



DU PAGE COUNTY

Development Committee

Final Regular Meeting Agenda

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

Tuesday, March 21, 2023

10:30 AM

ROOM 3500B

1. CALL TO ORDER

2. ROLL CALL

3. CHAIRMAN'S REMARKS- CHAIR TORNATORE

4. PUBLIC COMMENT

5. MINUTES APPROVAL

5.A. [23-1211](#)

Development Committee - Regular Meeting - Tuesday, February 7, 2023

6. REGULATORY SERVICES

6.A. [DC-R-0001-23](#)

Intergovernmental agreement between the County of DuPage and the Village of Glen Ellyn for inspections and permitting services.

6.B. [DC-O-0013-23](#)

ZONING-22-000030 – Sonny Acres: The Zoning Board of Appeals recommended to approve the following zoning relief:

Conditional Use for a banquet venue. (Wayne/District 6) (Located at the northwest corner of St. Charles Road and Klein Road)

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

6.C. [DC-O-0014-23](#)

ZONING-22-000052 – Russo: The Zoning Hearing Officer recommended to deny the following zoning relief:

1. Variation to reduce the lot size for two lots with well and septic, from required 40,000 sq. ft./each lot to approximately 29,672 sq. ft. for Lot 1 and 14,233 sq. ft. for Lot 2.

2. Variation to reduce the required lot width from 125 feet to approximately 95.74 feet for Lot 2. (Bloomingdale/District 6) (Located at the northeast corner of Lawrence Avenue and Keeney Road)

ZHO Recommendation to Deny

6.D. [DC-O-0015-23](#)

ZONING-22-000061 – VK Acquisitions VI, LLC.: The Zoning Board of Appeals recommended to deny the following zoning relief:

1. Conditional Use for open storage of trailers and materials;
2. Variation to reduce the interior side yard setbacks from 20 feet to 0 feet; and
3. Variation to reduce the rear setback from 20 feet to 0 feet. (Winfield/ District 6) (Generally located southeast of Butterfield Road and Eola Road, on the southside of Butterfield Road)

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

6.E. [DC-O-0016-23](#)

ZONING-22-000065 – Aliyeva: The Zoning Hearing Officer recommended to deny the following zoning relief:

Variation to reduce the required lot width from required 165 feet to approximately 143.55 feet for Lot 2. (Downers Grove/ District 3) (Generally located southwest of 91st Street and Garfield Avenue, on the west side of Garfield Avenue)

ZHO Recommendation to Deny

6.F. [DC-O-0017-23](#)

ZONING-23-000005 – Clear Channel Outdoor, LLC.: The Zoning Hearing Officer recommended to approve the following zoning relief:

Conditional Use to allow an electronic message center sign on the south face of an existing billboard sign. (Bloomington/ District 1) (Generally located southwest of Rohlwing Road and I-355, on the west side of Rohlwing Road)

ZHO Recommendation to Approve

6.G. [DC-O-0018-23](#)

ZONING-23-000007 – Mehmood: The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to reduce the corner side setback from required 30' to approximately 12.55 feet, for interior and exterior remodeling of a house on the existing foundation. (Addison/ District 1) (Located at the southwest corner of Holtz Avenue and 9th Avenue)

ZHO Recommendation to Approve

6.H. [DC-O-0019-23](#)

ZONING-23-000009 – Gorecki: The Zoning Hearing Officer recommended to approve the following zoning relief:

1. Variation to reduce the required lot size for two lots serviced with well and sewer from required 20,000 sq. ft. to approximately 5,576 sq. ft./ each lot.
2. Variation to reduce required lot width for two lots serviced with well and sewer from required 100 feet to approximately 54 feet/ each lot. (York/ District 2) (Generally located northeast of 14th Street and Luther Avenue)

ZHO Recommendation to Approve

6.I. [DC-O-0020-23](#)

ZONING-23-000016 (Z21-085)– Stults Essentially in Accord: To revise the approve zoning relief Z21-085 Stults for the following:

1. Essentially in Accord to extend the Conditional Use and all other entitlements for an additional 18 months beyond the current expiration date of June 14, 2023, to allow sufficient time to obtain building permits and commence development (Z21-085 Stults).
2. Essentially in Accord to amend the site plan and design of Z21-085, including (1) removing the covered drive-through lane, reducing the north-south depth of the primary structure by 55 feet, (2) adding 1 detached one-story drive-up self-storage structure north of the primary structure, and (3) making the primary structure a three-story building. (None of these modifications will result in the building's exceeding the FAR as permitted by the ordinance or violating any setbacks and none require any variations.)
3. Essentially in Accord to amend Condition 2 of the Z21-085 Ordinance be amended to allow a self-storage facility operator/manager other than ExtraSpace storage be permitted to operate the self-storage facility once erected. Extra Space does not, and never was, to have any ownership interest in the Property; it was only a potential operator. However, the market for managing and operating self-storage facilities is competitive and dynamic, and the Applicant believes he can command the best operation, service, and maintenance of the facility by opening the operation and management of the facility to competitive proposals from multiple self-storage operator/managers. Mr. Stults, through a limited liability company he and his son control, will continue to own the Property. (Wayne and Bloomingdale/ District 6) (Located at the northeast corner of North Avenue and Ethel Street)

7. OLD BUSINESS**8. NEW BUSINESS****9. ADJOURNMENT**



Minutes

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

File #: 23-1211

Agenda Date: 3/21/2023

Agenda #: 5.A.



DU PAGE COUNTY

Development Committee

Draft Summary

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

Tuesday, February 7, 2023

10:30 AM

ROOM 3500B

1. CALL TO ORDER

10:30 AM meeting was called to order by Chairman Sam Tornatore at 10:39 AM.

2. ROLL CALL

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

3. MOTION TO ALLOW REMOTE PARTICIPATION

Member Chaplin moved and Member Rutledge seconded a motion to allow Member Ozog to participate remotely.

RESULT:	APPROVED
MOVER:	Liz Chaplin
SECONDER:	Sheila Rutledge

4. CHAIRMAN'S REMARKS- CHAIR TORNATORE

No remarks were offered.

5. PUBLIC COMMENT

No public comments were offered.

6. MINUTES APPROVAL

6.A. [23-0638](#)

Approval of Minutes from January 17, 2023

Attachments: [Dev Comm Minutes 1-17-2023](#)

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

7. BUDGET TRANSFERS**7.A. [23-0639](#)**

Budget Transfer to balance budget lines to accommodate fiscal year end adjustments.

Attachments: [BT FYE22 \\$28,200](#)

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

8. REGULATORY SERVICES**8.A. [TE-P-0050-23](#)**

Recommendation for the approval of a contract purchase order to Accela, Inc. for Managed Application Services for the Building & Zoning, Transportation, Stormwater, and Public Works departments to provide support with permitting software that will allow on-line submittals, electronic document reviews, permit tracking and mobile inspections by applicants and/or County staff. This contract covers the period of the period February 21, 2023 through February 20, 2024, for a contract total not to exceed \$195,000. Exempt from bidding per 55 ILCS 5/5-1022 “Competitive Bids” (c) not suitable for competitive bids – Sole Source. Accela is the sole provider for this software application.

Attachments: [Accela - PRCC](#)
 [Accela - MAS Renewal Order Form - 2023-2024](#)
 [Accela - Sole Source Letter](#)
 [Accela - VED](#)

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

8.B. [DC-O-0010-23](#)

ZONING-22-000060 – Kirchhofer: To approve the following zoning relief:
Conditional Use to allow existing detached accessory buildings (3 barns) that have been on the property for at least 5 years, to remain in front of the front wall of the house.
(Winfield/ District 6)

ZHO Recommendation to Approve

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

Attachments: [Z-22-000060 Kirchhofer Dev. Com. Flyer \(02-07-2023\)](#)

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

8.C. [DC-O-0011-23](#)

ZONING-22-000064 – Malkowski: To approve the following zoning relief:
Conditional Use to increase the cumulative area for detached accessory buildings from
permitted 708 sq. ft. to approximately 1,200 sq. ft. for a metal storage shed. (Lisle/
District 3)

ZHO Recommendation to Approve

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

Attachments: [Z-22-000064 Malkowski Dev. Com. Flyer \(02-07-2023\)](#)

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

8.D. [DC-O-0012-23](#)

ZONING-22-000067 – Naperville Township: To approve the following zoning relief:
Variation to reduce the east interior side setback from 20 feet to approximately 5 feet to
construct a storage building. (Naperville/ District 5)

ZHO Recommendation to Approve

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

Member Gustin informed the Committee that there are plans to widen North Aurora
Road, Naperville and Aurora meet. Paul Hoss stated the proposed new building will be
south of the existing building and will have no impact on any plans to widen North
Aurora Road.

Attachments: [Z-22-000067 Naperville Township Dev. Com. Flyer \(02-07-2023\)](#)

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

9. OLD BUSINESS

10. NEW BUSINESS

No new business was discussed.

11. ADJOURNMENT

With no further business, the meeting was adjourned at 10:45 a.m.



Development Resolution

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

File #: DC-R-0001-23

Agenda Date: 3/21/2023

Agenda #: 6.A.

INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF DUPAGE AND THE VILLAGE OF GLEN ELLYN FOR INSPECTION AND PERMITTING SERVICES

WHEREAS, the Illinois Constitution and the Intergovernmental Cooperation Act (5 ILCS 220/ et. seq) authorize units of local government, including counties and municipalities, to contract or otherwise associate among themselves in any manner not prohibited by law and to jointly exercise any power, privilege or authority conferred upon them by law; and

WHEREAS, Article 7, Section 10 of the Illinois Constitution of 1971 and the Illinois Intergovernmental Cooperation Act 5 ILCS 220/1 et seq. allow units of public entities to enter into intergovernmental agreements in the furtherance of their governmental purposes; and

WHEREAS, the Village of Glen Ellyn recently annexed the property formerly known as "22 W 327 Ahlstrand" and currently known as 615 Ahlstrand on January 1, 2023, and

WHEREAS, the owners of the Ahlstrand property submitted and received permits for the erection of a new house, swimming pool, and various other improvements to the Ahlstrand property from the DuPage County Building Department prior to the annexation, and

WHEREAS, the structures on the Ahlstrand property were not completed prior to the annexation and require additional inspections in order for the permits to be completed, and

WHEREAS, the Village of Glen Ellyn has requested that the County complete the inspection process in accordance with the permitting standards adopted by the County of DuPage in its Building Code, and

WHEREAS, the Village of Glen Ellyn holds sole and exclusive permitting authority over the structures located on properties within the corporate boundaries of the Village of Glen Ellyn, and

WHEREAS, the County of DuPage, by statute, only has permitting authority over property located in the unincorporated areas of the County of DuPage, and

WHEREAS, the County of DuPage and Village of Glen Ellyn have agreed to vest the County of DuPage with the authority to inspect permits on 615 Ahlstrand which were requested and issued prior to the Village's annexation of the property on January 1, 2023, and

WHEREAS, the proposed agreement between the County and the Village is attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the County Board of DuPage County that the Chair of the DuPage County Board be hereby directed and authorized to execute the Agreement attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED, that the DuPage County Clerk be directed to provide copies of this executed resolution and the executed agreement to the Village of Glen Ellyn.

Enacted and approved this 28th of March, 2023 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.dupageco.org/building

MEMORANDUM

Date: March 21, 2023
To: Development Committee
From: Jim Stran
Building & Zoning Manager
Re: INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF DUPAGE AND THE
VILLAGE OF GLEN ELLYN FOR INSPECTIONS AND PERMITTING SERVICES

On January 1, 2023, the annexation of the property located at 22W327 Ahlstrand Street, Glen Ellyn into the Village of Glen Ellyn (the Village) was executed. Upon completion of the annexation process the DuPage County Building & Zoning Department (the County) no longer retains jurisdiction over the subject property.

At the time of the annexation there were several permits issued by the County that were not yet completed. These permits include a new house permit, pool permit, and various other permits.

In order to avoid switching permitting entities in the middle of construction, to facilitate the completion of these projects in a timely manner, and in the financial interest of the property owner, the Village has requested that the County complete the inspection process for these permits using the existing County standards.

Action Requested: Approval for the DuPage County Building & Zoning Department to enter into an intergovernmental agreement with the Village of Glen Ellyn to complete inspections on all active permit at the property previously known as 22W327 Ahlstrand Street, Glen Ellyn now known as 615 Ahlstrand Street, Glen Ellyn.

**INTERGOVERNMENTAL COOPERATION AGREEMENT
REGARDING CONSTRUCTION PERMITTING AT 22W327 (NOW 615) AHLSTRAND
BETWEEN DUPAGE COUNTY AND THE VILLAGE OF GLEN ELLYN**

This Agreement is made between the County of DuPage, DuPage County, Illinois (the "County"), and the Village of Glen Ellyn (the "Village"), a home rule municipal corporation. The County and the Village are sometimes referred to individually as a "Party" and collectively as the "Parties." In consideration of the foregoing and the mutual promises contained in this Agreement, the County and the Village agree to the terms in this Agreement.

I. Background.

A. Article VII, § 10, of the Constitution of the State of Illinois, and state statutes encourage and permit intergovernmental cooperation between units of local government.

B. The Owner of the subject property submitted building permit applications to the County prior to the annexation of the property by the Village, effective January 1, 2023.

C. The Village has agreed with the property owner that the requirements of the County Zoning and Building Codes are applicable to the construction being done, and hereby delegates authority to the County to complete the inspection and permitting process and to issue occupancy permits due to the expertise of the County regarding its codes.

D. Based on the efficiencies and benefits of the work already performed by the County, Village deems it to be in its best interest to delegate to and authorize the County to finish the work that the County has performed, including plan review and inspections to date, and that the County has collected fees and escrows to perform the work.

II. Indemnity.

A. The Village, at its sole discretion and cost, shall hold harmless and indemnify the County shall indemnify to the extent allowed by law, hold harmless, and defend the County, its officials, employees, or agents from and against all liability, claims, suits, demands, proceedings and actions, including costs, fees and expenses of defense, arising from, growing out of, or related to, any loss, damage, injury, death, or loss or damage to property resulting from, or connected with, the negligent and/or willful acts or omissions of its employees, agents and contractors in their performance under this Agreement.

C. Pursuant to the Intergovernmental Cooperation Act, 5 ILCS 220/3, the Parties are authorized to transfer any power, privilege, or obligation to another unit of local government. Upon execution of this Agreement, the County shall have and assume jurisdiction over the permitting process for all permit applications for 22w327 (now 615) Ahlstrand, submitted prior to January 1, 2023, under the County Zoning and Building Codes, including the issuance of temporary occupancy permits.

V. Miscellaneous Provisions.

A. Term. The term of this Agreement shall run until completion of the permitting process for all permit applications submitted to the County prior to January 1, 2023.

B. No Assignment. No Party may assign any rights or duties under this Agreement without the prior express written consent of the other Party.

C. Successors. This Agreement shall be binding upon the successors of the Parties' respective governing boards.

D. Relationship of the Parties; No Third-Party Beneficiaries. Nothing in this Agreement shall be construed to consider any Party or its respective employees, volunteers, or

agents as the agents or employees of any other Party. Nothing contained in or done pursuant to this Agreement shall be construed as creating a partnership, agency, joint employer, or joint venture relationship between the County and the Village. Notwithstanding any provision to the contrary, this Agreement is entered into solely for the benefit of the contracting Parties, and nothing in this Agreement is intended, either expressly or impliedly, to provide any right or benefit of any kind whatsoever to any person or entity who is not a party to this Agreement or to acknowledge, establish, or impose any legal duty to any third party. No claim as a third-party beneficiary under this Agreement by any person, firm, or corporation shall be made or be valid against the County or the Village.

F. Entire Agreement. This Agreement, including Exhibit A, shall constitute the entire agreement of the Parties with respect to the matters contained in this Agreement and this Agreement supersedes all prior agreements and understandings, whether written or oral, formal, or informal.

G. Notice. Any notice or communication permitted or required under this Agreement shall be in writing and shall become effective upon personal delivery or on the third day after mailing by first class mail, registered, or certified mail, postage prepaid, or on the next day after mailing by a national overnight courier, addressed to:

To the Village:
Attention: Village Manager
Village of Glen Ellyn
535 Duane Street
Glen Ellyn, Illinois 60137

To the County:
Attention: Building and Zoning Department
DuPage County
421 County Farm Road
Wheaton, Illinois 60187

Either Party may change the person or address to which such notices are to be given by giving prior written notice to the other party in accordance with this Section.

G. Exhibits. Exhibits A is incorporated into and made part of this Agreement.

H. Amendments. This Agreement may not be amended except by means of a written document signed by authorized representatives of both Parties and dated a date after the Effective Date of this Agreement.

I. Compliance with Law. The Parties shall comply with all applicable local, county, State, and federal laws, and regulations.

J. Authority to Execute. Each of the Parties warrants and represent that the persons executing this Agreement on its behalf have been properly authorized to do so.

K. Calendar Days and Time. Unless otherwise provided in this Agreement, any reference in this Agreement to "day" or "days" shall mean calendar days and not business days. If the date for giving of any notice required to be given, or the performance of any obligation, under this Agreement falls on a Saturday, Sunday, federal, State, or County holiday, then the notice or obligation may be given or performed on the next business day after that Saturday, Sunday, federal, State, or County holiday.





L. Governing Law. This Agreement shall be governed and construed in accordance with the laws of the State of Illinois. Jurisdiction and venue for all disputes shall be the Circuit Court located in DuPage County, Illinois, or the federal district court for the Northern District of Illinois. In the event either Party is required to resort to the courts to satisfy the provisions of this Agreement, the prevailing party shall be entitled to secure its reasonable attorneys' fees and costs from the non-prevailing party.

M. No Waiver. The failure of either Party to insist upon the performance of any terms and conditions, or the waiver of any breach of any of the terms and conditions of this Agreement, shall not be construed as thereafter waiving any such terms and conditions, but they shall continue and remain in full force and effect as if no waiver had occurred.

N. Provisions Severable. If any term, covenant, condition, or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.

O. Counterparts. This Agreement may be executed in any number of counterparts, each of which shall constitute an original, but altogether shall constitute one and the same Agreement.

P. Effective Date. This Agreement shall be deemed dated and become effective on the date the last of the Parties signs as set forth below the signature of their duly authorized representatives.

VILLAGE OF GLEN ELLYN By:  Its:  Attest:   Village Clerk, Deputy Dated: <u>March 14, 2023</u>	DUPAGE COUNTY, ILLINOIS By: _____ Its: _____ Attest: _____ County Clerk Dated: _____
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Development Ordinance

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

File #: DC-O-0013-23

Agenda Date: 3/21/2023

Agenda #: 6.B.



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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

www.dupageco.org/building

MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Board of Appeals

DATE: March 2, 2023

RE: **ZONING-22-000030 Sonny Acres (Wayne/ District 6)**

Development Committee: March 21, 2023:

Zoning Board of Appeals Meeting: March 2, 2023: The Zoning Board of Appeals recommended to approve the following zoning relief:

Conditional Use for a banquet venue.

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-22-000030 Sonny Acres** dated February 9, 2023.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That 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 as part of the Landscape Plan the owner/developer shall show a fence to be constructed on the northern border of the Subject Property to separate the subject property from the Golf Course property to the north including providing signage to indicate that the adjacent property to the north is private property and no access shall be taken to that property to the north.
5. That the Subject Property shall not be leased or utilized for any outside event on any Friday, Saturday or Sunday between October 1 and October 30 of any given year (the "Prohibited Days").

- a. That the leasing of the building or holding of outside events in the building on non-Prohibited Days between October 1 and October 30 shall not overlap by more than one hour with the hours that the remainder of the Sonny Acres Agricultural Property (FARM) is open to the public.
 - b. That the subject banquet facility shall be available for full use and operation on October 31st of any given year as the remainder of the Sonny Acres Agricultural Property (FARM) will be closed to the general public.
6. 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 the petitioner seeks to develop a banquet facility on a portion of the Sonny Acres Farm/ Agricultural Use property that has operated as a working farm for over 100 years.
2. That the petitioner testified that they have just recently purchased the Sonny Acres Farm property from the family that owned and operated the Sonny Acres Farm property for over 100 years and operated the farm as an active working farm and farmstand.
3. That the petitioner testified that they continue to operate the farm as an agricultural use working farm in a similar manner as the previous owners have for over 100 years.
4. That in the short time the petitioner has owned Sonny Acres Farm, patrons to the Farm have indicated the desire to have activities that complement the farm activities similar to other farm properties in the Chicagoland Area including conducting wedding and banquet facilities.
5. As such, petitioner has indicated they seek develop and new Banquet Facility on the north east portion of the Sonny Acres Farm property to complement the existing Sonny Acres Farm grounds including the Farm buildings and outside areas where crops are grown and activities which occur separate from the proposed Banquet Facility Use as well as the existing parking areas on the property that will complement the 2 uses and continue the charm and ambiance of the Sonny Acres Farm setting.
 - a. That petitioner testified that while the two uses have a symmetry, they will be located on separate zoning parcels in order to clearly distinguish between the continued use of the Sonny Acres Farm as an agricultural exempt use and the Banquet Facility as a commercial enterprise while each use taking advantage of the shared services provided on both properties.
6. That petitioner provided testimony that they will operate the Banquet Facility as a conventional banquet facility providing service not to exceed 300 patrons at any one time and include tradition activities such as weddings, fundraisers, social gatherings, charitable gatherings, celebrations, etc.
7. That petitioner submitted evidence and testimony indicating that the existing parking areas on the eastern portion of the Sonny Acres Farm property provided parking for over 400 parking spaces. That

the evidence and testimony submitted by petitioners traffic consultant indicates that the existing parking facilities provide adequate parking for the banquet facility when at full capacity and as such no additional parking is required.

- a. That petitioners traffic report indicates that during the month of October of each year Sonny Acres Farm reaches its peak usage including activities associated with Harvest Fest and Fall Festivals. As such, petitioners traffic consultant has recommended that the owner curtail its operation of the Banquet Facility during the Month of October of each year to the following:
 - That the Subject Property shall not be leased or utilized for any outside event on any Friday, Saturday or Sunday between October 1 and October 30 of any given year (the “Prohibited Days”).
 - That the leasing of the building or holding of outside events in the building on non-Prohibited Days between October 1 and October 30 shall not overlap by more than one hour with the hours that the remainder of the Sonny Acres Farm Property is open to the public.

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County’s comprehensive plan for development; and specifically, that the granting of the Conditional Use will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner has demonstrated that the proposed development will allow for Sonny Acres Farms to develop a separate standalone venue to house indoor banquet activities that complement the existing environment or the Sonny Acres Farm Property.
 - b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that the proposed new facility will comply with all other coeds of the County including fire suppression and fire safety codes, building codes and stormwater regulations.
 - c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the proposed development will complement the existing Sonny Acres Farm property and activities thereto.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the existing parking on the property serving the Sonny Acres Farm is adequate to accommodate the banquet facility. In addition, the development has indicated that its operations of the banquet facility will be dramatically curtailed during the month of October when the Sonny Acres Farm is at its peak activity.
 - e. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the location of proposed development will meet all County Stormwater regulations.

- f. Incur additional public expense for flood protection, rescue or relief as petitioner has demonstrated that the proposed development will meet all other county codes including life safety, fire, building, health and stormwater regulations.
- g. In addition, the petitioner has demonstrated that there is adequate parking and site circulation on the property with direct access to the site from a principal arterial roadway Il. Rt. 50 (North Ave)

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-22-000030 Sonny Acres	
ZONING REQUEST	Conditional Use for a banquet venue.	
OWNER	SONNY ACRES DEVELOPMENT, 175 MERCEDES DRIVE, CAROL STREAM, IL 60188 / AGENT: PHILLIP LUETKEHANS, LUETKEHANS, BRADY, GARNER & ARMSTRONG, 105 EAST IRVING PARK ROAD, ITASCA, IL 60143	
ADDRESS/LOCATION	29W310 NORTH AVENUE, WEST CHICAGO, IL 60185	
PIN	01-34-200-010, 01-34-200-012, 01-34-200-011, 01-34-102-004	
TWSP. /CTY. BD. DIST.	WAYNE	DISTRICT 6
ZONING/LUP	R-2 SF RES/ B-2 GENERAL BUSINESS	0-5 DU AC
AREA	2.94 ACRES (128,066 SQ. FT.)	
UTILITIES	WELL AND SEPTIC	
PUBLICATION DATE	Daily Herald: JANUARY 25, 2023	
PUBLIC HEARING	THURSDAY, FEBRUARY 9, 2023,	
ADDITIONAL INFORMATION:		
Building:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
DUDOT:	No Comments Received.	
Health:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application. (See attached documentation)	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
City of West Chicago:	No Comments Received.	
Village of Carol Stream:	“No Comment”	
Wayne Township:	No Comments Received.	
Township Highway:	No Comments Received.	
West Chicago Fire Dist.:	No Objections with the concept of the petition. Additional information may be required at time of permit application. “Advisory Information: Applicable fire protection improvements (fire sprinkler, fire protection water supply, fire access, and fire alarm) will be required by ordinance for the proposed occupancy use.”	
Sch. Dist. 25:	No Objections.	

