



**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 Board

FROM: DuPage County Development Committee

DATE: August 1, 2023

RE: **ZONING-23-000021 Malinin (Downers Grove/ District 3)**

DuPage County Board: August 8, 2023: *(If the County Board seeks to approve the zoning relief it will require a 3/4 majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)*

Development Committee: August 1, 2023: The DuPage County Development Committee recommended to approve the following zoning relief:

1. Variation to reduce the required lot width from required 165' to approximately 145.3' for Lot 1 and 145.3 for Lot 2.
2. Variation to reduce the required lot size from required 100,000 sq. ft. to approximately 34,635 sq. ft. for Lot 1 and 34,632 sq. ft. for Lot 2.

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

DEVELOPMENT COMMITTEE FINDINGS OF FACT:

- A. That the DuPage County Development Committee finds that petitioner has demonstrated evidence for a practical difficulty or particular hardship regarding the subject zoning relief to divide/reconfigure the two (2) existing lots and that the reasoning for the proposed zoning relief would allow proposed Lot 1 with the existing house to have a backyard behind the existing house, compared to the current configuration, where the "backyard" is to the side/west of the subject house.

Zoning Hearing Officer: June 7, 2023: The Zoning Hearing Officer recommended to deny the following zoning relief:

1. Variation to reduce the required lot width from required 165' to approximately 145.3' for Lot 1 and 145.3 for Lot 2.
2. Variation to reduce the required lot size from required 100,000 sq. ft. to approximately 34,635 sq. ft. for Lot 1 and 34,632 sq. ft. for Lot 2.

ZHO Recommendation to Deny

FINDINGS OF FACT:

- A. That petitioner testified that she seeks the subject zoning relief to divide/reconfigure the subject properties into two (2) new lots, approximately 34,635 sq. ft./ 145.3 feet wide for Lot 1 and 34,632 sq. ft./ 145.3 feet wide for Lot 2.
- B. That petitioner testified that she has two (2) existing lots that face east-west, and that she would like to reconfigure both lots to remain relatively the same size but facing north-south.
- C. That petitioner testified that the lot reconfiguration would allow proposed Lot 1 with the existing house to have a backyard behind the existing house, compared to the current configuration, where the "backyard" is to the side/west of the subject house.
- D. That the Hearing Officer finds that petitioner has not demonstrated evidence for a practical difficulty or particular hardship regarding the subject zoning relief to divide/reconfigure the two (2) existing lots and that the reasoning for the proposed zoning relief to reconfigure the lots is purely an economic reasoning.

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/reconfiguration 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/reconfiguration 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/reconfiguration 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/reconfiguration 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/reconfiguration 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/reconfiguration 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/reconfiguration will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

