



**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-23-000040 JB CAPITAL MANAGEMENT, LLC.
(Downers Grove/ District 3)**

DuPage County Board: August 8, 2023:

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

Conditional Use with exceptions for the existing buildings and improvements:

1. Exception from 40' required front yard setback from Jeans Road (widened in 1992) on proposed Lot 1 to approximately 0'.
2. Exception from 20' required rear yard setback on proposed Lot 1 to approximately 14.53'.
3. Exception to allow parking in existing 40' corner side yard on proposed Lot 1.
4. Exception to allow parking in existing 20' interior side yard on proposed Lot 1.
5. Exception from 20' required interior side yard setback on proposed Lot 2 to approximately 16.12'.
6. Exception from 20' required interior side yard setback on proposed Lot 2 to approximately 15'.

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-23-000040 JB CAPITAL MANAGEMENT, LLC.** dated July 11, 2023.
2. That the Conditional Use zoning relief shall expire after two (2) years from the date of approval of the subject zoning relief by the DuPage County Board if the proposed assessment plat is not recorded 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. All exceptions approved with the grant of the conditional use shall be for the existing building and improvements as described and detailed in the application and exhibits and will not inure to future development or redevelopment of the subject property.
 4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

DuPage County Zoning Board of Appeals: July 11, 2023: The Zoning Board of Appeals recommended to approve the following zoning relief:

Conditional Use with exceptions for the existing buildings and improvements:

1. Exception from 40' required front yard setback from Jeans Road (widened in 1992) on proposed Lot 1 to approximately 0'.
2. Exception from 20' required rear yard setback on proposed Lot 1 to approximately 14.53'.
3. Exception to allow parking in existing 40' corner side yard on proposed Lot 1.
4. Exception to allow parking in existing 20' interior side yard on proposed Lot 1.
5. Exception from 20' required interior side yard setback on proposed Lot 2 to approximately 16.12'.
6. Exception from 20' required interior side yard setback on proposed Lot 2 to approximately 15'.

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-23-000040 **JB CAPITAL MANAGEMENT, LLC.** dated July 11, 2023.
2. That the Conditional Use zoning relief shall expire after two (2) years from the date of approval of the subject zoning relief by the DuPage County Board if the proposed assessment plat is not recorded 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. All exceptions approved with the grant of the conditional use shall be for the existing building and improvements as described and detailed in the application and exhibits and will not inure to future development or redevelopment of the subject property.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

FINDINGS OF FACT:

1. That petitioner testified that the requested zoning relief is for the subject 2.29-acre site with two (2) existing industrial buildings containing two (2) businesses, including Haus of Imports (high-end vehicle storage/sales) and D&B Fabricators (steel container fabricator).
2. That petitioner testified that Jeans Road was widened in 1992 causing the subject property to be legal non-conforming due to the building and parking setbacks.
3. That petitioner testified that they do not propose any new improvements or changes to the existing property and that the purpose for the requested zoning relief is to reconfigure the subjects lots so that the two (2) existing buildings are on their own parcels rather than bisected by three (3) different parcel numbers.
4. That petitioner testified that he would complete the proposed lot reconfiguration through an assessment plat.
5. That petitioner testified that his original zoning request was for Variations to reduce the existing setbacks and that at the time of the public hearing he withdrew his original request and amended his petition to convert the Variations to Conditional Uses with Exceptions, which is considered a “lesser zoning relief” and therefore does not require republishing/re-notice of the petition.
6. That the Zoning Board of Appeals finds that petitioner has demonstrated sufficient evidence for the requested zoning relief, as petitioner has proposed to reconfigure the existing three (3) parcels to allow the two (2) existing buildings to each be located on their own parcel and that due to the expansion of Jeans Road in 1992, the subject property does not meet the current setback requirements for the I-1 Light Industrial Zoning District.

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 requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore, will not impair an adequate supply of light and air to

the adjacent properties as no alteration or new improvements will result from the requested exceptions.