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

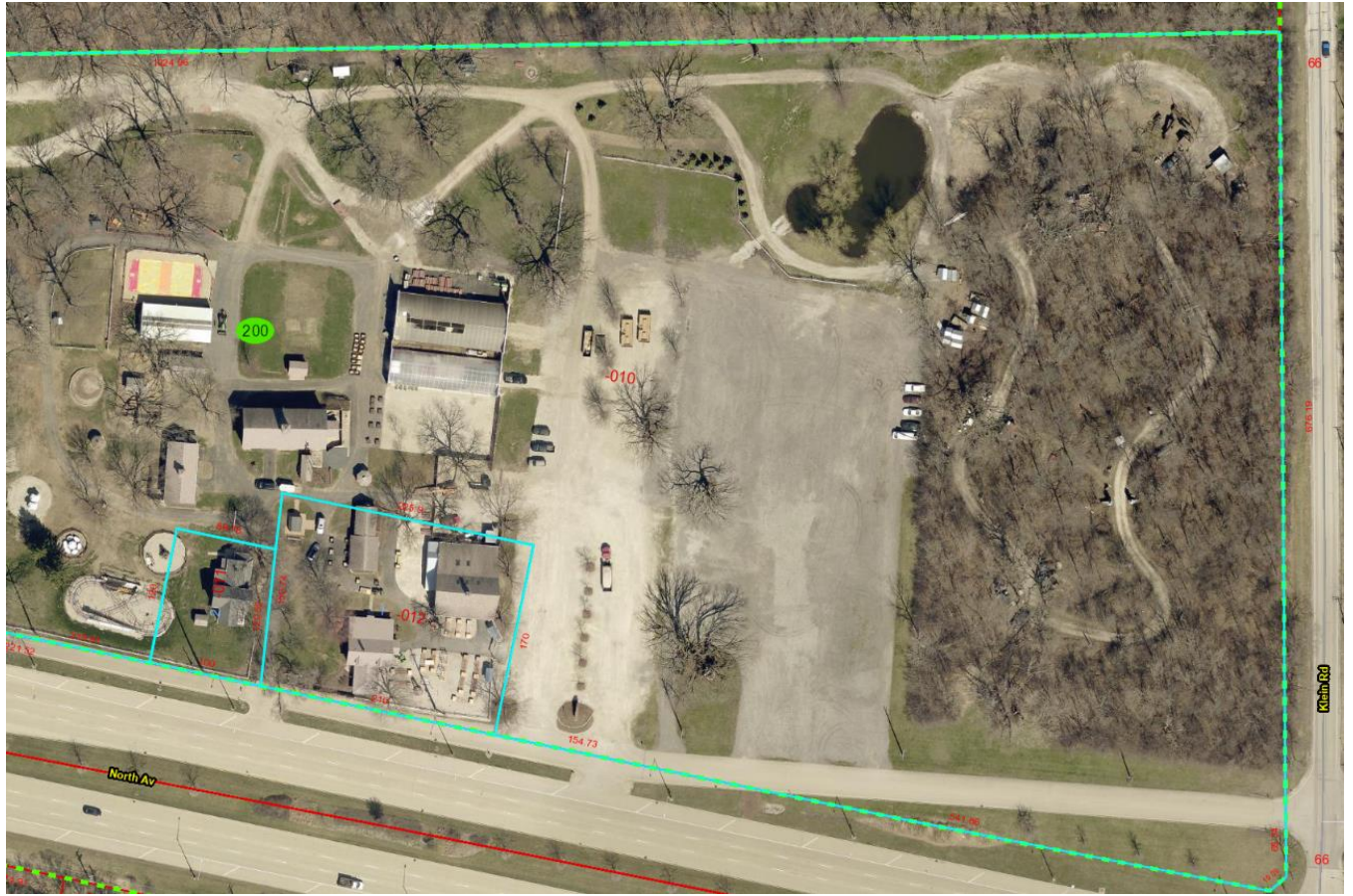
LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-2 SF RES/ B-2 GEN BUS	AGRICULTURAL EXEMPTION	0-5 DU AC
North	R-2 SF RES	GOLF COURSE	0-5 DU AC
South	NORTH AVENUE AND BEYOND CITY OF WEST CHICAGO/I-1 LIGHT INDUSTRIAL	HOUSE/INDUSTRIAL	CITY OF WEST CHICAGO
East	CITY OF WEST CHICAGO	FOREST PRESERVE	CITY OF WEST CHICAGO
West	TIMBERLINE DRIVE AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC









Project Narrative

Sonny Acres Farm is a 140-year-old working farm that for decades has grown pumpkins and hosted events for the public to enjoy the farm ambiance in the suburbs. The current owners took control of the property in 2019 to avoid what appeared to be a probable change of use to a more industrial or commercial use. Among other things, Sonny Acres Farm provides entertainment and fresh farm goods for the residents of DuPage County and surrounding areas. Most of the public attendance at the site occurs in late October of each year to correspond to the Halloween holiday.

The current agricultural use is 21.48 acres, of which applicant seeks to obtain a conditional use on a 2.94 of those acres (the "Subject Property") which are being divided as part of an Assessment Plat. Applicant is seeking to add a 6000 square foot barn to hold weddings and other events for the public on the Subject Property. The maximum capacity of the new building would be 300 people, most of whom would carpool due to the type of events being proposed. The hours of operation would be 7:00 am until 1:00 am Sunday through Thursday and 7:00 am until 2:00 am on Fridays and Saturdays. Due to heavy usage annually in October, Sonny Acres is proposing a condition that it not host weddings or other events on the Subject Property that are not related to its agricultural use from October 1 through October 30 each year.¹

¹ Sonny Acres Farm is closed every year on October 31.



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BUILDING & ZONING DEPARTMENT

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

www.dupageco.org/building

DU PAGE COUNTY ZONING BOARD OF APPEALS **Zoning Petition ZONING-22-000030 Sonny Acres**

Please review the information herein and return with your comments to:

Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupageco.org or via facsimile at 630-407-6702 by **February 8, 2023**.

COMMENT SECTION:	
: OUR OFFICE HAS NO JURISDICTION IN THIS MATTER	
: NO OBJECTION/CONCERNS WITH THE PETITION	
<input checked="" type="checkbox"/> NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION.	
ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION	
: I OBJECT/ HAVE CONCERNS WITH THE PETITION.	
 COMMENTS: Unstudied floodplain (Zone A) associated with the West Branch DuPage River's Tributary #3, Stream reach #2, is located in the immediate proximity of the proposed development. A floodplain study will be required to be completed by the petitioner to ensure that all proposed structures are reasonably safe from flooding and in compliance with the DuPage County Countywide Stormwater and Floodplain Ordinance.	
SIGNATURE: Clayton Heffter DATE: 1/30/23	
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: DPC Stormwater Management	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-22-000030 Sonny Acres
ZONING REQUEST	Conditional Use for a banquet venue.
OWNER	SONNY ACRES DEVELOPMENT, 175 MERCEDES DRIVE, CAROL STREAM, IL 60188 / AGENT: PHILLIP LUETKEHANS, LUETKEHANS, BRADY, GARNER & ARMSTRONG, 105 EAST IRVING PARK ROAD, ITASCA, IL 60143
ADDRESS/LOCATION	29W310 NORTH AVENUE, WEST CHICAGO, IL 60185
PIN	01-34-200-010, 01-34-200-012, 01-34-200-011, 01-34-102-004
TWSP./CTY. BD. DIST.	WAYNE DISTRICT 6
ZONING/LUP	R-2 SF RES/ B-2 GENERAL BUSINESS 0-5 DU AC
AREA	2.94 ACRES (128,066 SQ. FT.)
UTILITIES	WELL AND SEPTIC
PUBLICATION DATE	Daily Herald: JANUARY 25, 2023

1

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



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DU PAGE COUNTY ZONING BOARD OF APPEALS Zoning Petition ZONING-22-000030 Sonny Acres

Please review the information herein and return with your comments to:

Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupageco.org or via facsimile at 630-407-6702 by **February 8, 2023**.

COMMENT SECTION:

: OUR OFFICE HAS NO JURISDICTION IN THIS MATTER

: NO OBJECTION/CONCERNS WITH THE PETITION

: NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION.

☒ ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION

: I OBJECT/ HAVE CONCERNS WITH THE PETITION.

COMMENTS:

Advisory Information: Applicable fire protection improvements (fire sprinkler, fire protection water supply, fire access, and fire alarm) will be required by ordinance for the proposed occupancy use.

SIGNATURE: _ William R. Schultz, Fire
Marshal

MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: West Chicago Fire Protection District

GENERAL ZONING CASE INFORMATION

CASE #/PETITIONER	ZONING-22-000030 Sonny Acres	
ZONING REQUEST	Conditional Use for a banquet venue.	
OWNER	SONNY ACRES DEVELOPMENT, 175 MERCEDES DRIVE, CAROL STREAM, IL 60188 / AGENT: PHILLIP LUETKEHANS, LUETKEHANS, BRADY, GARNER & ARMSTRONG, 105 EAST IRVING PARK ROAD, ITASCA, IL 60143	
ADDRESS/LOCATION	29W310 NORTH AVENUE, WEST CHICAGO, IL 60185	
PIN	01-34-200-010, 01-34-200-012, 01-34-200-011, 01-34-102-004	
TWSP./CTY. BD. DIST.	WAYNE	DISTRICT 6
ZONING/LUP	R-2 SF RES/ B-2 GENERAL BUSINESS	0-5 DU AC
AREA	2.94 ACRES (128,066 SQ. FT.)	
UTILITIES	WELL AND SEPTIC	
PUBLICATION DATE	Daily Herald: JANUARY 25, 2023	
PUBLIC HEARING	THURSDAY, FEBRUARY 9, 2023	

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

1

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

Sent: Saturday, February 11, 2023 12:38 PM
To: Infelise, Jessica
Subject: Zoning Petition ZONING-22-00030 Sonny Acres

[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.]

My name is Tina Willer. I live at 3N031 Timberline Drive, West Chicago and I attended your zoning board meeting on Feb 9th in regards to Sonny Acres. I did get to give my opinion but had to make it brief due to a family illness. On my way home I thought alot about what transpired and here are my additional comments.

I did state that I was not opposed to a wedding venue with conditions. To me that means mostly Fri and Sat nights in an INCLOSED facility. However I looked at their website and it ALREADY shows this. (and it has not even been approved)

Please take notice of the size of the stage. Picture below at the bottom

*** TIMES**

I believe the times proposed were from 7:00am until 1:00am Weekends AND weekdays, so basically 7 days a week with the exception of October. That is asking quite a lot from our very quiet residential neighborhood and family. We deserve the right to have peace and quiet on our own property.

***PROPERTY VALUE**

During the meeting their lawyer stated that this would not affect one's property value. I can tell you first hand that it **absolutely does**.

In April, 2021 we bought property in Tennessee and put our home up for sale. That was the year homes were selling fast. That is also the year Sonney Acres decided to do outdoor concert venues, We had a lot of showings at our home but most were on Thursdays towards the evenings due to our work schedules and that seemed to be one of the evenings they choose to do these concerts or private events. The showings went great until we went out to our yard and even though our potential buyers loved our home and property they could not get past the noise coming from the farm. Some even mentioned the carnival that goes non stop in the summer. We never got an offer. We had to sell the property we bought in TN and take our home off the market or take a huge loss on it.

***TRESSPASSING AND SECURITY ISSUES**

I have had men going into the treeline at the end of my property to relieve and in doing so exposing themselves during their events in 2021. They come from their parking site on frontage road as there is no gate or fence to prevent this, which is also a security issue. I have almost lost my dog twice due to her chasing people in the tree line.

Our house is where the arrow is pointing, the blue is our pool, The red line is the tree line that is the only thing separating us, there is no sound barrier or fence and this will be a HUGE security issue.



***PETS**

As I stated at the meeting during their outdoor events I could not get my older dog outside as he was terrified of the noise. We already deal with the noise from October and are used to that after 20 yrs but I don't want this year round.

***MEDICAL**

I have a history of Brain Aneurysms and have had many surgeries for them the last being in 2020

I had 2 stented and coiled. Due to this I am very sensitive to migraines and headaches and the noise not only affects our sleep but also my health.

IN CLOSING

I believe that Sonny Acres should provide a sound barrier fence around their property which will also provide some security.

Music should be confined to an indoor venue.

Hours of operation should be limited during the week with a 10 PM close time.

Please put your self in our shoes before you vote on thier requests.

I do not want to relive 2021 again

Tina Willer

Please take notice of the size of thier stage.

Host your next BIG EVENT at Sonny Acres Farm!

A beautiful location with endless possibilities

**for weddings, birthday parties, corporate outings, reunions,
retirement celebrations.**



Sent: Monday, February 13, 2023 12:39 PM
To: Infelise, Jessica
Subject: Re: Zoning Petition ZONING-22-00030 Sonny Acres

[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.]

Hi Jessica

It looks as though this got cut off my original email to you. Please add this on for the appeals board.

Thank you so much.

Tina

NOISE

When they hold outdoor music the noise is extremely loud and rattles our windows and disturbs our sleep. We get up at 4:30 am. they state that it will end at a certain time but it does not. I had called the police many times in 2021 due to the excessive noise levels but police were not able to help because they stated that they don't have a noise desimal reader,so they would send a sheriff out. The noise would stop for about 15 min then start right back up. They need to put up a noise barrier along frontage road where their property butts up against ours and our neighbors



ARIANO HARDY RITT
 NYULI RICHMOND LYTLE & GOETTEL P.C.

Lisa M. Nyuli *
 Scott G. Richmond
 Aaron J. Lytle **
 Karsten Goettel
 Taylor J. Spooner

**Fellow of the American
 Academy of Matrimonial Lawyers*

***Licensed in Illinois & Wisconsin*

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 (847) 695-2400

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 E-Mail: SGR@Attorneys-
 Illinois.com

Huntley Office
 American Community Bank & Trust
 10101 North Illinois Route 47
 Suite 200
 PO Box 857
 Huntley, IL 60142

Susan W. Rogaliner *(Of Counsel)*
 Frank V. Ariano *(Retired)*
 Ralph C. Hardy *(1943-2021)*
 Norbert C. Ritt *(Retired)*

February 20, 2023

Mr. Robert Kartholl, Chairman
 DuPage County Zoning Board of Appeals
 Zoning Department
 421 N. County Farm Rd.
 Wheaton, IL 60187

Re: Sonny Acres Development, 175 Mercedes Dr., Carol Stream, IL 60188
Application for Conditional Use for a banquet venue

Dear Mr. Kartholl:

This firm represents National Golf Course Builders, Inc., the owner of Old Wayne Golf Course. This golf course borders the Sonny Acres property directly to the north of Sonny Acres and is immediately adjacent to the proposed location of the banquet venue building.

I appeared before the Zoning Board of Appeals on February 9, 2023, and I expressed the concerns of the golf course. This proposed banquet facility is close in proximity to one of the tee boxes and one of the greens. As you are aware, the golf course is concerned about (1) the potential for excessive noise/music from events at the venue and (2) security.

The golf course operates from April through November each year and golfers are on the course from 6:00 a.m. to 6:00 p.m. The concern is that live bands or DJs playing music will be playing the music loudly and will disrupt the golfers on the course either teeing off or attempting to putt on the greens. Evening events that start after 6:00 p.m. are not a significant concern for the golf course. However, in their presentation, Sonny Acres indicated that there will be outdoor weddings and did not indicate whether the venue will have soundproofing in the building installed. Old Wayne golf course asks that as a requirement of granting the zoning request, the Board mandate that no live bands or DJs will operate outside of the banquet building for events, and that the building have some soundproofing installed or there is a requirement that the doors to the building be closed at all times prior to 6 p.m. when music is being played during both weekdays and weekends.

Re: Sonny Acres banquet venue proposal

February 20, 2023

Page 2

Second, there is a concern regarding venue attendees migrating onto the golf course at night. There is presently no fence between the properties and while there are trees, these are not a deterrent to people walking onto the golf course. When Sonny Acres operates its fall festivals, this is not typically a problem as parents tend to keep track of their children. The concern is when wedding events are taking place and there exists the possibility that overserved adults will migrate onto the golf course. My client is concerned that this presents the opportunity for injuries or property damage. My client is therefore requesting that the Board require either a fence between the properties or that the banquet facility be required to provide security during evening events.

Should you need further information regarding these matters, please contact me. National Golf Course Builders does not oppose the banquet venue as a whole, but its concerns as outlined herein should be addressed.

Very truly yours,

A black rectangular redaction box covering the signature of Scott G. Richmond.

Scott G. Richmond, Esq.

SGR/os

cc: Dale Nissen
Aaron Lytle, Esq.



Development Ordinance

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

File #: DC-O-0014-23

Agenda Date: 3/21/2023

Agenda #: 6.C.



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Fax: 630-407-6702

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MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: February 8, 2023

RE: **ZONING-22-000052 Russo (Bloomingdale/ District 6)**

Development Committee: March 21, 2023:

Zoning Hearing Officer: February 8, 2023: The Zoning Hearing Officer recommended to deny the following zoning relief:

1. Variation to reduce the lot size for two lots with well and septic, from required 40,000 sq. ft./each lot to approximately 29,672 sq. ft. for Lot 1 and 14,233 sq. ft. for Lot 2.
2. Variation to reduce the required lot width from 125 feet to approximately 95.74 feet for Lot 2.

ZHO Recommendation to Deny

FINDINGS OF FACT:

- A. That petitioner testified that he seeks the subject zoning relief to divide the subject property into two (2) new lots, approximately 29,672 sq. ft. for Lot 1 and 14,233 sq. ft./95.74 feet wide for Lot 2.
- B. That petitioner testified that his client has owned and lived on the subject property for over twenty (20) years.
- C. That petitioner testified that the subject property is serviced with well and septic, and that water and sewer cannot be brought to the subject property.
 - That petitioner testified that if sewer and water were available to the subject property, the proposed lots could be 10,000 sq. ft. each, with 75-foot lot widths.

- D. That petitioner testified that proposed Lot 2 would be serviced with a modernized BioBarrier septic system, which does not require as much land compared to a standard septic system.
- Furthermore, that petitioner testified that Lot 2 is proposed to be smaller in size compared to Lot 1 due to the existing septic system located on proposed Lot 1 which cannot be relocated.
- E. That petitioner testified that the subdivision directly to the south of the subject property contains lots that are 10,000-12,000 sq. ft. in size and are serviced on well and septic.
- In addition, that petitioner testified that there have been many divisions of land within the subject Keeneyville neighborhood that have created lots less than 40,000 sq. ft. in size, and that the proposed two (2) lots will be consistent with the size and character of lots of the subject neighborhood.
- F. That the Hearing Officer finds that while subdivision of the subject property may be appropriate for equally sized lots, like those in the surrounding area, the petitioner has not demonstrated evidence that the proposed lot size of 14, 233 sq. ft. for Lot 2 is like those in the surrounding area.
- G. Furthermore, that the Hearing Officer finds that the reasoning for the proposed zoning relief to reduce the lot size and width for Lot 2 is purely an economic reasoning.
- Petitioner testified that it would be to cost prohibitive to remove and replace the existing septic system for the home (proposed Lot 1) with a BioBarrier septic system, like that proposed on Lot 2, which does not require as much land compared to a standard septic system.
- H. That the Hearing Officer finds that petitioner has not demonstrated evidence for a practical difficulty or particular hardship regarding the requested zoning relief and did not demonstrate evidence that the proposed lot sizes for the subject property would be consistent with the size and character of lots in within the immediate neighborhood.

STANDARDS FOR VARIATIONS:

**Per Zoning Code Section 37-1411.3*

1. That the Zoning Hearing Officer finds that petitioner **has not demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That Hearing Officer finds that petitioner **has not demonstrated** evidence that there are practical difficulties or particular hardships in the way of carrying out the strict letter of regulations for a Variation request.

3. That 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** evidence that the proposed lot division will not impair the supply of light and air to the adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property, as petitioner **has not demonstrated** evidence that the proposed lot division will not increase hazards from fire or other dangers.
 - c. Diminish the value of land and buildings throughout the County, as petitioner **has not demonstrated** evidence that the proposed lot division will not diminish the value of land throughout the County.
 - d. Unduly increase traffic congestion in the public streets and highways, as petitioner **has not demonstrated evidence** that the proposed lot division will not unduly increase traffic congestion.
 - e. Increase the potential for flood damages to adjacent property, as petitioner **has not demonstrated** evidence that the proposed lot division will not increase the potential for flood damages.
 - f. Incur additional public expense for flood protection, rescue, or relief, as petitioner **has not demonstrated** evidence that the proposed lot division 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** evidence that the proposed lot division 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-22-000052 Russo	
ZONING REQUEST	1. Variation to reduce the lot size for two lots with well and septic, from required 40,000 sq. ft./each lot to approximately 29,672 sq. ft. for Lot 1 and 14,233 sq. ft. for Lot 2. 2. Variation to reduce the required lot width from 125 feet to approximately 95.74 feet for Lot 2.	
OWNER	PIETRO AND MARIANNA RUSSO, 25W170 LAWRENCE AVENUE, ROSELLE, IL 60172 / AGENT: PETER DEFILIPPIS, PD3 PROPERTIES, 192 N. GLADE AVENUE, ELMHURST, IL 60126	
ADDRESS/LOCATION	25W170 LAWRENCE AVENUE, ROSELLE, IL 60172	
PIN	02-08-406-018	
TWSP./CTY. BD. DIST.	BLOOMINGDALE	DISTRICT 6
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	1 ACRE (43,560 SQ. FT.)	
UTILITIES	WELL AND SEPTIC	
PUBLICATION DATE	Daily Herald: January 24, 2023	
PUBLIC HEARING	WEDNESDAY, FEBRUARY 8, 2023	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections.	
Stormwater:	No Objection with the concept of the petition. Additional information may be required at time of permit application.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Hanover Park:	No Objections. (See attached documentation)	
Village of Roselle:	Our office has no jurisdiction in this matter. "Not within Roselle's planning boundaries."	
Village of Hanover Park:	<i>No Comments Received.</i>	
Village of Bloomingdale:	<i>No Comments Received.</i>	
Bloomingdale Township:	<i>No Comments Received.</i>	
Township Highway:	No Objection with the concept of the petition. Additional information may be required at time of permit application.	
Bloomingdale Fire Dist.:	No Objection with the concept of the petition. Additional information may be required at time of permit application. "Residential sprinklers will be required if a house is built on the property."	
Sch. Dist. 20:	<i>No Comments Received.</i>	

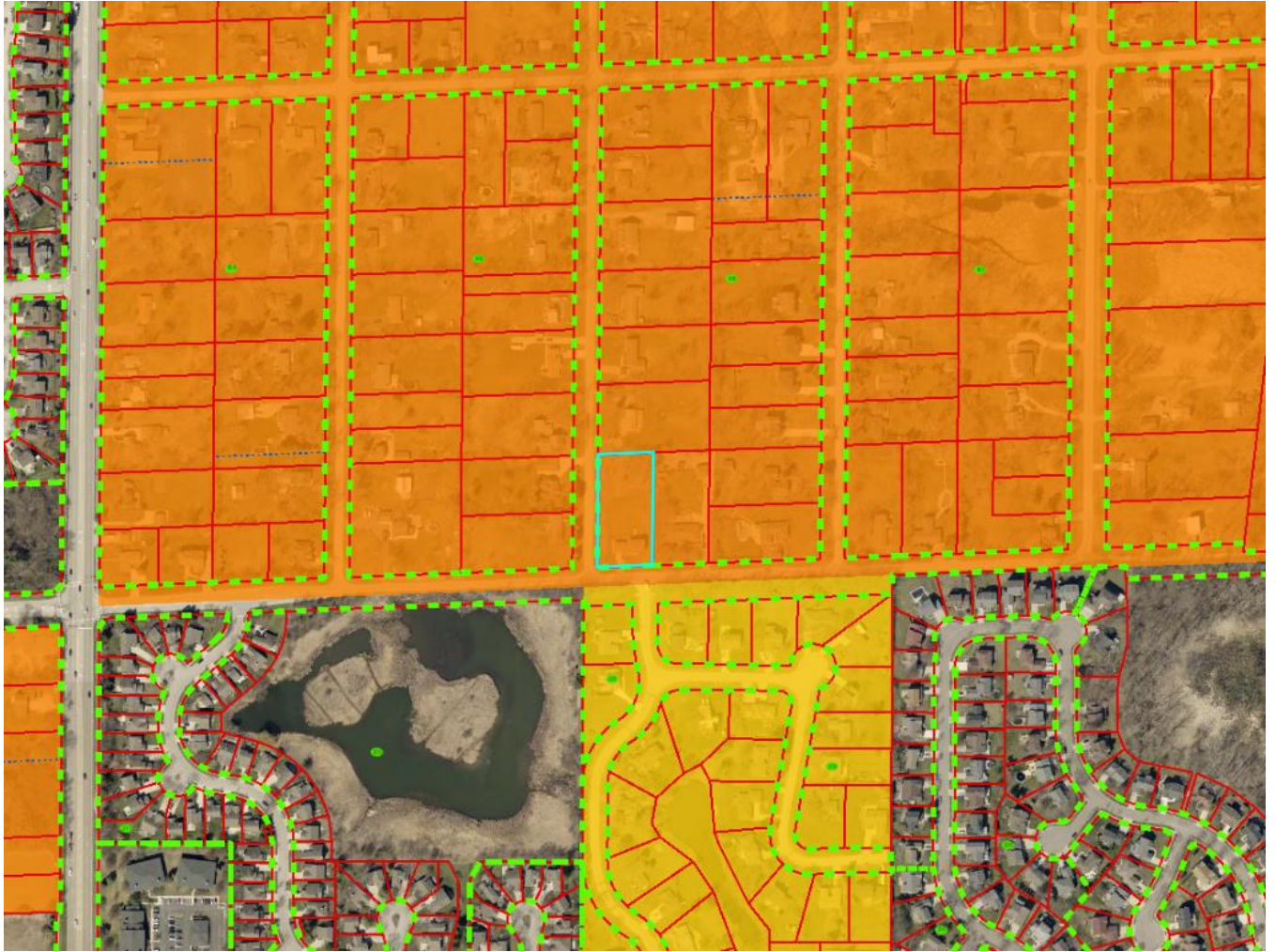
Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and the District property, we do not have any specific comments. Thank you.”
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GENERAL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