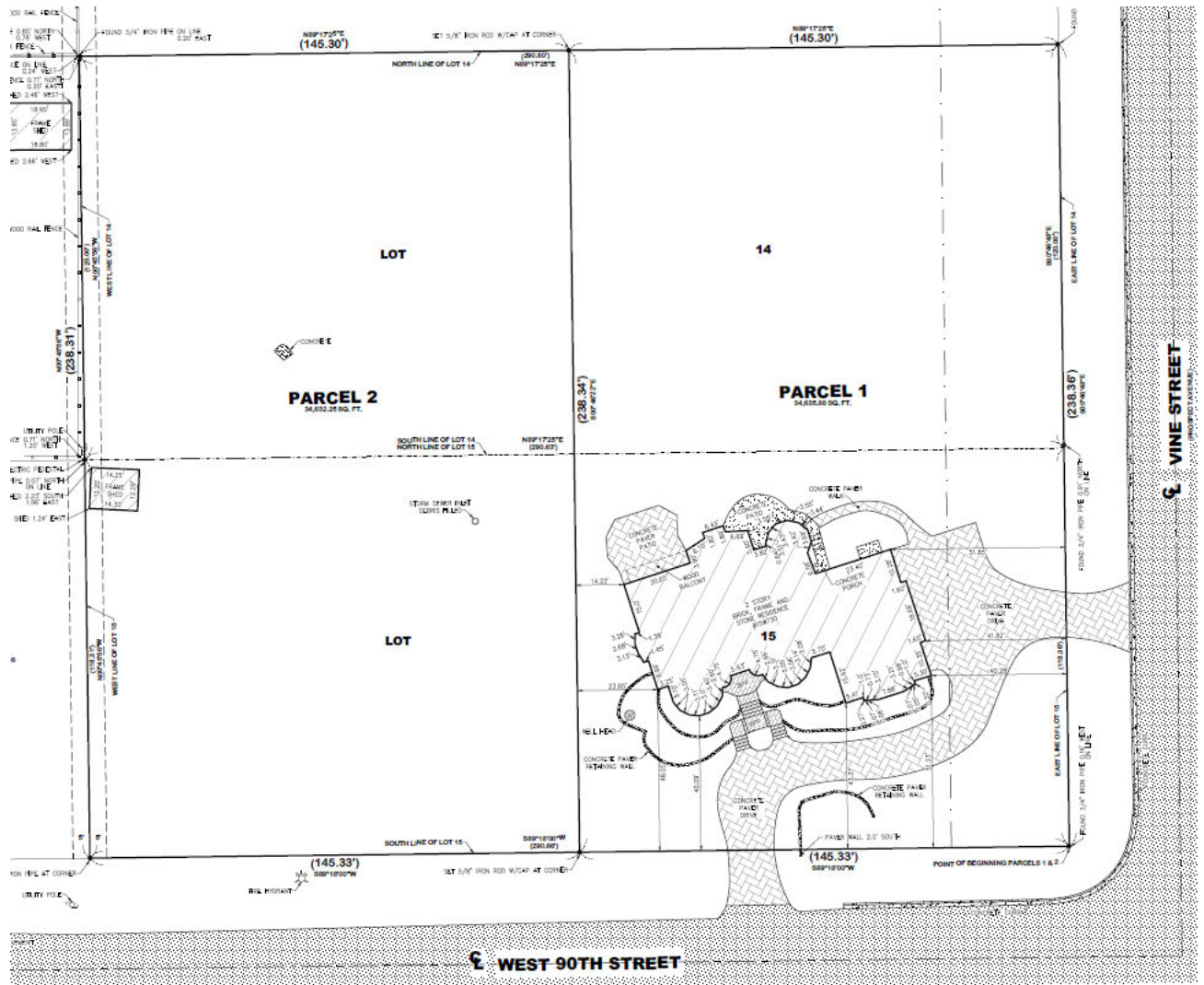
PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-23-000021 Malinin
ZONING REQUEST	<ol style="list-style-type: none"> 1. Variation to reduce the required lot width from required 165' to approximately 145.3' for Lot 1 and 145.3 for Lot 2. 2. Variation to reduce the required lot size from required 100,000 sq. ft. to approximately 34,635 sq. ft. for Lot 1 and 34,632 sq. ft. for Lot 2.
OWNER	JERRY & MARGARET MALININ, 15W730 90 TH STREET, BURR RIDGE, IL 60527
ADDRESS/LOCATION	15W730 90 TH STREET, BURR RIDGE, IL 60527
PIN	10-01-101-010/ 10-01-101-011
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	R-1 SF RES 0-5 DU AC
AREA	1.59 ACRES (69,260 SQ. FT.)
UTILITIES	WELL/SEWER
PUBLICATION DATE	Daily Herald: MAY 22, 2023
PUBLIC HEARING	WEDNESDAY, JUNE 7, 2023
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	No Objection with the concept of the petition. Additional information may be required at time of permit application.
Stormwater:	No Objection with the concept of the petition. Additional information may be required at time of permit application.
Public Works:	No Objection with the concept of the petition. Additional information may be required at time of permit application. "We are the sanitary sewer provider – connection to our sanitary sewer will require a permit from our department."
EXTERNAL:	
Village of Burr Ridge:	(See attached documentation)
City of Darien:	No Objections.
Village of Willowbrook:	<i>No Comments Received.</i>
Downers Grove 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.
Tri-State Fire Dist.:	No Objections.
Sch. Dist. 180:	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.”
------------------	---

