KNOWN AS THE WEST 490.60 FEET OF LOT 2 IN DOWNERS GROVE TOWNSHIP SUPERVISORS ASSESSMENT PLAT NUMBER 4 OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1, 1946 AS DOCUMENT NUMBER 494655, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: LOT 2 IN JAMES NOVAK'S RESUBDIVISION OF LOT 12 (EXCEPT THE WEST 490.6 FEET THEREOF AND ALSO EXCEPT THE EAST 100.0 FEET DEDICATED FOR HIGHWAY PURPOSES (ILLINOIS ROUTE 83) IN DOWNERS GROVE TOWNSHIP SUPERVISORS ASSESSMENT PLAT NUMBER 4 OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID NOVAK'S RESUBDIVISION RECORDED JUNE 28, 1965 AS DOCUMENT R65-22709, 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 March 7, 2024 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that the subject zoning relief is to construct two (2) additional parking lots on the subject property, approximately twenty (20) feet from the interior side property lines.
2. That petitioner testified the congregation was established in the early 1970's and now consists of three hundred (300) families, and that in 2001, the place of assembly obtained a Conditional Use for a religious

institution from DuPage County and constructed the subject facility.

3. That petitioner testified that the subject property consists of an existing place of assembly, school, and parking lot.
4. That petitioner testified that at the time of construction, the minimum side yard setback was twenty (20) feet, and the current zoning code requires forty (40) foot setbacks.
5. That petitioner testified that the two (2) proposed surface parking lots will maintain the twenty (20) foot setbacks of the existing parking lot and driveways on the subject property.
6. That petitioner testified that the practical difficulty or particular hardship in respect to the subject property is the existing conditions/development of the property, which at the time of the original development was twenty (20) foot side yard setbacks.
7. That petitioner testified that the proposed surface parking on the subject property is to remedy an existing parking shortage/demand for the place of assembly, and that the proposed zoning relief is for additional surface parking to accommodate vehicles that currently park on the unimproved portion of the property.
8. That petitioner testified that residential single-family homes are located directly to the west of the subject property, to the east of the property across Route 83, and that additional places of assembly are located to the north and south of the subject property.
9. That at the February 15, 2024, public hearing, petitioner submitted a revised site plan to depict changes made after discussions with neighboring residential properties, including a row of six (6) foot tall arbor vitae to create a barrier between the parking lot, lights, and residential properties; and additional landscaping and trees in existing gap areas on the property.
10. That petitioner testified that there is only one (1) access point onto the subject property and that on the revised site plan, the proposed parking areas and drives allow for a circular driveway throughout the property.
 - a. Furthermore, that the driveways throughout the property would now line up together, providing for better circulation for school buses, emergency vehicles, and other large vehicles, and allowing for greater vehicle stacking for entrance and exiting.

STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.

2. That the Zoning Board of Appeals finds that petitioner **has demonstrated** the granting of the Variation will not:
- a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the proposed zoning relief is for additional surface parking, which will not impair an adequate supply of light and air to the adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the proposed zoning relief is for additional surface parking, which 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 demonstrated** that the proposed zoning relief is for additional surface parking to accommodate vehicles that currently park on the unimproved portion of the property and that the additional surface parking will improve 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 zoning relief is for additional surface parking to accommodate the existing parking demand and will not generate new parking demand, and therefore the proposed zoning relief will not unduly increase traffic congestion in the public streets and highways.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed zoning relief for additional surface parking will be designed and constructed in accordance with the County's Stormwater Ordinance and will not increase the potential for flood damages to adjacent property.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the proposed zoning relief for additional surface parking will be designed and constructed in accordance with the County's Stormwater Ordinance and will not incur additional public expense for flood protection, rescue, or relief.
 - g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the proposed zoning relief for additional surface parking will accommodate an existing parking demand and will enhance the existing place of assembly and its property, which will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000096 Anjuman-e-Saifee	
ZONING REQUEST	Variation to reduce the minimum interior side yard setbacks from 40 feet to approximately 20 feet for construction of two proposed parking lots (Section 704.4A)	
OWNER	DAWAT E HADIYAH, 5177 DOUGLAS FIR CALABASAS, CA 91302 / AGENT: KATHLE WEST, 111 EAST JEFFERSON AVENUE, SU NAPERVILLE, IL 60540	
ADDRESS/LOCATION	10S246 ROUTE 83, HINSDALE, IL 60527 / AL KNOWN AS: 10S252 ROUTE 83, WILLOWBR IL 60527	
PIN	10-02-104-095	
TWSP./CTY. BD. DIST.	DOWNERS GROVE	DISTRICT 3
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	9.3 ACRES (405,108 SQ. FT.)	
UTILITIES	WATER/SEWER	
PUBLICATION DATE	Daily Herald: JANUARY 3, 2024	
PUBLIC HEARING	THURSDAY, JANUARY 18, 2024, CONTINU FEBRUARY 15, 2024	
<u>ADDITIONAL INFORMATION:</u>		
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 m required at time of permit application.	
Public Works:	No Objections. "We are the sanitary sewer and water provider for the are	
EXTERNAL:		
Village of Burr Ridge:	<i>No Comments Received.</i>	
Village of Willowbrook:	<i>No Comments Received.</i>	
City of Darien:	No Objections.	
Downers Grove Townsh	<i>No Comments Received.</i>	
Township Highway:	No Objections with the concept of the petition. Additional information m required at time of permit application.	
Tri-State Fire Dist.:	<i>No Comments Received.</i>	
Sch. Dist. 180:	No Objections.	
Sch. Dist. 87:	<i>No Comments Received.</i>	

Forest Preserve:	"The Forest Preserve District of DuPage County has reviewed the information provided and does not have any specific comments."
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GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Int. Side Yard:	40'	NA	APPROX. 20'
Int. Side Yard:	40'	NA	APPROX. 20'

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	PLACE OF ASSEMBLY	0-5 DU AC
North	R-4 SF RES	HOUSE	0-5 DU AC
South	R-4 SF RES	HOUSE	0-5 DU AC
East	ROUTE 83 AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
West	R-4 SF RES	HOUSE	0-5 DU AC

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on March 7, 2024, recommends to approve the following zoning relief:

Variation to reduce the minimum interior side yard setbacks from 40 feet to approximately 20 feet for the construction of two proposed parking lots (Section 37-704.4A).

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition # **ZONING-23-000096 Anjuman-e-Saif** dated February 15, 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 partial 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 April 2, 2024, 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:

Variation to reduce the minimum interior side yard setbacks from 40 feet to approximately 20 feet for the construction of two proposed parking lots (Section 37-704.4A).

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition # **ZONING-23-000096 Anjuman-e-Saif** dated February 15, 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 partial 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 (to Approve): 5 Ayes, 0 Nays, 1 Absent

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

Variation to reduce the minimum interior side yard setbacks from 40 feet to approximately 20 feet for the construction of two proposed parking lots (Section 37-704.4A), on the property hereinafter described:

PARCEL 1: THAT PART OF LOTS 9 AND 21 LYING WESTERLY OF A LINE DRAWN FROM A POINT ON THE NORTH LINE OF SAID LOT 9, 31.16 FEET EAST OF THE NORTHWEST CORNER THEREOF TO A POINT ON THE SOUTH LINE OF SAID LOT 21, 29.70 FEET EAST OF THE SOUTHWEST CORNER THEREOF AND LOTS 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, AND 20, TOGETHER WITH THAT PART OF VALLEY VIEW DRIVE AND BRIANNA DRIVE ADJOINING SAID LOTS AND PART OF LOTS IN TIMBER LAKE GLEN, BEING A RESUBDIVISION OF PART OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 17, 1989 AS DOCUMENT R89-29732 IN DUPAGE COUNTY, ILLINOIS ALSO KNOWN AS THE WEST 490.60 FEET OF LOT 2 IN DOWNERS GROVE TOWNSHIP SUPERVISORS ASSESSMENT PLAT NUMBER 4 OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1, 1946 AS DOCUMENT NUMBER 494655, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2: LOT 2 IN JAMES NOVAK'S RESUBDIVISION OF LOT 12 (EXCEPT THE WEST 490.6 FEET THEREOF AND ALSO EXCEPT THE EAST 100.0 FEET DEDICATED FOR HIGHWAY PURPOSES (ILLINOIS ROUTE 83) IN DOWNERS GROVE TOWNSHIP SUPERVISORS ASSESSMENT PLAT NUMBER 4 OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID NOVAK'S RESUBDIVISION RECORDED JUNE 28, 1965 AS DOCUMENT R65-22709, 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-23-000096 Anjuman-e-Saifee** dated February 15, 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 partial 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; DAWAT E HADIYAH, 5177 DOUGLAS FIR ROAD, CALABASAS, CA 91302 / AGENT: KATHLEEN WEST, 111 EAST JEFFERSON AVENUE, SUITE 200, NAPERVILLE, IL 60540; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 9th day of April, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

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: April 2, 2024

RE: **ZONING-23-000096 Anjuman-e-Saifee
(Downers Grove/District 3)**

DuPage County Board: April 9, 2024:

Development Committee: April 2, 2024: The DuPage County Development Committee recommended to approve the following zoning relief:

Variation to reduce the minimum interior side yard setbacks from 40 feet to approximately 20 feet for the construction of two proposed parking lots (Section 37-704.4A).

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #**ZONING-23-000096 Anjuman-e-Saifee** dated February 15, 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 partial 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 (to Approve): 5 Ayes, 0 Nays, 1 Absent

DuPage County Zoning Board of Appeals: March 7, 2024: The Zoning Board of Appeals recommended to approve the following zoning relief:

Variation to reduce the minimum interior side yard setbacks from 40 feet to approximately 20 feet for the construction of two proposed parking lots (Section 37-704.4A).

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #ZONING-23-000096 **Anjuman-e-Saif** dated February 15, 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 partial 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 the subject zoning relief is to construct two (2) additional parking lots on the subject property, approximately twenty (20) feet from the interior side property lines.
2. That petitioner testified the congregation was established in the early 1970's and now consists of three hundred (300) families, and that in 2001, the place of assembly obtained a Conditional Use for a religious institution from DuPage County and constructed the subject facility.
3. That petitioner testified that the subject property consists of an existing place of assembly, school, and parking lot.
4. That petitioner testified that at the time of construction, the minimum side yard setback was twenty (20) feet, and the current zoning code requires forty (40) foot setbacks.
5. That petitioner testified that the two (2) proposed surface parking lots will maintain the twenty (20) foot setbacks of the existing parking lot and driveways on the subject property.
6. That petitioner testified that the practical difficulty or particular hardship in respect to the subject property is the existing conditions/development of the property, which at the time of the original development was twenty (20) foot side yard setbacks.
7. That petitioner testified that the proposed surface parking on the subject property is to remedy an existing parking shortage/demand for the place of assembly, and that the proposed zoning

relief is for additional surface parking to accommodate vehicles that currently park on the unimproved portion of the property.

8. That petitioner testified that residential single-family homes are located directly to the west of the subject property, to the east of the property across Route 83, and that additional places of assembly are located to the north and south of the subject property.
9. That at the February 15, 2024, public hearing, petitioner submitted a revised site plan to depict changes made after discussions with neighboring residential properties, including a row of six (6) foot tall arbor vitae to create a barrier between the parking lot, lights, and residential properties; and additional landscaping and trees in existing gap areas on the property.
10. That petitioner testified that there is only one (1) access point onto the subject property and that on the revised site plan, the proposed parking areas and drives allow for a circular driveway throughout the property.
 - a. Furthermore, that the driveways throughout the property would now line up together, providing for better circulation for school buses, emergency vehicles, and other large vehicles, and allowing for greater vehicle stacking for entrance and exiting.

STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That the Zoning Board of Appeals finds that petitioner **has demonstrated** the granting of the Variation will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the proposed zoning relief is for to additional surface parking, which will not impair an adequate supply of light and air to the adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the proposed zoned relief is for additional surface parking, which 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 demonstrated** that the proposed zoning relief is for additional surface parking to accommodate vehicles that currently park on the unimproved portion of the property and that the additional surface parking will improve 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 zoning relief is for additional surface parking to accommodate the existing parking demand and will not generate new parking demand, and

therefore the proposed zoning relief will not unduly increase traffic congestion in the public streets and highways.

- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed zoning relief for additional surface parking will be designed and constructed in accordance with the County's Stormwater Ordinance and will not increase the potential for flood damages to adjacent property.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the proposed zoning relief for additional surface parking will be designed and constructed in accordance with the County's Stormwater Ordinance and will not incur additional public expense for flood protection, rescue, or relief.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the proposed zoning relief for additional surface parking will accommodate an existing parking demand and will enhance the existing place of assembly and its property, which will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000096 Anjuman-e-Saifee	
ZONING REQUEST	Variation to reduce the minimum interior side yard setbacks from 40 feet to approximately 20 feet for the construction of two proposed parking lots (Section 37-704.4A)	
OWNER	DAWAT E HADIYAH, 5177 DOUGLAS FIR ROAD, CALABASAS, CA 91302 / AGENT: KATHLEEN WEST, 111 EAST JEFFERSON AVENUE, SUITE 200, NAPERVILLE, IL 60540	
ADDRESS/LOCATION	10S246 ROUTE 83, HINSDALE, IL 60527 / ALSO KNOWN AS: 10S252 ROUTE 83, WILLOWBROOK, IL 60527	
PIN	10-02-104-095	
TWSP./CTY. BD. DIST.	DOWNERS GROVE	DISTRICT 3
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	9.3 ACRES (405,108 SQ. FT.)	
UTILITIES	WATER/SEWER	
PUBLICATION DATE	Daily Herald: JANUARY 3, 2024	
PUBLIC HEARING	THURSDAY, JANUARY 18, 2024, CONTINUED TO FEBRUARY 15, 2024	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Comments Received.	

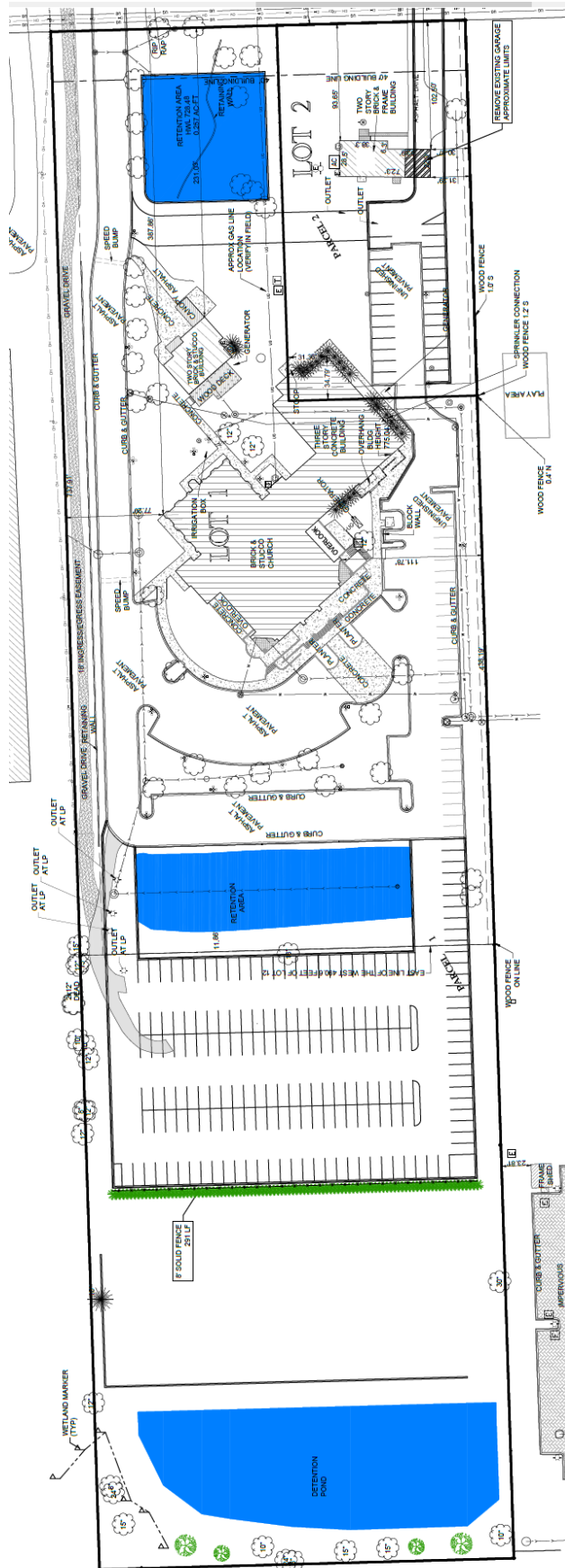
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
Public Works:	No Objections. "We are the sanitary sewer and water provider for the area."
EXTERNAL:	
Village of Burr Ridge:	<i>No Comments Received.</i>
Village of Willowbrook:	<i>No Comments Received.</i>
City of Darien:	No Objections.
Downers Grove Township:	<i>No Comments Received.</i>
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
Tri-State Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 180:	No Objections.
Sch. Dist. 87:	<i>No Comments Received.</i>
Forest Preserve:	"The Forest Preserve District of DuPage County has reviewed the information provided and does not have any specific comments."