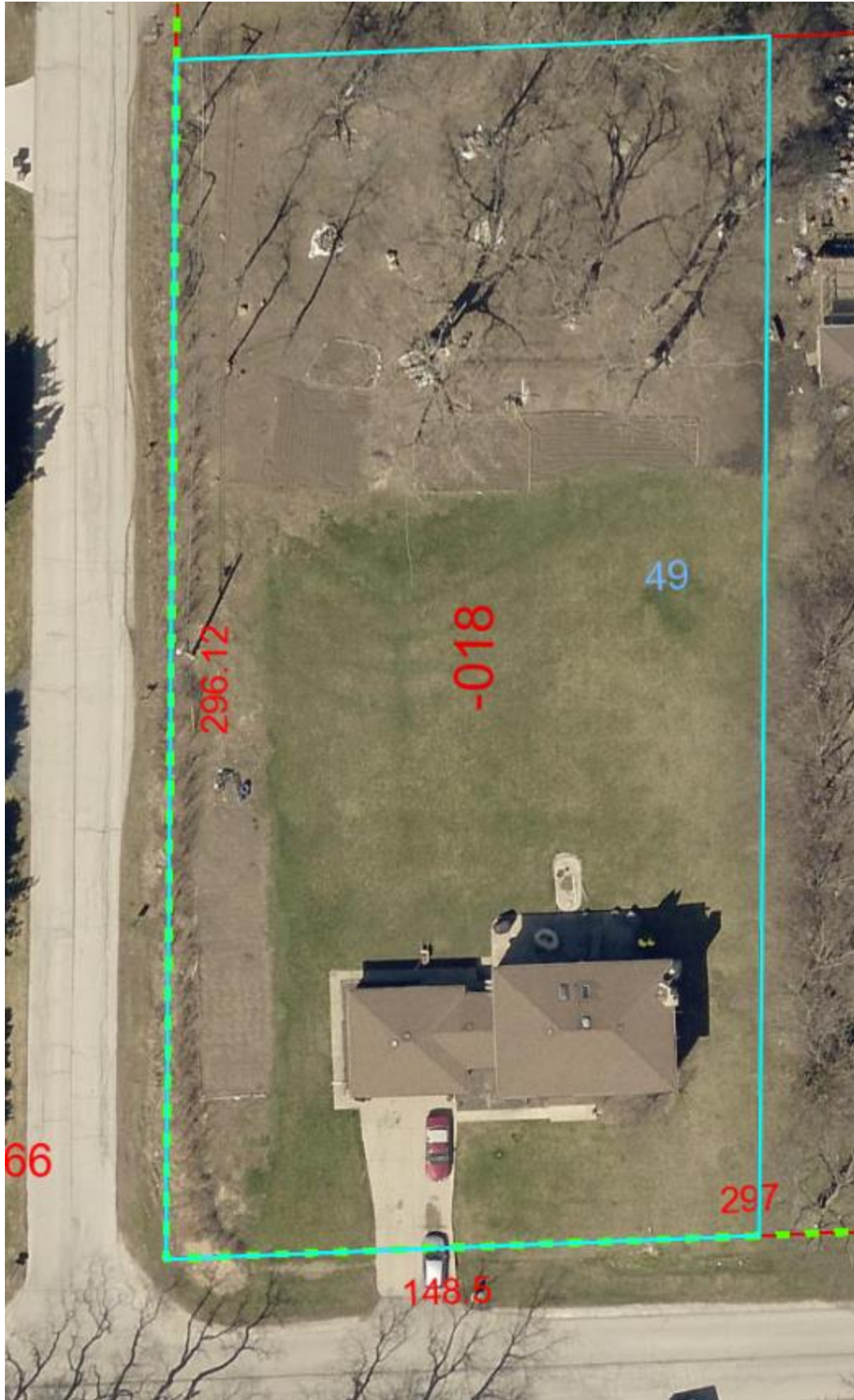
REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
LOT SIZE:	40,000 SQ. FT./EACH	APPROX. 43,560 SQ. FT.	29,672 SQ. FT. FOR LOT 1 14,233 SQ. FT. FOR LOT 2

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	LAWRENCE ROAD AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
East	R-4 SF RES	HOUSE	0-5 DU AC
West	KEENEY ROAD AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC









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Division

BUILDING & ZONING DEPARTMENT

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

www.dupageco.org/building

DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-22-000052 Russo

Please review the information herein and return with your comments to:
Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm
Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupageco.org or via facsimile
at 630-407-6702 by **February 7, 2023**.

COMMENT SECTION:	
:	OUR OFFICE HAS NO JURISDICTION IN THIS MATTER
:	NO OBJECTION/CONCERNS WITH THE PETITION
X	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: The face of the plat should contain language similar to the following: "This property was subdivided on [date]. At the time of subdivision, the PCBMP and stormwater detention thresholds for the original parcel were subsequently subdivided among the newly created parcels. The threshold distribution ratio for each of the new parcels shall be calculated as the area of the new parcel divided by the area of the original parcel. This threshold distribution ratio shall be multiplied by the regulatory thresholds in effect at the time of any new development. Please check with your local permitting authority regarding all stormwater management requirements."	
SIGNATURE: Clayton Heffter DATE: 1/30/23	
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: DPC Stormwater Management	
GENERAL ZONING CASE INFORMATION	

1

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



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DUPAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-22-000052 Russo

Please review the information herein and return with your comments to:
Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm
Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupageco.org or via facsimile
at 630-407-6702 by February 7, 2023.

COMMENT SECTION:	
: OUR OFFICE HAS NO JURISDICTION IN THIS MATTER	
: NO OBJECTION/CONCERNS WITH THE PETITION	
: NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION.	
XX ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION	
: I OBJECT/HAVE CONCERNS WITH THE PETITION.	
COMMENTS: Residential sprinklers will be required if a house is built on the property.	
SIGNATURE: <u>Matthew Beyer</u> DATE: <u>1/31/23</u>	
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-22-000052 Russo
ZONING REQUEST	1. Variation to reduce the lot size for two lots with well and septic, from required 40,000 sq. ft./each lot to approximately 29,672 sq. ft. for Lot 1 and 14,233 sq. ft. for Lot 2. 2. Variation to reduce the required lot width from 125 feet to approximately 95.74 feet for Lot 2.
OWNER	PIETRO AND MARIANNA RUSSO, 25W170 LAWRENCE AVENUE, ROSELLE, IL 60172 / AGENT: PETER DEFILIPPIS, PD3 PROPERTIES, 192 N. GLADE AVENUE, ELMHURST, IL 60126
ADDRESS/LOCATION	25W170 LAWRENCE AVENUE, ROSELLE, IL 60172
PIN	02-08-406-018
TWSP./CTY. BD. DIST.	BLOOMINGDALE DISTRICT 6
ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	1 ACRE (43,560 SQ. FT.)
UTILITIES	WELL AND SEPTIC
PUBLICATION DATE	Daily Herald: January 24, 2023
PUBLIC HEARING	WEDNESDAY, FEBRUARY 8, 2023

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

1

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



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

www.dupageco.org/building

DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-22-000052 Russo

Please review the information herein and return with your comments to:
Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm
Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupageco.org or via facsimile
at 630-407-6702 by February 7, 2023.

COMMENT SECTION:

: OUR OFFICE HAS NO JURISDICTION IN THIS MATTER

☒ : NO OBJECTION/CONCERNS WITH THE PETITION

: NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION.

ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION

: I OBJECT/HAVE CONCERNS WITH THE PETITION.

COMMENTS:

The site does not immediately abut the corporate limits of Hanover Park, and I therefore do not have an objection as it does not directly impact us. However, the County may want to consider the character of other homes/dev around the subject site – it appears surrounding lots are large lots. The new lot seems much smaller (14,000 sq. ft. vs the required 40,000 sq. ft.) – so pl ensure that it is adequately sized for septic field. Does this meet County's criteria for a variance? – seems to be a "self-created hardship". What justification have they provided for creating a lot significantly smaller than the zoning requirement.

SIGNATURE: Shubhra Govind DATE: 2/7/23

MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:

GENERAL ZONING CASE INFORMATION

CASE #/PETITIONER	ZONING-22-000052 Russo	
ZONING REQUEST	1. Variation to reduce the lot size for two lots with well and septic, from required 40,000 sq. ft./each lot to approximately 29,672 sq. ft. for Lot 1 and 14,233 sq. ft. for Lot 2. 2. Variation to reduce the required lot width from 125 feet to approximately 95.74 feet for Lot 2.	
OWNER	PIETRO AND MARIANNA RUSSO, 25W170 LAWRENCE AVENUE, ROSELLE, IL 60172 / AGENT: PETER DEFILIPPIS, PD3 PROPERTIES, 192 N. GLADE AVENUE, ELMHURST, IL 60126	
ADDRESS/LOCATION	25W170 LAWRENCE AVENUE, ROSELLE, IL 60172	
PIN	02-08-406-018	
TWSP./CTY. BD. DIST.	BLOOMINGDALE	DISTRICT 6
ZONING/LUP	R-4 SF RES	0-5 DU AC

1

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



Development Ordinance

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

File #: DC-O-0015-23

Agenda Date: 3/21/2023

Agenda #: 6.D.



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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

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MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Board of Appeals

DATE: February 2, 2023

RE: **ZONING-22-000061 VK Acquisitions VI, LLC. (Winfield/
District 6)**

Development Committee: March 21, 2023:

Zoning Board of Appeals Meeting: February 2, 2023: The Zoning Board of Appeals recommended to deny the following zoning relief:

1. Conditional Use for open storage of trailers and materials;
2. Variation to reduce the interior side yard setbacks from 20 feet to 0 feet; and
3. Variation to reduce the rear setback from 20 feet to 0 feet.

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

FINDINGS OF FACT:

1. That the Zoning Board of Appeals finds that the petitioner failed to show a practical difficulty or particular hardship in relation to the requested zoning relief. In addition, that the Zoning Board of Appeals finds that petitioner presented their case as a prospective/conceptual plan with no determined tenants and did not have information on business operations for the requested Conditional Use.
2. That petitioner testified that he has requested the subject zoning relief to permit the open storage of trailers and materials on an existing parking lot that is located approximately 0' from the interior sides and rear property line.
3. That petitioner testified that the subject property is located on Butterfield Road and zoned I-1 Light Industrial and has been used for RV/ recreational vehicle storage for the last twenty-five (25) years with 0' setbacks on the interior sides and rear property line.

4. That petitioner testified that they would be changing the current use of recreational vehicle storage to the open storage of trailers and potentially materials.
5. That petitioner testified that they are VK Acquisitions VI, LLC, a subsidiary of VentureOne Real Estate that specializes in the investment and development of industrial properties through the region.
6. That petitioner testified that they do not have a specific user yet, however that they invest and develop industrial properties throughout the Chicagoland area and have maintain similar properties throughout the area.
7. That petitioner testified that the subject property and surrounding land uses are all industrial, with a landscaping business adjacent to the east, the City of Aurora power company to the south, warehousing to the west, and Fermilab to the north.
8. That petitioner testified that the proposed use is consistent with the underlying I-1 zoning district and is similar to the surrounding light industrial uses of the area.
9. That petitioner testified that the current RV storage use gets roughly 3 to 4 trips per hour during peak business hours (7:00 AM to 7:00 PM) or approximately 30 to 40 cars a day, and that the proposed use for open storage of trailer is projected to have 20-50 trips per day, based on similar trailer storage properties.
10. That petitioner testified that no additional vertical development/ construction would take place on the subject property and that they would utilize the existing gravel parking area, which is currently located at the property lines.
11. That petitioner testified that the if the subject property were to follow the required 20-foot setbacks along the interior side property lines and rear property line, it would be difficult to practically store trailers on the property, which is why the current RV storage use has a parking lot located at 0' setbacks.
 - Furthermore, that petitioner testified that the majority of industrial uses that would be permitted at the subject property would have difficulty operating with the width of the property (292 feet) without modifying the setbacks.

STANDARDS FOR VARIATIONS and CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner **has not demonstrated** that the granting of the Variation and 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.
2. That the Zoning Board of Appeals finds that petitioner **has not demonstrated** the granting of the Variation and Conditional Use will not:

- a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** that the proposed use of open storage and materials with Variations would be consistent with the surrounding area/uses and would not impair an adequate supply of light and area to adjacent properties.
- b. Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated** that the proposed use for open storage and materials would not increase the hazard from fire or other dangers to said property.
- c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** that the proposed use for open storage and materials with Variations would be consistent with the surrounding zoning and land uses and would not diminish the value of land and buildings in the County.
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has not demonstrated** that the proposed use for open storage and materials with Variations would not unduly increase traffic congestion in the public streets and highways.
- e. Increase the potential for flood damages to adjacent property as petitioner **has not demonstrated** that the proposed use for open storage and materials with Variations would not increase the potential for flood damages to adjacent properties.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated** that the proposed use for open storage and materials with Variations would not incur additional public expense for flood protection, rescue, or relief.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has not demonstrated** that the proposed use for open storage and materials with Variations would be consistent with the surrounding industrial areas or would be consistent with the existing RV storage use.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-22-000061 VK Acquisitions VI, LLC.
ZONING REQUEST	1. Conditional Use for open storage of trailers and materials; 2. Variation to reduce the interior side yard setbacks from 20 feet to 0 feet; and 3. Variation to reduce the rear setback from 20 feet to 0 feet.
OWNER	STEVE BERNING, 27W271 GALUSHA ROAD, WARRENVILLE, IL 60555/ AGENT: VK ACQUISITIONS VI, LLC. (C/O: MATTHEW GOODE), 9500 W. BRYN MAWR AVENUE, SUITE 340, ROSEMONT, IL 60018 /AGENT: ELROD FRIEDMAN LLP (C/O: HART PASSMAN), 325 N. LASALLE STREET, SUITE 450, CHICAGO, IL 60654
ADDRESS/LOCATION	30W771 BUTTERFIELD ROAD, NAPERVILLE, IL 60563
PIN	04-33-300-011/ 04-33-300-012
TWSP./CTY. BD. DIST.	WINFIELD DISTRICT 6
ZONING/LUP	I-1 LIGHT INDUSTRIAL MULTI-FAMILY 5-15 DU AC
AREA	6.53 ACRES (284,447 SQ. FT.)
UTILITIES	WELL/SEPTIC
PUBLICATION DATE	Daily Herald: JANUARY 3, 2023
PUBLIC HEARING	WEDNESDAY, JANUARY 18, 2023
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	No Objections.
Stormwater:	No Objections with the concept of the petition. Additional information may be required at tie of permit application.
Public Works:	Our office has no jurisdiction in this matter.
EXTERNAL:	
City of Aurora:	<i>No Comments Received.</i>
City of Naperville:	<i>No Comments Received.</i>
City of Warrenville:	Objects. (See attached documentation)
Winfield Township:	<i>No Comments Received.</i>
Township Highway:	Our office has no jurisdiction in this matter.
Warrenville Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 204:	<i>No Comments Received.</i>
Forest Preserve:	"The Forest Preserve District of DuPage County does not have any concerns."

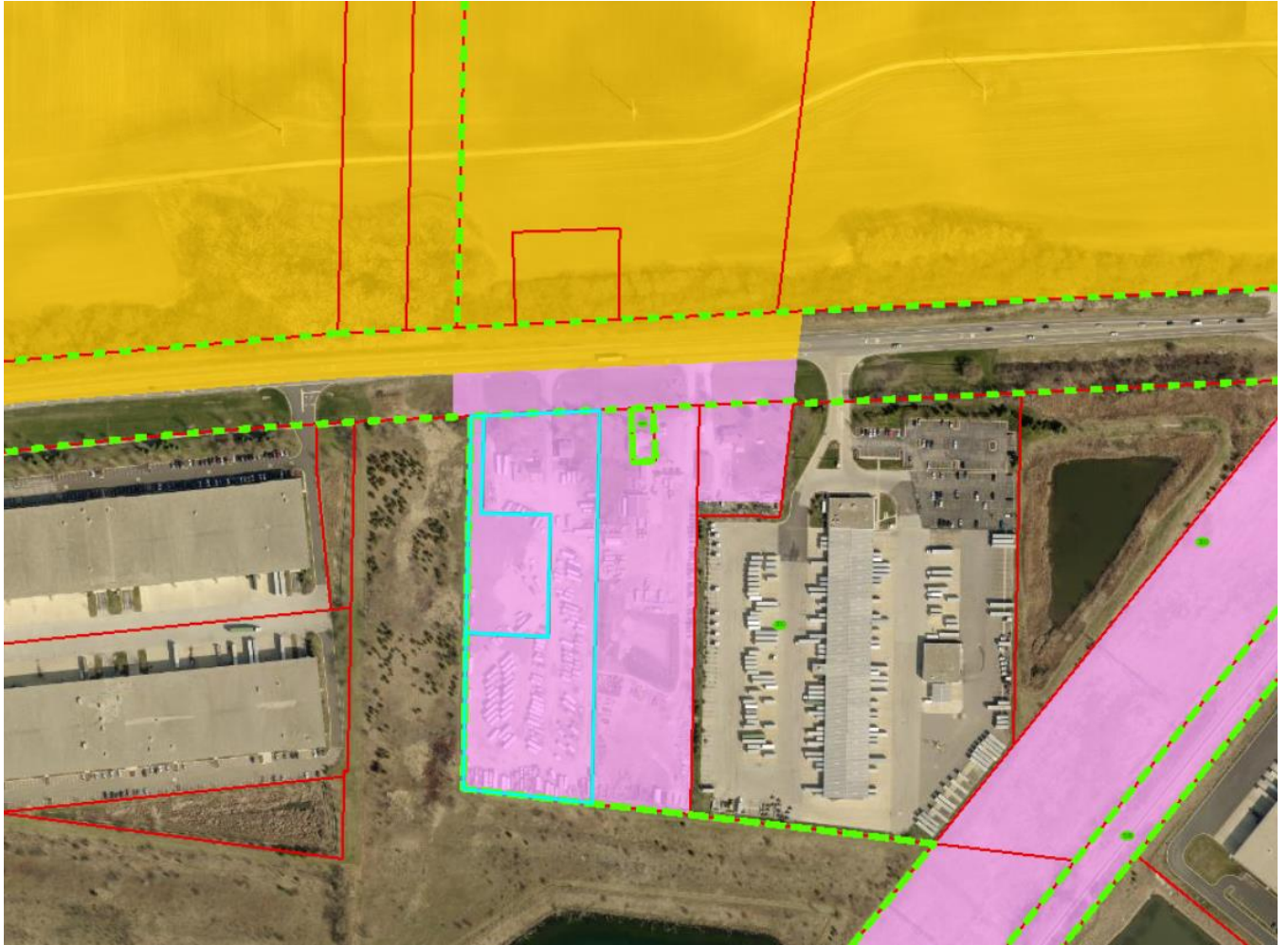
GENERAL BULK REQUIREMENTS:

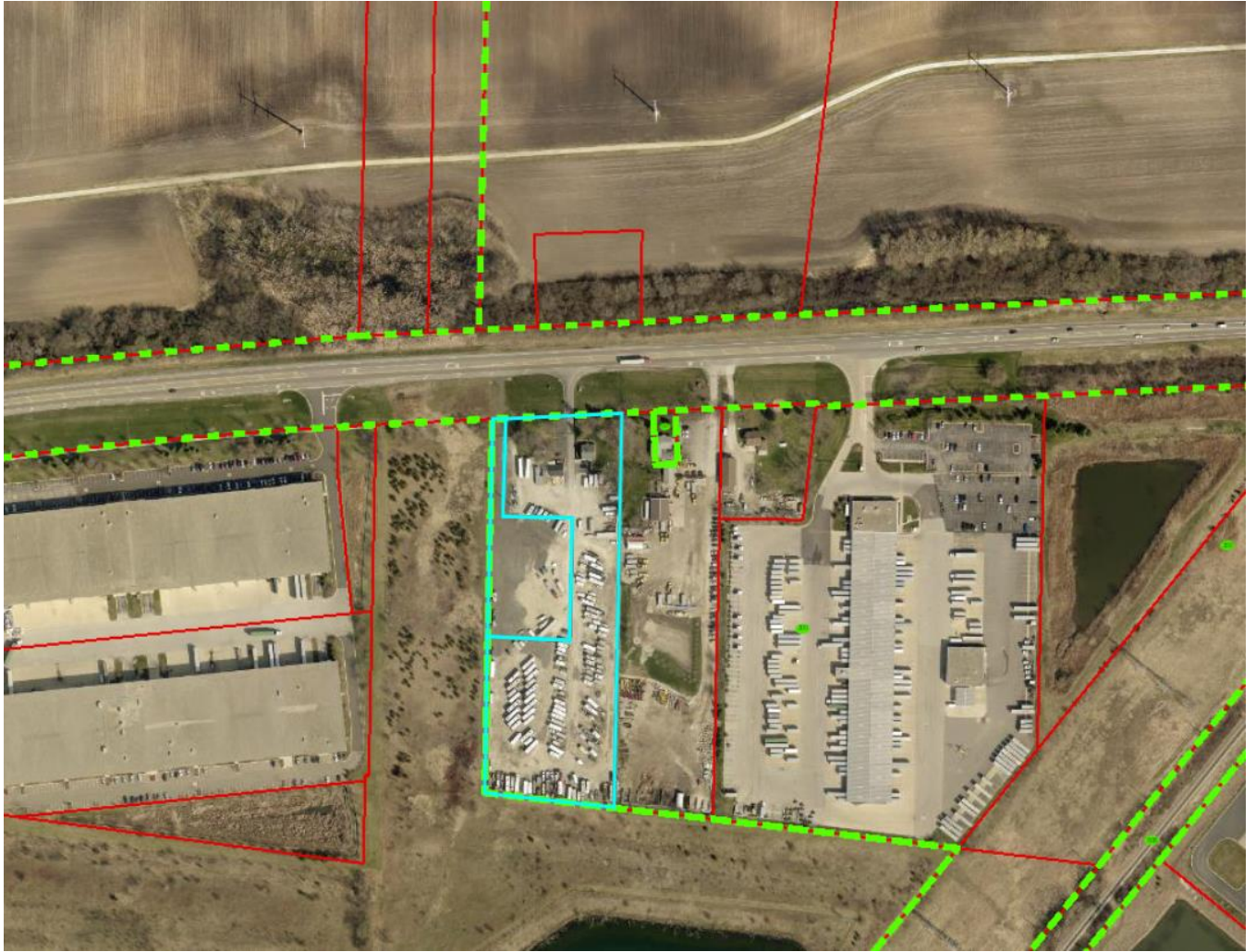
REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Int. Side Yard:	20 FT	0 FT	0 FT
Int. Side Yard:	20 FT	0 FT	0 FT

Rear Yard:	20 FT	0 FT	0 FT
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LAND USE

Location	Zoning	Existing Use	LUP
Subject	I-1 Light Industrial	RV Parking	MULTI-FAMILY 5-15 DU AC
North	Butterfield Road and beyond R-3 SF RES	Office-Laboratory	Office-Laboratory
South	City of Aurora	Industrial	City of Aurora
East	I-1 Light Industrial	Landscape Contractor	MULTI-FAMILY 5-15 DU AC
West	City of Aurora	Industrial	City of Aurora







Hart M. Passman
312.528.5193
hart.passman@elrodfriedman.com

January 30, 2023

DuPage County Zoning Board of Appeals
County Administration Building
421 N. County Farm Rd.
Wheaton, IL 60187

**Re: Petition No. ZONING-22-000061
 30W771 Butterfield Road
 VK Acquisitions VI, LLC**

Dear Chairman Kartholl and Members of the Zoning Board of Appeals:

Thank you for your time and consideration of our petition for a conditional use permit and variations for the property located at 30W771 Butterfield Road, in Winfield Township. We appreciate the opportunity to have presented our petition and to answer your questions at the Zoning Board's public hearing on January 18, 2023.

To aid in your consideration at your upcoming recommendation meeting on February 2, we offer the following summary of the testimony that we provided at the public hearing:

Proposed Use

The Applicant, VK Acquisitions VI, LLC, proposes to use the Property for open storage of trailers and materials.

Requested Relief

1. A conditional use permit for open storage of trailers and materials
2. A variation to reduce the interior side yard setbacks of the Property, from 20 feet to 0 feet
3. A variation to reduce the rear yard setback of the Property, from 20 feet to 0 feet

Applicant Background

VK Acquisitions VI, LLC, is a subsidiary of VentureOne Real Estate, a Chicago-area real estate firm that specializes in the investment in, and development of, industrial properties throughout the region. Founded in 2000, VentureOne has invested in over 200 different properties.