- b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore, will not increase the hazard from fire or other dangers to said properties as no alteration or new improvements will result from the requested exceptions.
- c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore will not diminish the value of land and buildings throughout the County as no alteration or new improvements will result from the requested exceptions.
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore, will not unduly increase traffic congestion in the public streets and highways as no alteration or new improvements will result from the requested exceptions.
- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore, will not increase the potential for flood damages to adjacent properties as no alteration or new improvements will result from the requested exceptions.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore, will not incur additional public expense for flood protection, rescue, or relief as no alteration or new improvements will result from the requested exceptions.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore will not impair the public health, safety, comfort, morals or general welfare as no alteration or new improvements will result from the requested exceptions.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-23-000040 J B CAPITAL MANAGEMENT, LLC.
ZONING REQUEST	Conditional Use with exceptions for the existing buildings and improvements: 7. Exception from 40' required front yard setback from Jeans Road (widened in 1992) on proposed Lot 1 to approximately 0'. 8. Exception from 20' required rear yard setback on proposed Lot 1 to approximately 14.53'. 9. Exception to allow parking in existing 40' corner side yard on proposed Lot 1. 10. Exception to allow parking in existing 20' interior side yard on proposed Lot 1. 11. Exception from 20' required interior side yard setback on proposed Lot 2 to approximately 16.12'. 12. Exception from 20' required interior side yard setback on proposed Lot 2 to approximately 15'.
OWNER	J B CAPITAL MANAGEMENT, LLC. (JOHN DEYOUNG), 16W065 JEANS ROAD, LEMONT, IL 60439/ AGENT: MICHAEL M. ROTH, 2300 CABOT DRIVE, SUITE 455, LISLE, IL 60532-4613
ADDRESS/LOCATION	16W065 JEANS ROAD, LEMONT, IL 60439
PIN	10-11-204-048/10-11-204-052/ 10-11-204-047
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	I-1 LIGHT INDUSTRIAL INDUSTRIAL LOW
AREA	2.29 ACRES (99,752 SQ. FT.)
UTILITIES	WELL/SEPTIC
PUBLICATION DATE	Daily Herald: June 26, 2023
PUBLIC HEARING	TUESDAY, July 11, 2023
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	No Objections.
Stormwater:	No Objections.
Public Works:	No Objections with the concept of the petition. Additional information may be required at time of permit application. "We are the sewer and water provider for the area."
EXTERNAL:	
Village of Burr Ridge:	<i>No Comments Received.</i>
Downers Grove Township:	<i>No Comments Received.</i>
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
Tr-State Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 180:	<i>No Comments Received.</i>

Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you.”
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GENERAL BULK REQUIREMENTS LOT 1:

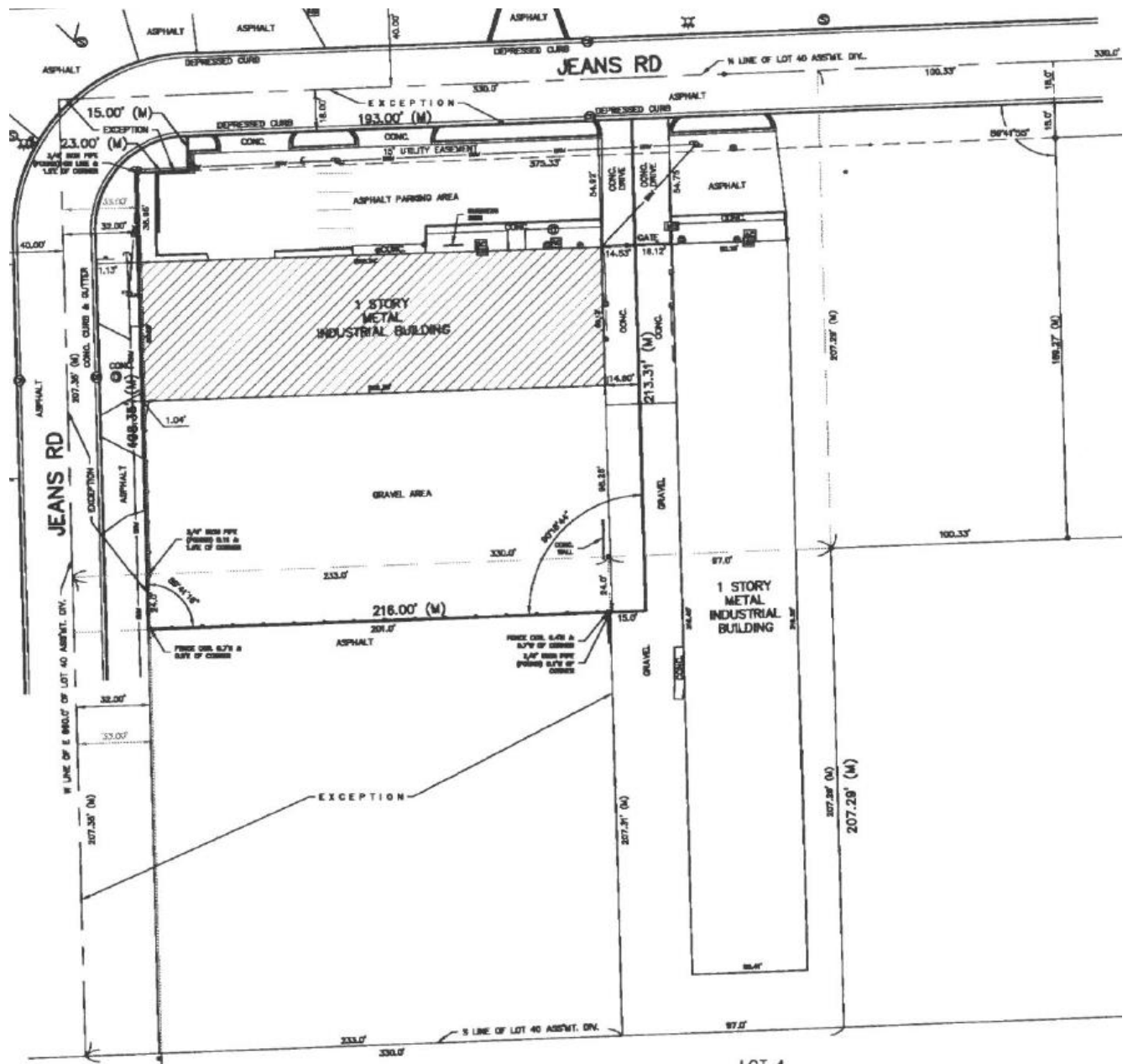
REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Front Yard:	40 FT	APPROX. 0 FT	APPROX. 0 FT
Int. Side Yard:	20 FT	APPROX. 0 FT	APPROX. 0 FT
Corner Side Yard:	40 FT	APPROX. 5 FT	APPROX. 5 FT
Rear Yard:	20 FT	APPROX. 14.53 FT	APPROX. 14.53 FT

GENERAL BULK REQUIREMENTS LOT 2:

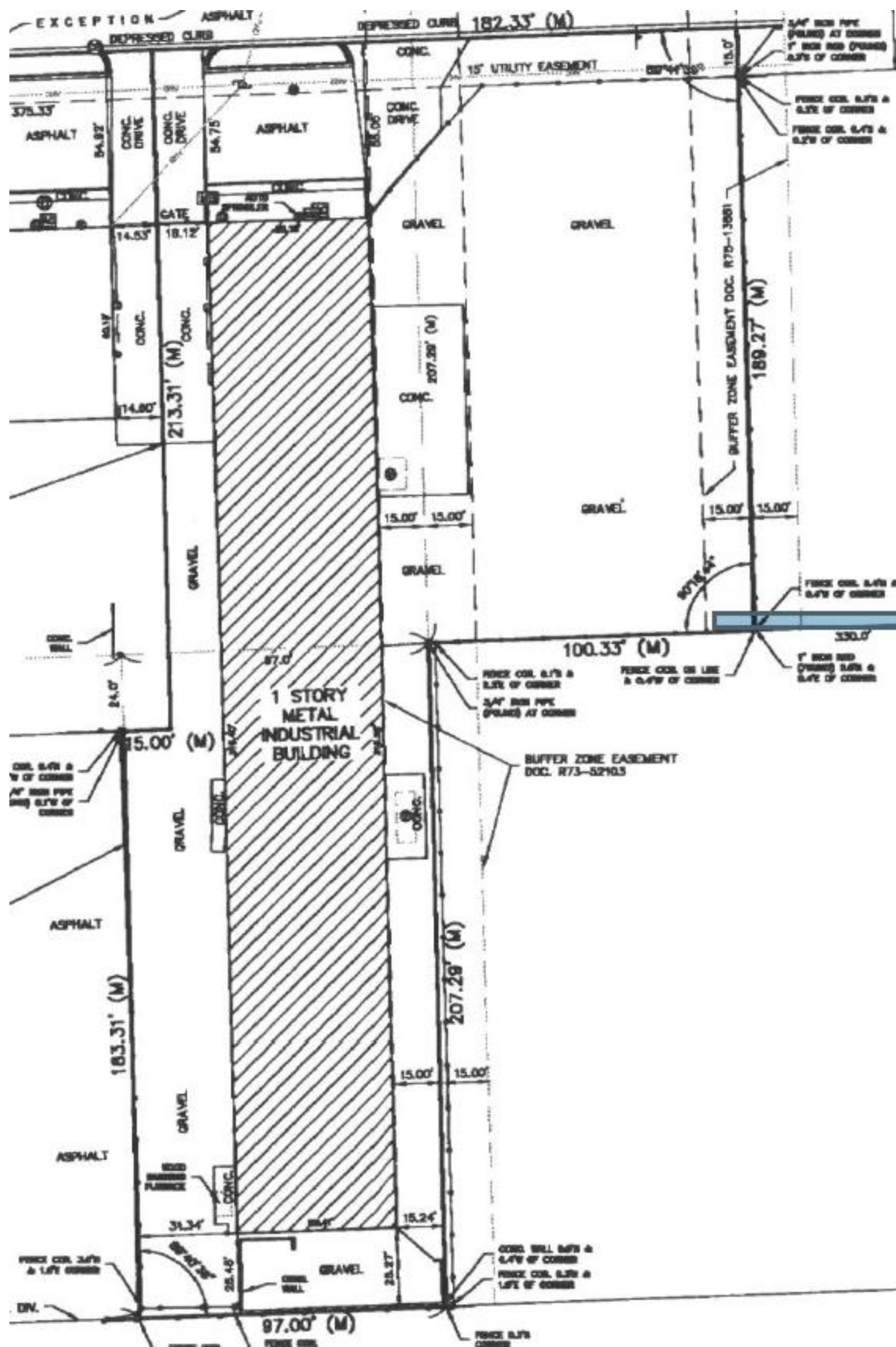
REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Front Yard:	40 FT	APPROX. 45 FT	APPROX. 45 FT
Int. Side Yard:	20 FT	APPROX. 16.12 FT	APPROX. 16.12 FT
Int. Side Yard:	20 FT	APPROX. 15 FT	APPROX. 15 FT
Rear Yard:	20 FT	APPROX. 25 FT	APPROX. 25 FT