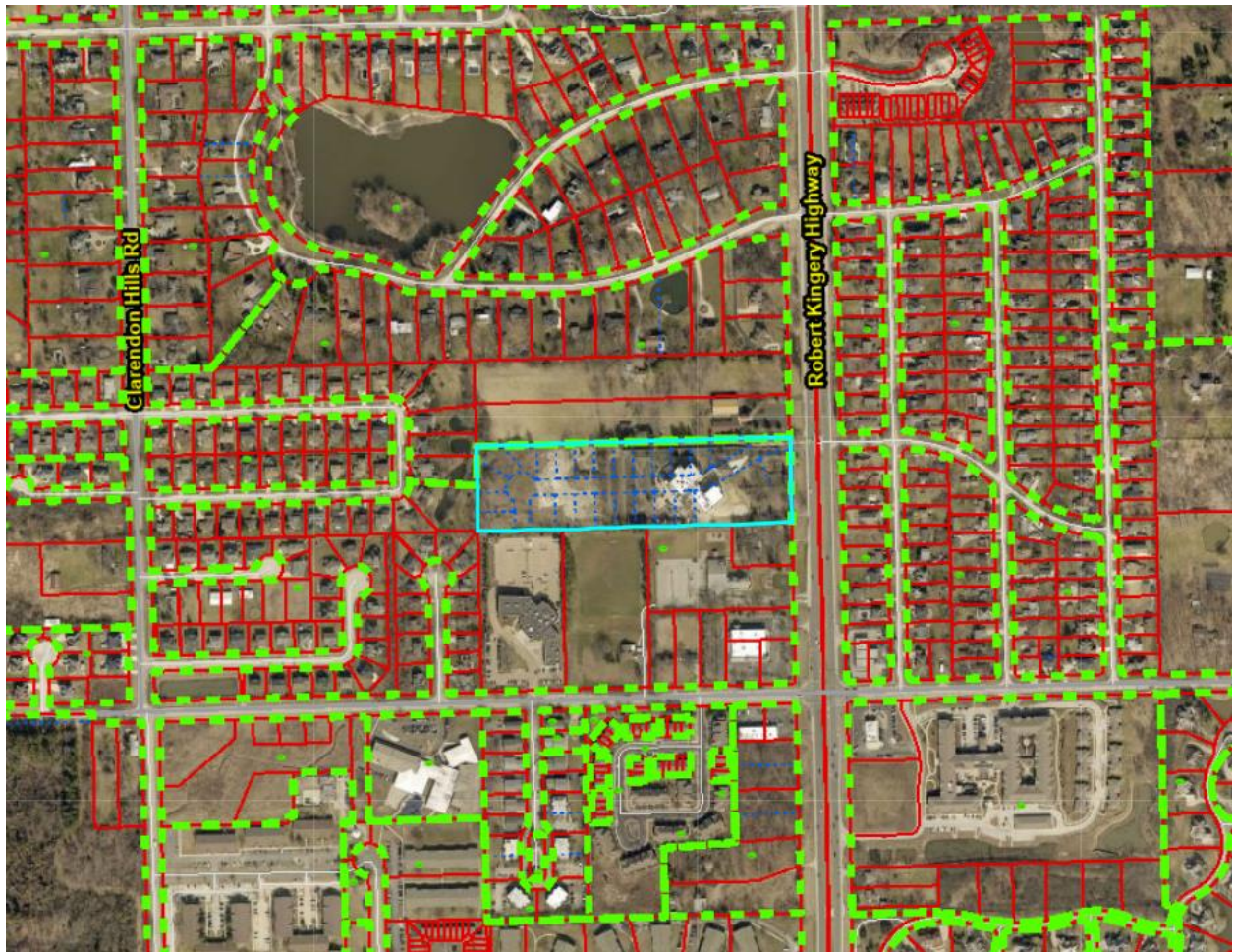
GENERAL BULK REQUIREMENTS:

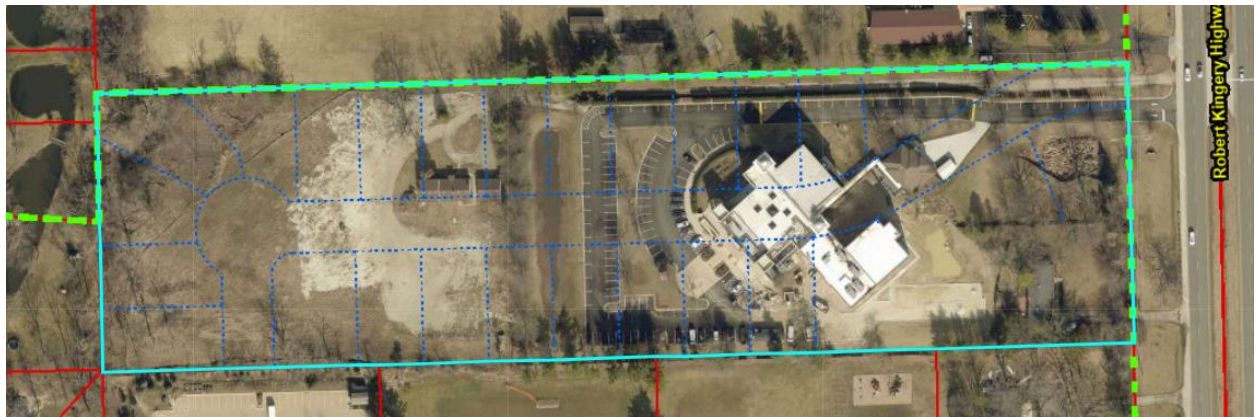
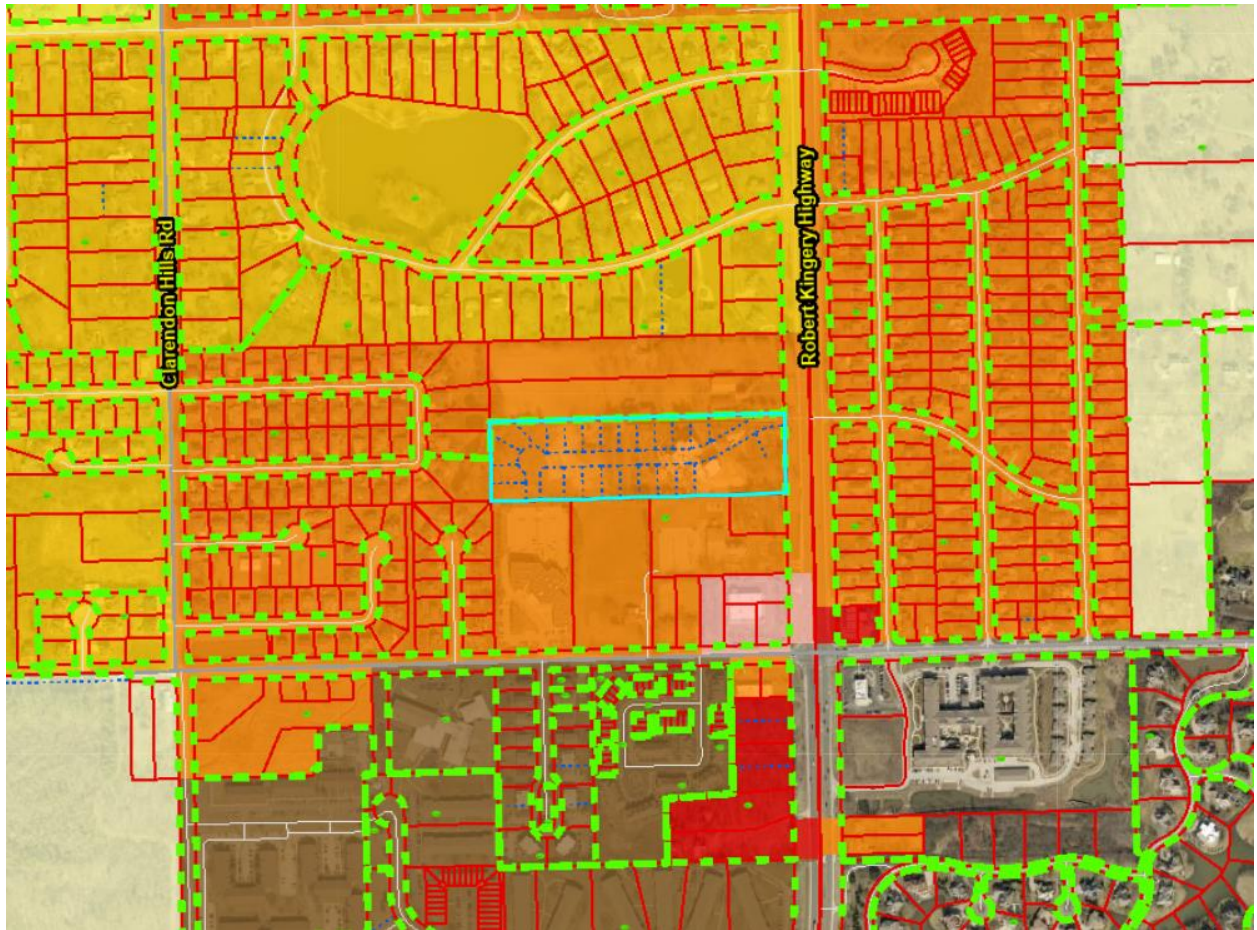
REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Int. Side Yard:	40'	NA	APPROX. 20'
Int. Side Yard:	40'	NA	APPROX. 20'

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	PLACE OF ASSEMBLY	0-5 DU AC
North	R-4 SF RES	HOUSE	0-5 DU AC
South	R-4 SF RES	HOUSE	0-5 DU AC
East	ROUTE 83 AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
West	R-4 SF RES	HOUSE	0-5 DU AC







ANJUMAN-e-SAIFEE

FINDINGS OF FACT

- A. That the granting of any 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.*

This property consists of 9.3 acres, is zoned R-4, and is improved with a mosque, a school, and parking. The surrounding properties are also zoned R-4 and are improved with other places of worship. The requested variations are in harmony with the general purpose and intent of the Zoning Ordinance, will not be injurious to the neighborhood, detrimental to the public welfare, nor in conflict with the County's Comprehensive Plan for development as set forth in Section B.

- B. That the granting of the variation will not:*

- 1. Impair an adequate supply of light and air to adjacent property;*
- 2. Increase the hazard from fire or other dangers to said property*

Since the variations relate to the construction of additional surface parking, they will not impair an adequate supply of light and air to adjacent property nor increase the hazard from fire or other damages to said property.

- 3. Diminish the value of land and buildings throughout the County*

The proposed parking is required to accommodate vehicles which now park on the unimproved portion of the property, which parking is not attractive. The additional parking will maintain the value of surrounding land and buildings.

- 4. Unduly increase traffic congestion in the public streets and highways*

The variations are being requested so as to construct additional parking to accommodate existing parking demand. The proposed parking will not generate new parking demand and thereby will not unduly increase traffic congestion in the public streets and highways.

- 5. Increase the potential for flood damages to adjacent property*

The proposed parking will be designed and constructed in accordance with the County's stormwater ordinances so the potential for flood damage to adjacent property should be minimized.

6. Incur additional public expense for flood protection, rescue or relief

The proposed parking is accessory to the principal use of the property. There should not be any additional public expense for flood protection, rescue or relief.

7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County

The requested variations will allow for the construction of additional parking which will enhance the mosque and its property. The additional parking will not impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.



PLAT OF EASEMENT GRANT FOR MULTI-USE PATH

OWNER'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF)

THIS IS TO CERTIFY THAT
THE OWNER OF THE PROPERTY DESCRIBED ABOVE AND AS SUCH
OWNER, HAS CAUSED THE SAME TO BE PLATTED AS SHOWN HEREON,
FOR THE USES AND PURPOSES THEREIN SET FORTH AND AS ALLOWED
AND PROVIDED BY STATUTES.

DATED THIS DAY OF 20

BY: SIGNATURE PRINT NAME

NOTARY'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF)

NOTARY PUBLIC IN AND FOR THE SAID COUNTY IN THE STATE
AFORESAID, DO HEREBY CERTIFY THAT

WHO IS PERSONALLY
KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED
TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN
PERSON AND ACKNOWLEDGED THAT THEY SIGNED AND DELIVERED
THE SAID INSTRUMENT AS THEIR OWN FREE AND VOLUNTARY ACT FOR
THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND NOTARIAL SEAL THIS DAY OF

SIGNATURE PRINT NAME

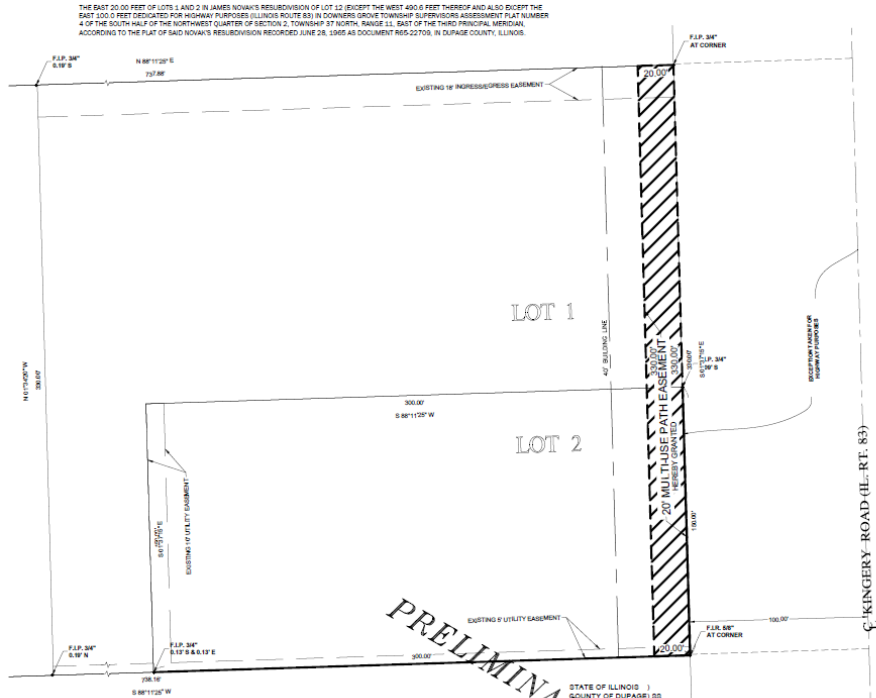
MY COMMISSION EXPIRES ON A.D., 20

DUPAGE COUNTY DEPARTMENT OF PUBLIC WORKS CERTIFICATE

STATE OF ILLINOIS)
COUNTY OF DUPAGE)

APPROVED THIS DAY OF 20

BY: SUPERINTENDENT OR AUTHORIZED AGENT
DUPAGE COUNTY DEPARTMENT OF PUBLIC WORKS



RECORDER'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE)
THIS INSTRUMENT NO. WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY,
ILLINOIS AFORESAID ON THIS DAY OF 20 AT O'CLOCK A.M.
GIVEN UNDER MY NAME AND SEAL OF THE COUNTY CLERK AT WHEATON, ILLINOIS, THIS DAY OF 20
BY: RECORDER OF DEEDS

THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT
THE PLAT AS HEREON DRAWN IS A CORRECT REPRESENTATION OF THE PROPERTY DESCRIBED
ABOVE.
FURTHERMORE, I DESIGNATE THE VILLAGE OF WILLOWBROOK TO ACT
AS MY AGENT FOR THE PURPOSES OF RECORDING THIS DOCUMENT.
DATED, THIS 1ST DAY OF MARCH, A.D., 2024, AT LIGLE, ILLINOIS.
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 039-3205
MY LICENSE EXPIRES NOVEMBER 30, 2024
ILLINOIS PROFESSIONAL DESIGN FIRM PROFESSIONAL
ENGINEERING CORPORATION NO. 184-001245



Morris Engineering, Inc.
Civil Engineering • Consulting
Land Surveying
515 Warrville Road, Lisle, IL 60532
Phone: (630) 271-0770
Survey: (630) 271-0059
Fax: (630) 271-0774
Website: www.mecivil.com



Sent: Wednesday, January 17, 2024 10:54 PM
To: Infelise, Jessica
Subject: Members of Housing Board of Appeals -Resident concerns and photos
Attachments: number 1.jpg; Number 2.jpg; Number 3.jpg; Number 4.jpg; Number 5.jpg

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

Dear Jessica, I have attempted multiple times to send you an email with pictures and a a few seconds clip of the issue. They all failed. So I will attempt to send multiple emails with just two of three pictures each. It is of utmost importance that the Board reviews all photos of the issue and concerns to be addressed for the meeting.