Description of the Property

The Property consists of approximately 6.5 acres, and is located on the south side of Butterfield Road, between Eola Road to the west and Route 59 to the east. For the past 25 years, the Property has been used for storage of recreational vehicles and other similar vehicles. The

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County previously granted use and setback relief to allow the current use of the Property. The Property is in the I-1 zoning district.

Description of Surrounding Properties

All of the parcels that surround the Property are used for industrial or similar purposes, including the City of Aurora power plant to the south, the landscaping business immediately adjacent to the east, and the FedEx freight terminal east of the landscaping business. Other than the landscaping business immediately adjacent, the other parcels on the south side of Butterfield Road are all incorporated within the City of Aurora.

Conditional Use Permit Standards

That the granting of any conditional use is in harmony with the general purpose and intent of this chapter, 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:

The Applicant's proposed use is consistent with the underlying I-1 district, and is contemplated as a conditional use in the I-1 district. The I-1 district contemplates many uses similar to the proposed open storage use. The proposed use is consistent with the light industrial uses of the surrounding properties. Moreover, the proposed use is similar to the existing recreational storage use of the Property.

1. Impair an adequate supply of light and air to adjacent property;

The Applicant does not propose any vertical construction; thus, there will be no obstruction of any adjacent property's light or air. Further, none of the neighboring properties are improved or used in a manner for which the proposed use would cause any impact – and, in addition, the proposal to use the Property to its lot lines is identical to the current lot line-to-lot line use of the Property, for which the County granted zoning approvals 25 years ago.

2. Increase the hazard from fire or other dangers to said property;

The proposed open storage is a common use of property in the area, and is a similar use to the current use of the Property. There is no added fire hazard as a result of the proposed use. The Warrenville Fire District did not offer any comments to the County in response to the pending application.

3. Diminish the value of land and buildings in the vicinity of the proposed conditional use;

Given the similarities between the current and proposed uses of the Property, there is no practical risk of diminution of value of property in the vicinity of the Property. The Applicant intends to enhance and professionally manage the Property, which should enhance surrounding property values.

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

The Applicant will have 88 trailer spaces on the Property, but anticipates, based on its experience in operating similar facilities elsewhere in the Chicagoland area, that between

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20 and 50 vehicles will enter the Property per day. The bulk of that traffic will be during normal business hours. The average trailer is between 40 and 53 feet long.

According to the current owner of the Property, approximately 3 or 4 vehicles visit the property between 7:00 a.m. and 7:00 p.m. daily, yielding about 30 to 40 vehicles per day. Many of those vehicles are larger vans, trucks, and motor homes.

According to the Illinois Department of Transportation, the segment of Butterfield Road adjacent to the Property has average daily traffic of more than 21,000 vehicles per day. Based upon the Applicant's experience and the current use of the Property, the Applicant anticipates 10-20 additional vehicles per day, which is a negligible amount of the over 21,000 vehicles that use Butterfield Road every day. The Applicant thus submits that the proposed use will not unduly increase traffic congestion.

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

The Applicant does not propose any construction or any additional impervious surface on the Property. The Applicant's civil engineer has opined that there is no need to add any stormwater facilities to the Property.

6. *Incur additional public expense for fire protection, rescue or relief; or*

The type of use proposed does not typically generate any increased need for public safety services. In contrast, many other uses allowed in the I-1 district, such as restaurants, would likely place a higher demand on public safety personnel.

7. *Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County, nor will it otherwise create a nuisance.*

As described above, the proposed use is consistent with the historic use of the Property, surrounding uses, and the Zoning Code. No surrounding property owner appeared at the hearing or otherwise provided testimony that the application did not meet any of the standards for granting of the conditional use permit.

Variation Standards

The Zoning Board of Appeals or the Zoning Hearing Officer shall not recommend variations to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case demonstrating consideration with respect to the following:

A. *That the granting of any variation is in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's Comprehensive Plan for development.*

The proposed variations mirror the use of the Property currently, for which the County previously granted setbacks to allow storage of recreational vehicles up to the rear and side lot lines. The Applicant's proposed use is functionally identical, except it will park trailers instead of RVs. The trailers are dormant when parked. Given that the current use and variations have not generated any problems for the neighborhood, it is clear that there is no practical impact of the proposed variations on surrounding properties or on the public.

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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;*
- 3. Diminish the value of land and buildings throughout the County;*
- 4. Unduly increase traffic congestion in the public streets and highways;*
- 5. Increase the potential for flood damages to adjacent property;*
- 6. Incur additional public expense for flood protection, rescue or relief; or*
- 7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.*

The seven standards identified above are identical to the standards for conditional use permits. The Applicant refers to its explanations and testimony summarized above in support of its application for the two requested variations. The granting of the variations will not in any way impair or injure other properties.

Variation Purpose (Sec. 37-1411.1)

The Zoning Board of Appeals or the Zoning Hearing Officer, after a public hearing, may recommend that the regulations of this chapter be varied in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the Board makes findings in accordance with the standards hereinafter prescribed, and further finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this chapter.

There are practical difficulties in operating a trailer storage facility on the site without setback relief. The proposed trailers are 40-53 feet long, and the Property is roughly 292 feet wide. In order to accommodate safe turning of vehicles, and to allow sufficient trailer parking to render a reasonable return, it is necessary to use the entirety of the rear and side yard portions of the site. Reduction of the usable area with 20-foot setbacks would cause a hardship on the Applicant by prohibiting safe vehicular movements and by unduly restricting the usability of the site.

For all of these reasons, we request that the Zoning Board of Appeals vote to recommend approval of all requested relief. We thank you again for your consideration.

Very truly yours,



Hart M. Passman
Counsel for Applicant

HMP/js

{00130550.1}



1550 W. Bartlett Road, Bartlett, Illinois
tel: 630.497.1000 www.sebert.com

February 1, 2023

Via Email

Mr. Paul Hoss & Jessica Infelise
DuPage County
421 N. County Farm Road
Wheaton, Illinois 60187
Paul.Hoss@dupageco.com; Jessica.Infelise@dupageco.com

Dear Mr. Paul Hoss & Ms. Jessica Infelise,

We are writing to express our support for the application by VK Acquisitions VI, LLC for a conditional use for open storage of trailer and materials. Additionally, we support the zoning variation to reduce the interior side yard setbacks from 20 feet to 0 feet and rear setback from 20 feet to 0 feet.

Sincerely,
Terry Holum
General Manager
Sebert Landscaping, LLC

To Whom it may concern:

Re: Zoning

Property at:

30w771 Butterfield Rd.
Naperville, IL. 60563

I am okay with a variation and/or conditional use of the owner's
property at:

30w771 Butterfield Rd. for parking trucks upto the fence line.

Name:

Signature:

Date:

Jason Berger

X

[Redacted Signature]

1/31/23



Judith A. Malahy

TO WHOM IT MAY CONCERN.

Re: Zoning

Property at:

30w771 Butterfield Rd.
Naperville, IL. 60563

I am okay with a variation and/or conditional use of my neighbor's
property at:

30w771 Butterfield Rd. for parking trucks upto the fence line.

Name:

Rick Paver

Signature:

Date:

RICK PAVER

x

[REDACTED]

1-31-23

2/1/2023

To Whom it may concern:

Re: Zoning

Property at:

30w771 Butterfield Rd.
Naperville, IL. 60563

I am okay with a variation and/or conditional use of the owner's
property at:

30w771 Butterfield Rd. for parking trucks upto the fence line.

Name:

Signature:

Date:

JOSEPH F SCHILLE
4S361 Ferry Rd
Warrenville, IL 60555

X
C

A black rectangular box redacting the signature.

2-1-23

2/1/2023

To Whom it may concern:

Re: Zoning

Property at:

30w771 Butterfield Rd.
Naperville, IL. 60563

I am okay with a variation and/or conditional use of the owner's
property at:

30w771 Butterfield Rd. for parking trucks upto the fence line.

Name:

Signature:

Date:

DOTIE Fila
Eola Rd & Butterfield Rd
Aurora, IL 60502
(exact address withheld)

X

[Redacted Signature]

2-1-2023



**DUPAGE
COUNTY**

Building
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Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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

www.dupageco.org/building

DU PAGE COUNTY ZONING BOARD OF APPEALS Zoning Petition ZONING-22-000061 VK Acquisitions VI, LLC.

Please review the information herein and return with your comments to:
Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm
Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupageco.org or via facsimile
at 630-407-6702 by JANUARY 17, 2023.

COMMENT SECTION:

☐ : OUR OFFICE HAS NO JURISDICTION IN THIS MATTER

☐ : NO OBJECTION/CONCERNS WITH THE PETITION

☐ : NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION.

☐ : ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION

☒ : I OBJECT/HAVE CONCERNS WITH THE PETITION.

COMMENTS:

For at least the last 10 years, this property has been primarily utilized for the parking/storage of recreational vehicles. As such, the amount of daily traffic into and out of the site is relatively low. If the property is converted into a semi-truck/trailer parking and storage facility, it is possible that there may be a relatively significant increase in the volume of large vehicle traffic in and out of this site on a daily basis.

This stretch of Route 56 only has one thru lane of traffic in each direction. Our only concern/question regarding the request is whether it would be appropriate to require any pavement/pavement marking modifications to Rt. 56 in order to safely and efficiently accommodate the apparent increase in intensity of truck traffic that will be associated with the requested Special Use permit should it be approved by the County. We recommend the County requires a traffic engineer evaluation of this concern to determine what, if any, Rt. 56 pavement/pavement marking modifications would be appropriate in this situation.

SIGNATURE: _____ DATE: 1/10/2023

MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:

City of Warrenville

GENERAL ZONING CASE INFORMATION

1

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



Development Ordinance

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

File #: DC-O-0016-23

Agenda Date: 3/21/2023

Agenda #: 6.E.



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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

www.dupageco.org/building

MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: February 8, 2023

RE: **ZONING-22-000065 Aliyeva (Downers Grove/ District 3)**

Development Committee: March 21, 2023:

Zoning Hearing Officer: February 8, 2023: The Zoning Hearing Officer recommended to deny the following zoning relief:

Variation to reduce the required lot width from required 165 feet to approximately 143.55 feet for Lot 2.

ZHO Recommendation to Deny

FINDINGS OF FACT:

- A. That petitioner testified that they own two (2) adjacent properties (10S630 and 10S631 Garfield Avenue) and would like to divide the property at 10S630 Garfield Avenue into two (2) lots.
- That petitioner testified that he seeks the subject zoning relief to divide the subject property into two (2) new lots, with Lot 2 approximately 143.55 feet wide.
 - That petitioner testified that after the proposed lot division of the subject property, they would own a total of three (3) lots.
 - That petitioner testified that all three lots would be at least 100,000 sq. ft. in size and only the proposed Lot 2 would not meet the required lot width of 165 feet.
- B. That petitioner testified that the subject property contains a pond with areas of wetlands.

- C. That petitioner testified that due to the existing lot configurations of surrounding properties in the subject area, they cannot meet the required lot width for all their proposed lots, requiring the subject zoning relief.
- D. That petitioner testified that the proposed lots would access Garfield Avenue via an easement that has existed for over one hundred (100) years.
- E. That the Hearing Officer finds that petitioner has not demonstrated evidence for a practical difficulty or particular hardship regarding the requested zoning relief for a Variation to reduce the required lot width from required 165 feet to approximately 143.55 feet for Lot 2.
 - Furthermore, that the configuration of existing lots in the surrounding area/neighborhood is not a rationale nor does it demonstrate evidence of a practical difficulty or particular hardship for the request zoning relief to reduce a proposed lot width from the required 165 feet to approximately 143.55 feet.

STANDARDS FOR VARIATIONS:

**Per Zoning Code Section 37-1411.3*

1. That the Zoning Hearing Officer finds that petitioner **has not demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That Hearing Officer finds that petitioner **has not demonstrated** evidence that there are practical difficulties or particular hardships in the way of carrying out the strict letter of regulations for a Variation request.
3. That 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** evidence that the proposed lot width reduction will not impair the supply of light and air to the adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property, as petitioner **has not demonstrated** evidence that the proposed lot width reduction will not increase hazards from fire or other dangers.
 - c. Diminish the value of land and buildings throughout the County, as petitioner **has not demonstrated** evidence that the proposed lot width reduction will not diminish the value of land throughout the County.
 - d. Unduly increase traffic congestion in the public streets and highways, as petitioner **has not demonstrated** evidence that the proposed lot width reduction will not unduly increase traffic congestion.

- e. Increase the potential for flood damages to adjacent property, as petitioner **has not demonstrated** evidence that the proposed lot width reduction will not increase the potential for flood damages.
- f. Incur additional public expense for flood protection, rescue, or relief, as petitioner **has not demonstrated** evidence that the proposed lot width reduction 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** evidence that the proposed 1 lot width reduction will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

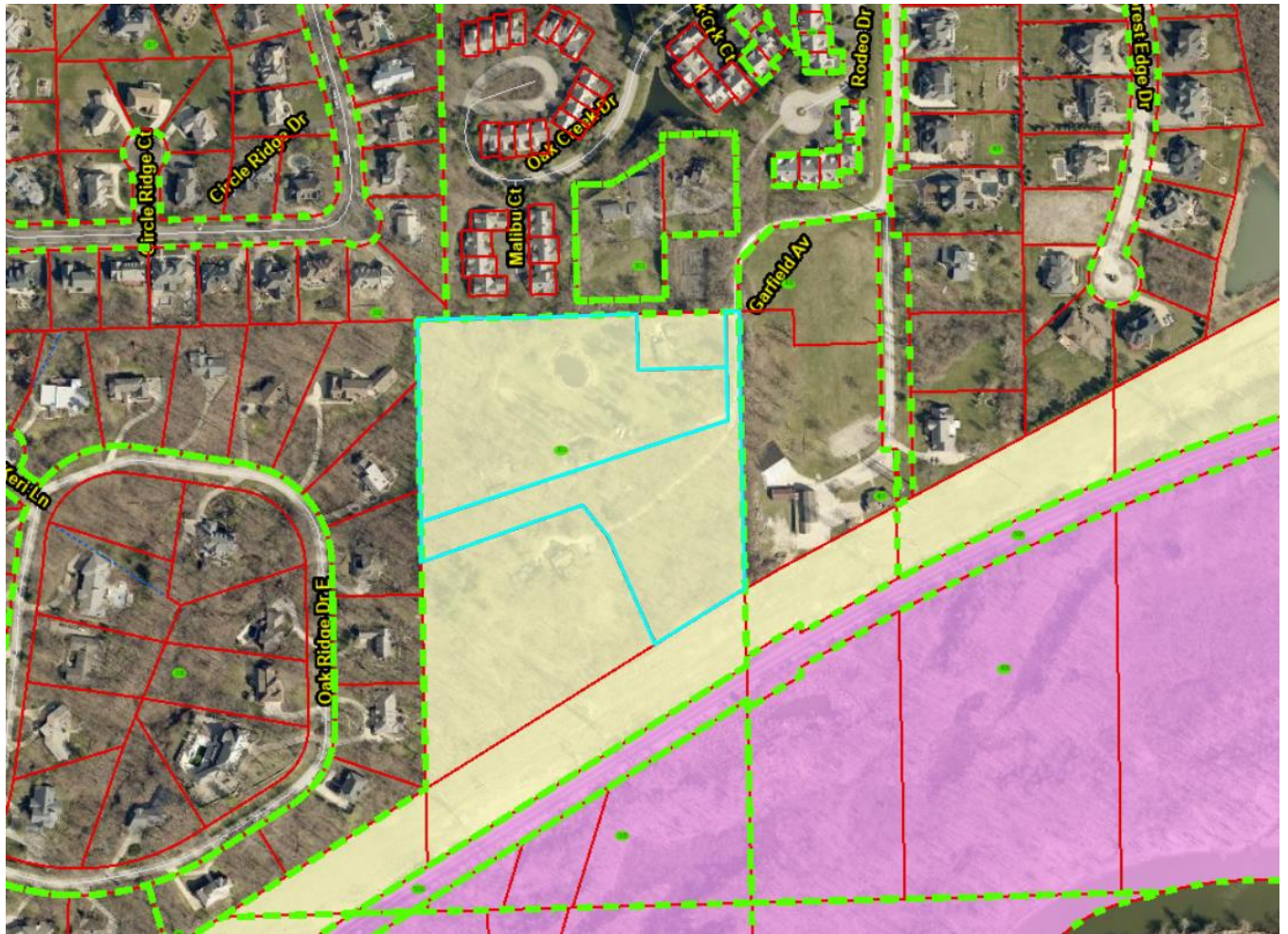
GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-22-000065 Aliyeva	
ZONING REQUEST	Variation to reduce the required lot width from required 165 feet to approximately 143.55 feet for Lot 2.	
OWNER	KAMALYA ALIYEVA, 299 COLUMBINE DRIVE, CLARENDON HILLS, IL 60514/ AGENT: V3 COMPANIES (C/O DWAYNE GILLIAN), 7325 JANES AVENUE #100, WOODRIDGE, IL 60517	
ADDRESS/LOCATION	10S630 GARFIELD AVENUE, BURR RIDGE, IL 60527	
PIN	10-01-303-012/ 10-01-303-009	
TWSP./CTY. BD. DIST.	DOWNERS GROVE	DISTRICT 3
ZONING/LUP	R-1 SF RES	0-5 DU AC
AREA	4.99 ACRES (217,364 SQ. FT.)	
UTILITIES	WELL/ SEPTIC	
PUBLICATION DATE	Daily Herald: JANUARY 3, 2023	
PUBLIC HEARING	WEDNESDAY, JANUARY 18, 2023, CONTINUED TO FEBRUARY 8, 2023	
<u>ADDITIONAL INFORMATION:</u>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections.	
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
Public Works:	Our office has no jurisdiction in this matter. "We have sanitary sewer in the area."	
<u>EXTERNAL:</u>		
Village of Burr Ridge:	Objects. (See attached documentation)	
Downers Grove Township:	<i>No Comments Received.</i>	
Township Highway:	Our office has no jurisdiction in this matter.	
Tri-State Fire Dist.:	No Objections.	
Sch. Dist. 180:	No Objections.	
Forest Preserve:	"The Forest Preserve District of DuPage County does not have any concerns."	

GENERAL BULK REQUIREMENTS:

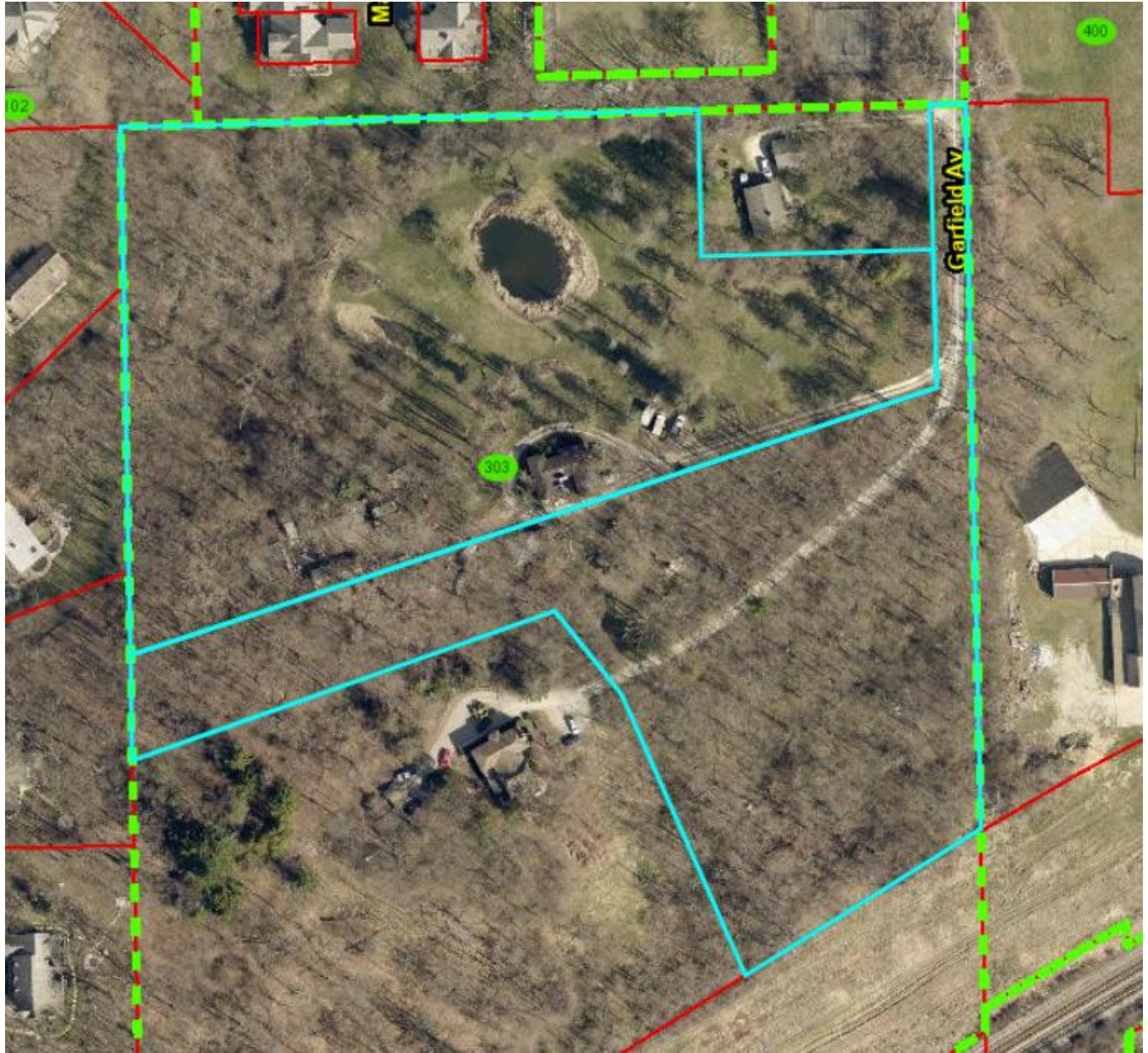
REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Lot Width:	165 FT	NA	143.55 FT

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-1 SF RES	House	0-5 DU AC
North	Village of Burr Ridge	House	Village of Burr Ridge
South	R-1 SF RES	House	0-5 DU AC
East	Village of Burr Ridge	Public Works	Village of Burr Ridge
West	Village of Burr Ridge	House	Village of Burr Ridge







MISCELLANEOUS RECORD 10

AGREEMENT:

THIS AGREEMENT, made and entered into this Twenty-fourth day of May A. D. 1918 by and between John Moeny and Anna Moeny, his wife party of the first part, of the Town of Hinsdale Du Page County and the State of Illinois, and Louis Peca and Mary Peca, his wife, party of the second part, witnesseth:-

For and in consideration of the sum of Two Hundred Twenty Five (\$225.00) dollars, the said party of the second part can have for themselves, their heirs or assigns forever,

MISCELLANEOUS RECORD 10

the use of a parcel or piece of land for a road, to have free access to their farm;

Said road to be about sixteen (16) feet wide and to run from the North East corner of Lot Twenty Five (25), easterly to the private road of John and Anna Moeny, and thence northerly on said private road to the main road.

The said Lot Twenty Five (25) being now owned by the said Louis and Mary Peca, his wife and is more fully described as follows to wit:-

Lot Twenty Five (25), of the plat of the assessment Division of the South half (S.E.) of Section One (1) and Two (2), and all of Sections Eleven (11) and Twelve (12), lying north of the Sanitary District of Chicago, Illinois, in Township Thirty Seven (37), North Range Eleven (11), East of the Third (3rd) Principal Meridian, said lot being situated upon a part of the South East quarter (S.E. 1/4) of the South East quarter (S.E. 1/4) of Section One (1), aforesaid in Du Page County, Illinois, excepting and reserving half (1/2) acres on which school house stands, the same being heretofore conveyed and also excepting the strip of land, Sixty Six (66) feet wide running diagonally, across said lot Twenty Five (25), the same being heretofore, conveyed to the Chicago St. Louis and Western, Railroad Company.

The above mentioned main road runs East and West on the North end of the land owned by said John and Anna Moeny, his wife.

IN WITNESS WHEREOF, the party of the first part have hereunto set their hands and seals the day and year first above written.