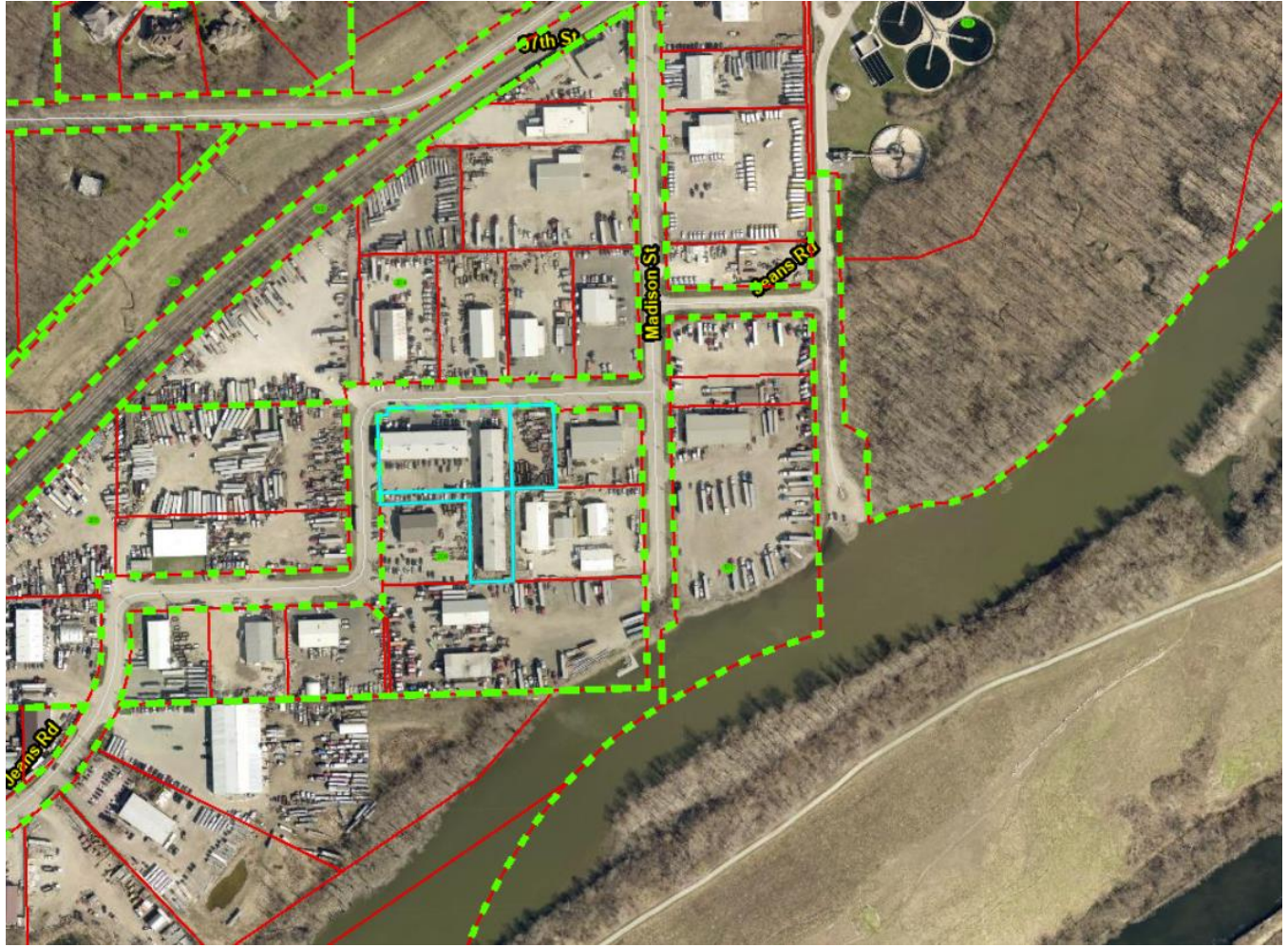
LAND USE

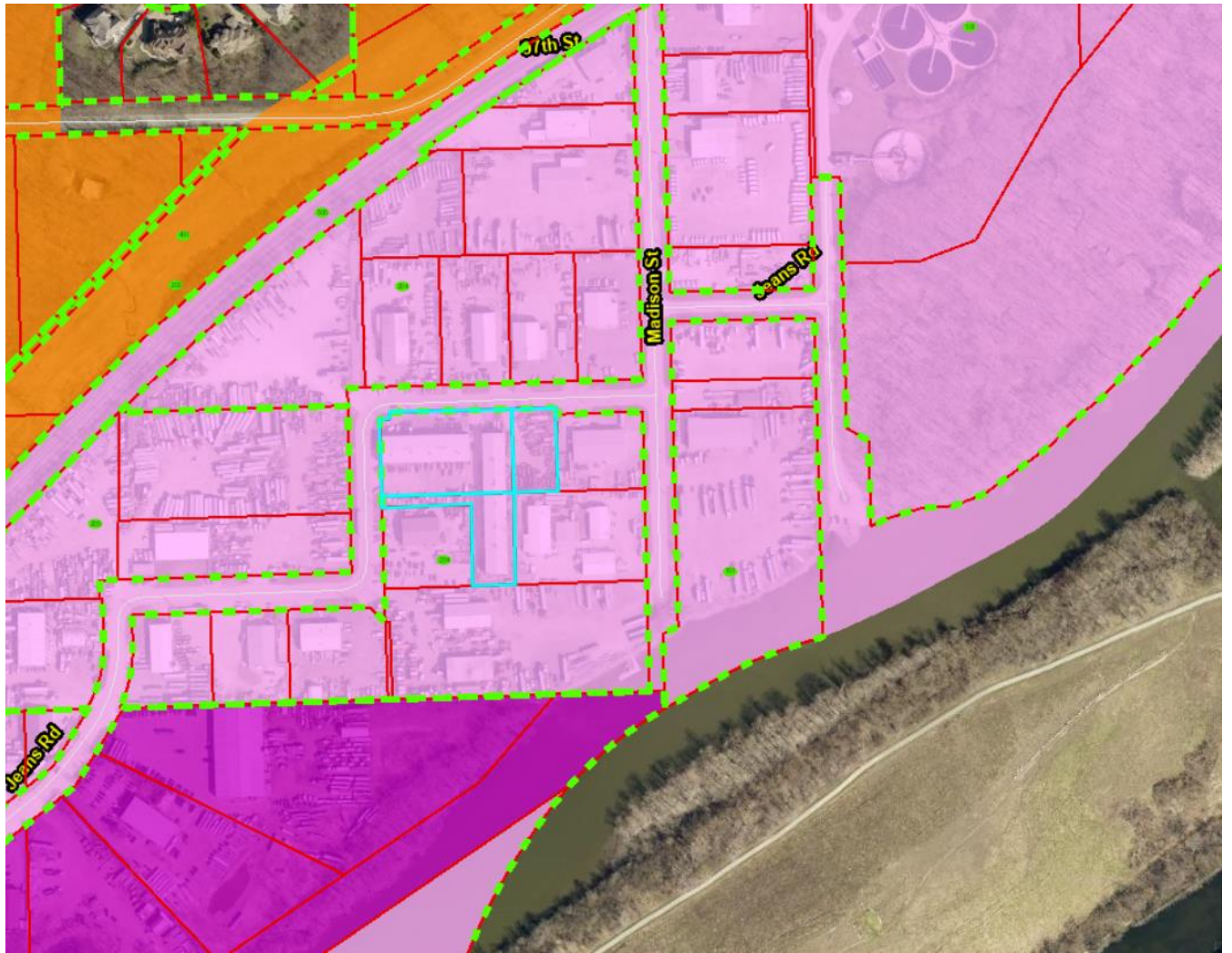
Location	Zoning	Existing Use	LUP
Subject	I-1 Light Industrial	Industrial	INDUSTRIAL LOW
North	Jeans Road and beyond I-1 Light Industrial	Industrial	INDUSTRIAL LOW
South	I-1 Light Industrial	Industrial	INDUSTRIAL LOW
East	I-1 Light Industrial	Industrial	INDUSTRIAL LOW
West	Jeans Road and beyond I-1 Light Industrial	Industrial	INDUSTRIAL LOW