Dear Members of Housing Board of Appeal,

I would like to address the board and show the concerns before the Board meets on Thursday.

I am a resident at 10s267 Kaye Ln and lived here for over 10 years.

Be began flooding on our property shortly after MECCA mosque and their parking lot was completed. The drain that is on the street in front of our house was already dated and could no longer accommodate increase in amount of water that needs to be drained. The street drain that is in front of our house is too small to drain the increased amount of water. This water collects in front of our house since it's the lowest point on the street.

We have asked Downers Grove township to address flooding but this has not been addressed or rectified in the last three years.

Our concern is that new permits are easily issued without consideration to consequences that this new construction will cause to the surrounding neighborhoods rain water runoff and other environmental issues.

The floods that we have been experiencing since the building of the parking lot of MECCA has not been addressed or rectified by the county in the past three years due to lack of funds in the budget. It is not fair to the taxpayers in the surrounding community to be expecting the cost of damages or correction of the issues these new permits/structures causes. Our retention pond and street can not accommodate the increase of the storm water that this will cause by the new parking lot of Anjuman-e-Saifee.

We would the board to consider request of the following items before the permit is issued.

- evaluation from an independent certified environmental storm water compliance professional/engineer
- additional retention pond on their own property to prevent overflow of storm water onto our property and feeding out street
- the use of water permeable paver system for the parking lot
- sloping of the parking lot away from (Kaye lane and residential homes) and towards Kingery Hwy
- tall evergreens to shield or dampen the high intensity light that is being used from dusk to dawn.

Please take the time to view pictures of the flooding out street experiences after each rain fall. These pictures were taken during different dates. The video of the flood and storm water runoff will be sent in a separate email due to exceeding limit in attached files.



















Development Ordinance

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

File #: DC-O-0016-24

Agenda Date: 4/2/2024

Agenda #: 6.E.

Zoning Petition ZONING-24-000001 Cardinal Fence & Supply, Inc.

WHEREAS, a public hearing was held on February 7, 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 front yard setback for a new 7' fence from required 40' to approximately 3" (replacing current fence with new fence in same location).
2. Variation to allow a barbed-wire fence on the subject property (replacing current barbed wire with new barbed wire in same location), on the property hereinafter described:

LOTS 1, 2 AND 3 IN GLENN AND ELLEN DEVRIES SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 22, 1986 AS DOCUMENT R86-161658, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on February 7, 2024 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that he seeks to the subject zoning relief to replace a fifty (50) year old (possibly older) fence on the Public Storage property located at 28W650 ROOSEVELT ROAD, WINFIELD, IL 60190.
- B. That petitioner testified that the existing fence is failing and that a new fence is needed on the property to protect and secure the property of their Public Storage customers.
- C. That petitioner testified that they have approximately eight hundred (800) units, in addition to boat/RV storage.
- D. That petitioner testified that a six (6) foot fence with one (1) foot of barbed-wire on top of the fence would be required to match what has been existing on the subject property for over fifty (50) years.

- E. That petitioner testified that they required barbed-wire on top of the proposed fence due to consistent break-ins at the self-storage facility.
- F. That petitioner testified that there is no on-site guard on the property, and that they only have a gated entryway and security video cameras monitoring the property.
- G. That the Zoning Hearing Officer finds that petitioner demonstrated evidence for a practical difficulty for the subject property for a seven (7) foot tall fence, as the self-storage use has utilized an existing seven (7) foot fence approximately 3” from the property line since the 1960s, and that the protection from the fence is needed to secure the property held within the Public Storage facility.
- H. That the Zoning Hearing Officer finds that petitioner has not demonstrated evidence for a practical difficulty or particular hardship to allow a barbed-wire fence on the subject property and that there are additional security alternatives other than barbed wire for the subject property.

STANDARDS FOR VARIATIONS (BARBED-WIRE FENCE)

**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 or provided evidence** that a barbed-wire fence will not impair an adequate supply of light and air to the adjacent properties, as it was not discussed at the public hearing.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated or provided evidence** that a barbed-wire fence will not increase the hazard from fire or other dangers, as it was not discussed at the public hearing.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated or provided evidence** that a barbed-wire fence will not diminish the value of land and buildings throughout the County, as it was not discussed at the public hearing.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has not demonstrated or provided evidence** that a barbed-wire fence will not unduly increase traffic congestion in the public streets and highways, as it was not discussed at the public hearing.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has not demonstrated or provided evidence** that a barbed-wire fence will not increase the potential for flood damages to adjacent properties, as it was not discussed at the public hearing.

- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated or provided evidence** that a barbed-wire fence will not incur additional public expense for flood protection, rescue, or relief, as it was not discussed at the public hearing.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has not demonstrated or provided evidence** that a barbed-wire fence will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County, as it was not discussed at the public hearing.

STANDARDS FOR VARIATIONS (NEW 7' FENCE FROM REQUIRED 40' SETBACK TO APPROXIMATELY 3")

**Per Zoning Code Section 37-1411.3*

- 1. That the Zoning Hearing Officer finds that petitioner **has demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
- 2. That the Zoning Hearing Officer finds that petitioner **has demonstrated** the granting of the Variation will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" will not impair an adequate supply of light and air to the adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" will not increase the hazard from fire or other dangers.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** the Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" will not diminish the value of land and buildings throughout the County and will be an added benefit to the surrounding area.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** the Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" will not unduly increase traffic congestion in the public streets and highways.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" 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 demonstrated** the Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" will not incur additional public expense for flood protection, rescue, or relief.

- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** the Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" 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-24-000001 Cardinal Fence & Supply	
ZONING REQUEST	1. Variation to reduce the front yard setback for fence from required 40' to approximately 3" (replace current fence with new fence in same location). 2. to allow a barbed-wire fence on the subject property (replacing current barbed wire with new barbed wire in same location).	
OWNER	STORAGE TRUST PROPERTIES, 28W650 ROOSEVELT ROAD, WINFIELD, IL 60190 / STORAGE TRUST PROPERTIES, ATTN DEPT PT IL28163, PO BOX 100, GLENDALE, CA 91201-5025 / AGENT: CARDINAL FENCE AND SUPPLY, INC., 1025 INDSUTRIAL BLVD, BENSENVILLE, IL 60106	
ADDRESS/LOCATION	28W650 ROOSEVELT ROAD, WINFIELD, IL	
PIN	04-14-302-018 / 04-14-302-019 / 04-14-302-020	
TWSP./CTY. BD. DIST.	WINFIELD	DISTRICT 6
ZONING/LUP	O-OFFICE	LOCAL COMMERCIAL
AREA	5.61 ACRES (244,372 SQ. FT.)	
UTILITIES	WATER / SEWER	
PUBLICATION DATE	Daily Herald: JANUARY 23, 2024	
PUBLIC HEARING	WEDNESDAY, FEBRUARY 7, 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.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
City of West Chicago:	No Comments Received.	
Village of Winfield:	No Comments Received.	
City of Warrenville:	No Comments Received.	
Winfield Township:	No Comments Received.	
Township Highway:	Our office has no jurisdiction in this matter.	
Winfield Fire Dist.:	No Comments Received.	

Sch. Dist. 33:	<i>No Comments Received.</i>
Sch. Dist. 94:	<i>No Comments Received.</i>
Forest Preserve:	"The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject District property, we do not have any specific comments. Thank you."

LAND USE

Location	Zoning	Existing Use	LUP
Subject	O-OFFICE	SELF-STORAGE	LOCAL COMMERCIAL
North	R-1 SF RES	HOUSE	LOCAL COMMERCIAL
South	ROOSEVELT ROAD AND BEYOND B-2 GENERAL BUSINESS	COMMERCIAL	LOCAL COMMERCIAL
East	O-OFFICE	HOUSE	LOCAL COMMERCIAL
West	O-OFFICE	COMMERCIAL	LOCAL COMMERCIAL

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on February 7, 2024, recommends to bifurcate the following zoning relief:

Variation to allow a barbed-wire fence on the subject property (replacing current barbed wire with new barbed wire in same location).

ZHO Recommendation to Deny

Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" (replacing current fence with new fence in same location).

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's side plan made part of Zoning Petition # **ZONING-24-000001 Cardinal Fence & Supply, Inc** dated February 7, 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 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 April 2, 2024, considered the above findings

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

Variation to allow a barbed-wire fence on the subject property (replacing current barbed wire with new barbed wire in same location).

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

Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" (replacing current fence with new fence in same location).

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's side plan made part of Zoning Petition # **ZONING-24-000001 Cardinal Fence & Supply, Inc** dated February 7, 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 the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

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

Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" (replacing current fence with new fence in same location).

(That petitioner has withdrawn the Variation to allow a barbed-wire fence on the subject property [replacing current barbed wire with new barbed wire in same location] on April 2, 2024)

LOTS 1, 2 AND 3 IN GLENN AND ELLEN DEVRIES SUBDIVISION OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 22, 1986 AS DOCUMENT R86-161658, 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 side plan made part of Zoning Petition # **ZONING-24-000001 Cardinal Fence & Supply, Inc** dated February 7, 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 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; STORAGE TRUST PROPERTIES, 28W650 ROOSEVELT ROAD, WINFIELD, IL 60190 / STORAGE TRUST PROPERTIES, ATTN DEPT PT IL28163, PO BOX 2, GLENDALE, CA 91201-5025 / AGENT: CARDINAL FENCE AND SUPPLY, INC., 1025 INDSUTRIAL DRIVE, BENSENVILLE, IL 60106; and Township Assessor, Winfield Township, 130 Arbor Avenue, West Chicago, IL 60185.

,

Enacted and approved this 9th day of April, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

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: April 2, 2024

RE: **ZONING-24-000001 Cardinal Fence & Supply, Inc.
(Winfield/District 6)**

DuPage County Board: April 9, 2024:

Development Committee: April 2, 2024: The DuPage County Development Committee recommended to approve the following zoning relief:

Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" (replacing current fence with new fence in same location).

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's side plan made part of Zoning Petition #**ZONING-24-000001 Cardinal Fence & Supply, Inc** dated February 7, 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 the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

(That petitioner has withdrawn the Variation to allow a barbed-wire fence on the subject property [replacing current barbed wire with new barbed wire in same location] on April 2, 2024)

Zoning Hearing Officer: February 7, 2024: The Zoning Hearing Officer recommended to bifurcate the following zoning relief:

Variation to allow a barbed-wire fence on the subject property (replacing current barbed wire with new barbed wire in same location).

ZHO Recommendation to Deny

Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" (replacing current fence with new fence in same location).

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's side plan made part of Zoning Petition #**ZONING-24-000001 Cardinal Fence & Supply, Inc** dated February 7, 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 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 he seeks to the subject zoning relief to replace a fifty (50) year old (possibly older) fence on the Public Storage property located at 28W650 ROOSEVELT ROAD, WINFIELD, IL 60190.
- B. That petitioner testified that the existing fence is failing and that a new fence is needed on the property to protect and secure the property of their Public Storage customers.
- C. That petitioner testified that they have approximately eight hundred (800) units, in addition to boat/RV storage.
- D. That petitioner testified that a six (6) foot fence with one (1) foot of barbed-wire on top of the fence would be required to match what has been existing on the subject property for over fifty (50) years.
- E. That petitioner testified that they required barbed-wire on top of the proposed fence due to consistent break-ins at the self-storage facility.
- F. That petitioner testified that there is no on-site guard on the property, and that they only have a gated entryway and security video cameras monitoring the property.
- G. That the Zoning Hearing Officer finds that petitioner demonstrated evidence for a practical difficulty for the subject property for a seven (7) foot tall fence, as the self-storage use has utilized an existing seven (7) foot fence approximately 3" from the property line since the 1960s, and that the protection from the fence is needed to secure the property held within the Public Storage facility.

- H. That the Zoning Hearing Officer finds that petitioner has not demonstrated evidence for a practical difficulty or particular hardship to allow a barbed-wire fence on the subject property and that there are additional security alternatives other than barbed wire for the subject property.

STANDARDS FOR VARIATIONS (BARBED-WIRE FENCE)

**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 or provided evidence** that a barbed-wire fence will not impair an adequate supply of light and air to the adjacent properties, as it was not discussed at the public hearing.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated or provided evidence** that a barbed-wire fence will not increase the hazard from fire or other dangers, as it was not discussed at the public hearing.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated or provided evidence** that a barbed-wire fence will not diminish the value of land and buildings throughout the County, as it was not discussed at the public hearing.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has not demonstrated or provided evidence** that a barbed-wire fence will not unduly increase traffic congestion in the public streets and highways, as it was not discussed at the public hearing.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has not demonstrated or provided evidence** that a barbed-wire fence will not increase the potential for flood damages to adjacent properties, as it was not discussed at the public hearing.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated or provided evidence** that a barbed-wire fence will not incur additional public expense for flood protection, rescue, or relief, as it was not discussed at the public hearing.
 - g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has not demonstrated or provided evidence**

that a barbed-wire fence will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County, as it was not discussed at the public hearing.

STANDARDS FOR VARIATIONS (NEW 7' FENCE FROM REQUIRED 40' SETBACK TO APPROXIMATELY 3")

**Per Zoning Code Section 37-1411.3*

1. That the Zoning Hearing Officer finds that petitioner **has demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That the Zoning Hearing Officer finds that petitioner **has demonstrated** the granting of the Variation will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" will not impair an adequate supply of light and air to the adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" will not increase the hazard from fire or other dangers.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** the Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" will not diminish the value of land and buildings throughout the County and will be an added benefit to the surrounding area.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** the Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" will not unduly increase traffic congestion in the public streets and highways.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" 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 demonstrated** the Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" will not incur additional public expense for flood protection, rescue, or relief.

- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** the Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

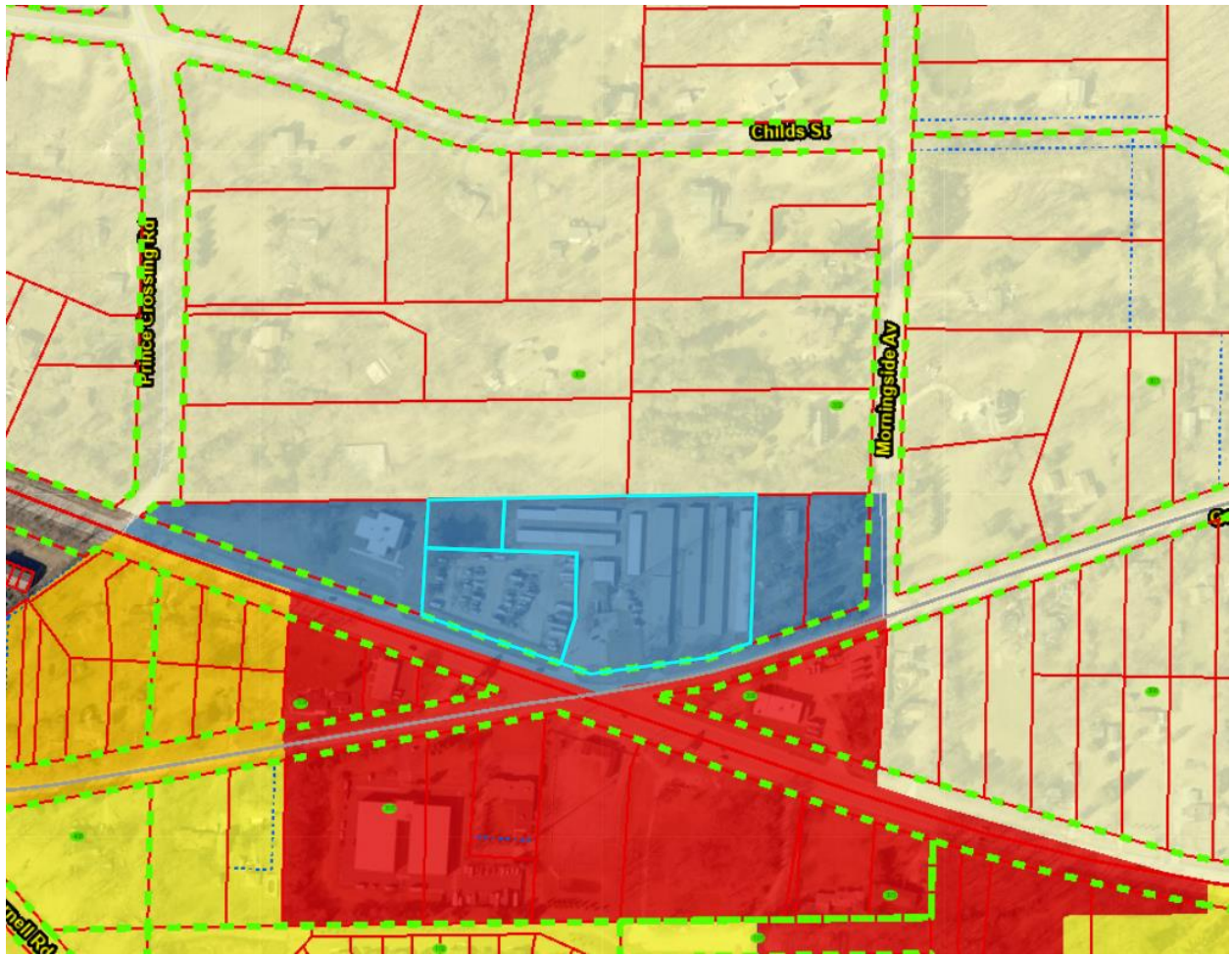
GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-24-000001 Cardinal Fence & Supply, Inc.	
ZONING REQUEST	1. Variation to reduce the front yard setback for a new 7' fence from required 40' to approximately 3" (replacing current fence with new fence in same location). 2. Variation to allow a barbed-wire fence on the subject property (replacing current barbed wire with new barbed wire in same location).	
OWNER	STORAGE TRUST PROPERTIES, 28W650 ROOSEVELT ROAD, WINFIELD, IL 60190 / STORAGE TRUST PROPERTIES, ATTN DEPT PT IL28163, PO BOX 2, GLENDALE, CA 91201-5025 / AGENT: CARDINAL FENCE AND SUPPLY, INC., 1025 INDSUTRIAL DRIVE, BENSENVILLE, IL 60106	
ADDRESS/LOCATION	28W650 ROOSEVELT ROAD, WINFIELD, IL 60190	
PIN	04-14-302-018 / 04-14-302-019 / 04-14-302-020	
TWSP./CTY. BD. DIST.	WINFIELD	DISTRICT 6
ZONING/LUP	O-OFFICE	LOCAL COMMERCIAL
AREA	5.61 ACRES (244,372 SQ. FT.)	
UTILITIES	WATER / SEWER	
PUBLICATION DATE	Daily Herald: JANUARY 23, 2024	
PUBLIC HEARING	WEDNESDAY, FEBRUARY 7, 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.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
City of West Chicago:	<i>No Comments Received.</i>	
Village of Winfield:	<i>No Comments Received.</i>	
City of Warrenville:	<i>No Comments Received.</i>	
Winfield Township:	<i>No Comments Received.</i>	
Township Highway:	Our office has no jurisdiction in this matter.	
Winfield Fire Dist.:	<i>No Comments Received.</i>	
Sch. Dist. 33:	<i>No Comments Received.</i>	
Sch. Dist. 94:	<i>No Comments Received.</i>	

Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you.”
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LAND USE

Location	Zoning	Existing Use	LUP
Subject	O-OFFICE	SELF-STORAGE	LOCAL COMMERCIAL
North	R-1 SF RES	HOUSE	LOCAL COMMERCIAL
South	ROOSEVELT ROAD AND BEYOND B-2 GENERAL BUSINESS	COMMERCIAL	LOCAL COMMERCIAL
East	O-OFFICE	HOUSE	LOCAL COMMERCIAL
West	O-OFFICE	COMMERCIAL	LOCAL COMMERCIAL







Development Ordinance

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

File #: DC-O-0017-24

Agenda Date: 4/2/2024

Agenda #: 6.F.



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

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: March 7, 2024

RE: **ZONING-24-000005 Oburrdale, Inc.
(Downers Grove/District 3)**

Development Committee: April 2, 2024:

DuPage County Zoning Board of Appeals: March 7, 2024: The Zoning Board of Appeals recommended to deny the following zoning relief:

1. Conditional Use for open storage of equipment, equipment storage containers, and landscape materials.
2. Exception/Variation to reduce the south (front yard) setback from required 40 feet to approximately 2 feet.
3. Exception/Variation to reduce the east (interior side yard) setback from required 20 feet to approximately 1.5 feet.
4. Exception/Variation to reduce the west (interior side yard) setback from required 20 feet to approximately 2 feet.
5. Exception/Variation to reduce north (rear yard) setback from required 20 feet to approximately 0 feet.

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

Dissenting Opinion: That the two (2) dissenting Zoning Board of Appeals members found that petitioner presented sufficient evidence to support the subject zoning relief.

FINDINGS OF FACT:

1. That petitioner testified that the subject zoning relief is to maintain the existing use on the subject property, which contains a landscape material industrial use that is semi-developed with concrete material bins, an unenclosed timber processing platform, and landscape materials such as mulch and firewood.

2. That petitioner testified that the subject property is a non-retail operation, where no landscape materials are sold on site to consumers, and all landscape materials are delivered directly to customers.
3. That petitioner testified that the subject property has maintained a firewood/log-splitting operation since the early 1980s, which has continued with the current property owner since 2002.
4. That petitioner testified that the subject property is located on Jeans Road in a heavily industrial containing similar land uses within the I-1 and I-2 Zoning Districts.
 - a. Furthermore, that petitioner testified that Jeans Road was widened in 1992, and as a result from that widening, the front of the subject property was reduced, causing the existing property improvements to be located closer to the front property line.
5. That petitioner testified that they require the requested zoning relief to reduce the setbacks due to maintaining the existing site circulations for material drop off by semi-trucks.
 - a. In addition, that petitioner testified that he would be unable to operate the existing business if he were required to maintain the required setbacks, as the required setbacks would shrink the yard down to where he would not be able to safely turn around the trucks and equipment.
6. That petitioner testified that firewood storage/inventory requires significant space, as one to one-and-a half year's inventory is required to cure before the product is deliverable to customers.
7. That petitioner testified that Oburrdale does not complete tree removal services and that it recommends tree removal companies to its customer base.
 - a. Furthermore, that petitioner testified that Oburrdale has decreased the number of companies that they accept wood/trees from as the demand has decreased.
8. That petitioner testified that the subject Oburrdale business has twenty-one (21) employees.
9. That petitioner testified that the subject zoning relief is to maintain the existing use on the subject property, which contains a landscape material industrial use that is semi-developed with concrete material bins, an unenclosed timber processing platform, and landscape materials such as mulch and firewood, and that no alterations or new improvements will results from the request zoning relief.

10. That the Zoning Board of Appeals found that based on the testimony, petitioner indicated a self-imposed hardship due the overuse of the subject property/land, and that petitioner's business operations have outgrown the subject property.

11. Furthermore, that the Zoning Board of Appeals found that the storage of landscape materials, firewood, and commercial equipment along property lines with zero setbacks presents a significant fire hazard to both the subject property and adjacent properties.

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner **has not demonstrated** that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development; and specifically, that the granting of the Conditional Use will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that no alterations or new improvements will result from the requested zoning relief, and that it will not impair an adequate supply of light and air to the adjacent property.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated** that the requested zoning relief will not increase the hazard from fire or other dangers to said property with the firewood located at the property lines.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that no alterations or new improvements will result from the requested zoning relief, and that it will not diminish the value of land or buildings throughout the County.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that no alterations or new improvements will result from the requested zoning relief, and that it will not unduly increase or have any impact on traffic congestion in the public streets and highways.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that no alterations or new improvements will result from the requested zoning relief, and that it will not increase the potential for flood damages to adjacent property.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that no alterations or new improvements will result from the requested zoning relief, and that it 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 requested zoning

relief 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-24-000005 Oburrdale, Inc.
ZONING REQUEST	1. Conditional Use for open storage of equipment, equipment storage containers, and landscape materials. 2. Exception/Variation to reduce the south (front yard) setback from required 40 feet to approximately 2 feet. 3. Exception/Variation to reduce the east (interior side yard) setback from required 20 feet to approximately 1.5 feet. 4. Exception/Variation to reduce the west (interior side yard) setback from required 20 feet to approximately 2 feet. 5. Exception/Variation to reduce north (rear yard) setback from required 20 feet to approximately 0 feet.
OWNER	OBURRDALE, INC. 7630 HAMILTON AVENUE, BURR RIDGE, IL 60527/ AGENT: DAN PATTERSON, 7630 HAMILTON AVENUE, BURR RIDGE, IL 60527 AND MICHAEL ROTH, ICE MILLER LEGAL COUNSEL, 2300 CABOT DRIVE, SUITE 455, Lisle, IL 60532-4613
ADDRESS/LOCATION	16W290 JEANS ROAD, WILLOWBROOK, IL 60527 AND 16W296 JEANS ROAD, WILLOWBROOK, IL 60527
PIN	10-11-401-008/10-11-401-009
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	I-1 LIGHT INDUSTRIAL OPEN SPACE
AREA	1.63 ACRES (71,003 SQ. FT.)
UTILITIES	N/A
PUBLICATION DATE	DAILY HERALD: JANUARY 10, 2024
PUBLIC HEARING	THURSDAY, JANUARY 25, 2024
<u>ADDITIONAL INFORMATION:</u>	
Building:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	Our office has no jurisdiction in this matter.
Stormwater:	No Objections.
Public Works:	No Objections. "We do have water available at the front of the property."
<u>EXTERNAL:</u>	
Village of Burr Ridge:	See attached documentation.
City of Lemont:	<i>No Comments Received.</i>
Downers Grove Township:	<i>No Comments Received.</i>
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application.

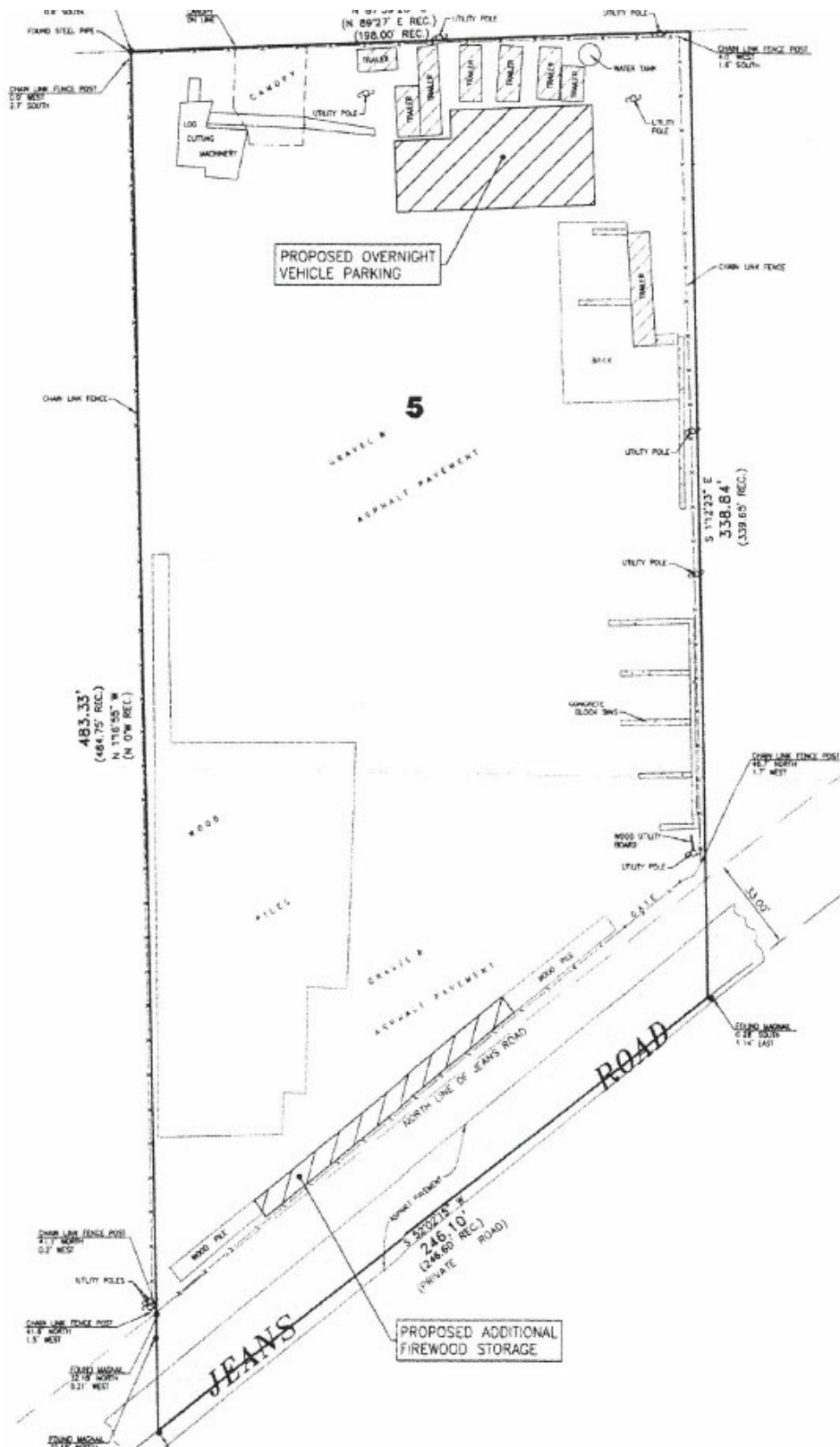
Tri-State Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 180:	No Objections.
Sch. Dist. 86:	<i>No Comments Received.</i>
Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you.”