WITNESS

John Moeny (SEAL)

Anna Moeny (SEAL)

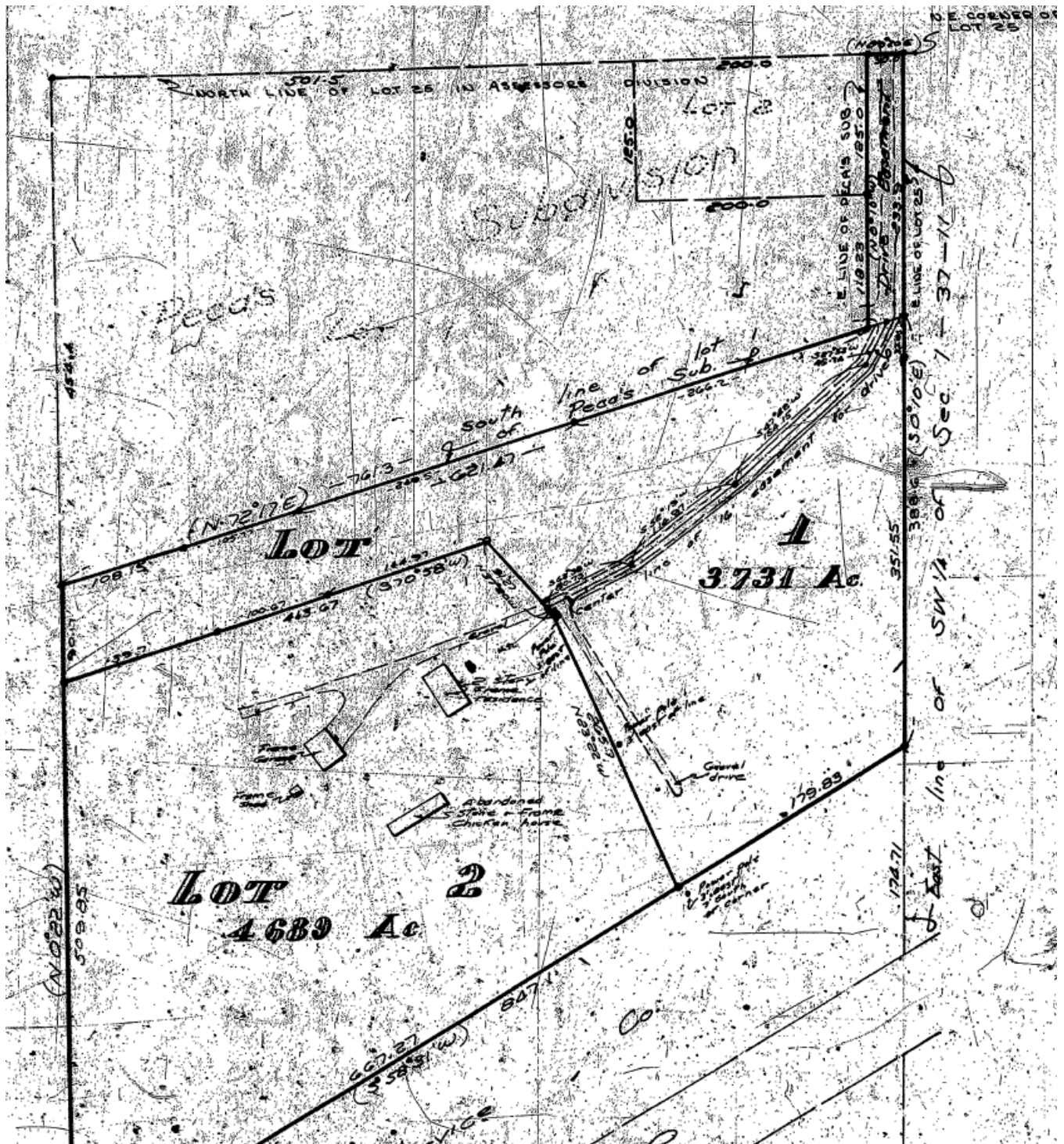
State of Illinois {
County of Cook { ss.

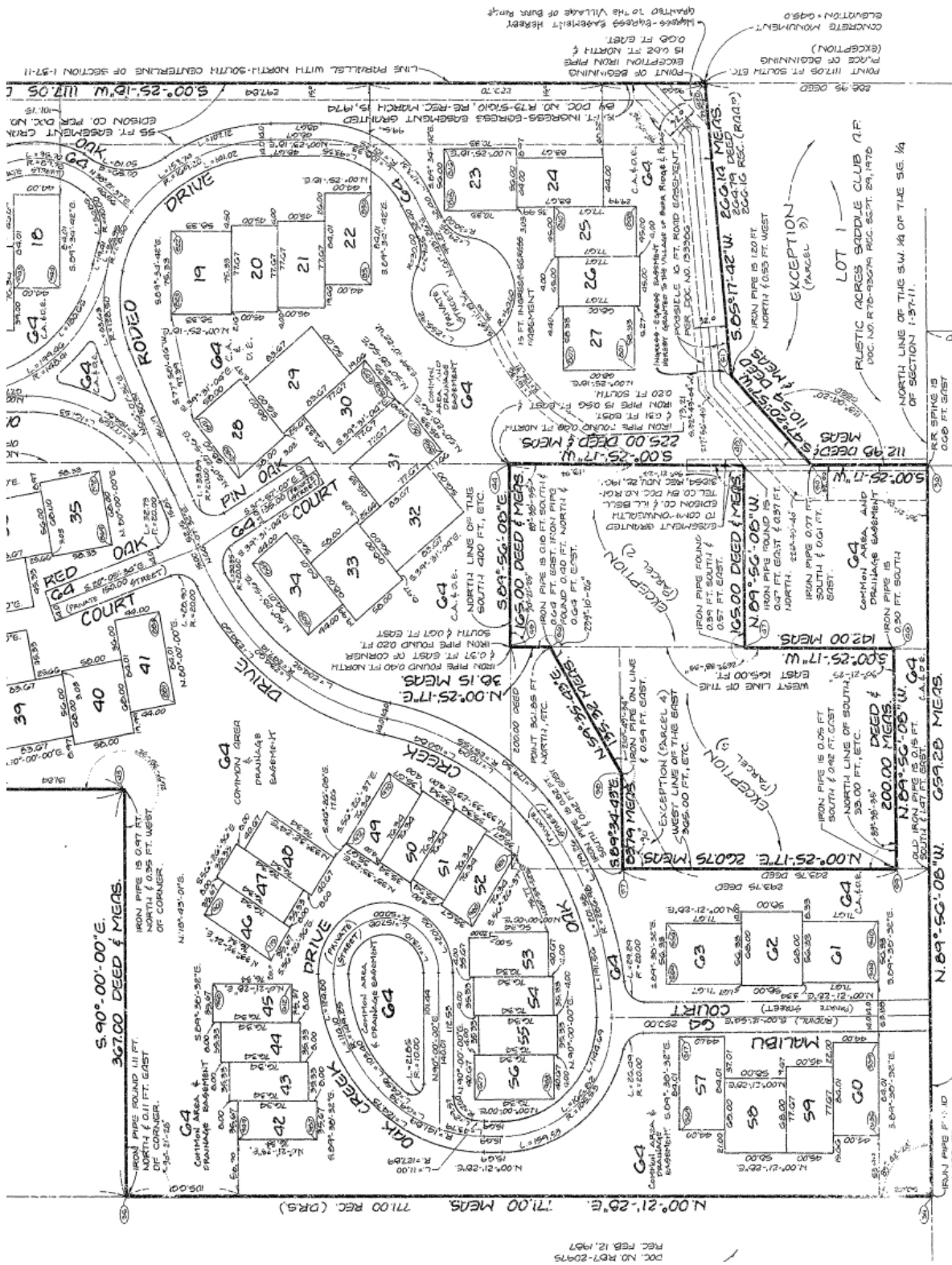
Subscribed and sworn to before me this 24th day of May A. D. 1918.

o o o o o o o o o o
o Henry B. Koller, o
o Notary Public o
o Cook Co. Ills. o
o o o o o o o o o

Henry B. Koller,
Notary Public.

No. 133386 - Filed for Record June 5th, A. D. 1918 at 2 o'clock P. M. - Lewis Ellsworth,
Recorder.







**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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

www.dupageco.org/building

DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-22-000065 Aliyeva

Please review the information herein and return with your comments to:
Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm
Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupageco.org or via facsimile
at 630-407-6702 by **JANUARY 17, 2023**.

COMMENT SECTION:	
: OUR OFFICE HAS NO JURISDICTION IN THIS MATTER	
: NO OBJECTION/CONCERNS WITH THE PETITION	
: NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION.	
ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION	
<input checked="" type="checkbox"/> : I OBJECT/ HAVE CONCERNS WITH THE PETITION.	
COMMENTS: <i>Please see attached</i>	
SIGNATURE: <i>[Redacted]</i>	DATE: <i>1/17/2023</i>
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: <i>Village of Burr Ridge</i>	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-22-000065 Aliyeva
ZONING REQUEST	Variation to reduce the required lot width from required 165 feet to approximately 143.55 feet for Lot 2.
OWNER	KAMALYA ALIYEVA, 299 COLUMBINE DRIVE, CLARENDON HILLS, IL 60514/ AGENT: V3 COMPANIES (C/O DWAYNE GILLIAN), 7325 JANES AVENUE #100, WOODRIDGE, IL 60517
ADDRESS/LOCATION	10S630 GARFIELD AVENUE, BURR RIDGE, IL 60527
PIN	10-01-303-012/ 10-01-303-009
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	R-1 SF RES 0-5 DU AC
AREA	4.99 ACRES (217,364 SQ. FT.)
UTILITIES	WELL/ SEPTIC
PUBLICATION DATE	Daily Herald: JANUARY 3, 2023
PUBLIC HEARING	WEDNESDAY, JANUARY 18, 2023

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

1

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



February 7, 2023

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-22-000065 Aliyeva Variation

Dear Ms. Infelise,

On January 16 and February 6, 2023, the Village of Burr Ridge Plan Commission/Zoning Board of Appeals performed an extraterritorial review of the variation for lot width request to divide a lot located at 10S630 Garfield Ave. This property is surrounded to the north and west by the Village of Burr Ridge.

The proposed division and associated request for lot width variation would not be authorized under the Village of Burr Ridge Subdivision and Zoning Ordinances. The proposed lot width would not meet the minimum requirement of 200 ft. for an R-2 zoned parcel (minimum 2-acres). The Commission also determined that the petitioner did not meet the hardship standard since there is no condition of the land which necessitates the variation request. If the parcel remains undivided, then there is no variation required.

The Village has also received concerns from residents that they were not notified of the variation request and would like to confirm that notice was sent.

Should you have any questions, please do not hesitate to contact me directly at jfarrell@burr-ridge.gov or (630) 654-8181 x 6100.

Sincerely,

Janine Farrell, AICP
Community Development Director



January 17, 2023

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-22-000065 Aliyeva Variation

Dear Ms. Infelise,

On January 16, 2023, the Village of Burr Ridge Plan Commission/Zoning Board of Appeals performed an extraterritorial review of the variation for lot width request to divide a lot located at 10S630 Garfield Ave. This property is surrounded to the north and west by the Village of Burr Ridge. After an initial review, it was determined that this proposed division and associated request for lot width variation would not be authorized under the Village of Burr Ridge Subdivision and Zoning Ordinances.

The Commission also expressed concern about the private road easement which is located on Oak Creek Club property. Since the proposed lot would utilize this easement, the Village requested a copy of the document (No. 1333386) from DuPage County staff but has not received it as of the date of this letter. The Village would like to verify that the easement permits an additional property/residence to have access. The Village also requests confirmation that the Oak Creek Club HOA has been notified of the zoning action and proposed division.

The Village respectfully requests that the matter be continued until such time that the Village has received the easement for review and confirmation that the Oak Creek Club has been notified of the request.

Should you have any questions, please do not hesitate to contact me directly at jfarrell@burr-ridge.gov or (630) 654-8181 x 6100.

Sincerely,

Janine Farrell, AICP
Community Development Director



To: farrell@burr-ridge.org; Oakcreecl@ciramail.com; Infelise, Jessica
Cc: Laura Clapper; Tammie Marie Svestka; Dr Chris Nikolovski Dentist

Thu 1/26/2023 11:57 AM



Follow up. Start by Thursday, January 26, 2023. Due by Thursday, January 26, 2023.
You forwarded this message on 1/26/2023 3:16 PM.



20230123062558.pdf
42 KB

[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.]

Zoning 22-00065

The cut out in the map below is my house. The Gravel road is to the east of my house. There is no access to that road from the lots asking for the zoning variance 22-00065.

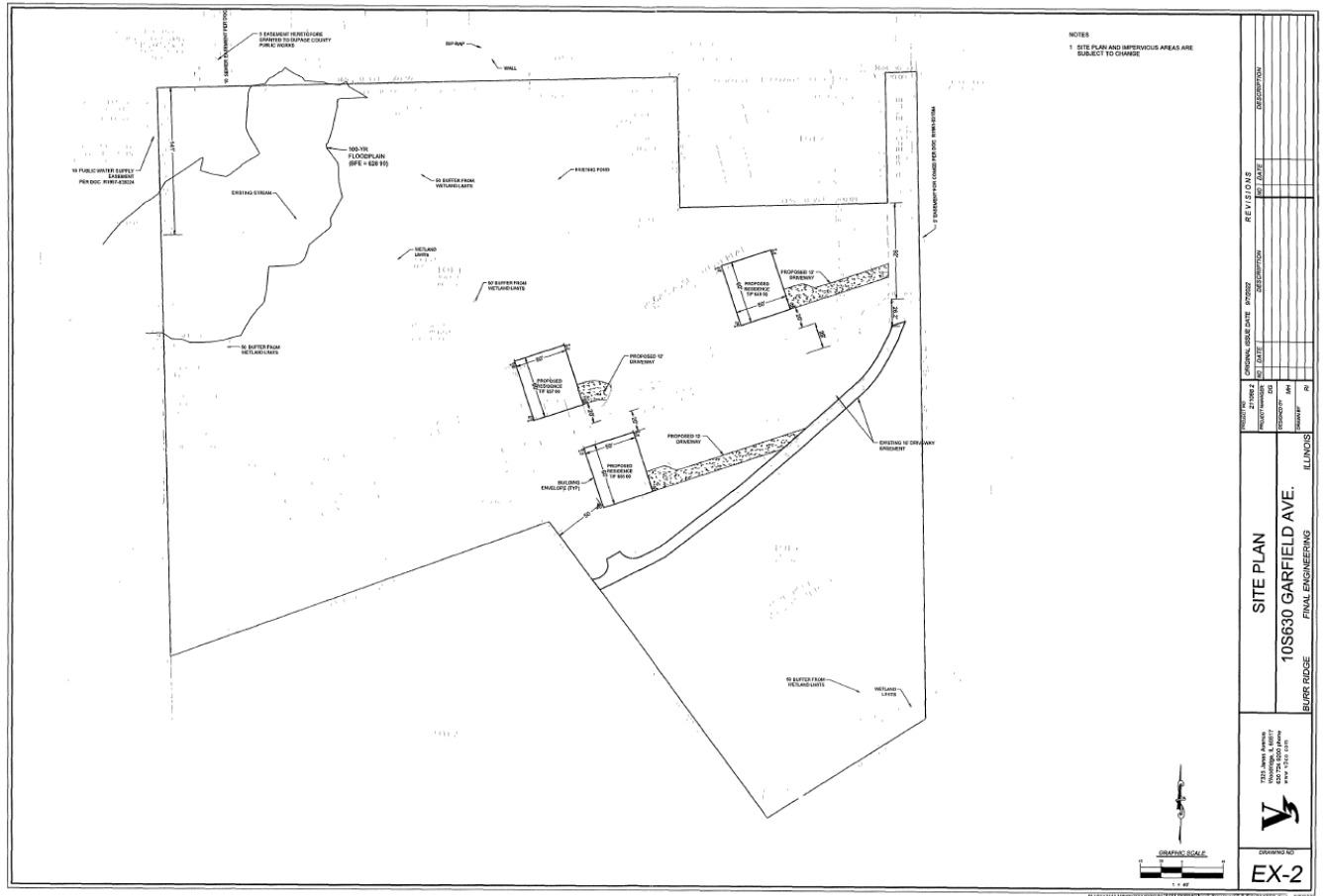
The lots asking for the variance are just to the west of my house. straight west of my house right behind me. There is no current access to this land that is being asked for in this variance.

The land that is requesting the variance has no right to that Utility easement it is part of Burr Ridge Oak Creek Club property.

Oak Creek club has agreed that they would not use this easement for anything except utility if needed.

As part of the Oak Creek Club they agreed not even to use this land as a walking path.

Please send me the full part of the Oak Creek club south end of the Plot of survey.



I firmly oppose the zoning variance 22-00065 because of the following reasons:

The land referred in this requested variance has been surveyed and the west lot was designated as wetland.

I am attaching proposed layout (Attachment #1) given to my daughter by the developer as proof.

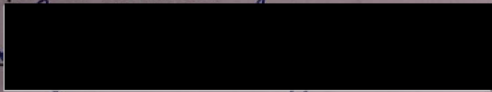
I'm also questioning the three proposed home placements. One of the homes does not have existing access to the access road if they are to be well and septic. The layout is way too close together.

There is no access to any road easement from the lots. The developer has requested a zoning variance number 22-00065 which states that they be given the right to use the present 143.5' which is the existing width as opposed to the 165' required by DuPage County.

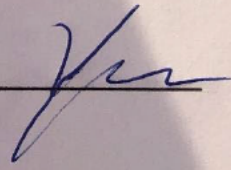
The developer that is requesting the variance has no right to that Utility easement on the north of these lots. This utility easement is not wide enough for a road. It is part of Burr Ridge Oak Creek Club property. Also, they are asking to build on wetlands which is noted in their own survey.

The current access to the property Garfield Ave has been used for hundreds of years for access to the property: 10-01-303-010/10S610 Garfield, 10-01-303-009/10S630 Garfield, 10-01-303-012/10S631 Garfield, 10-01-303-011/10S700 Garfield.

This access was granted back in 1918 and is not attached in any way to the proposed variance.


Suzanne Seigler

2/2/2023


Notary

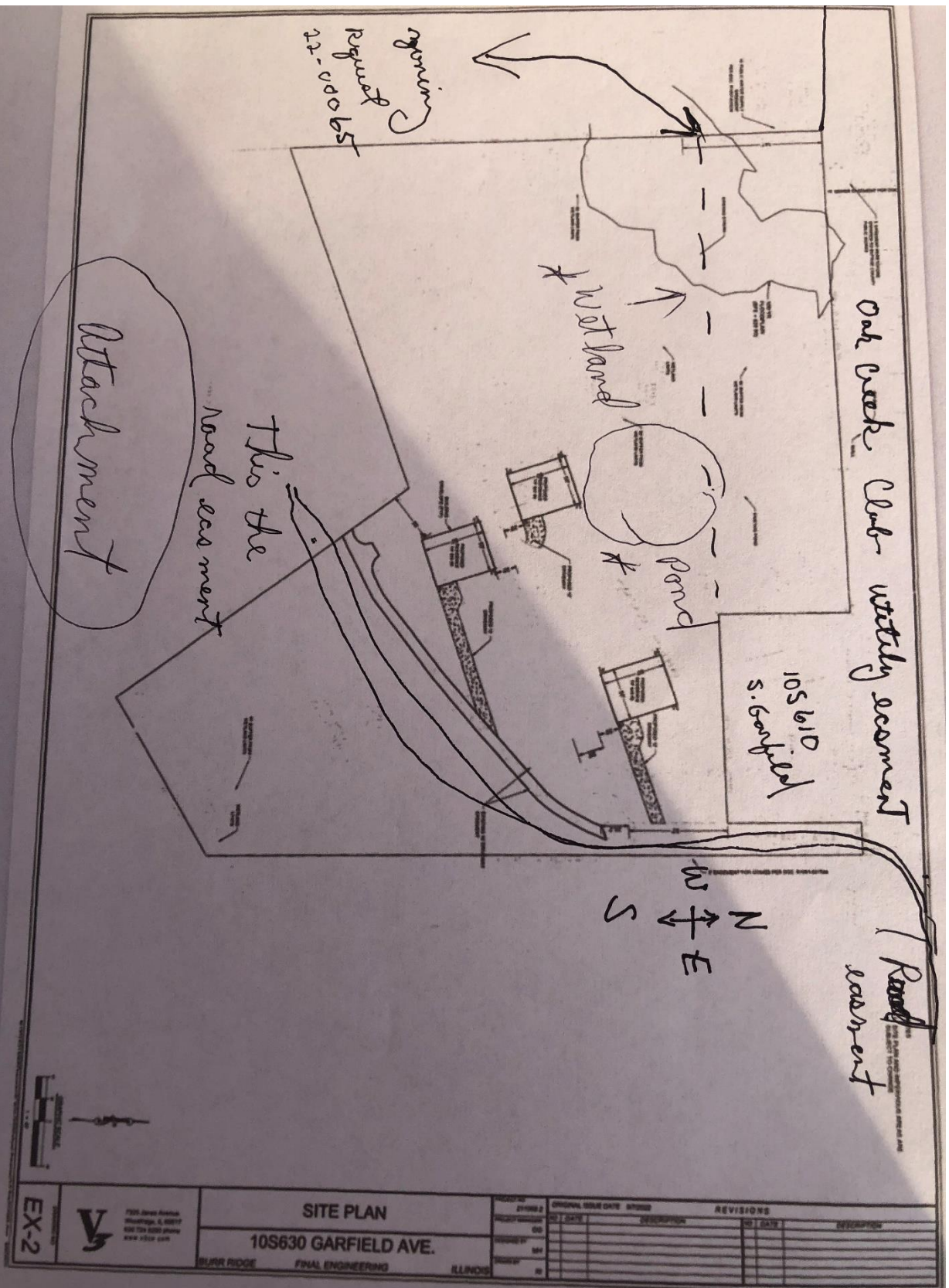
630-308-0456

105610 S. Garfield Ave.

Burr Ridge, IL 60527



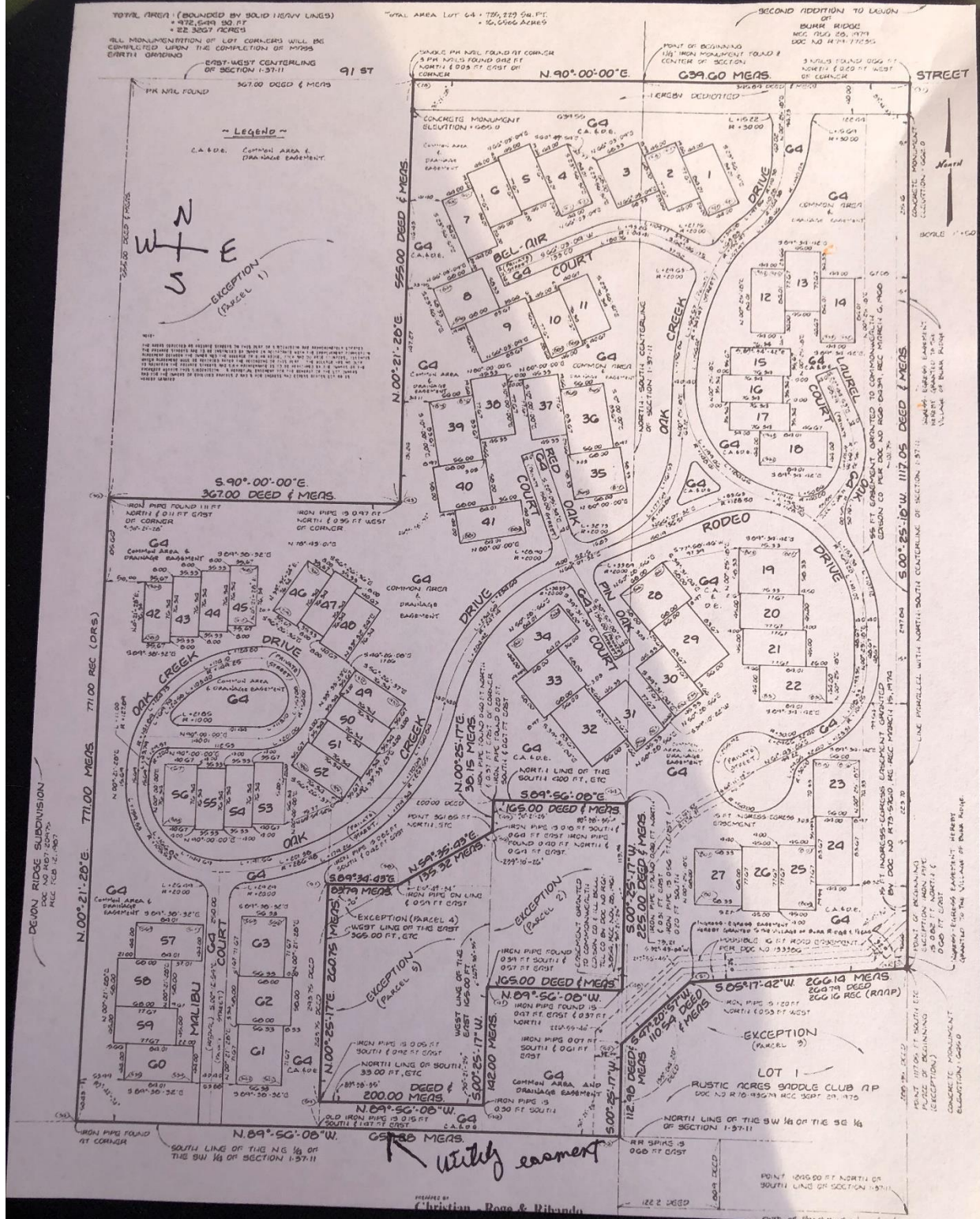
YOLANDA BARRETO-BOSQUES
Commission # HH 187486
Expires February 11, 2026
Bosques Thru Budget Notary Services

