

Ordinance

DC-O-0106-20

WHEREAS, a public hearing was held on October 28, 2020 and November 4, 2020 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

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

1. A Variation from Section 37-1105-1 to allow two (2) pole mounted advertising signs as permitted signs in the R-4 Single Family Residence District; and
2. A Variation to exceed the allowable square foot per face in the R-4 district from twenty-four (24) square feet to approximately twelve hundred (1200) square feet; and
3. A Variation to exceed the maximum height in the R-4 District from six (6) feet to approximately one-hundred (100) feet; and
4. A Variation from the required setback (east) from the right-of-way from one hundred and twenty (120) feet to approximately five (5) feet; and
5. A Variation in side yard (south) setback from twenty (20) feet to approximately five (5) feet; and
6. A Conditional Use to utilize electronic display techniques on the advertising signs, on the property hereinafter described:

PARCEL NO: TW-7-16-001.1 P

THAT PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, BEARINGS BASED ON ILLINOIS STATE PLANE COORDINATES, EAST ZONE, NAD83 (2007 ADJUSTMENT), DESCRIBED AS FOLLOWS: COMMENCING AS THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SAID SECTION 36; THENCE SOUTH 87 DEGREES 58 MINUTES 47 SECONDS WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 33.02 FEET TO A LINE BEING 33.00 FEET WEST OF (AS MEASURED PERPENDICULAR TO) AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER AND THE POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 05 MINUTES 29 SECONDS EAST, ALONG SAID PARALLEL LINE, 1,421.55 FEET TO THE SOUTH LINE OF THE NORTH 98.38 FEET OF THE SOUTH HALF OF SAID NORTHEAST QUARTER; THENCE SOUTH 87 DEGREES 51 MINUTES 53 SECONDS WEST ALONG SAID SOUTH LINE, 137.12 FEET; THENCE NORTH 0 DEGREES 09 MINUTES 32 SECONDS WEST, 37.31 FEET; THENCE NORTH 5 DEGREES 17 MINUTES 54 SECONDS EAST, 229.06 FEET; THENCE NORTH 8 DEGREES 55 MINUTES 22 SECONDS EAST, 202.22 FEET; THENCE NORTH 6 DEGREES 57 MINUTES 13 SECONDS EAST, 180.44 FEET; THENCE NORTH 5 DEGREES 40 MINUTES 50 SECONDS EAST, 190.00 FEET TO A TANGENTIAL CURVE; THENCE 448, 13 FEET ALONG A TANGENTIAL CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 7,7970.00 FEET AND CHORD THAT BEARS NORTH 4 DEGREES 04 MINUTES 12 SECONDS EAST, 448.07 FEET; THENCE NORTH 0 DEGREES 01 MINUTES 34 SECONDS WEST, 146.50 FEET TO SAID NORTH LINE OF THE NORTHEAST QUARTER; THENCE NORTH 87 DEGREES 58 MINUTES 47 SECONDS EAST, 10.01 FEET TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 2.037 ACRE, OR 88,737 SQUARE FEET, MORE OR LESS.

PARCEL NO: TW-7-16-001.2P

THAT PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, BEARINGS BASED ON ILLINOIS STATE PLAN COORDINATES, EAST ZONE NAD83 (2007 ADJUSTMENT), DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 36; THENCE SOUTH 0 DEGREES 05 MINUTES 29 SECONDS EAST, 1,421.48 FEET TO THE SOUTH LINE OF THE NORTH 98.38 FEET OF THE SOUTH

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HALF OF SAID NORTHEAST QUARTER; THENCE SOUTH 87 DEGREES 51 MINUTES 53 SECONDS WEST, ALONG SAID SOUTH LINE, 33.02 FEET TO A LINE BEING 33.00 FEET WEST OF (AS MEASURED PERPENDICULAR TO) AND PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 0 DEGREES 05 MINUTES 29 SECONDS WEST, 1,421.55 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 87 DEGREES 58 MINUTES 47 SECONDS EAST, ALONG SAID NORTH LINE OF NORTHEAST QUARTER, 33.02 FEET THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.077 ACRES OR 46,910 SQUARE FEET, MORE OR LESS.