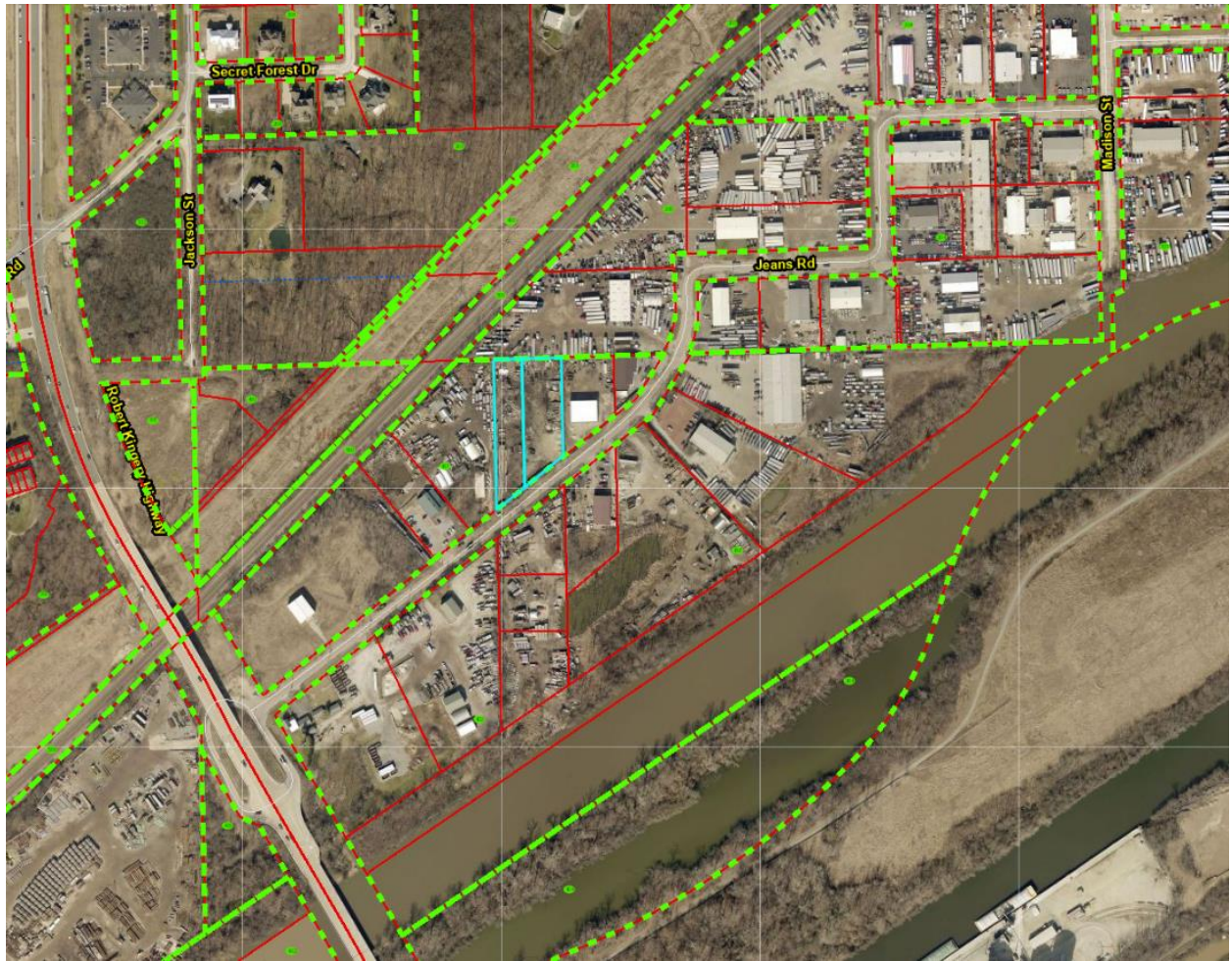
GENERAL BULK REQUIREMENTS:

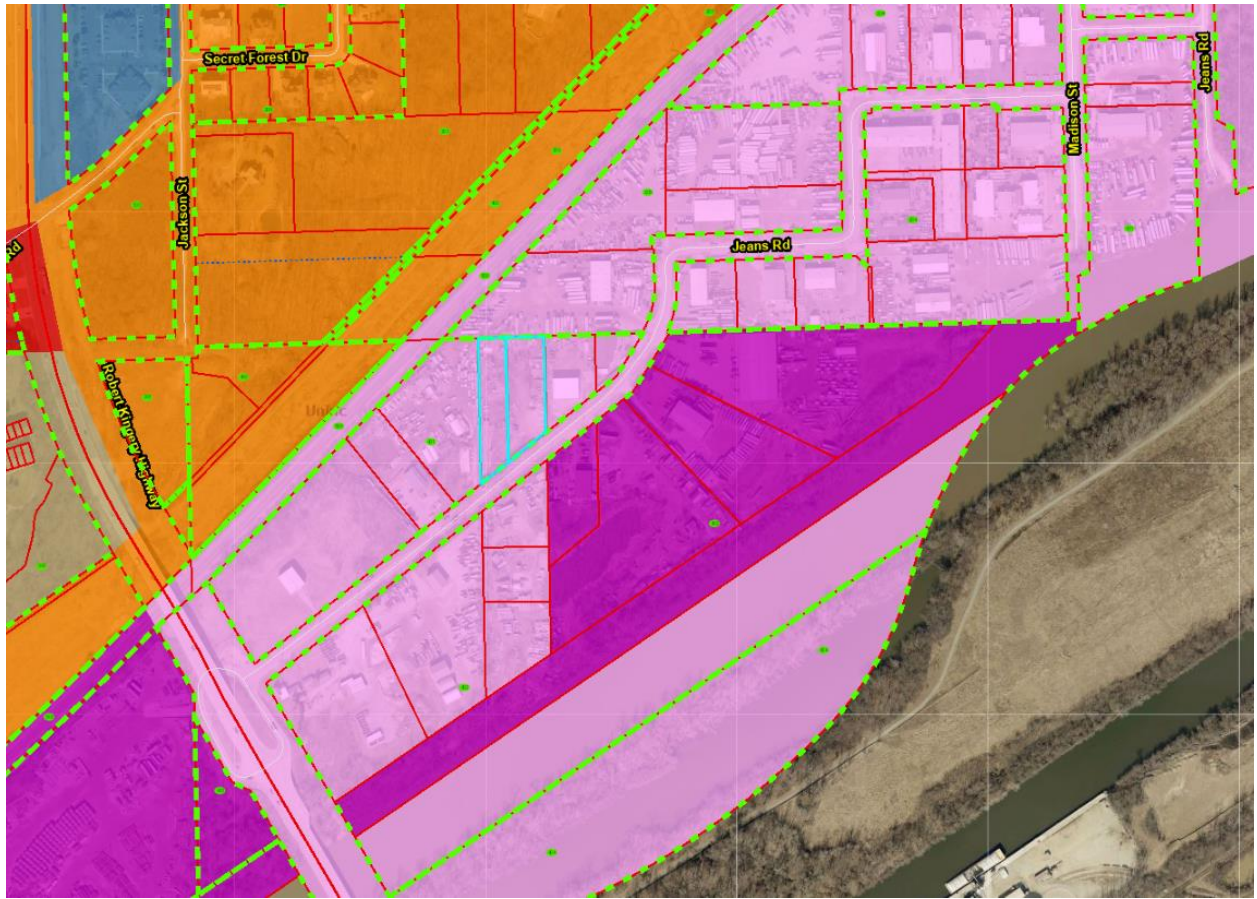
REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Front Yard:	40 FT	APPROX. 2 FT	APPROX. 2 FT
Int. Side Yard:	20 FT	APPROX. 1.5 FT	APPROX. 1.5 FT
Int. Side Yard:	20 FT	APPROX. 2 FT	APPROX. 2 FT
Rear Yard:	20 FT	APPROX. 0 FT	APPROX. 0 FT

LAND USE

Location	Zoning	Existing Use	LUP
Subject	I-1 LIGHT INDUSTRIAL	INDUSTRIAL	OPEN SPACE
North	I-1 LIGHT INDUSTRIAL	INDUSTRIAL	OPEN SPACE
South	JEANS ROAD AND BYOND I-1 LIGHT INDUSTRIAL	INDUSTRIAL	OPEN SPACE
East	I-1 LIGHT INDUSTRIAL	INDUSTRIAL	OPEN SPACE
West	I-1 LIGHT INDUSTRIAL	INDUSTRIAL	OPEN SPACE









Zoning Application Narrative

Subject Property Uses, Conditions, and Business Operations

The subject site is 1.63 acres zoned I-1, semi-developed with concrete block material bins and an unenclosed timber processing platform. The Property consists of a single zoning lot from 2 parcels having PINs: 10-11-401-008 and 10-11-401-009. **Exhibit 1, Plat of Survey** The site is 483' x 246' x 198' x 339'. Jeans Road was widened by 33' and the site is legal nonconforming due to front yard setbacks.

The use of the property is for industrial landscape processing, supply and storage. The property is **not** used for retail landscape sales. Applicant does not have and has no use for an office at the site. The subject site is industrial only with no on-site sales or business orders consummated at the site. All business transactions other than signing bills of lading are done at two off-site offices at 7630 Hamilton Ave. Burr Ridge and 527 S. Wilmette Ave Westmont. Billing, accounts payable, accounts receivable, payroll, customer invoicing, etc., are generated at the off-site offices and mailed monthly to Oburrdale's customers.

The character of the immediate area of the subject property is I-1 and I-2 industrial uses with dense storage, processing and truck traffic uses. Primary access to this industrial neighborhood is from IL Rt. 83 to the west. There are very few, if any, other areas in DuPage County zoned for landscape processing, supply and storage.

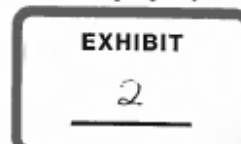
There are no buildings on the property, but there is an unenclosed timber processing platform and conveyor equipment for loading wood for processing as firewood at the north area of the property. **Exhibit 2, As-Built Drawings** Also, landscape material such as gravel, sand, screening material, and mulch are kept in open concrete-block bins along the east property line for loading and removal. **Group Exhibit 3a-k, Site Photos**

There are also locked storage trailers along the north-northeast property line. **Exhibit 4a-c, Storage Photos** These equipment containers have doors that are locked, but rest on the ground so they cannot be moved. During business hours the lawn maintenance equipment (i.e., commercial lawn mowers, weed whackers, blowers etc.) are loaded from the closed-door cargo storage containers onto open utility trailers and are brought to the job sites. At the end of the workday, the equipment is stored in the locked, closed-door cargo storage containers. To prevent theft of the equipment, as extra security overnight, company equipment/vehicles are parked abutting the storage containers so that the storage doors cannot be opened or broken into by vandals. An overall site plan is attached as **Exhibit 5, Site Plan** showing the equipment/vehicle parking area abutting the storage containers, identified as "Proposed Overnight Vehicle Parking." The Proposed Overnight Vehicle Parking area will also serve as daytime on-site employee parking for 12 passenger vehicles.

There are also large stackings of processed (cut) firewood located along the entire west and southwest property lines. **Exhibit 6a-c, Stacked Firewood Photos** This firewood inventory is greatly reduced in size after the fall season as purchaser supplies are met.

Finally, there is needed on-site space for operations that necessitates reduced yard setbacks. Semi-tractor trailer trucks deliver materials on the east side of the property, and therefore clearance is

1



required for them to get into the yard, back up to drop off the materials, and turn around to exit. An average semi-truck is 75' long and 13-14' wide, and needs about 70' to turn around. Given the width of the site there is not enough room for necessary firewood storage and for semi-trucks to turn around if the setback deviations requested in this application are not granted.

The Applicant does not propose any new improvements or changes to existing improvements. The existing site is non-conforming due to the storage containers, processing equipment and the firewood – and due to setback requirements. The storage containers and the processing platform encroach into the required north (rear) and west (side) yards. The concrete storage bins encroach into the required east (side) yard, and firewood stacking encroaches into the west (side) and south (front) yards. The widening of Jeans Road eliminated 33' of subject property's front yard.

Zoning Relief Requested

For purposes of conformity with Code, Applicant is applying to DuPage County for the following Conditional Use approval which shall, under Sec 37-1001.4.C of the DuPage County Zoning Ordinance in the I-1 zoning district, include exceptions for the existing structures and improvements described and detailed in the Application and exhibits. The zoning relief requested is:

1. Zoning relief for conditional use under 37-1001.2 for open storage of equipment, equipment storage containers and landscaping materials.

Section 37-1001.2 allows as a conditional use in I-1 zoning districts "Open storage: Any open storage of manufactured goods, equipment or materials, including the storage of commercial vehicles and equipment, need not be enclosed." Applicant, Oburrdale Enterprises requests conditional use approval for open storage of the storage containers, processing equipment, and landscaping materials.

2. Zoning relief from required setbacks as to the proposed the conditional use, to allow for current placement of the storage containers, processing equipment and landscaping materials.

The requested setback conditional use exceptions/variations are shown the Site Plan attached as Exhibit 5. The requested setback approvals are:

- Exception/Variation to reduce the south (front yard) setback from required 40 feet to approximately 2 feet. (plat shows property deeded to center line of road but existing distance to Jeans Rd. ROW is 2 feet)
- Exception/Variation to reduce the east (interior side yard) setback from required 20 feet to approximately 1.5 feet for material storage bins.
- Exception/Variation to reduce the west (interior side yard) setback from required 20 feet to approximately 2 feet for firewood stacking.
- Exception/Variation to reduce north (rear yard) setback from required 20 feet to approximately 0 feet. The wood processing equipment permanently attached to the processing platform encroaches into the required rear yard necessitating setback relief.

The platform canopy extends to the property line, and the wood processing equipment permanently attached to the processing platform also encroaches 2' into the required 20' west side yard, thus necessitating setback relief.

3. Other Conditional Use Conditions and Limitations:

Applicant proposes that the above zoning relief requested be subject to the following additional conditions and limitations:

- Standard Zoning Board of Appeals conditions; and
- The conditional use zoning relief shall be tied to the approved site plan; and
- All exceptions approved with the grant of the conditional use shall be for the existing structures and improvements as described and detailed in the application and exhibits and will not inure to future development or redevelopment of the subject property.
- Applicant agrees to site plan review for access control, signage control, lighting and landscaping as required, per Sec 37-1001.4.D of the DuPage County Zoning Ordinance

County Conditional Use Standards

The exceptions will satisfy the standards under Sec 1413.5 of the DuPage County Zoning Code. These are the same standards under the code as for variances. If granted, the conditional use and exception status will not:

- impair an adequate supply of light and air to the adjacent property. No alteration or new improvements will result from the requested exceptions.
- increase the hazard from fire or other dangers to said property. No alteration or new improvements will result from the requested exceptions.
- diminish or have any effect on the value of land and buildings throughout the County.
- unduly increase or have any effect on traffic congestion in the public streets and highways.
- increase the potential for flood damages to adjacent property. No alteration or new improvements will result from the requested exceptions.
- Incur additional public expense for flood protection, rescue or relief. No alteration or new improvements will result from the requested exceptions.
- otherwise impair the public health safety comfort morals or general welfare of the inhabitants of DuPage County. The use of the site with current setbacks does not impair the public health safety comfort morals or general welfare of neighboring properties; is consistent with the uses and setbacks of surrounding/neighboring properties; subject site is fully improved and no alteration or new improvements will result from the requested exceptions.