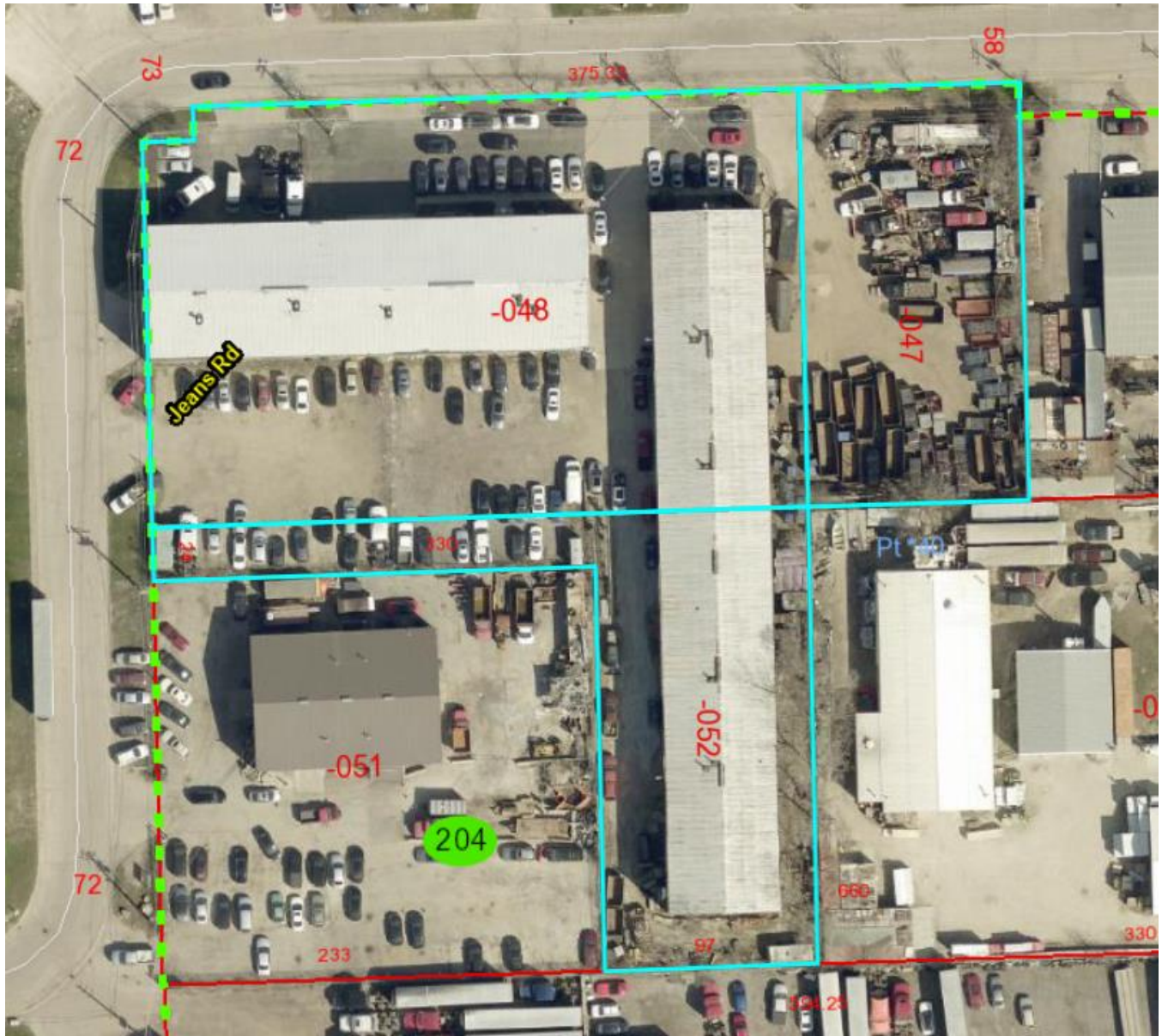


LOT 4
 TRUKA AND FLAKS DESIGNS









Zoning Application Narrative

The subject site is 2.291 acres zoned I-1, fully developed with two (2) 1-story industrial buildings. Jeans Road was widened in 1992, and the site is legal non-conforming due to setbacks. Applicant does not propose any new improvements or changes to existing improvements. For purposes of sale, Applicant is applying to DuPage County for:

1. Conditional Use status in the I-1 zoning district with exceptions for the existing buildings and improvements described and detailed in the application and exhibits; subject to the following conditions:
 - a. Standard Zoning Board of Appeals conditions; and
 - b. The conditional use zoning relief shall be tied to the approved site plan; and
 - c. All exceptions approved with the grant of the conditional use shall be for the existing building and improvements as described and detailed in the application and exhibits and will not inure to future development or redevelopment of the subject property.
2. The site approval shall be by the approval of "parcels" by assessment plats, as shown in the draft site plan, and subdivision/assessment and survey plats submitted, each parcel being improved with the existing, single building, as depicted on attached ALTA Lot 1 and ALTA Lot 2 surveys.

The exceptions for which approval is requested are from the current yard setback standards under Section 37-1001.4 of the County Zoning Code:

1. An exception from 40' required front yard setback from Jeans Road (widened in 1992) on proposed Lot 1 to 0'.
2. An exception from 20' required rear yard setback on proposed Lot 1 to 14.53'.
3. An exception to allow parking in existing 20' interior side yard on proposed Lot 1.
4. An exception from 20' required interior side yard setback on proposed Lot 2 to 16.12'.

The exceptions, if granted will not:

- impair an adequate supply of light and air to the adjacent property. No alteration or new improvements will result from the requested exceptions.
- increase the hazard from fire or other dangers to said property. No alteration or new improvements will result from the requested exceptions.
- diminish or have any effect on the value of land and buildings throughout the County.

- unduly increase or have any effect on traffic congestion in the public streets and highways.
- increase the potential for flood damages to adjacent property. No alteration or new improvements will result from the requested exceptions.
- Incur additional public expense for flood protection, rescue or relief. No alteration or new improvements will result from the requested exceptions.
- otherwise impair the public health safety comfort morals or general welfare of the inhabitants of DuPage County. The subject site is fully improved and no alteration or new improvements will result from the requested exceptions.