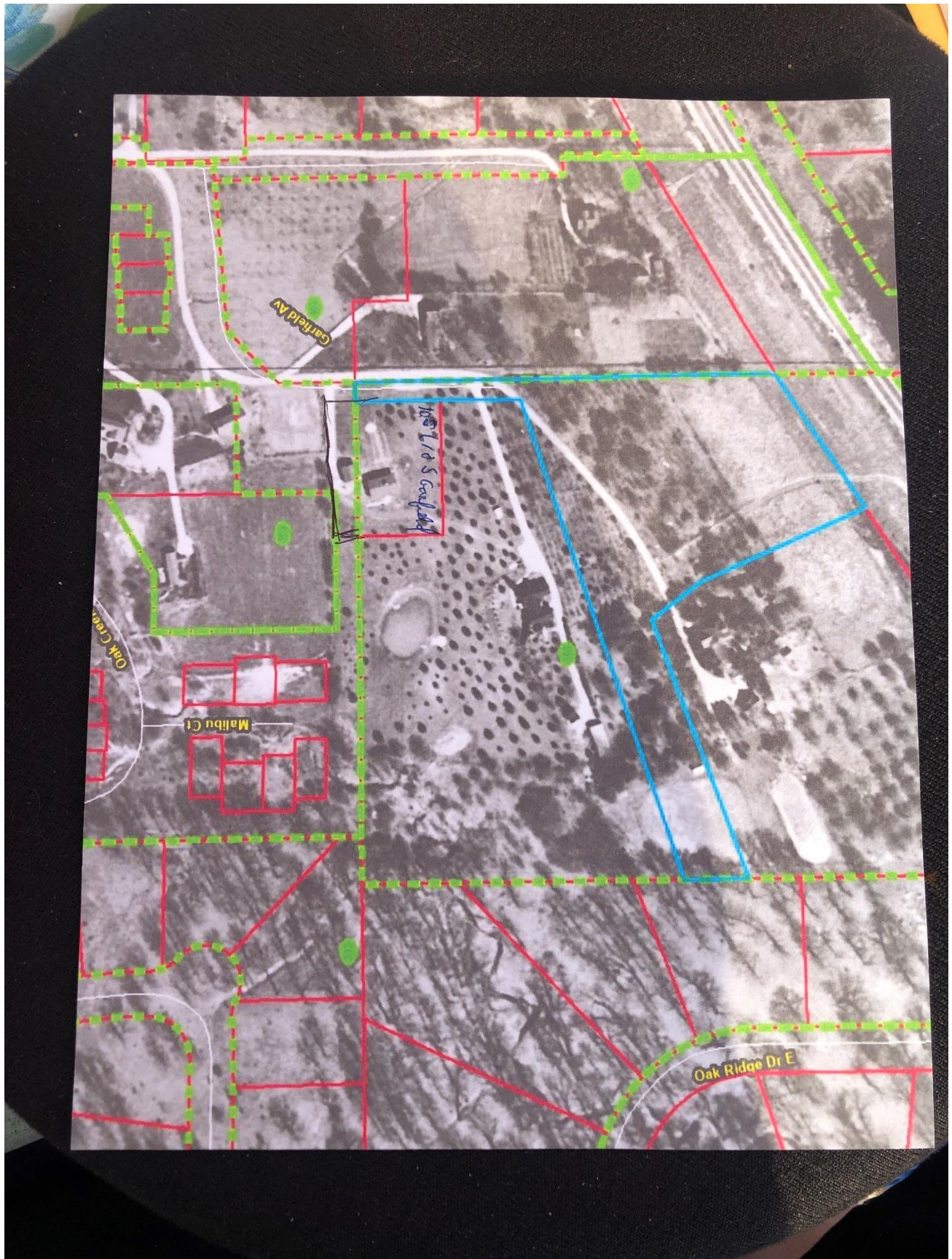


C

PLACE OF BEGINNING, IN NO CASE COUNTS, INCLUDING







Dr. Chris Nikolovski
29 Rodeo Drive
Burr Ridge, IL 60527
(708) 705-0578

February 7, 2023

Re: Zoning Variance 22-00065

To Whom it May Concern:

My Name is Dr. Chris Nikolovski and I am a resident of the Burr Ridge Oak Creek Club and the owner of 28 Rodeo Drive and 29 Rodeo Drive properties which connect to the proposed development. The south end of my property backs to a utility and watershed easement. I am vehemently opposed to Zoning Variance 22-00065 for the following reasons:

1. The land referred to in Zoning Variance 22-00065 is designated as a wetland.
2. There is no access from any easements on the proposed development. The developer requests that they be given the right to use the existing 143.5' (the existing width of the property) as opposed to the 165' as required by DuPage County.
3. The developer has no right to that utility easement that sits immediately north of the proposed development. The utility easement is not wide enough to construct a road and would sit at the south end of my properties. Additionally, the developer seeks to build on a designated wetland which is noted in their own survey.
4. The current access to the proposed development is Garfield Avenue and has been used for hundreds of years to access the property. See 10-01-303-010 (10S610 Garfield), 10-01-303-009 (10S650 Garfield), 10-01-303-012 (10S631 Garfield) and 10-01-303-011 (10S700 Garfield)
5. This access was granted back in 1918 and is not attached in any way whatsoever to the proposed variance.

Thank you for your anticipated cooperation in denying the request for Zoning Variance 22-00065.

Respectfully,

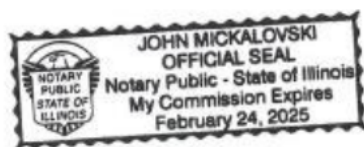
[Redacted Signature]

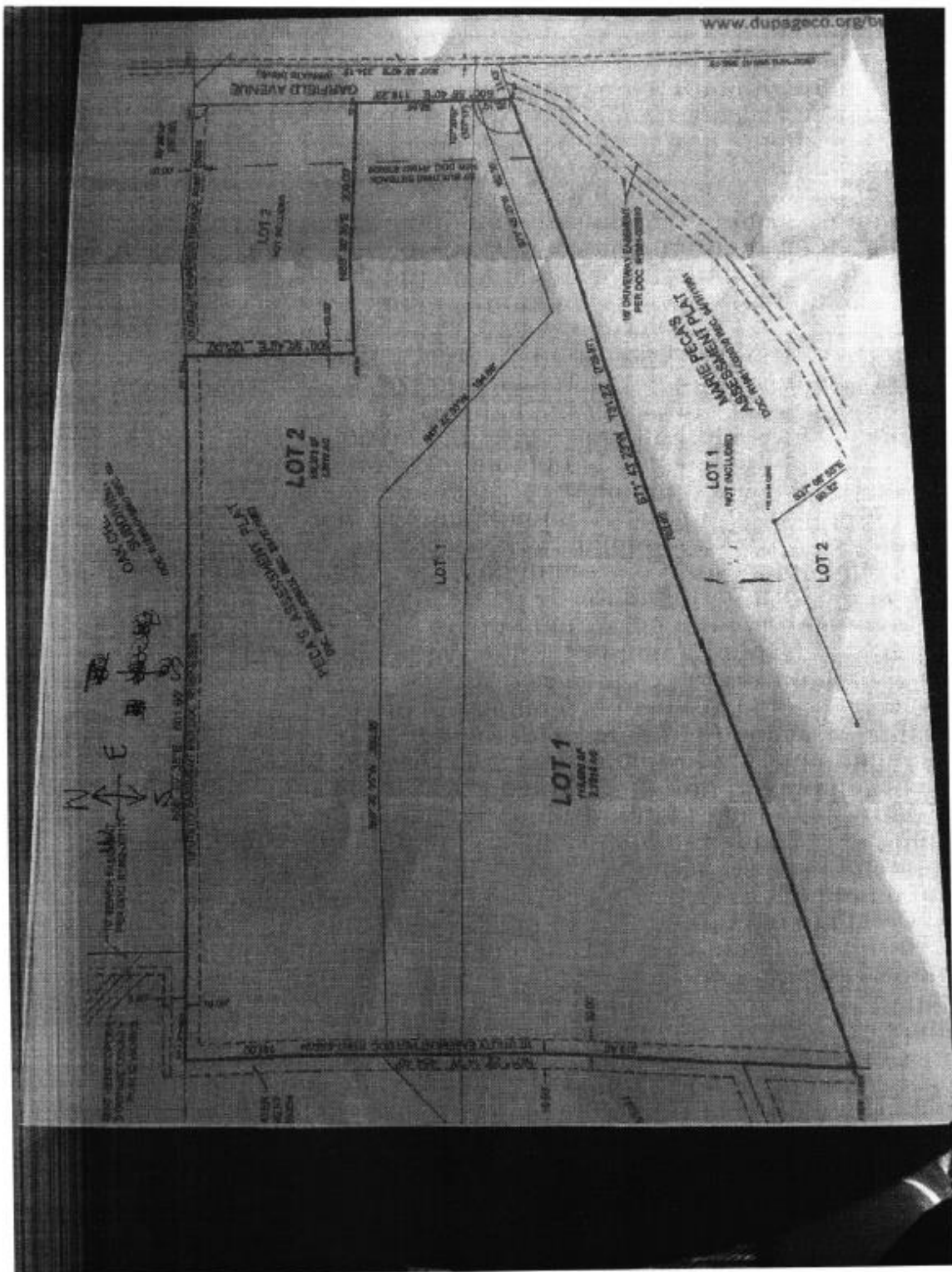
DR. CHRIS NIKOLOVSKI

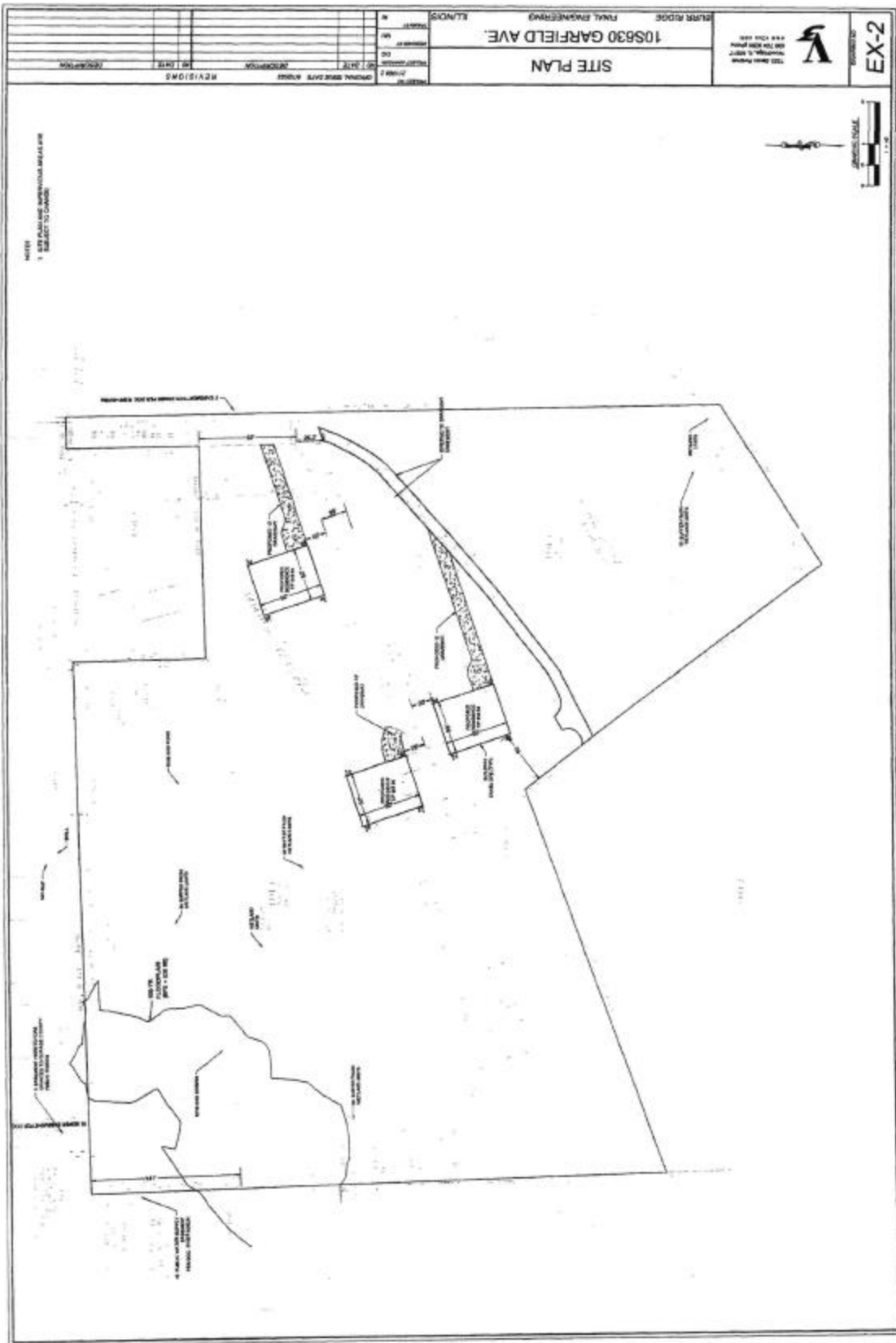
State of Illinois, County of DuPage

[Redacted Signature]

My Commission Expires 02/24/2025

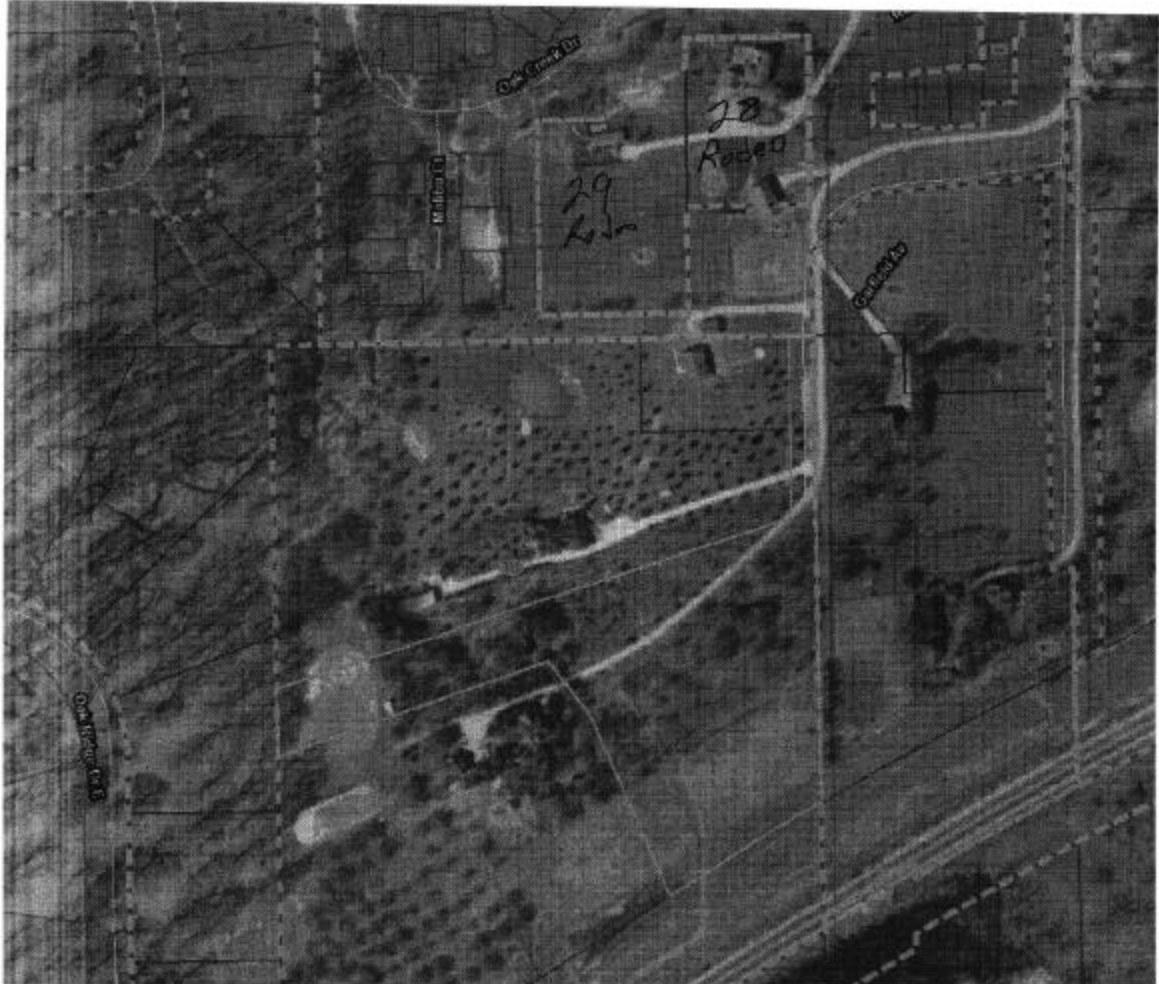






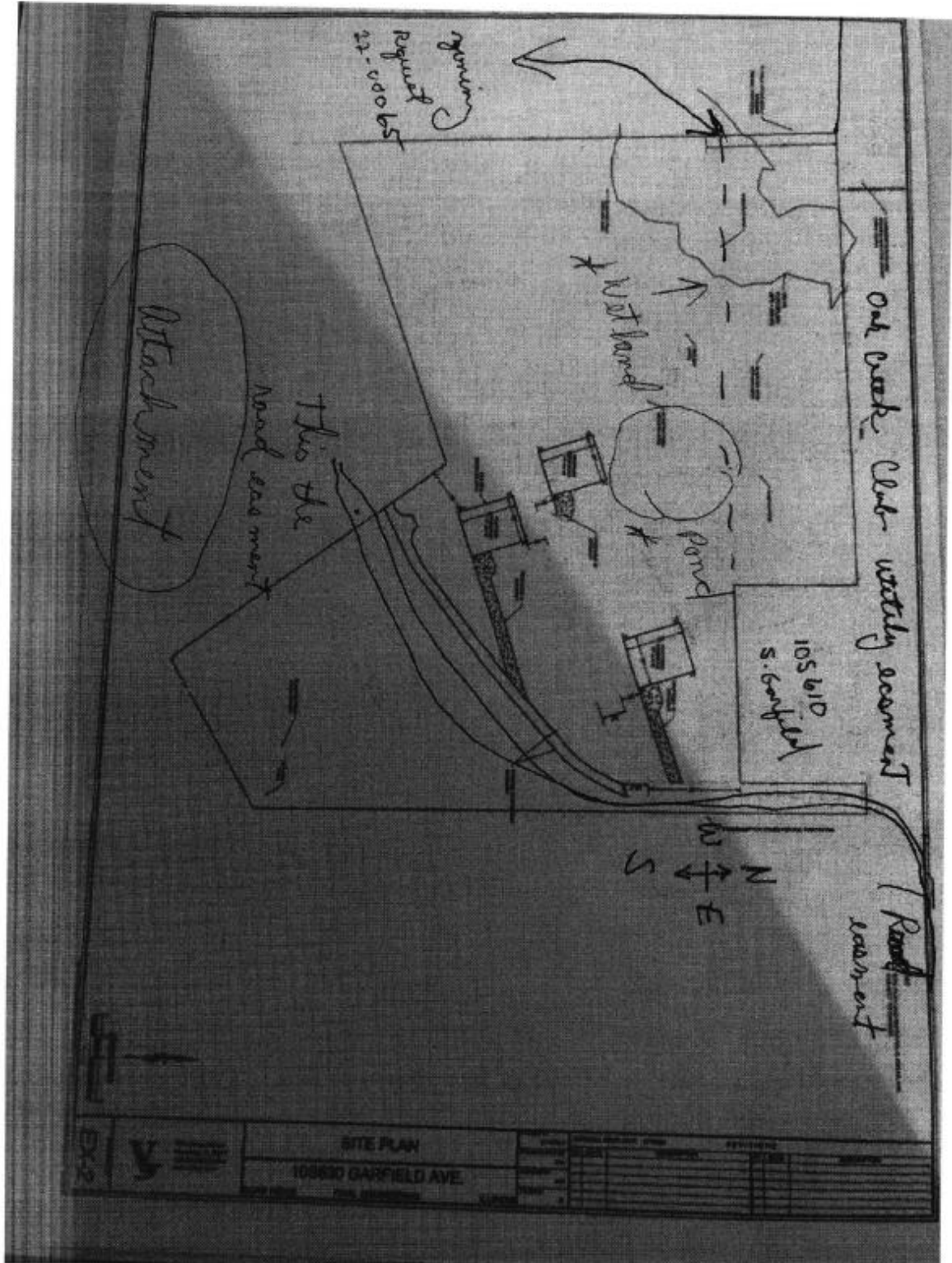
Since at least the 1950s (see below), this private street (Garfield) has had access to 91st Street and gives access to the houses at: 10S700 Garfield Avenue, 10S630 Garfield Avenue, and 10S610 Garfield Avenue. Official easement doc Marie Peca's Assessment Plat 1961-003310 confirms this.

See below of earliest County aerial image from 1956.



Jessica Infelise

Zoning Administration Coordinator
DuPage County Building & Zoning Dept.
421 N. County Farm Road
Wheaton, IL 60187
Office: (630) 407-6752
Cell: (630) 514-0624
Jessica.Infelise@dupageco.org





Development Ordinance

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

File #: DC-O-0017-23

Agenda Date: 3/21/2023

Agenda #: 6.F.



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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

www.dupageco.org/building

MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: February 8, 2023

RE: **ZONING-23-000005 Clear Channel Outdoor, LLC.
(Bloomingdale/ District 1)**

Development Committee: March 21, 2023:

Zoning Hearing Officer: February 8, 2023: The Zoning Hearing Officer recommended to approve the following zoning relief:

Conditional Use to allow an electronic message center sign on the south face of an existing billboard sign.

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-23-000005 Clear Channel Outdoor** dated February 8, 2023.
2. That the Conditional Use zoning relief shall expire after fifteen (15) 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 relative to development on the property.

4. 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 the subject zoning relief to change out the existing south static sign face to an LED/electric sign face, on a sign that has existed for at least 30 years.
- B. That petitioner testified that the existing sign face is 20' x 60' in size and is static lighted.
- C. That petitioner testified that proposed new LED sign face will be smaller than the existing sign, approximately 17' x 59' in size.
- D. That petitioner testified that the proposed sign would comply with all light standards of the County and would include light sensors to adjust with the weather and time to automatically dim the sign face.
- E. That petitioner testified that the proposed sign would have ten (10) second duration/refresh times.
- F. That petitioner testified that the existing sign is angled away from Rohlwing Road due to the sign's purpose of contacting drivers on I-355.

STANDARDS FOR CONDITIONAL USES:

**Per Section 37-1413.5*

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.
2. That the Zoning Hearing Officer finds that petitioner **has demonstrated** the granting of the Conditional Use will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the proposed LED billboard sign face will not impair the adequate supply of light and air to the adjacent properties. Furthermore, that the proposed billboard sign face will be smaller in size than the existing south billboard sign face.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the proposed LED billboard sign face will be built pursuant to all current building codes.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that they are replacing the existing static billboard sign face, which will be an added improvement to the surrounding area.

- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed LED billboard sign face will conform to all current building codes and IDOT regulations, including permitted refresh times for electronic message center signs.
- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the proposed LED billboard sign face.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the proposed LED billboard sign face.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that they are replacing the existing billboard sign face with an LED sign face, that the proposed sign face will conform to all Building Codes and IDOT regulations, and therefore will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000005 Clear Channel Outdoor, LLC.	
ZONING REQUEST	Conditional Use to allow an electronic message center sign on the south face of an existing billboard sign.	
OWNER	ROBERT HOELTERHOFF, 105 W. CHICAGO NO 2 FLR, CHICAGO, IL 60654/ AGENT: CLEAR CHANNEL OUTDOOR, LLC., ATTN: LEGAL DEPT., 2325 EAST CAMELBACK ROAD, SUITE 250, PHOENIX, AZ 85016/ BRIAN ARMSTRONG, LUETKEHANS, BRADY, GARNER & ARMSTRONG, LLC., 105 E. IRVING PARK ROAD, ITASCA, IL 60143	
ADDRESS/LOCATION	VACANT ROHLWING ROAD, ITASCA, IL 60143/ LOCATED SOUTHWEST OF ROHLWING ROAD AND I-355 (VETERANS MEMORIAL FREEWAY)	
PIN	02-13-412-009	
TWSP./CTY. BD. DIST.	BLOOMINGDALE	DISTRICT 1
ZONING/LUP	B-2 GENERAL BUSINESS	OFFICE LOW
AREA	0.23 ACRES (10,019 SQ. FT.)	
UTILITIES	NA	
PUBLICATION DATE	DAILY HERALD: JANUARY 24, 2023	
PUBLIC HEARING	WEDNESDAY, FEBRUARY 8, 2023	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	Our office has no jurisdiction in this matter.	
Stormwater:	Our office has no jurisdiction in this matter.	
Public Works:	No Objections. "We have sewer and water in the general area – but this applicant will not need it."	
EXTERNAL:		
Village of Bloomingdale:	<i>No Comments Received.</i>	
Village of Addison:	<i>No Comments Received.</i>	
City of Wood Dale:	<i>No Comments Received.</i>	
Village of Itasca:	Our office has no jurisdiction in this matter. "Outside the Village of Itasca's planning boundary."	
Bloomington Township:	<i>No Comments Received.</i>	
Township Highway:	Our office has no jurisdiction in this matter.	
Bloomington Fire Dist.:	No Objections.	
Sch. Dist. 10:	<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 the District property, we do not have any specific comments. Thank you.”
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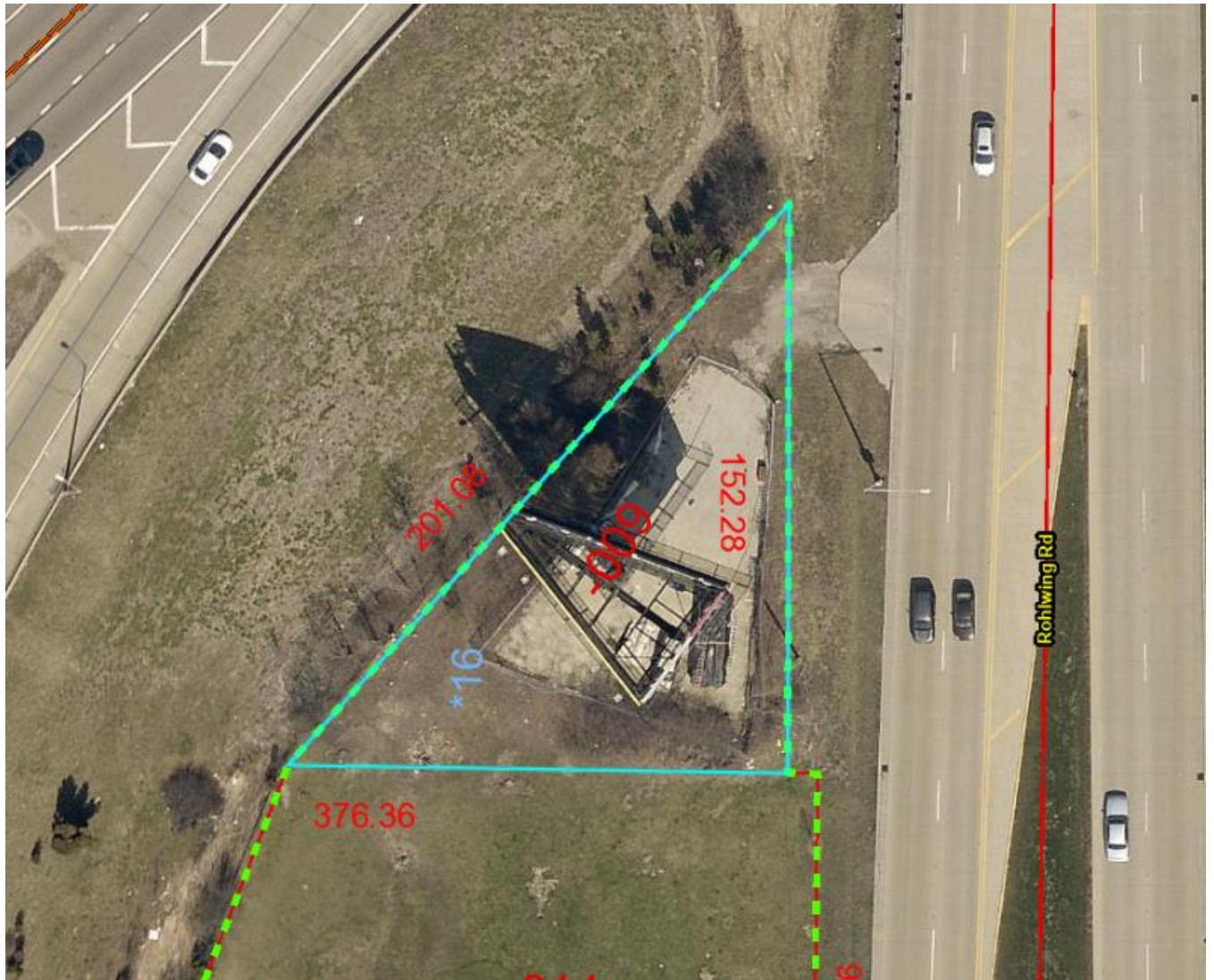
LAND USE

Location	Zoning	Existing Use	LUP
Subject	B-2 General Business	Sign	OFFICE LOW
North	I-355 and beyond R-4 SF RES	I-355 and beyond House	Unclassified
South	B-2 General Business	Vacant	OFFICE LOW
East	Rohlwing Road and beyond R-4 SF RES	House	0-5 DU AC
West	I-355 and beyond R-4 SF RES/R-6 GEN RES	I-355 and beyond House	Unclassified











Development Ordinance

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

File #: DC-O-0018-23

Agenda Date: 3/21/2023

Agenda #: 6.G.



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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

www.dupageco.org/building

MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: March 1, 2023

RE: **ZONING-23-000007 Mehmood (Addison/ District 1)**

Development Committee: March 21, 2023:

Zoning Hearing Officer: March 1, 2023: The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to reduce the corner side setback from required 30' to approximately 12.55 feet, for interior and exterior remodeling of a house on the existing foundation.

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-23-000007 Mehmood** dated March 1, 2023.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZHO Recommendation to Approve

FINDINGS OF FACT:

- A. That petitioner testified that he seeks the subject zoning relief to reduce the corner side setback from required 30' to approximately 12.55 feet, for interior and exterior remodeling of a house on the existing foundation.
- B. That petitioner testified that he has owned the property for approximately eight (8) weeks.

- C. That petitioner testified that the home was likely constructed in the 1970s and requires significant interior and exterior alterations that would consider the proposed construction a new home on existing foundation.
- D. That petitioner testified that the existing home and existing foundation was built approximately 12.55 feet from the corner side property line.
- E. That the Hearing Officer finds that petitioner demonstrated evidence for a practical difficulty and particular hardship as the existing home was originally built too close to the corner side property line and that any alterations to the subject home would require the subject zoning relief.

STANDARDS FOR VARIATIONS:

**Per Zoning Code Section 37-1411.3*

- 1. That the Zoning Hearing Officer finds that petitioner **has demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
- 2. That the Zoning Hearing Officer finds that petitioner **has demonstrated** the granting of the Variation will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the proposed interior and exterior remodeling will be on the existing foundation and 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 interior and exterior remodeling will be built pursuant to all current building codes.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed interior and exterior remodeling will not diminish the value of land and buildings throughout the County.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed interior and exterior remodeling will be on the existing foundation and 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 interior and exterior remodeling will be on the existing foundation 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 interior and exterior remodeling will be on the existing foundation and will not incur additional public expense for flood protection, rescue, or relief.

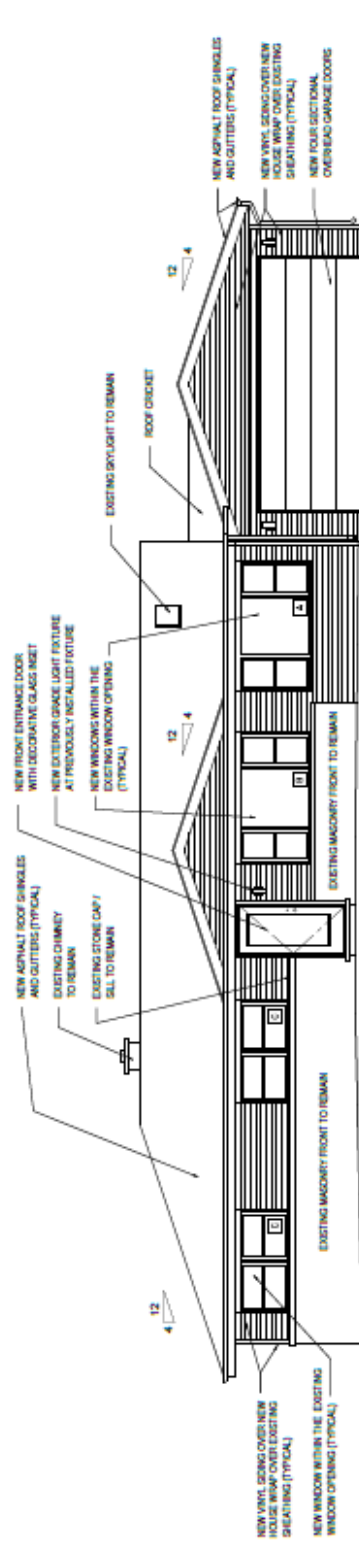
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the proposed interior and exterior remodeling will be on the existing foundation and will be an added benefit to the area and will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

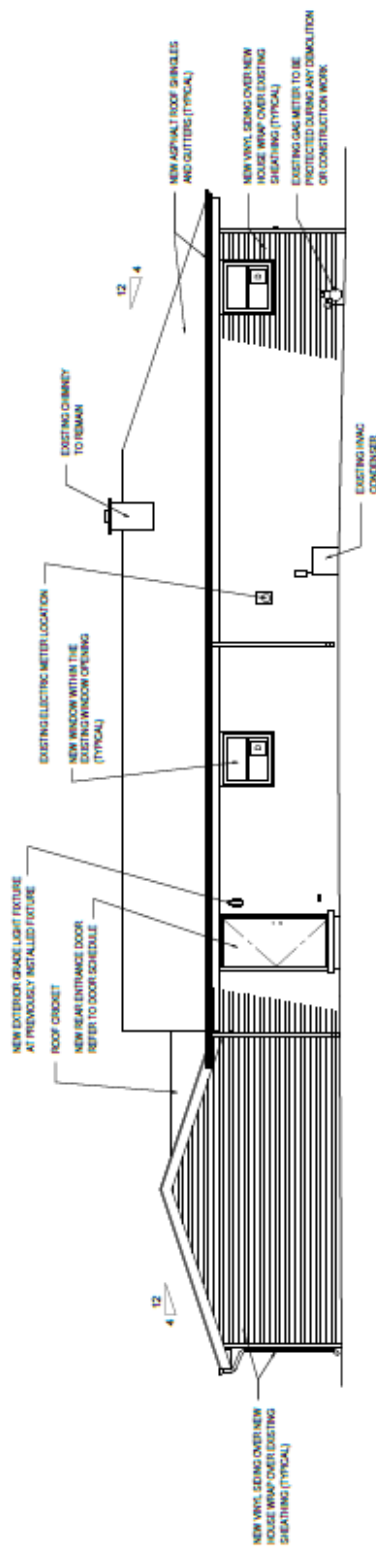
GENERAL ZONING CASE INFORMATION			
CASE #/PETITIONER	ZONING-23-000007 Mehmood		
ZONING REQUEST	Variation to reduce the corner side setback from required 30' to approximately 12.55 feet, for interior and exterior remodeling of a house on the existing foundation.		
OWNER	ALI MEHMOOD, 2S169 COLONIAL LANE, LOMBARD, IL 60148		
ADDRESS/LOCATION	19W719 HOLTZ AVENUE, ADDISON, IL 60101		
PIN	03-20-308-002/ 03-20-308-003		
TWSP./CTY. BD. DIST.	ADDISON	DISTRICT 1	
ZONING/LUP	R-4 SF RES	0-5 DU AC	
AREA	0.49 (21,344 SQ. FT.)		
UTILITIES	WELL/ SEPTIC		
PUBLICATION DATE	Daily Herald: FEBRUARY 14, 2023		
PUBLIC HEARING	WEDNESDAY, MARCH 1, 2023		
ADDITIONAL INFORMATION:			
Building:	No Objections.		
DUDOT:	Our office has no jurisdiction in this matter.		
Health:	No Objections with the concept of the petition. Additional information may be required at time of permit application.		
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application.		
Public Works:	Our office has no jurisdiction in this matter.		
EXTERNAL:			
Village of Addison:	<i>No Comments Received.</i>		
City of Wood Dale:	<i>No Comments Received.</i>		
Village of Itasca	Our office has no jurisdiction in this matter.		
Addison Township:	<i>No Comments Received.</i>		
Township Highway:	<i>No Comments Received.</i>		
Addison Fire Dist.:	<i>No Comments Received.</i>		
Sch. Dist. 4:	<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
Corner Side Yard:	30 FT	12.55 FT	12.55 FT

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	House	0-5 DU AC
North	Holtz Avenue and beyond R-4 SF RES	House	0-5 DU AC
South	R-4 SF RES	House	0-5 DU AC
East	R-4 SF RES	House	0-5 DU AC
West	Village of Addison	Place of Assembly	Village of Addison

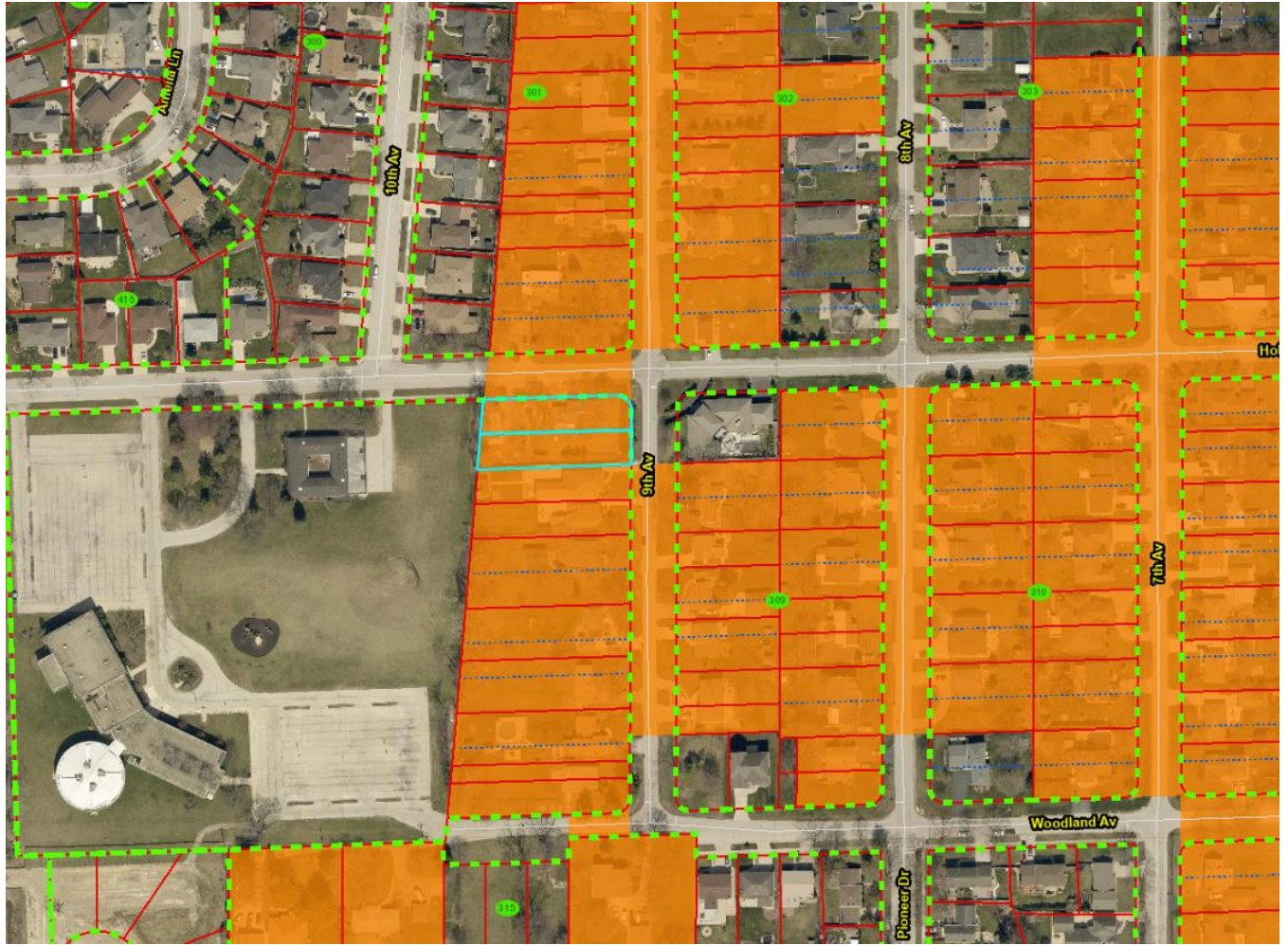


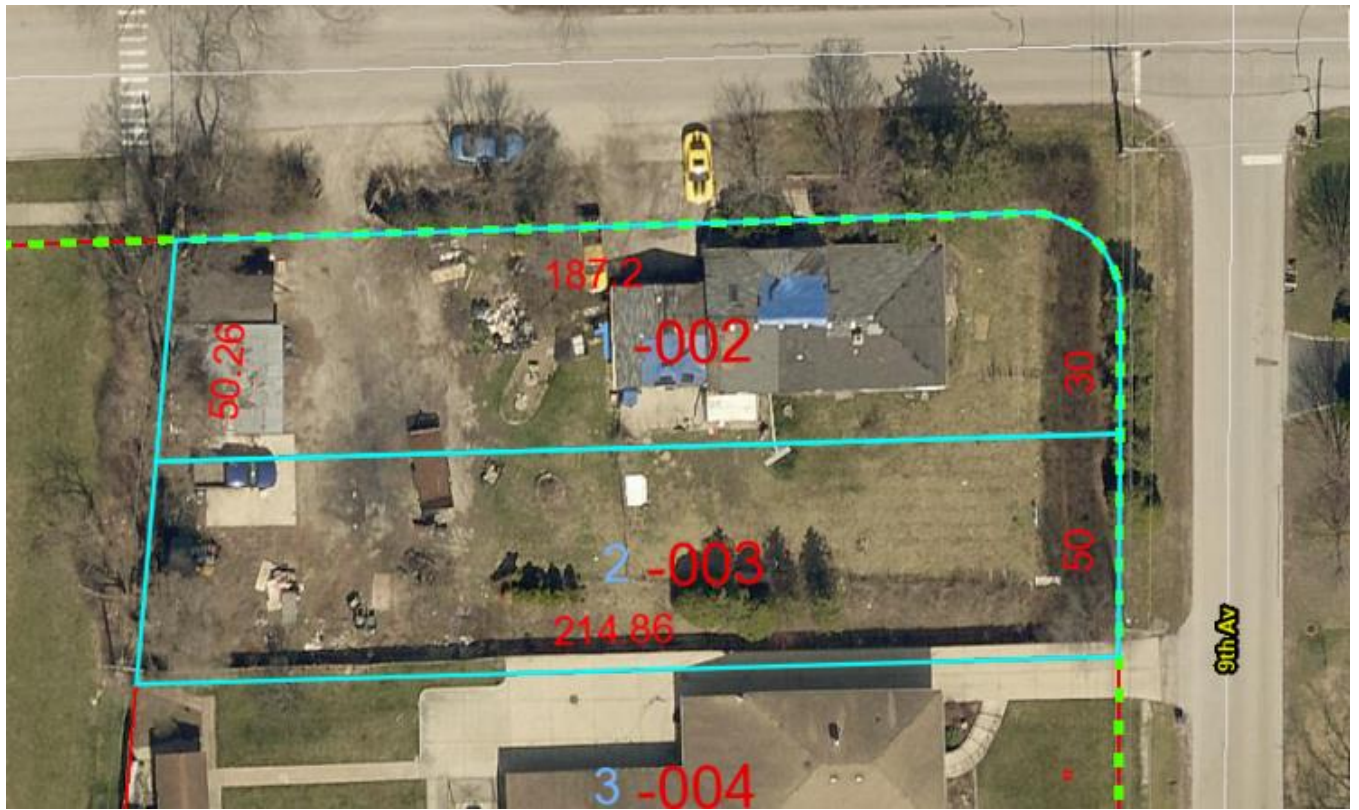
A PROPOSED FRONT (NORTH) ELEVATION
3/16" = 1'-0"



C PROPOSED REAR (SOUTH) ELEVATION
3/16" = 1'-0"









Development Ordinance

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

File #: DC-O-0019-23

Agenda Date: 3/21/2023

Agenda #: 6.H.



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MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: March 21, 2023

RE: **ZONING-23-000009 Gorecki (York/ District 2)**

Development Committee: March 21, 2023:

Zoning Hearing Officer: March 1, 2023: The Zoning Hearing Officer recommended to approve the following zoning relief:

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

Subject to the following conditions:

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

ZHO Recommendation to Approve

FINDINGS OF FACT:

- A. That petitioner testified that he seeks the subject zoning relief to reduce the lot size and lot width for two (2) lots serviced with well and sewer.

- B. That petitioner testified that the two (2) subject lots were previously historic lots of record platted in 1929 and that a rear portion of each lot was sold off to the adjacent neighbor to the east prior to petitioner's purchase.
 - That petitioner testified that due to the prior owners selling off the rear twenty-five (25) feet of each lot, the two (2) subject lots lost their historic lot of record designation.
- C. That petitioner testified that they purchased the two (2) subject lots with the intention to build two (2) homes but later learned that they were unable to build a house on each lot due to the removed historic lot of record designation.
- D. That petitioner testified that the two (2) subject lots are now approximately 1,350 sq. ft. smaller than all other historic lots of record in the subject neighborhood.
- E. That petitioner testified that the two (2) subject lots would be serviced with well and sewer.
- F. That the Hearing Officer finds that petitioner demonstrated evidence for a practical difficulty and particular hardship as the two (2) subject lots were previously historic lots of record and that due to the prior owners selling the rear twenty-five (25) feet to the neighbor to the east, the subject properties lost their historic lots of record designation.

STANDARDS FOR VARIATIONS:

**Per Zoning Code Section 37-1411.3*

1. That the Zoning Hearing Officer finds that petitioner **has demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That the Zoning Hearing Officer finds that petitioner **has demonstrated** the granting of the Variation will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the two (2) subject lots were previously historic lots of record and are similar in size to those in the neighborhood, and therefore will not impair an adequate supply of light and air to the adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the two (2) subject lots were previously historic lots of record and are similar in size to those in the neighborhood, and therefore will not increase the hazard from fire or other dangers.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the two (2) subject lots were previously historic lots of record and are similar in size to those in the neighborhood, and therefore will not diminish the value of land and buildings throughout

the County.

- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the two (2) subject lots were previously historic lots of record and are similar in size to those in the neighborhood, and therefore will not unduly increase traffic congestion in the public streets and highways.
- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the two (2) subject lots were previously historic lots of record and are similar in size to those in the neighborhood, and therefore will not increase the potential for flood damages to adjacent property.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the two (2) subject lots were previously historic lots of record and are similar in size to those in the neighborhood, and therefore will not incur additional public expense for flood protection, rescue, or relief.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the two (2) subject lots were previously historic lots of record and are similar in size to those in the neighborhood, and therefore will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000009 Gorecki	
ZONING REQUEST	1. Variation to reduce the required lot size for two lots serviced with well and sewer from required 20,000 sq. ft. to approximately 5,576 sq. ft./ each lot. 2. Variation to reduce required lot width for two lots serviced with well and sewer from required 100 feet to approximately 54 feet/ each lot.	
OWNER	GORECKI TRUST, 33 N AHRENS, LOMBARD, IL 60148/ AGENT: JAMES KAMPERT, 1317 SOUTH 3 RD STREET, LOMBARD, IL 60148	
ADDRESS/LOCATION	LOTS 16 AND 17 ON LUTHER AVENUE, NORTHEAST OF LUTHER AVENUE AND 14 TH STREET	
PIN	06-21-109-014/ 06-21-109-016	
TWSP./CTY. BD. DIST.	York	DISTRICT 2
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.13 ACRES PER LOT (5,576 SQ. FT. PER LOT)	
UTILITIES	WELL AND SEWER	
PUBLICATION DATE	Daily Herald: FEBRUARY 14, 2023	
PUBLIC HEARING	WEDNESDAY, MARCH 1, 2023	
ADDITIONAL INFORMATION:		
Building:	No Objections with the concept of the petition. Additional information may be required at time of permit application. "It should be verified that the proposed dwelling dimensions meeting the current building code."	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Lombard:	"LOTS 16 AND 17 ON LUTHER AVENUE, NORTHEAST OF LUTHER AVENUE AND 14 TH STREET are outside our planning boundary. Therefore, we have no comments."	
Village of Villa Park:	<i>No Comments Received.</i>	
City of Oakbrook Terrace:	<i>No Comments Received.</i>	
Village of Oak Brook:	<i>No Comments Received.</i>	
Township:	<i>No Comments Received.</i>	
Township Highway:	No Objections.	
Fire Dist.:	<i>No Comments Received.</i>	

Sch. Dist. 45:	No Objections.
Forest Preserve:	The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you.