PARCEL NO: TW-7-16-001.T

THAT PART OF THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, BEARINGS BASED ON ILLINOIS STATE PLAN COORDINATES, EAST ZONE NAD83 (2007 ADJUSTMENT), DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SAID SECTION 36; THENCE SOUTH 87 DEGREES 58 MINUTES 47 SECONDS WEST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, 43.03 FEET TO POINT OF BEGINNING; THENCE SOUTH 0 DEGREES 01 MINUTES 34 SECONDS EAST, 146.40 FEET; THENCE 448.13 FEET ALONG A TANGENTIAL CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 7970.00 FEET AND A CHORD THAT BEARS SOUTH 4 DEGREES 04 MINUTES 12 SECONDS WEST, 448.07 FEET; THENCE SOUTH 5 DEGREES 40 MINUTES 50 SECONDS WEST, 190.00 FEET THENCE SOUTH 6 DEGREES 57 MINUTES 13 SECONDS WEST, 180.44 FEET; THENCE SOUTH 8 DEGREES 55 MINUTES 22 SECONDS WEST, 202.22 FEET; THENCE SOUTH 5 DEGREES 17 MINUTES 54 SECONDS WEST, 229.06 FEET; THENCE SOUTH 0 DEGREES 09 MINUTES 32 SECONDS EAST, 37.31 FEET TO THE SOUTH LINE OF THE NORTH 98.38 FEET OF THE SOUTH HALF OF SAID NORTHEAST QUARTER; THENCE NORTH 87 DEGREES 51 MINUTES 53 SECONDS WEST, ALONG SAID SOUTH LINE, 123.05 FEET; THENCE NORTH 0 DEGREES 05 MINUTES 29 SECONDS WEST, 342.87 FEET; THENCE NORTH 44 DEGREES 33 MINUTES 49 SECONDS EAST, 23639 FEET; THENCE NORTH 6 DEGREES 57 MINUTES 25 SECONDS EAST, 139.070 FEET; THENCE NORTH 5 DEGREES 40 MINUTES 50 SECONDS EAST, 190.00 FEET; THENCE 446.96 FEET ALONG A TANGENTIAL CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 7955.00 FEET AND A CHORD THAT BEARS NORTH 4 DEGREES 04 MINUTES 16 SECONDS EAST, 446.90 FEET; THENCE NORTH 0 DEGREES 01 MINUTES 34 SECONDS WEST, 145.56 FEET TO THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 87 DEGREES 58 MINUTES 47 SECONDS EAST ALONG SAID NORTH LINE 15.01 TO THE POINT OF BEGINNING. SAID PARCEL ALONG SAID NORTH LINE, 15.01 TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 1.714 ACRES, OR 74648 SQUARE FEET, MORE OR LESS; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on November 4, 2020 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that he seeks the subject zoning relief to build two (2) new dual-paneled LED/electronic, "V" shaped billboard signs on the eastern side of the subject property.
- B. That petitioner testified that the subject property is known as the Maywood Sportsman's Club, established in 1952, which provides recreational amenities such as fishing, archery, shooting, hunter safety classes, and Boy Scout's events.
- C. That petitioner testified that the subject property is comprised of approximately sixty-two (62) acres, with a large portion being a lake and wetlands.
- D. That petitioner testified that the two (2) proposed billboard signs will be 1,200 sq. ft. / per face, 100 feet tall, internally lit via LED, and fully in compliance with all IDOT regulations.

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- E. That petitioner testified that the proposed billboard signs will be angled in a way that does not face residential properties to the west and northwest of the subject property and that petitioner has planned to replant trees along the northwestern and western edge of the subject property, and that petitioner also plans to construct a sound wall as an additional buffer between the Club and residential properties.
- F. That petitioner testified that the Illinois Tollway has recently taken land for the expansion of I-294 and that due to the takings, the petitioner will lose three (3) shooting fields and plans to relocate the current driveway/entryway, further requiring the two (2) proposed billboard signs to be located closed to the front/east property line.
- G. That petitioner testified that there are approximately 10-12 billboard signs in the surrounding area due to the proximity of I-294, and that due to the size and layout of the subject property, in order for a sign to be visible to I-294, the subject zoning relief for the two (2) proposed billboard signs are required.
- H. That petitioner testified that he has revised the original zoning request and site plan, moving the two (2) proposed billboard signs to the north, and that the zoning request for a Variation in side yard (south) setback from twenty (20) feet to approximately five (5) feet is no longer required and requests that the Variation in side yard (south) setback from twenty (20) feet to approximately five (5) feet be withdrawn. Accordingly, that part of the original request for relief (namely request 5: Variation for the side yard (south) setback from twenty (20) feet to approximately five (5) feet be) is denied.
- I. The Hearing Officer finds that petitioner has demonstrated evidence for a practical difficulty and unique circumstance in carrying out the strict letter of regulations of the Zoning Ordinance, as the subject property has a takings from the Illinois Tollway for the expansion of I-294 and that due to the size and layout of the subject property, in order for a sign to be visible to I-294, the subject zoning relief for the two (2) proposed billboard signs are required.

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:

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- a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the two (2) proposed billboard signs will be located at the eastern edge of the property, facing I-294, and not impairing the supply of light and air to adjacent properties.
- b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the sign 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 two (2) proposed billboard signs will be located at the eastern edge of the subject property, facing I-294 and industrial uses, and will not diminish the value of land and buildings.
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the two (2) proposed billboard signs will be located at the eastern edge of the subject property, facing I-294 and will comply with all IDOT rules and regulations.
- 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 sign.
- 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 sign.
- 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) proposed billboard signs will be located at the far eastern edge of the subject property and facing away from all residential areas, and therefore does 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	Z20-078 Maywood Sportsman's Club
ZONING REQUEST	1. A Variation from Section 37-1105-1 to allow two (2) pole mounted advertising signs as permitted signs in the R-4 Single Family Residence District; and 2. A Variation to exceed the allowable square foot per face in the R-4 district from twenty-four (24) square feet to approximately twelve hundred (1200) square feet; and 3. A Variation to exceed the maximum height in the R-4 District from six (6) feet to approximately one-hundred (100) feet; and 4. A Variation from the required setback (east) from the right-of-way from one hundred and twenty (120) feet to approximately five (5) feet; and 5. A Conditional Use to utilize electronic display techniques on the advertising signs.
OWNER	MAYWOOD SPORTSMAN'S CLUB, 2N700 COUNTY LINE ROAD, ELMHURST, IL 60126 / AGENT: PHILLIP A. LUETKEHANS, 105 E.