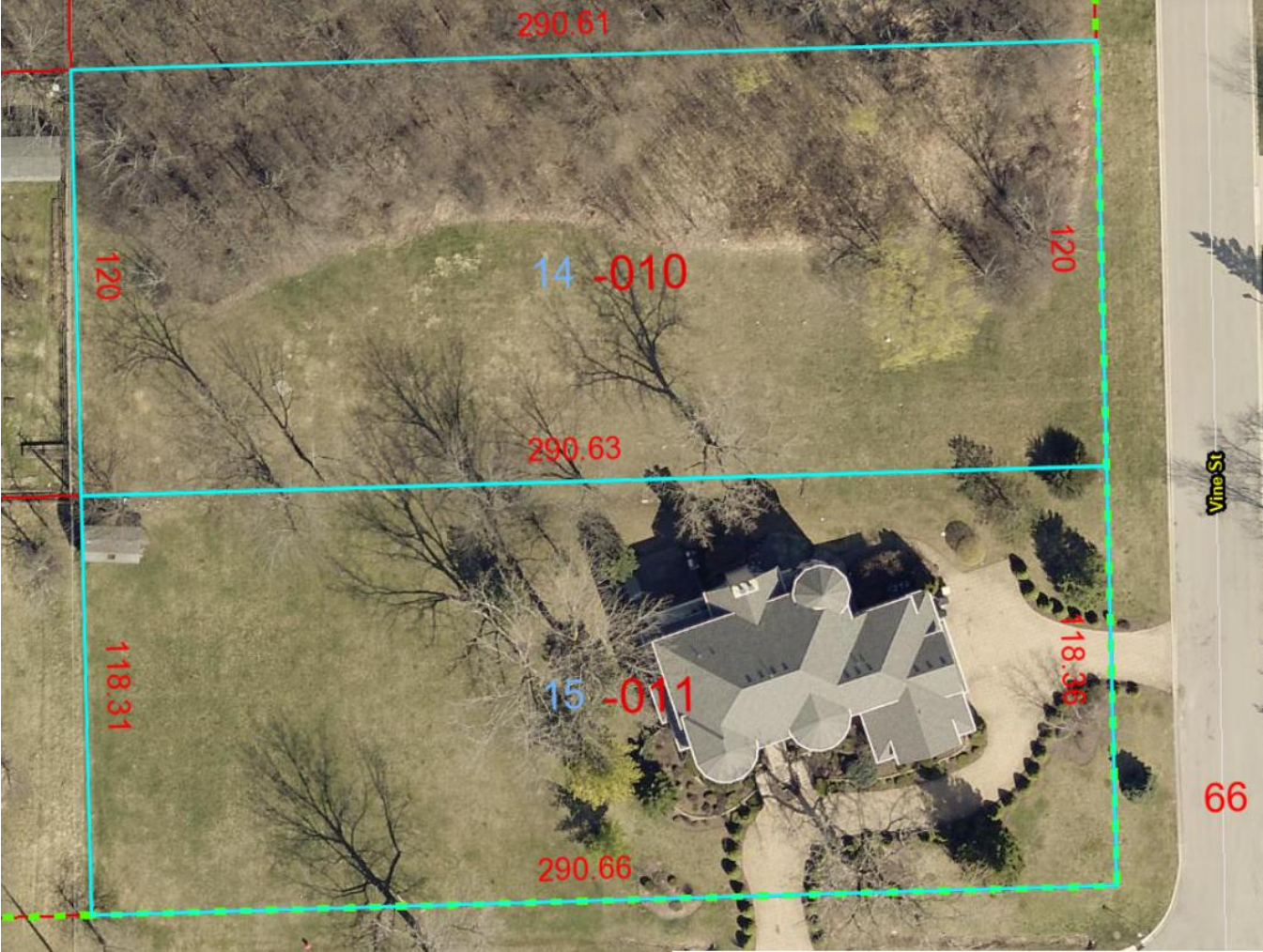
LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-1 SF RES	HOUSE	0-5 DU AC
North	R-1 SF RES	HOUSE	0-5 DU AC
South	90 TH STREET AND BEYOND VILLAGE OF BURR RIDGE	HOUSE	VILLAGE OF BURR RIDGE
East	R-1 SF RES AND VILLAGE OF BURR RIDGE	HOUSE	0-5 DU AC/ VILLAGE OF BURR RIDGE
West	R-1 SF RES	HOUSE	0-5 DU AC











June 6, 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-23-0000215 Malinin Variation

Dear Ms. Infelise,

On June 5, 2023, the Village of Burr Ridge Plan Commission/Zoning Board of Appeals performed an extraterritorial review of the variations for lot width and lot area for the proposed lot reconfiguration located at 15W730 90th St. This site is bounded on the south, east, and northwest by the Village of Burr Ridge.

Since the lots were platted in 1931 and are currently legal, nonconforming in terms of lot width and area, the Village of Burr Ridge did not object to the reconfiguration and associated variations. Please be advised that the Village does not support reconfiguration of the lots if the intention is to avoid payment of the Vine Street Water Recapture fee, Village of Burr Ridge Ordinance 1195.

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

June 6, 2023

Ms. Jessica Infelise
DuPage County
Zoning & Planning
Jessica.Infelise@dupageco.org

RE: Zoning Petition 23-000021 Malinin
Public Hearing; 2:30 pm, June 7, 2023
Building & Zoning Conference Room
421 N. County Farm Road, Wheaton, IL

I have been chosen by my neighbors to register with the DuPage County Building & Zoning Department our unanimous collective disapproval of the subject Zoning Petition 23-000021 Malinin.

We all have property within 300' of the two subject lots in the petition and we firmly believe we will all be negatively impacted by the proposed re -subdivision.

We as a group do not want the subject two existing lots revised as the Petitioner has requested.

We want the subject existing lots to remain the same size dimensionally and the same orientation as they have been since they were originally sub-divided in 1929 as Urban's Oakdale Manor as Lot 14 and Lot 15.

Sincerely,

Mr. Joseph & Mrs. Laura Pizzuto
10S231 S. Vine Street
Burr Ridge, IL 60527

Dr. Priscilla & Mr. Kenneth Ware
10S265 S. Vine Street
Burr Ridge, IL 60527

Mr. Arnold & Mrs. Stephanie Muzzarelli
15W660 90th Street
Burr Ridge, IL 60527

Dr. Tamaji & Mrs. Sucheta Kulkarni
15W700 90th Street
Burr Ridge, IL 60527



Mrs. Pamela Styka
15W731 90th Street
Burr Ridge, IL 60527



Mrs. Lois Scolli Jacobs
15W770 90th Street
Burr Ridge, IL 60527