Supplement to Petitioner's Application and Submittal

The following supplemental statement and submittals are offered to support the position that. (1) the requested conditional use is not a request for land use conditions that will expand upon existing departures from zoning code requirements that have been in place for over 21 years; and were mostly in place long before the petitioner acquired the subject property; and (2) that the grant of the conditional use will not "otherwise impair the public health safety comfort morals or general welfare of the inhabitants of DuPage County."ⁱ

- Oburrdale's existing landscaping equipment and material storage operation and firewood cutting process at the subject site is a legal, reasonable, and productive business and land use. There are no County zoning classifications that expressly permits such operation and use, but landscaping equipment and material storage operation and wood cutting process is similar in nature and intensity to permitted uses in the I-1 zoning district and is consistent with the existing uses in the Jeans Road industrial area. Oburrdale's use and operation should therefore be allowed to continue under Section 37-1002.2, subject to reasonable conditions if deemed appropriate by the County.
- Oburrdale is not attempting to expand any existing zoning deviations at the property. The two parcels comprising the subject property were acquired by Oburrdale at the same time from two separate owners in May of 2002. At that time, Oburrdale's landscape business and equipment storage was run out of another nearby Jeans Rd. location that did not include the material storage, log-splitting or firewood delivery. The Oburrdale business is a landscape service. Oburrdale does not sell at retail and does not sell material to other landscape stores or operators.
- John Jurineck originally owned both parcels, fenced as they are today, and ran his firewood /log-splitting operation since the early 1980's. Jurineck sold ½ of the property with the firewood equipment and inventory to Miguel Ruvalcaba, but no fencing to separate the two parcels was installed. At the time of purchasing the two parcels in May of 2002 the firewood piles were placed by the fence and also the middle of the subject properties.
- Jurineck and Ruvalcaba both decided to sell in 2002, so Oburrdale bought both parcels on 5/28/2002 for more space to run its landscape business. With the larger site, Oburrdale was able to expand its business and customer base and purchase additional trucks and equipment. This resulted in the Company being able to hire additional employees to service the new customers. Oburrdale increased its number of employees, including the two owners, from 8-10 employees in 2002 to 21 employees in 2023. With the additional space Oburrdale was also able to add material storage bins and purchase materials (i.e., mulch, sand, etc.) in bulk resulting in lower prices to customers and reduced supply chain time.
- The sale of the parcel owned by Ruvalcaba included 150-200 face cords of cut firewood, 2 dump trucks, 2 tractors and the log-splitting platform and equipment. In addition to the stacked face cords, there were uncut logs left on the parcel acquired from Ruvalcaba that, when split amounted to about 200+ face cords. Oburrdale was only interested in the land but the seller stipulated that Oburrdale as buyer and owner was responsible for the removal of the newer wood, which was the face cords, and the uncut logs that were on the property. Ruvalcaba would only accept responsibility for removing the scrap wood that resulted from the splitting

of the logs. Oburrdale required the seller to contact the tree service companies he was using to stop having the uncut trees dropped off at the site.

- See the attached documents relating to the purchase of the two parcels:
 - June 15, 2001 Plat of Survey referencing the wood splitting equipment platform as “pole building.” (This Plat of Survey is Exhibit #1 of Petitioner’s packet provided at the 1/25/2024 ZBA meeting).
 - Environmental Protection Industries phase 1 report dated May 10, 2002, including narrative in Sections 3.0 and 4.0, and attached photographs of the wood and the wood splitter.
 - Allstate Appraisal report dated May 13, 2002, explaining sales history referencing the log-splitting equipment, face cords and the other wood that was not processed. This appraisal also includes photos of the property with the wood.
 - Affidavit of Title, Covenant and Warranty signed by Miguel Ruvalcaba and dated May 28, 2002. The document specifically states, ***“Buyers to remove newer wood, Seller is to remove the original scrap wood at his expense. Seller agrees to have it chipped and hauled away.”***
 - Bill of Sale dated May 28, 2002, for the purchase of personal property from Miguel Ruvalcaba.
- At the time of the purchase of the properties Oburrdale had to decide as to what to do with the existing 150-200+ face cords and the unprocessed wood that was on the property when it was acquired. One option was to bring the wood to the landfill, which would have been costly and environmentally insensitive.
 - Oburrdale offered the sale and supply of the remaining firewood as an additional service to Oburrdale’s existing customer base, beginning in September 2002
 - The Oburrdale owners decided to see if they could sell the remaining firewood to their existing customers and sent out information that they were offering this service. With the existing logs/trees that were not already cut and split Oburrdale did not do anything with them in the first year. When Oburrdale saw the response from their customers that they were able to purchase quality firewood from someone they trusted, Oburrdale decided this was a good fit for the business. The following year Oburrdale started splitting the logs that were acquired with the property.
 - Oburrdale does not do tree removal for its customers, but has a few companies it recommends to its customers. These companies became the suppliers of the logs for the firewood in the subsequent years. The

tree removal companies otherwise would have to bring the cut down trees to the landfill.

- Oburrdale has reduced the logwood-splitting operation from that of the previous owners, resulting in a decrease in wood stored onsite since initial acquisition of the property.
 - In the past few years Oburrdale has decreased the number of companies they take trees from as the demand has decreased. In the past the surrounding municipalities would bring their logs to the Oburrdale site. Oburrdale is currently only accepting supply from one company and no municipalities. The firewood inventory and operations are significantly safer and more organized than was the case with the previous owners. See the attached picture of the firewood supply that was taken by Dan Patterson in the fall of 2023.
 - However, the firewood storage/inventory needs significant space. One to 1½ year's inventory is required to cure before the product is deliverable. Otherwise, the quality of the wood would be inferior – will not burn properly and will be smokey.
- The firewood business keeps landscape employees employed through most of the year
 - The season is typically from the beginning of April to end of November.
 - Spring is busy with clean-ups and mulching.
 - Summer is lawn care and maintenance – this will slow down typically in August when the summer heat and lack of rain result in Customers requesting that their lawns not be cut weekly.
 - to provide their employees with hours for the week they do the log splitting and stacking.
 - In the fall the lawncare slows down as the grass is not growing as fast. Fall cleanups do not start usually until around Thanksgiving so again this enables Oburrdale to provide their employees with hours.
 - September – October are traditionally the busiest months for the sales of the firewood which the employees deliver, including stacking at the Customer homes.
- To further clarify, the “pavement” shown on the Site Layout Plan and the Plat of Survey is not a paved parking lot. It is gravel and asphalt grinding that has been used to fill in ruts and holes made over the years by the semi-trucks that are delivering the materials to Oburrdale. Most of the material used is gravel. We have provided a photo that shows this area marked in red.

Dan Patterson
Vice President, Oburrdale Enterprises, Inc.

[Redacted Signature]

F7A9CA2C61CB466

Date: February 26th, 2024

Sworn to before me and subscribed this 26th day of February, 2024.

[Redacted Signature]

Notary Public



Petitioner's Prior Statement of Satisfaction of County Conditional Use Standards

The exceptions will satisfy the standards under Sec 1413.5 of the DuPage County Zoning Code. These are the same standards under the code as for variances. If granted, the conditional use and exception status will not:

- impair an adequate supply of light and air to the adjacent property. No alteration or new improvements will result from the requested exceptions.
- increase the hazard from fire or other dangers to said property. No alteration or new improvements will result from the requested exceptions.
- diminish or have any effect on the value of land and buildings throughout the County.
- unduly increase or have any effect on traffic congestion in the public streets and highways.
- increase the potential for flood damages to adjacent property. No alteration or new improvements will result from the requested exceptions.
- Incur additional public expense for flood protection, rescue or relief. No alteration or new improvements will result from the requested exceptions.
- otherwise impair the public health safety comfort morals or general welfare of the inhabitants of DuPage County. The use of the site with current setbacks does not impair the public health safety comfort morals or general welfare of neighboring properties; is consistent with the uses and setbacks of surrounding/neighboring properties; subject site is fully improved and no alteration or new improvements will result from the requested exceptions.

**AFFIDAVIT OF TITLE
COVENANT AND WARRANTY**

STATE OF Illinois)

) SS.

COUNTY OF Dupage)

The undersigned affiant, being first duly sworn, on oath says, and also covenants with and warrants to the grantee hereinafter named:

Oburrdale Inc.

That affiant has an interest in the premises described below or in the proceeds thereof or is the grantor in the deed dated May 28, 2002, to Oburrdale Inc. grantee, conveying the following described premises:

THE WESTERLY 97.29 FEET, AS MEASURED PERPENDICULAR TO THE WESTERLY LINE THEREOF, OF LOT 5 IN JACOB J. JEAN'S PLAT OF SURVEY OF PART OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 7, 1950 AS DOCUMENT 606585, IN DUPAGE COUNTY, ILLINOIS.

That no labor or material has been furnished for premises within the last four months, that is not fully paid for.

That since the title date of April 15, 2002, in the report on title issued by Tigor Title Insurance Company, affiant has not done or suffered to be done anything that could in any way affect the title to premises, and no proceedings have been filed by or against affiant, nor has any judgment or decree been rendered against affiant, nor is there any judgment, note or other instrument that can result in a judgment or decree against affiant within five days from the date hereof.

That the parties, if any, in possession of premises are bona fide tenants only, and have paid promptly and in full their rent to date, and are renting from _____ to _____, and not for any longer term, and have no other or further interest whatsoever in premises.

That all water taxes, except the current bill, have been paid, and that all the insurance policies assigned have been paid for.

That this instrument is made to induce, and in consideration of, the said grantee's consummation of the purchase of premises.

Miguel Ruvalcaba

SEAL)

(SEAL)

(SEAL)

(SEAL)

_____, 28 day of May 2002

Notary Public



Chicago Title Insurance Company



Burgers to remove newer wood, Seller is to remove the original scrap wood at his expense. Seller agree to have it chipped and hauled.



BILL OF SALE

Seller, Miguel S. Ruvalcaba, of the City of Joliet, Will County, Illinois in consideration of TEN & 00/100 DOLLARS, and other good and valuable consideration, receipt whereof is hereby acknowledged, does hereby sell, assign, transfer and set over to buyer, Oburrdale Inc. of the Town of Burr Ridge, Dupage County, Illinois, the following described personal property located on the premises commonly known as 16W240 Jeans Hinsdale, Illinois, to-wit:

82 Mack dump truck, 86 Mack dump truck, tractor with clamp, tractor, 2 splitters and 150 to 200 face cords (split and stacked).

Seller hereby represents and warrants to Buyer that Seller is the absolute owner of said property, that said property is free and clear of all liens, charges and encumbrances, and that Seller has full right, power and authority to sell said personal property and to make this bill of sale. All warranties of quality, fitness, and merchantability are hereby excluded.

If this bill of sale is signed by more than one person, all persons so signing shall be jointly and severally bound hereby.

IN WITNESS WHEREOF, Seller has signed and sealed this bill of sale at Hinsdale, Illinois this May 28, 2002.

[Redacted signature]

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT Miguel S. Ruvalcaba personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the instrument as their free and voluntary act, for the uses and purposes therein set forth.

Given under my hand and notarial seal this 28 day of May 2002

[Redacted signature]





Allstate Appraisal

Main Office

320 W. 202nd Street
Chicago Heights, Illinois 60411
Phone (708) 799-9000 Fax (708) 754-8504

May 13, 2002

Mrs. Patricia Smolinski
Citizens Financial Services FSB
5311 Hohman Avenue
Hammond, IN 46320

RE: Vacant Land at
16W240 Jeans Road
Hinsdale, Illinois 60521

Dear Mrs. Smolinski:

In accordance with your request, we have inspected the above captioned property on May 3, 2002 for the purpose of estimating the Market Value of the fee simple interest as of May 3, 2002.

It should be clearly understood that this letter constitutes a Complete appraisal, in a Summary Report format, consisting of a statement of the final value estimate and a summary of the most pertinent market data considered in our analysis. This report is not to be construed as a self contained report. The self contained report, although in rough form, has been prepared and retained in our files for reference. Should you require the complete report, it is available to you on request, for an additional fee.

This Summary Appraisal Report is intended to comply with the reporting requirements set forth under Standard Rule 2-2(b) of the Uniform Standards of Professional Appraisal Practice for a Summary Appraisal Report.

The subject property has been appraised utilizing appropriate appraisal methodology. The self contained report, which includes descriptions of the property (legal and physical), neighborhood and highest and best use analysis, approaches to value, certification assumptions and limiting conditions, is only summarized herein.

This report, the attached certification, general assumptions and limiting conditions set forth all of the limiting conditions (imposed by the terms of the assignment or by the undersigned) affecting the analysis, opinions and conclusions.

Appraisals of: Real Estate • Machinery • Equipment • Businesses • Intangibles

SUMMARY REPORT

ON

VACANT LAND

located at

16W240 JEANS ROAD
HINSDALE, ILLINOIS 60521



Allstate Appraisal



Mrs. Patricia Smolinski
Citizens Financial Services FSB
Page 3

REAL ESTATE TAXES			
TAX PARCEL NUMBER	CURRENT ASSESSED VALUE	CURRENT REAL ESTATE TAXES	
10-11-401-008 & 009	Unknown		\$1,600.00 Estimate

*Based on our search of NIMLS by address, we located parcel # 10-11-401-003, however based on a conversation with a representative of Downers Grove Township, the above parcel was split last year and is now 10-11-401-008 & 009 with separate owners.

HIGHEST AND BEST USE. Highest and best use is a concept which can be defined as the reasonably probable and legal use of vacant land or an improved property which is physically possible, appropriately supported, financially feasible and that results in the highest value. Highest and best use is considered two ways, as if the site were vacant and available for ideal use based on current market standards or as it is currently improved and defining the most profitable use of that improvement.

Taking into account the subject's specific location, immediate surroundings, zoning, size and shape, as well as other relevant factors, the highest and best use of the subject "as vacant" is to improve the site with some type of industrial building that is compliant with the current zoning. This type of use is consistent in the subject's immediate area.

The highest and best use of the subject "as improved" is not applicable since the subject is not currently developed.

NEIGHBORHOOD DATA. The subject property is located in unincorporated Dupage County just north of the Cook/Dupage County Boundary Line. The subject site is located just south of Atchison Topeka & Santa Fe Railroad and north of the Des Plaines River. The subject street did not appear highly traveled, however it can be accessed from Rte 83 which is a semi busy north/south road. The subject street is developed predominantly with industrial land uses.

APPRAISAL PURPOSE. To estimate the market value of the fee simple interest in the subject property as described herein as of May 3, 2002.

APPRAISAL FUNCTION. It is our understanding that this appraisal will be used to assist the client in determining the market value of the subject property with regards to securing a loan.

DEFINITION OF MARKET VALUE. "The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

- A. Buyer and seller are typically motivated;
- B. Both parties are well informed or well advised; and each acting in what he considers his own



Mrs. Patricia Smolinski
Citizens Financial Services FSB
Page 2

SUBJECT PROPERTY DESCRIPTION

LOCATION. The subject property is situated on the north side of Jeans Road in unincorporated Dupage County, Illinois and has a common address of 16W240 Jeans Road, Hinsdale, Illinois

LEGAL DESCRIPTION. FIRREA requires a legal description be attached as part of this appraisal. No survey, deed or title policy was made available to the appraisers by our client, the borrower or seller. If applicable, it is outside the realm of an appraiser's expertise to compose a legal description. FIRREA has a provision for instances when information is unavailable to the appraisers. In these instances, the appraisers must disclose we made a reasonable effort to obtain and enclose the subject's legal description; however, our efforts were fruitless.

SUBJECT COMMENT. Based on our search of public records and a conversation with Downers Grove Township Assessor, the subject site was formerly one parcel number (10-11-401-003), however last year the parcel was split into two parcels with two separate owners. The new parcels are reported to be 10-11-401-008 & 009 of which we assume includes the same total land area. The original parcel number is now reported as inactive.

SITE. Allstate Appraisal was not provided with a plat of survey. Based on older Sidwell Maps, the subject site is an irregular shaped, interior parcel of land containing approximately 1.87 acres. Full site dimensions were not in the Sidwell book, therefore we can not provide. Based on a phone call to the assessor, the subject site is currently recorded as two parcels with one containing .79 acres and the second containing .89 acres for a total of 1.68 acres. Without a current plat of survey, we have no way of knowing the exact site area. Our appraisal is based on the reported site area found in the Sidwell Maps and it is assumed reasonably accurate.

The site is located on the north side of Jeans Road with railroad tracks just past the north boundary line and the Des Plaines River located to the south side of Jeans Road. The site appeared relatively flat and open with some scattered trees along the boundaries. On the date of inspection, the site was secured by a chain link fence and full access was not available.

ZONING. "12-General Industrial". On the date of inspection, the subject site was vacant and utilized for storage of firewood by "J.R. Jurinek Firewood"

FLOOD ZONE. Per the Flood Insurance Rate Map for Dupage County Illinois, Community-Panel 1701970065B, effective date of April 15, 1982, the subject property appears to be in the area of Zone "C" and "A3". Due to the limited detail on the maps, we can not ascertain the exact location of the subject. Full verification is always recommended by a flood certification professional.