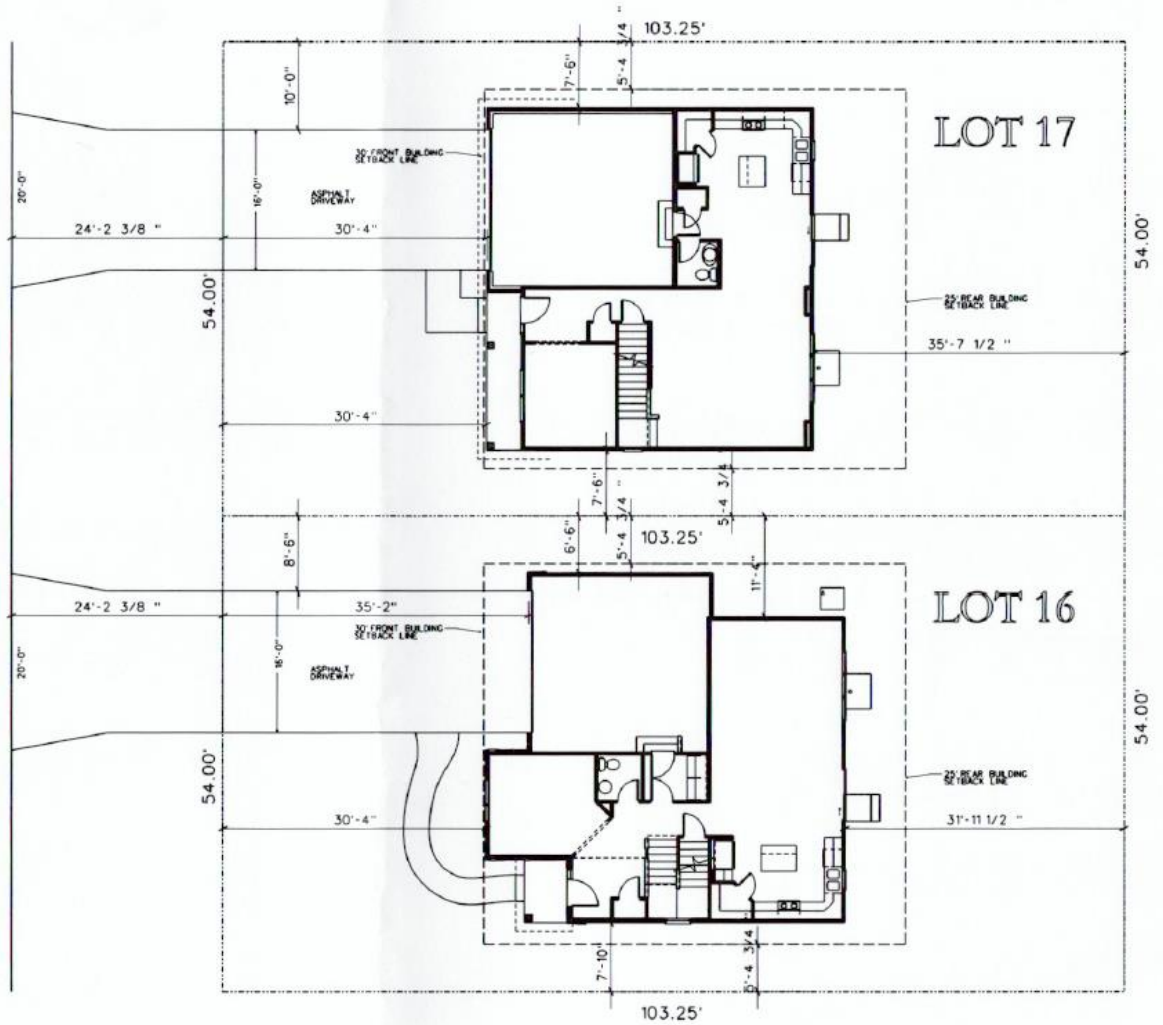
GENERAL BULK REQUIREMENTS:

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

LAND USE

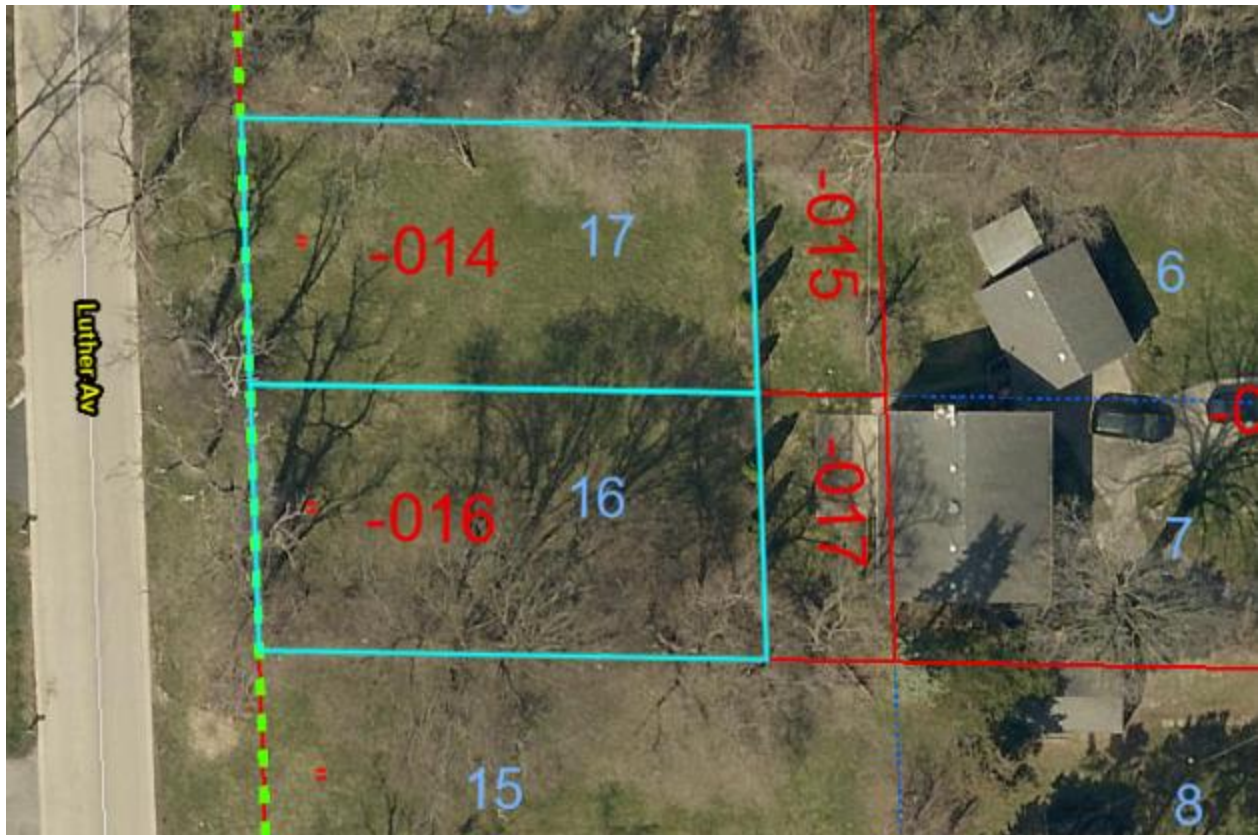
Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	House	0-5 DU AC
North	R-4 SF RES	House	0-5 DU AC
South	R-4 SF RES	House	0-5 DU AC
East	R-4 SF RES	House	0-5 DU AC
West	Luther Avenue and beyond R-4 SF RES	House	0-5 DU AC

Luther Avenue











Development Ordinance

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

File #: DC-O-0020-23

Agenda Date: 3/21/2023

Agenda #: 6.I.



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MEMORANDUM

TO: DuPage County Development Committee

FROM: Staff

DATE: March 21, 2023

RE: **Essentially in Accord: Z-23-000016 (Z21-085) Stults**

DuPage County Development Committee: March 21, 2023:

Consideration to approve as “Essentially in Accord” with the Z21-085 Stults zoning relief, the following:

1. Essentially in Accord to extend the Conditional Use and all other entitlements for an additional 18 months beyond the current expiration date of June 14, 2023, to allow sufficient time to obtain building permits and commence development (Z21-085 Stults).
2. Essentially in Accord to amend the site plan and design of Z21-085, including
 - a) Removing the covered drive-through lane, reducing the north-south depth of the primary structure by 55 feet.
 - b) Adding one (1) detached, one-story drive-up self-storage structure north of the primary structure.
 - c) Making the primary structure a three-story building. (None of these modifications will result in the building's exceeding the FAR as permitted by the ordinance or violating any setbacks and none require any variations.)
3. Essentially in Accord to Amend Condition 2 of the Z21-085 Stults Ordinance be amended to allow a self-storage facility operator/manager other than ExtraSpace storage be permitted to operate the self-storage facility once erected. Extra Space does not, and never was, to have any ownership interest in the Property; it was only a potential operator. However, the market for managing and operating self-storage facilities is competitive and dynamic, and the Applicant believes he can command the best operation, service, and maintenance of the facility by opening the operation



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and management of the facility to competitive proposals from multiple self-storage operator/managers. Mr. Stults, through a limited liability company he and his son control, will continue to own the Property





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**LUETKEHANS, BRADY,
GARNER & ARMSTRONG, LLC**

105 EAST IRVING PARK ROAD
ITASCA, ILLINOIS 60143
TELEPHONE (630) 773-8500
FAX (630) 773-1006

BRIAN J. ARMSTRONG
PATRICK M. BRADY
BRUCE E. GARNER
PHILLIP A. LUETKEHANS
GIOVANNI PADILLA

February 17, 2023

VIA ELECTRONIC MAIL ONLY
paul.hoss@dupageco.org

Mr. Paul Hoss
Planning & Zoning Coordinator
DuPage County Building & Zoning Department
421 N. County Farm Road
Wheaton, IL 60187

Re: Stults, Z21-085
Our File No. 4467

Dear Mr. Hoss:

As you may recall, I represent the Applicant, Jon K. Stults, regarding the application for zoning relief regarding the property at 27W010 North Avenue (the "Property"), which was submitted in 2021. The County Board approved Ordinance DC-O-0002-22 (the "Ordinance") on December 14, 2021, which granted a conditional use and other relief for development of a self-storage facility at the Property.

Pursuant to § 37-1413.11 of the DuPage Zoning Ordinance, on behalf of the Applicant, I request an extension of the conditional use and all other entitlements to allow sufficient time to obtain a building permit and commence development of the Property per the conditional use and other relief. Specifically, I request an additional 18 months beyond the current expiration date of June 14, 2023. The extension is necessary because of the current financing market conditions, rapidly rising interest rates, the recent volatility in availability of construction materials due to COVID, and because of recent slight modifications to the design of the development.

Additionally, pursuant to § 37-1404.3 of the Zoning Ordinance, the Applicant requests that the following modifications to the site plan and design be deemed to be essentially in accord with the site plan approved by the Ordinance:

1. As depicted on the attached site plan dated February 15, 2023, minor changes on the north side of the building and Property and the primary structure, including:
 - (i) removing the covered drive-through lane;
 - (ii) reducing the north-south depth of the primary structure by approximately 55 feet;



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LUETKEHANS, BRADY,
GARNER & ARMSTRONG, LLC

Mr. Paul Hoss
February 17, 2023
Page 2

- (iii) adding 1 detached, one-story drive-up self-storage structure north of the primary structure;
- (iv) making the primary structure a three-story building.

None of these modifications will result in the building's exceeding the F.A.R. as permitted by the Ordinance or violating any setbacks, and none require any variations (the Applicant has acquired an additional 14,638 SF on the northeast corner as shown on the site plan). Further, the Applicant will ensure compliance with applicable stormwater requirements.

2. Additionally, the Applicant requests that condition 2 in the Ordinance be amended to allow a self-storage facility operator/manager other than Extra Space storage be permitted to operate the self-storage facility once erected. Extra Space does not, and never was, to have any ownership interest in the Property; it was only a potential operator. However, the market for managing and operating self-storage facilities is competitive and dynamic, and the Applicant believes he can command the best operation, service and maintenance of the facility by opening the operation and management of the facility to competitive proposals from multiple self-storage operator/managers. Mr. Stults, through a limited liability company he and his son control, will continue to own the Property.

Thank you for your cooperation. If you have any questions, need additional information, or wish to discuss these matters further, please call me at (630) 760-4604.

Very truly yours,

LUETKEHANS, BRADY, GARNER & ARMSTRONG, LLC

Brian J. Armstrong

BJA/bms

Att.

c: J. Stults w/Att.
(via email)



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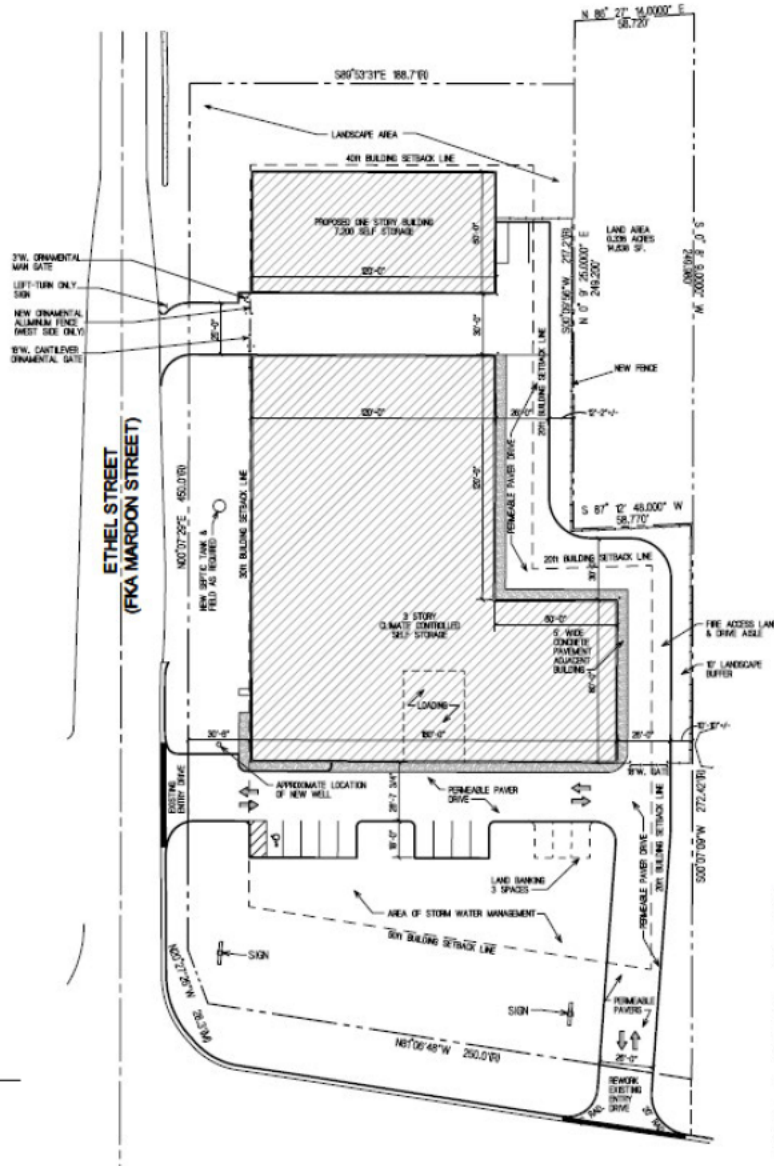
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Ordinance

DC-O-0002-22

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

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

Conditional Use for a self-storage facility (B-2 Zoning District), on the property hereinafter described:

LOT 1 (EXCEPT THAT PART CONVEYED TO THE ILLINOIS DEPARTMENT OF TRANSPORTATION IN DEED RECORDED MAY 26, 1995 AS DOCUMENT R95-63938) IN MARDON ACRES, BEING A SUBDIVISION OF PART OF SECTION 36 TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 4, 1948 AS DOCUMENT 555355, 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 November 18, 2021 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that he has requested the subject zoning relief to construct a climate-controlled, self-storage facility operated by Extra Space Storage.
2. That petitioner testified that the subject property is zoned B-2 General Business on approximately 2.37 acres and includes the vacant Coachlight Motel.
 - a. That petitioner testified that the subject property has been owned by his family for over fifty (50) years.
3. That petitioner testified that the proposed self-storage building will be three (3) stories tall and approximately 71,550 square feet in size.
4. That petitioner testified that the subject self-storage facility will be open for customers from 6:00 AM to 10:00 PM, seven (7) days a week.
 - a. That petitioner testified that employees will be on-site from 9:30 AM to 6:00 PM, Monday through Saturday.
 - b. That petitioner testified that the self-storage facility will be accessed via a key-pad access in order to enter and access the building/units.
 - c. That petitioner testified that the self-storage facility will include 24-hour surveillance.



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Ordinance

DC-O-0002-22

5. That petitioner testified that the proposed self-storage facility will have approximately 600 units, with approximately 95% of the units located inside of the facility and a drive-through area with four (4) indoor loading bays.
 - a. That petitioner testified that most customers would be unloading and loading their vehicles inside the drive-through portion of the building, not outside.
6. That petitioner testified that the average storage unit move-in/ move-out time is approximately 45 minutes and that the average storage drop-off time is typically 15 minutes.
7. That petitioner testified that due to credits from existing buildings and utilizing permeable pavers in the parking lot and access drives, the Stormwater Department has determined that stormwater detention is not required.
8. That petitioner testified that complete fire access is located completely around the proposed facility.
 - a. Furthermore, that staff has confirmed with the Carol Stream Fire Protection District that there are no objections to the proposed plan.
9. That petitioner's traffic engineer with KLOA testified that self-storage facilities generate much less traffic compared to other uses that are permitted in the B-2 General Business Zoning District.
10. That petitioner testified that the proposed site plan was created in order to protect the two (2) large sycamore trees and root systems that have existed for over fifty (50) years.
11. That petitioner testified that the proposed self-storage facility use is an excellent transition between the open space to the east (Carol Stream dog park) and more intensive highway commercial-type uses to the west.
12. Furthermore, that petitioner testified that increasing the FAR to 0.79 and having a larger building is mitigated by the fact that a self-storage facility is a low-intensity use, due to the nature of self-storage business practices, hours, signage, and the low parking intensity. Additionally, petitioner testified that most of the self-storage business operations, including customer move-in/move-out and pick-up, is completed inside of the building.
13. That the Zoning Board of Appeals finds that petitioner **has demonstrated** that a self-storage use is a low-intensity use in a B-2 General Business Zoning District, and that due to the nature of a self-storage business practices, there is generally less traffic and customers compared to other uses that would be permitted in the B-2 General Business Zoning District.



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Ordinance

DC-O-0002-22

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner **has demonstrated** that the granting of the V 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.
2. That the Zoning Board of Appeals finds that petitioner **has demonstrated** 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 subject self-storage building will maintain all required setbacks and will not alter the supply of light or air to adjacent properties. Additionally, that petitioner testified that they will prohibit the storage of hazardous materials, per the Extra Space Storage leasing contract.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that there will be a fire suppression system in the subject building and that the Carol Stream Fire Protection District has no objections to the proposed self-storage use.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed use will be an added benefit to the area and will not diminish the value of land and buildings throughout the County.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed use as self-storage facility is a low-intensity use, with minimal vehicles accessing the property. Additionally, that most customer move-in/move-out and pick-up will occur inside of the proposed self-storage facility.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed development will include Stormwater Best Management Practices (BMPs) such as a permeable paver parking lot and access drives, and that the subject property will have better stormwater management with the proposed improvements in comparison to the existing property conditions.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the proposed development will include Stormwater Best Management Practices (BMPs) such as a permeable paver parking lot and access drives, and that the subject property will have better stormwater management with the proposed improvements in comparison to the existing property conditions.
 - 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 development is a low-intensity use for the B-2 Zoning District and that the proposed development will be an excellent transition use between open space to the east and higher-intensity uses to the west along North Avenue.



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Ordinance

DC-O-0002-22

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	Z21-085 Stults	
ZONING REQUEST	Conditional Use for a self-storage facility (B-2 Zoning District).	
OWNER	JON K. STULTS, 27W010 NORTH AVENUE, WEST CHICAGO, IL 60185 / JOHN K. STULTS, P.O. BOX 280, MAPLE PARK, ILLINOIS 60151/ AGENT: BRIAN J. ARMSTRONG, 105 E. IRVING PARK ROAD, ITASCA, IL 60143	
ADDRESS/LOCATION	27W010 NORTH AVENUE, WEST CHICAGO, IL 60185	
PIN	01-36-203-044/ 02-31-300-001	
TWSP./CTY. BD. DIST.	Wayne and Bloomingdale	District 6
ZONING/LUP	B-2 General Business	Local Commercial
AREA	2.37 acres (103,237 sq. ft.)	
UTILITIES	Well and Septic	
PUBLICATION DATE	Daily Herald: November 2, 2021	
PUBLIC HEARING	November 18, 2021 at 6 PM	
<u>ADDITIONAL INFORMATION:</u>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
Stormwater:	No Objection with the concept of the petition. Additional information may be required at time of permit application.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Carol Stream:	No Comments Received.	



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Building
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Village of Winfield:	<i>No Comments Received.</i>
Wayne Township:	<i>No Comments Received.</i>
Township Highway:	<i>No Comments Received.</i>
Bloomingtondale Township:	<i>No Comments Received.</i>
Township Highway:	No Objections
Carol Stream Fire Dist.:	"No Questions, as long as our fire engine can navigate the roadway around the building (IFC 2018 D103.3) and provide an aerial fire apparatus access road as per 2018 IFC D105."
Sch. Dist. 25:	No Objections.
Forest Preserve:	<i>No Comments Received.</i>

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Front Yard:	40 FT	APPROX. 75 FT	APPROX. 70 FT
Int. Side Yard:	20 FT	APPROX. 8 FT	APPROX. 10 FT
Corner Side Yard:	30 FT	APPROX. 0 FT	APPROX. 30 FT
Rear Yard:	40 FT	APPROX. 240 FT	APPROX. 45 FT
Floor Area Ratio:	0.3	NA	APPROX. 0.79

LAND USE

Location	Zoning	Existing Use	LUP
Subject	B-2 General Business	Motel	Local Commercial
North	R-2 SF RES	House	0-5 DU AC
South	North Ave. and beyond Village of Carol Stream	Office	Village of Carol Stream
East	Village of Carol Stream	Dog Park	Village of Carol Stream
West	Ethel Street and beyond B-2 General Business	Vacant	Local Commercial



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WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on December 2, 2021, recommends to approve the following zoning relief:

Conditional Use for a self-storage facility (B-2 Zoning District).

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-085 Stults dated November 18, 2021.
2. That the Conditional Use shall inure only to the owner, Jon Stults and/or Extra Space Storage, and shall terminate in the event that the owner, or any entity owned or controlled by Jon Stults/Extra Space Storage, discontinues operation of the subject self-storage facility on the property located at 27W010 NORTH AVENUE, WEST CHICAGO, IL 60185.
3. That the Conditional Use zoning relief shall expire after ten (10) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
 - a. The use be discontinued.
 - b. The property is conveyed to new ownership, other than an entity owned or controlled by Jon Stults/ Extra Space Storage.
4. That an exception be granted to increase the FAR from 0.3 to 0.79.
5. That the subject self-storage facility shall not permit the storage of hazardous materials, per the Extra Space Storage leasing contract dated November 18, 2021.
6. That the storage of garbage/refuse shall be contained inside of the proposed subject building.
7. That the hours of operation to the public shall be from 6:00 AM to 10:00 PM, seven (7) days a week.
8. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
9. 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.
10. That the property be developed in accordance with all other codes and Ordinances of DuPage County.



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

WHEREAS, the County Board Development Committee on December 7, 2021, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following zoning relief:

Conditional Use for a self-storage facility (B-2 Zoning District).

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition **#Z21-085 Stults** dated November 18, 2021.
2. That the Conditional Use shall inure only to the owner, Jon Stults and/or Extra Space Storage, and shall terminate in the event that the owner, or any entity owned or controlled by Jon Stults/Extra Space Storage, discontinues operation of the subject self-storage facility on the property located at 27W010 NORTH AVENUE, WEST CHICAGO, IL 60185.
3. That an exception be granted to increase the FAR from 0.3 to 0.79.
4. That the subject self-storage facility shall not permit the storage of hazardous materials, per the Extra Space Storage leasing contract dated November 18, 2021.
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7. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
8. 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.
9. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent



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

Conditional Use for a self-storage facility (B-2 Zoning District), on the property hereinafter described:

LOT 1 (EXCEPT THAT PART CONVEYED TO THE ILLINOIS DEPARTMENT OF TRANSPORTATION IN DEED RECORDED MAY 26, 1995 AS DOCUMENT R95-63938) IN MARDON ACRES, BEING A SUBDIVISION OF PART OF SECTION 36 TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 4, 1948 AS DOCUMENT 555355, 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 #Z21-085 Stults dated November 18, 2021.
2. That the Conditional Use shall inure only to the owner, Jon Stults and/or Extra Space Storage, and shall terminate in the event that the owner, or any entity owned or controlled by Jon Stults/Extra Space Storage, discontinues operation of the subject self-storage facility on the property located at 27W010 NORTH AVENUE, WEST CHICAGO, IL 60185.
3. That an exception be granted to increase the FAR from 0.3 to 0.79.
4. That the subject self-storage facility shall not permit the storage of hazardous materials, per the Extra Space Storage leasing contract dated November 18, 2021.
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6. That the hours of operation to the public shall be from 6:00 AM to 10:00 PM, seven (7) days a week.
7. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
8. 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.
9. That the property be developed in accordance with all other codes and Ordinances of DuPage County.



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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; JON K. STULTS, 27W010 NORTH AVENUE, WEST CHICAGO, IL 60185 / JOHN K. STULTS, P.O. BOX 280, MAPLE PARK, ILLINOIS 60151/ AGENT: BRIAN J. ARMSTRONG, 105 E. IRVING PARK ROAD, ITASCA, IL 60143

; and Township Assessor, Wayne Township, 27W031 North Avenue, West Chicago, IL 60185 and Township Assessor, Bloomingdale Township, 123 N. Rosedale, Bloomingdale, IL 60108.

Enacted and approved this 14th day of December, 2021 at Wheaton, Illinois.

[REDACTED]
DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest: [REDACTED]
JEAN KACZMAREK, COUNTY CLERK

AYES 14
NAYS 0
ABSENT 4