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	IRVING PARK ROAD, ITASCA, IL 60143	
ADDRESS/LOCATION	2N700 COUNTY LINE ROAD, ELMHURST, IL 60126	
PIN	03-36-204-002	
TWSP./CTY. BD. DIST.	Addison	District 1
ZONING/LUP	R-4 SF RES	Open Space
AREA	62.37 acres (2,716,837 sq. ft.)	
UTILITIES	Well and Septic	
PUBLICATION DATE	Daily Herald: October 13, 2020	
PUBLIC HEARING	Wednesday, October 28, 2020, continued to November 4, 2020 via Zoom Conference Call	
<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.	
EXTERNAL:		
City of Elmhurst:	No Comments Received.	
Village of Bensenville:	Our office has no jurisdiction in this matter.	
Addison Township:	No Comments Received.	
Township Highway:	No Comments Received.	
Bensenville Fire Dist.:	No Comments Received.	
Sch. Dist. 205:	No Comments Received.	
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 specific comments. Thank you."	

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GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Front Yard:	120 FT	NA	5 FT..
Int. Side Yard:	20 FT	NA	411 FT
Height:	6 FT	NA	100 FT
Area:	24 SQ. FT./FACE	NA	1,200 SQ. FT. / FACE

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	Recreational	Open Space
North	City of Elmhurst and I-1 Light Industrial	Residential and Industrial	TUI
South	City of Elmhurst	Industrial	City of Elmhurst
East	County Line Road and beyond Cook County	Industrial	Cook County
West	City of Elmhurst	Place of Assembly	City of Elmhurst

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on November 4, 2020, recommends to approve the following zoning relief:

1. A Variation from Section 37-1105-1 to allow two (2) pole mounted advertising signs as permitted signs in the R-4 Single Family Residence District; and
2. A Variation to exceed the allowable square foot per face in the R-4 district from twenty-four (24) square feet to approximately twelve hundred (1200) square feet; and
3. A Variation to exceed the maximum height in the R-4 District from six (6) feet to approximately one-hundred (100) feet; and
4. A Variation from the required setback (east) from the right-of-way from one hundred and twenty (120) feet to approximately five (5) feet; and

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5. A Conditional Use to utilize electronic display techniques on the advertising signs.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z20-078 **Maywood Sportsman's Club** on November 4, 2020
2. That the petitioner provides a landscape plan showing partial landscape screens at the northwestern and western perimeter of the property.
3. That the two (2) subject signs comply with all IDOT rules and regulations.
4. 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.
5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZHO Recommendation to Approve

WHEREAS, the County Board Development Committee on November 17, 2020, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to approve the following zoning relief:

1. A Variation from Section 37-1105-1 to allow two (2) pole mounted advertising signs as permitted signs in the R-4 Single Family Residence District; and
2. A Variation to exceed the allowable square foot per face in the R-4 district from twenty-four (24) square feet to approximately twelve hundred (1200) square feet; and
3. A Variation to exceed the maximum height in the R-4 District from six (6) feet to approximately one-hundred (100) feet; and
4. A Variation from the required setback (east) from the right-of-way from one hundred and twenty (120) feet to approximately five (5) feet; and
5. A Conditional Use to utilize electronic display techniques on the advertising signs.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z20-078 **Maywood Sportsman's Club** on November 4, 2020

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2. That the petitioner provides a landscape plan showing partial landscape screens at the northwestern and western perimeter of the property.
3. That the two (2) subject signs comply with all IDOT rules and regulations.
4. 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.
5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

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

1. A Variation from Section 37-1105-1 to allow two (2) pole mounted advertising signs as permitted signs in the R-4 Single Family Residence District; and
2. A Variation to exceed the allowable square foot per face in the R-4 district from twenty-four (24) square feet to approximately twelve hundred (1200) square feet; and
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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 #Z20-078 Maywood Sportsman's Club on November 4, 2020
2. That the petitioner provides a landscape plan showing partial landscape screens at the northwestern and western perimeter of the property.

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3. That the two (2) subject signs comply with all IDOT rules and regulations.
4. 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.
5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; MAYWOOD SPORTSMAN'S CLUB, 2N700 COUNTY LINE ROAD, ELMHURST, IL 60126 / AGENT: PHILLIP A. LUETKEHANS, 105 E. IRVING PARK ROAD, ITASCA, IL 60143; and Township Assessor, Addison Township, 401 North Addison Road, Addison, IL 60101.

Enacted and approved this 24th day of November, 2020 at Wheaton, Illinois


DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest


JEAN KACZMAREK, COUNTY CLERK

AYES 18
NAYS 0
ABSENT 0