CENSUS TRACT. The reported census tract number for the subject is 8454.08.



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Citizens Financial Services FSB
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expected resale value of the property. After income and expenses are estimated, the income stream is converted into present value through capitalization or discounting. The rates used for capitalization or discounting are derived from acceptable rates of return for similar properties, alternative investments and nationally recognized surveys.

In this instance, the subject property is vacant land and based on search of market data for the general area, land leases do not appear common. Recent comparables of leased land were very limited, therefore the Income Approach was deemed inconclusive and was not included in our analysis.

SALES COMPARISON APPROACH. The Sales Comparison Approach is based on the principle of substitution. It is an indication of value based on a comparison of the property being appraised, to similar properties which have recently sold in the marketplace. The appraiser's conducted an extensive search for sales of similar sites in the subject area. This search included real estate brokers and public records going back to 1999. No sales of perfect matching sites were found, but the following sales were among the best indication of the market value of the subject.

SUMMARY OF COMPARABLE SALES				
COMPARABLE SALE LOCATION	SALE \$	SIZE ACRES	PRICE/ACRE (rounded)	
Address	DATE			
7013 High Grove Blvd Hinsdale, IL	\$311,500 6/00	2.29	\$135,494	
15700 103rd Street Lemont, IL	\$575,000 5/00	2.55	\$225,278	
12404 Archer Avenue Lemont, IL	\$375,000 4/00	1.71	\$219,144	
125070 Lemont Road Lemont, IL	\$337,500 6/01	2.72	\$124,053	
NWC Madison Street & 71st Street Willowbrook, IL	\$360,000 5/00	1.87	\$192,596	
SUBJECT	\$360,000	1.87	\$192,513	

Based on the contracts, the contract price for the subject is for the land and equipment.

Summary of Comparable Sales Analysis. The preceding comparable sales are all located in the subject's immediate market area and are considered to be among the most comparable sales relative to that of the subject. The sales reflect a range, in unadjusted unit prices, from \$124,053 to \$225,278 per acre. The comparables were adjusted for differences in the following aspects:

1. Real Property Rights Conveyed
2. Financing
3. Conditions of Sale
4. Market Conditions (date of sale)
5. Size



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developed in this report, have been prepared in conformity with Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) and its regulations, as well as the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation and the Appraisal Institute.

COMPETENCY. From our understanding of the assignment to be performed, which we have addressed in the Scope and Intended Use of this Appraisal, it is our opinion that we are fully competent to perform this appraisal, due to the fact that:

1. The appraisers have full knowledge and experience in the nature of this assignment.
2. All necessary and appropriate steps have been taken in order to complete the assignment competently.
3. There is no lack of knowledge or experience that would prohibit this assignment from being completed in a professional competent manner or where an unbiased or misleading opinion of value would be rendered.

SALES HISTORY. Based on the two contracts provided, the subject property is currently under sales agreement for \$353,000. The sales amount is broken down as follows for the two parcels: parcel 10-11-401-008 is under contract for \$153,000 and parcel 10-11-401-009 is under contract for \$200,000. Both parcels are side by side and to the best of our knowledge are both very similar in size. Based on the data we have, the contract for parcel 10-11-401-009 includes two dump trucks, two tractors, two log splitters, one trailer and firewood. Per Mr. Dan Patterson, there are roughly 200± face cords of prepared firewood with enough wood to prepare an additional 200± face cords. He also reported a retail value of \$60 per face cord. Allstate Appraisal was not provided with an allocation for the equipment or firewood, however the contract for parcel 10-11-401-009 does reflect a higher sale price, as compared to the other contract, and it seems reasonable that some value has been placed on the equipment/inventory.

VALUATION METHODOLOGY. Our value estimate in this report is based on three approaches to value, including the Cost Approach, the Income Capitalization Approach, and the Sales Comparison Approach. In this limited scope letter report, we have summarized our data and analysis for each of these approaches as follows on the following pages.

COST APPROACH. The subject property is vacant land utilized for storage of cut firewood with no reported or noted structures on site. Since the appraisal is for vacant land only, the inclusion of this approach is not applicable and would not provide conclusive results.

INCOME CAPITALIZATION APPROACH. The Income Approach is an appraisal method in which the anticipated future benefits of a property are capitalized into a present value. The value is measured by capitalizing the net income which a fully informed person is warranted in assuming the property will produce during its remaining economic life.

Income Analysis

The methodology that an appraiser utilizes in this approach includes an estimate of the property's potential gross income, the estimated reduction in gross income due to vacancy and collection loss, the anticipated annual operating expenses, the duration of the property's income stream, and the



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RECONCILIATION AND FINAL VALUE ESTIMATE. In this report, we have summarized our analysis of the three traditional approaches to value used in estimating the market value for the subject property. These approaches indicate the following value conclusions:

COST APPROACH	N/A
INCOME CAPITALIZATION APPROACH	N/A
SALES COMPARISON APPROACH	\$325,000.00

Each of the above approaches to value provides a value indication based on different factors:

The subject property is vacant land utilized for storage of cut firewood with no reported or noted structures on site. Since the appraisal is for vacant land only, the inclusion of the **Cost Approach** is not applicable and would not provide conclusive results.

The **Income Approach** is an appraisal method in which the anticipated future benefits of a property are capitalized into a present value. The value is measured by capitalizing the net income which a fully informed person is warranted in assuming the property will produce during its remaining economic life.

Income Analysis

The methodology that an appraiser utilizes in this approach includes an estimate of the property's potential gross income, the estimated reduction in gross income due to vacancy and collection loss, the anticipated annual operating expenses, the duration of the property's income stream, and the expected resale value of the property. After income and expenses are estimated, the income stream is converted into present value through capitalization or discounting. The rates used for capitalization or discounting are derived from acceptable rates of return for similar properties, alternative investments and nationally recognized surveys.

In this instance, the subject property is vacant land and based on search of market data for the general area, land leases do not appear common. Recent comparables of leased land were very limited, therefore the **Income Approach** was deemed inconclusive and was not included in our analysis.

We were able to locate four sales of comparable buildings that identify relatively closely with the subject property. Additionally, this approach best reflects buyer and seller negotiations within the market. Therefore, the **Sales Comparison Approach** was given greatest weight in our final analysis.



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No matched pairs were available to extract precise quantitative adjustments. The quantitative adjustments indicated represent the appraisers' judgment as to the overall effect of the comparable's differences have on their respective market values relative to the subject property. A description of the adjustments is shown below.

Property Rights Conveyed

To the best of the appraisers' knowledge all of the sales were conveyed as fee simple interests which is the same interest valued in this report. Therefore, no adjustments are necessary for property rights conveyed.

Financing

To the best of the appraisers' knowledge all sales were financed conventionally at the terms prevalent in the market at the time of sale. Accordingly, no adjustments are necessary for financing to the comparables utilized.

Conditions of Sale

All of the sales are believed to be arm's length transactions, warranting no adjustments for conditions of sale.

Location - The subject property is located on Jeans Road in an area of industrial land use near Rte 83 and the Des Plaines River. Sale 1, 2, 4 and 5 were all adjusted slightly for their locations near Interstate 55, with all having more convenient access to this major interstate. Otherwise, all sales are located within the general area of the subject with similar type location characteristics.

Physical Characteristics - The following factors were considered in our analysis of physical characteristics:

Size - In this market area, larger properties (more acreage) generally sell at a lower unit price than similar but smaller properties. The difference in size must be significant for the unit price to be affected. Sale 1, 2 and 3 were all adjusted upwards slightly in this regard.

Allstate Appraisal was not provided with an allocation of the contracts with regards to the land and the inventory/equipment included. Factoring a reasonable amount for these items and making the appropriate adjustments, we are of the opinion that a reasonable market value range for the subject is \$165,000 - \$175,000 per acre. This would indicate the following value:

1.87 acres @ \$165,000 per acre = \$308,550.00
1.87 acres @ \$175,000 per acre = \$327,250.00

Based on our analysis of the comparable sale properties, it is our opinion that a reasonable estimate of the market value for the subject property would be \$325,000.00 (both parcels, land only).

ESTIMATE OF MARKET VALUE BY SALES COMPARISON APPROACH
IN ROUND AMOUNT
\$325,000.00



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In conformance with the Appraisal Institute's Standards of Professional Practice, this report is subject to review by duly authorized representatives of the Institute.

ENVIRONMENTAL RISK STATEMENTS: The appraisers are not experts in the identification or detection of environmental hazards. We are NOT qualified to detect the presence of any adverse substances or gases. Unless specifically stated to the contrary, the appraisers have no knowledge of the existence of any environmental hazard on, under, above or within this subject real estate. Nor do we have any expert evidence of any environmental hazard as apparent to the untrained eye. However, we have not expertly inspected the subject property to determine the presence of any environmental hazard. No effort was made to dismantle or probe the structure to observe, enclose, or otherwise reassess concealed elements for environmental hazards. No radon testing details were ascertained. Except as specifically stated elsewhere herein, the appraiser was not informed of, and neither the appraiser nor other normal research suggested any apparent presence of hazardous substances or detrimental environmental conditions. The presence of any environmental hazard would likely diminish the property's value. The value estimate in this communication assumes there is no environmental hazard of any type affecting the subject real estate. No responsibility is assumed by the appraisers of Alstair Ayras Real, Inc. for any environmental hazard or for any expert fee required to discover any environmental hazard. Our client is advised to retain an expert in this field, if desired.

All data collected in the course of this appraisal have been retained in our files for reference. It should be clearly understood that this letter constitutes a complete appraisal, in a Summary Report format. The purpose of this letter-form report is to provide a brief description of the subject property and to summarize the conclusions reached in the valuation approaches used in our analysis. Upon request, we will prepare a formal appraisal report complete with supporting data and documentation in accordance with standards established by the nationally recognized appraisal associations with which we identify.

Respectfully submitted,

ALLSTATE APPRAISAL, INC.

Douglas T. Rice
Certified Residential Real Estate Appraiser
IL #156-002283

State Certified General Appraiser
LLC #153-000219



Mrs. Patricia Smolinski
Citizens Financial Services FSB
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In view of the facts and factors mentioned herein and the analysis of data which have been considered in connection with this appraisal, it is the opinion of the undersigned that the market value of the fee simple interest in the subject property as of May 3, 2002 is \$325,000.00.

FINAL ESTIMATE OF VALUE
THREE HUNDRED TWENTY FIVE DOLLARS
\$325,000.00

COMMENTS & CONDITIONS OF APPRAISAL. The value conclusions reported in the attached appraisal reflect the market value of the described real estate only and do not include any items of personal property, free-standing fixtures and equipment, or tangible items. The market value of the subject property may be positively affected by the inclusion of standard items of personal property in our value estimate.

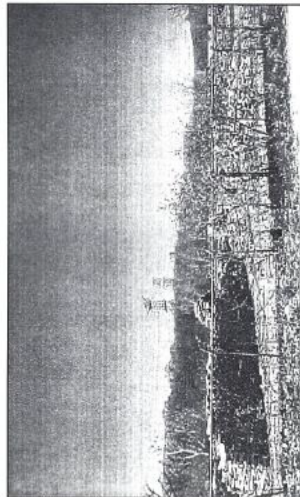
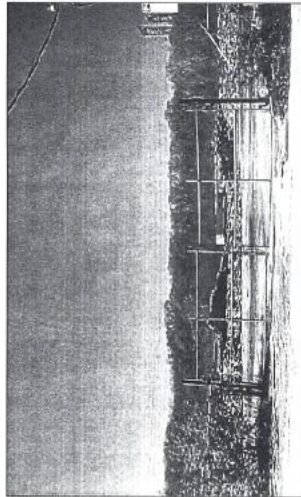
ADDITIONAL ASSUMPTIONS & LIMITING CONDITIONS: The appraisers have no expertise in this field of insect, termite, or pest infestation. We are not qualified to detect the presence of these insects or any other unfavorable infestation. The appraisers have no knowledge of the existence of any infestation on, under, above or within the subject real estate. No overt evidence of infestation is apparent to us, the undersigned. However, we have not specifically inspected the subject property to determine the presence of any infestation. No effort was made to dismantle or probe the structure to observe concealed, encased, or otherwise concealed evidence of infestation. The presence of any infestation would likely diminish the property's value. The value estimate in this communication is based upon the assumption there is no infestation of any type affecting the subject real estate. No responsibility is assumed by the appraisers or Allstate Appraisal, Inc. for any infestation or for any expertise required to discover any infestation. Our client is to obtain an expert in this field, if desired.

The physical condition of any improvements described herein was based on visual inspection only. Electrical, heating, cooling, plumbing, water supply, sewers, and other mechanical equipment were not specifically tested but were assumed to be adequate and in good working order unless stated otherwise. Private water wells and private septic systems are assumed sufficient to comply with all governmental health safety standards. No liability is assumed for the soundness of structural members since no engineering tests were made of same.

The roof(s) of structures described herein are assumed to be in good repair unless otherwise noted. Comments regarding physical condition are included to familiarize the reader with the property. If the client has any concern regarding structural, mechanical or protective components of the improvements described herein, or the adequacy or quality of sewer, water or other utilities, it is suggested experts in these disciplines be retained before relying upon this report.

APPRAISAL INSTITUTE: The Appraisal Institute, the organization which awards the MAI, SRPA and SRA professional designations, conducts a program of continuing professional education for its designated members. MAI, SRPA and SRA members are awarded credits for approved educational courses and seminars. As of the date of this report, Steven S. Albert, MAI, SRPA has completed the requirements of the continuing education program of the Appraisal Institute.

Subject Photographs



Allstate Appraisal

CERTIFICATION

THE UNDERSIGNED CERTIFY THAT, TO THE BEST OF THEIR KNOWLEDGE AND BELIEF:

1. THE STATEMENTS OF FACT CONTAINED IN THIS REPORT ARE TRUE AND CORRECT.
2. THE REPORTED ANALYSIS, OPINION AND CONCLUSIONS ARE LIMITED ONLY BY THE REPORTED ASSUMPTIONS AND LIMITING CONDITIONS, AND ARE THE PERSONAL, UNBIASED PROFESSIONAL ANALYSIS, OPINIONS, AND CONCLUSIONS OF THE UNDERSIGNED.
3. THE UNDERSIGNED HAVE NO PRESENT OR PROSPECTIVE INTEREST IN THE PROPERTY THAT IS THE SUBJECT OF THIS REPORT AND HAVE NO PERSONAL INTEREST OR BIAS WITH RESPECT TO THE PARTIES INVOLVED.
4. OUR COMPENSATION IS NOT CONTINGENT UPON THE REPORTING OF A PREDETERMINED VALUE OR DIRECTION IN VALUE THAT FAVORS THE CAUSE OF THE CLIENT, THE AMOUNT OF THE VALUE ESTIMATE, THE ATTAINMENT OF A STIPULATED RESULT, OR THE OCCURRENCE OF A SUBSEQUENT EVENT.
5. THE ANALYSIS, OPINIONS, AND CONCLUSIONS WERE DEVELOPED AND THIS REPORT HAS BEEN PREPARED IN CONFORMITY WITH THE UNIFORM STANDARDS OF PROFESSIONAL APPRAISAL PRACTICE, THE CODE OF PROFESSIONAL ETHICS OF THE APPRAISAL INSTITUTE AND THE REQUIREMENTS OF THE STATE OF ILLINOIS FOR STATE CERTIFIED APPRAISERS.
6. THE USE OF THIS REPORT IS SUBJECT TO THE REQUIREMENTS OF THE APPRAISAL INSTITUTE RELATING TO REVIEW BY ITS DULY AUTHORIZED REPRESENTATIVES AND THE STATE OF ILLINOIS RELATING TO REVIEW BY THE REAL ESTATE APPRAISAL SUB-COMMITTEE OF THE ILLINOIS REAL ESTATE COMMISSION.
7. AS OF THE DATE OF THIS REPORT, STEVEN S. ALBERT, MAI, SRA HAS COMPLETED THE REQUIREMENTS OF THE CONTINUING EDUCATION PROGRAM OF THE APPRAISAL INSTITUTE.
8. NO ONE OTHER THAN THE UNDERSIGNED PROVIDED SIGNIFICANT PROFESSIONAL ASSISTANCE TO THE APPRAISERS, UNLESS OTHERWISE NOTED IN THIS REPORT.
9. DOUGLAS P. ROE INSPECTED THE SUBJECT PROPERTY ON MAY 3, 2002.
10. THE APPRAISAL ASSIGNMENT WAS NOT BASED ON A REQUESTED MINIMUM VALUATION, A SPECIFIC VALUATION, OR THE APPROVAL OF A LOAN.

IN VIEW OF THE FACTS AND FACTORS MENTIONED HEREIN AND THE ANALYSIS OF DATA WHICH HAVE BEEN CONSIDERED IN CONNECTION WITH THIS APPRAISAL, IT IS THE OPINION OF THE UNDERSIGNED THAT THE VALUE OF THE SUBJECT PROPERTY IS:

THREE HUNDRED TWENTY FIVE THOUSAND DOLLARS
(\$325,000.00)

AS OF THE DATE:
MAY 3, 2002

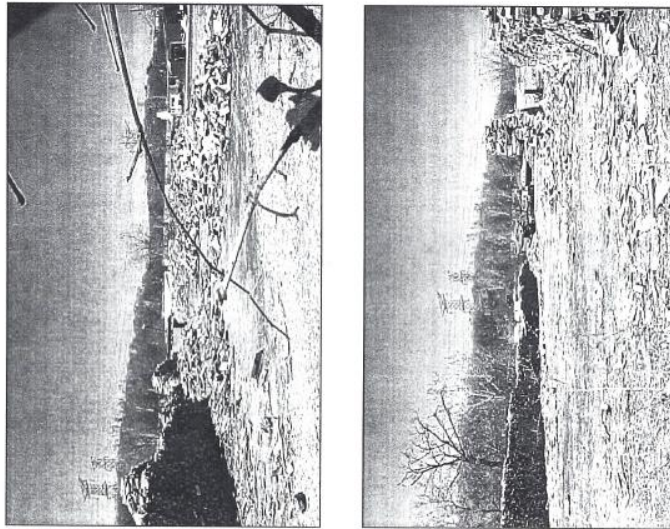
[Redacted Signature]
Douglas P. Roe
Certified Residential Real Estate Appraiser
IL - #156-002283

[Redacted Signature]
Steven S. Albert, MAI, SRA
State Certified General Appraiser
IL - #156-002219



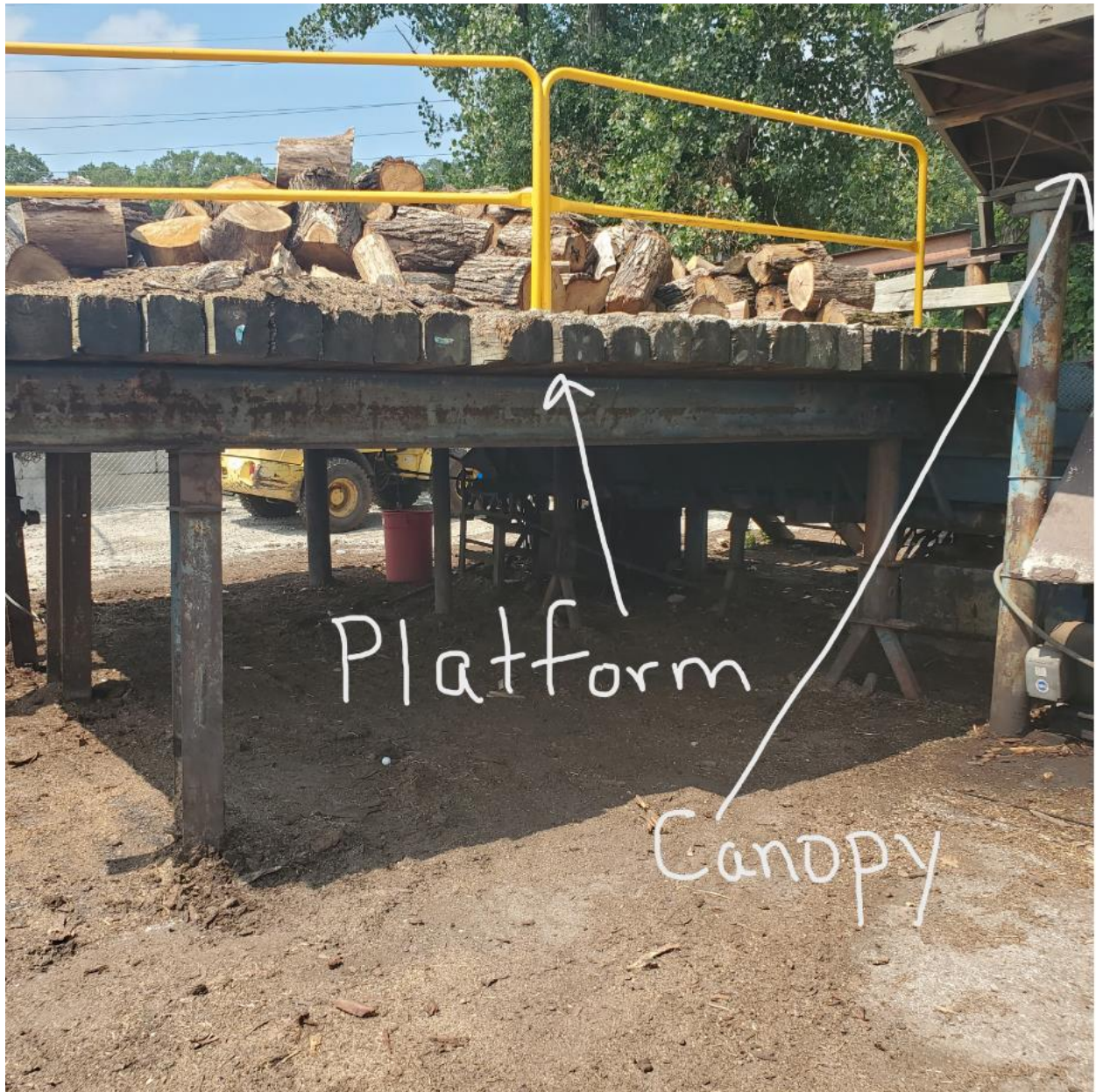
Allstate Appraisal

Subject Photographs



Allstate Appraisal









January 12, 2024

Jessica Infelise
DuPage County Building and Zoning Department
421 North County Farm Rd.
Wheaton, IL 60187

Via email to jessica.infelise@dupageco.org

Re: Zoning Petition ZONING-24-000005 Oburrdale, Inc.

Dear Ms. Infelise,

The Village of Burr Ridge Plan Commission/Zoning Board of Appeals would like to formally review the conditional use and variation requests for the lot located at 16W290 Jeans Road, Willowbrook. This site is located to the south of the Village of Burr Ridge.

The Village of Burr Ridge requests an extension from DuPage County to formally have it on our February 5, 2024 Plan Commission/Zoning Board of Appeals agenda.

Should you have any questions, please do not hesitate to contact me directly at estern@burr-ridge.gov or (630) 654-8181 x 6260.

Sincerely,

Ella Stern
Planner



February 20, 2024

Jessica Infelise
DuPage County Building and Zoning Department
421 North County Farm Rd.
Wheaton, IL 60187

Via email to Jessica.infelise@dupageco.org

Re: Zoning Petition ZONING-23-000005 Oburrdale, Inc.

Dear Ms. Infelise,

On February 5, 2024, the Village of Burr Ridge Plan Commission/Zoning Board of Appeals performed an extraterritorial review of the conditional use and variation requests for the lot located at 16W290 Jeans Road, Willowbrook. This site is located to the south of the Village of Burr Ridge.

The Plan Commission expressed several concerns regarding the open storage of materials and vehicles, particularly on firewood storage. The Plan Commission expressed concerns regarding flammability, insect infestation, large amount of outdoor storage, and its close proximity to the property line.

Should you have any questions, please do not hesitate to contact me at estern@burr-ridge.gov or (630) 654-8181 x 6260.

Sincerely,



Ella Stern,
Planner



Development Ordinance

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

File #: DC-O-0018-24

Agenda Date: 4/2/2024

Agenda #: 6.G.

Zoning Petition ZONING-24-000008 Castillo

WHEREAS, a public hearing was held on February 7, 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 existing deck and pool to remain less than 30' (approximately. 3.6') from the corner side setback, where it has existed for at least 5 years, on the property hereinafter described:

LOT 4 IN BLOCK 8 IN FEUERBORN AND KLODE'S SEIFT ESTATES, BEING A SUBDIVISION OF PART OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 30, 1925 AS DOCUMENT 187874 IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on February 7, 2024 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is to allow existing deck and pool to remain less than 30' (approximately. 3.6') from the corner side setback, where it has existed for at least 5 years.
- B. That petitioner testified that they have lived at the subject property since 2005 and rebuilt the pool in 2009.
- C. That petitioner testified that they regularly use the pool in the summer.
- D. That the Zoning Hearing Officer finds that petitioner has demonstrated that the subject zoning relief to allow existing deck and pool to remain less than 30' (approximately. 3.6') from the corner side setback, where it has existed for at least 5 years, does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

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 existing deck and pool does 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 existing deck and pool and that it was built pursuant to the current DuPage County building codes.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing deck and pool does not diminish the value of land.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing deck and pool is located behind the front wall of the home and does 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 existing deck and pool.
 - 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 existing deck and pool.
 - g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the existing deck and pool does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on February 7, 2024, recommends to approve the following zoning relief:

Conditional Use to allow existing deck and pool to remain less than 30' (approximately 3.6') from the corner side setback, where it has existed for at least 5 years.

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-24-000008 Castillo** dated February 7, 2024.

2. That the Conditional Use zoning relief shall expire after five (5) 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 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 April 2, 2024, 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 existing deck and pool to remain less than 30' (approximately. 3.6') from the corner side setback, where it has existed for at least 5 years.

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-24-000008 Castillo** dated February 7, 2024.
2. That the Conditional Use zoning relief shall expire after five (5) 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 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 (to Approve): 5 Ayes, 0 Nays, 1 Absent

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

Conditional Use to allow existing deck and pool to remain less than 30' (approximately. 3.6') from the corner side setback, where it has existed for at least 5 years, on the property hereinafter described:

LOT 4 IN BLOCK 8 IN FEUERBORN AND KLODE'S SEIFT ESTATES, BEING A SUBDIVISION OF PART OF THE NORTHEAST ¼ OF THE NORTHWEST ¼ OF THE SOUTHEAST ¼ OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 30, 1925 AS DOCUMENT 187874 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-24-000008 Castillo** dated February 7, 2024.
2. That the Conditional Use zoning relief shall expire after five (5) 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 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; PROPERTY OWNER; and Township Assessor, Bloomingdale Township, 123 N. Rosedale, Bloomingdale, IL 60108.

Enacted and approved this 9th day of April, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

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: April 2, 2024

RE: **ZONING-24-000008 Castillo (Bloomington/District 1)**

DuPage County Board: April 9, 2024:

Development Committee: April 2, 2024: The DuPage County Development Committee recommended to approve the following zoning relief:

Conditional Use to allow existing deck and pool to remain less than 30' (approximately. 3.6') from the corner side setback, where it has existed for at least 5 years.

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-24-000008 Castillo** dated February 7, 2024.
2. That the Conditional Use zoning relief shall expire after five (5) 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 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 (to Approve): 5 Ayes, 0 Nays, 1 Absent

Zoning Hearing Officer: February 7, 2024: The Zoning Hearing Officer recommended to approve the following zoning relief:

Conditional Use to allow existing deck and pool to remain less than 30' (approximately. 3.6') from the corner side setback, where it has existed for at least 5 years.

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-24-000008 Castillo** dated February 7, 2024.
2. That the Conditional Use zoning relief shall expire after five (5) 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 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 existing deck and pool to remain less than 30' (approximately. 3.6') from the corner side setback, where it has existed for at least 5 years.
- B. That petitioner testified that they have lived at the subject property since 2005 and rebuilt the pool in 2009.
- C. That petitioner testified that they regularly use the pool in the summer.
- D. That the Zoning Hearing Officer finds that petitioner has demonstrated that the subject zoning relief to allow existing deck and pool to remain less than 30' (approximately. 3.6') from the corner side setback, where it has existed for at least 5 years, does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

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 existing deck and pool does 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 existing deck and pool and that it was built pursuant to the current DuPage County building codes.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing deck and pool does not diminish the value of land.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing deck and pool is located behind the front wall of the home and does 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 existing deck and pool.
 - 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 existing deck and pool.

- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the existing deck and pool does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-24-000008 Castillo	
ZONING REQUEST	Conditional Use to allow existing deck and pool to remain less than 30' (approximately. 3.6') from the corner side setback, where it has existed for at least 5 years.	
OWNER	ROSARIO CASTILLO, 21W262 BELDEN AVENUE, LOMBARD, IL 60148	
ADDRESS/LOCATION	21W262 BELDEN AVENUE, LOMBARD, IL 60148	
PIN	02-36-202-009	
TWSP./CTY. BD. DIST.	BLOOMINGDALE	DISTRICT 1
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.5 ACRES (211780 SQ. FT.)	
UTILITIES	WELL / SEPTIC	
PUBLICATION DATE	Daily Herald: JANUARY 12, 2024	
PUBLIC HEARING	WEDNESDAY, FEBRUARY 7, 2024	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections.	
Stormwater:	Our office has no jurisdiction in this matter.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Addison:	<i>No Comments Received.</i>	
Village of Lombard:	"As the subject property is outside our planning jurisdiction, we do not have any comments on the petition."	
Village of Glendale Heights:	"We have no issue as this does not impact the Village of Glendale Heights."	
Village of Glen Ellyn:	<i>No Comments Received.</i>	
Village of Bloomingdale:	<i>No Comments Received.</i>	
Bloomingdale Township:	<i>No Comments Received.</i>	
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application. "As long as the Township Road Helen is not improved, we have no objection."	
Bloomingdale Fire Dist.:	No Objections with the concept of the petition. Additional information may be required at time of permit application. "No issue with the pool or deck. A new home is required to have residential sprinklers and plans must be submitted to the fire prevention bureau."	
Sch. Dist. 15:	<i>No Comments Received.</i>	
Sch. Dist. 87:	<i>No Comments Received.</i>	

Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you.”
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GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Corner Side Yard:	30'	APPROX. 3.6'	APPROX. 3.6'

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	BELDEN AVENUE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
East	I-355 AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
West	R-4 SF RES	HOUSE	0-5 DU AC







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DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-24-000008 Castillo

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 **February 6, 2024**.

COMMENT SECTION:	
: OUR OFFICE HAS NO JURISDICTION IN THIS MATTER	
: NO OBJECTION/CONCERNS WITH THE PETITION	
XX : NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION.	
ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION	
: I OBJECT/ HAVE CONCERNS WITH THE PETITION.	
COMMENTS: No issue with the pool or deck. A new home is required to have residential sprinklers and plans must be submitted to the fire prevention bureau.	
SIGNATURE:	DATE: 1/25/2024
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000008 Castillo
ZONING REQUEST	Conditional Use to allow existing deck and pool to remain less than 30' (approximately 3.6') from the corner side setback, where it has existed for at least 5 years.
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TWSP/CTY. BD. DIST.	BLOOMINGDALE DISTRICT 1
ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	0.5 ACRES (211780 SQ. FT.)
UTILITIES	WELL / SEPTIC
PUBLICATION DATE	Daily Herald: JANUARY 12, 2024
PUBLIC HEARING	WEDNESDAY, FEBRUARY 7, 2024

PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.

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ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION	
: I OBJECT/ HAVE CONCERNS WITH THE PETITION.	
COMMENTS: As long as The Townships Road Helen is not Improved we have no objection	
SIGNATURE: [Redacted] DATE: 1/25/24	
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: Bloomingdale Township Highway	
GENERAL ZONING CASE INFORMATION	
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