



DU PAGE COUNTY

Development Committee

Final Summary

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

Tuesday, August 1, 2023

10:30 AM

ROOM 3500B

1. CALL TO ORDER

2. ROLL CALL

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

3. CHAIRMAN'S REMARKS- CHAIR TORNATORE

Chair Tornatore reminded the Committee of the discussion about the County adopting a grass ordinance a few weeks ago. Counsel provided him with a copy of a provision in the County Code where the Board can provide for cutting of weeds in subdivisions. He added that essentially there is a mechanism in place and would leave it up to the Committee if there would be further discussion about a future ordinance.

4. PUBLIC COMMENT

Ray Shenudo spoke in support of Zoning Petition 23-000021 Malinin. He told the Committee they are not seeking to reduce the lot size, just the orientation. The reason for the variation is needed, because if divided vertically instead of horizontally, it will create long, narrow lots, instead of more square shaped lots.

Mike Roth, Attorney for JB Capital Management, LLC and spoke on behalf of petition 23-000040. The matter received from the Zoning Board of Appeals, a unanimous recommendation to approve the petition. He shared that this is a legal non-conforming property and they are wanting to sell the two buildings to separate owners and this is the way to make this legal. The exceptions noted in the report are already existing conditions.

Mike Zawislak spoke in support of the Malinin petition. The lots are configured in a east/west orientation and the petitioner is asking for the division to be configured north/south to create a more desirable, marketable lot for building a new home.

The online submission for public comment from this Development Committee meeting are included for the record in their entirety. It can be found at the back of the minutes packet.

5. MINUTES APPROVAL

5.A. [23-2496](#)

Development Committee - Regular Meeting - Tuesday, July 11, 2023

Attachments: [Summary Meeting Minutes](#)

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

6. REGULATORY SERVICES

6.A. [23-2497](#)

ZSE-23-000005 Abhyudaya Retreat Center Wedding: To approve the special event action item:

A wedding ceremony and two (2) pre-wedding events to be held at the Abhyudaya Retreat Center on September 2, 2023 and September 3, 2023 for between 200-220 guests. (Downers Grove/ District 3) (Generally located northwest of Route 83 and Bluff Road)

Attachments: [ZSE-23-000005 Abhyudaya Retreat Center Wedding \(08-01-2023\).pdf](#)

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

6.B. [DC-O-0031-23](#)

ZONING-23-000021 – Malinin: To approve the following zoning relief:

- Variation to reduce the required lot width from required 165' to approximately 145.3' for Lot 1 and 145.3 for Lot 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. (Downers Grove/ District 3) (If the County Board seeks to approve the zoning relief it will require a $\frac{3}{4}$ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)

ZHO Recommendation to Deny

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

Attachments: [Z-23-000021 Malinin Cty. Bd. \(08-08-2023\)_Redacted.pdf](#)

Member Krajewski received a call about this case and noted that similar cases have been approved before, so why the recommendation to deny? There was a concern raised from the Village of Burr Ridge that the developer was trying to avoid the Vine Street recapture fee, but was not opposed to the lot reconfiguration. Chair Tornatore added that the electronic comment received was from neighbors in opposition to this petition.

Member Rutledge inquired if any previous zoning relief was granted on this property. Paul Hoss answered no and explained that when these lots were originally divided the zoning designation of R-1 did not exist. The lots are legal and buildable. They are historic lots of record and legal non-conforming. When the lots are reconfigured, they will lose that legal non-conforming designation and variations are required. The lot sizes are going to be the same, the lot widths are the same, they are going to be reconfigured, north and south. He added the hardship and practical difficulty on these lots is the vacant lot to the north, it is heavily wooded and has a rise of about 7 feet. By reconfiguring the lots north to south, they will have a more buildable lot for a new home.

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

6.C. [DC-O-0032-23](#)

ZONING-23-000028 – Catie’s Place, LLC.: To approve the following zoning relief: Variation to reduce the required parking spaces for a Class A Restaurant from 19 parking spaces to 10 parking spaces. (York/District 2) (If the County Board seeks to approve the zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Board of Appeals)
ZBA VOTE (to Deny): 4 Ayes, 2 Nays, 1 Absent
Development Committee VOTE (Motion to Approve Failed): 0 Ayes, 5 Nays, 1 Absent

Attachments: [Z-23-000028 Catie's Place, LLC. Cty. Bd. \(08-08-2023\) Redacted.pdf](#)

Paul Hoss explained that the County defaults to the state laws for video gaming establishments, which requires a liquor license. The petitioner presented they will operate a Class A restaurant with video gaming and that the other businesses in the strip mall close by 6-7 p.m. This would free up parking spaces in the evening, but technically they don't meet the parking regulations. The ZBA recognized that if the gaming establishment closed and another Class A restaurant moved in, they would most likely not operate as the video gaming establishment did.

Chair Tornatore pointed out that a variation runs with the land and could impact future businesses in this strip mall. There is the another possibility of the petitioner asking for a conditional use, for just gaming establishments.

RESULT:	DEFERRED
MOVER:	Liz Chaplin

SECONDER:	Sheila Rutledge
NAY:	Chaplin, Gustin, Krajewski, Rutledge, and Tornatore
ABSENT:	Ozog

6.D. [DC-O-0033-23](#)

ZONING-23-000030 – Bakas: To approve the following zoning relief:
Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback. (Lisle/District 2)
ZHO Recommendation to Approve
Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

Attachments: [Z-23-000030 Bakas Cty. Bd. \(08-08-2023\).pdf](#)

Member Chaplin, stated she is concerned about corner properties having 100% closed fences, causing blind spots. Mr. Hoss referred Committee Members to a map inside the packet. After explaining the unusual set up for the subject property and the property behind it, Members could see there was no line of sight issue.

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

6.E. [DC-O-0034-23](#)

ZONING-23-000031 – Eiternick: To approve the following zoning relief:
Conditional Use to allow existing deck structure to remain less than 3 feet (approximately 1 foot) from the interior side property line, where it has existed for at least 5 years. (Addison/ District 1)
ZHO Recommendation to Approve
Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

Attachments: [Z-23-000031 Eiternick Cty. Bd. \(08-08-2023\) Redacted.pdf](#)

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

6.F. [DC-O-0035-23](#)

ZONING-23-000040 – JB Capital Management, LLC.: 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’. (Downers Grove/ District 3)

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

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

Attachments: [Z-23-000040 J B Capital Management, LLC. Cty. Bd. \(08-08-2023\).pdf](#)

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

8. OLD BUSINESS

No old business was discussed.

8. NEW BUSINESS

No new business was discussed.

10. ADJOURNMENT

Motion was made by Vice-Chair Rutledge, seconded by Member Chaplin and without objection the Development Committee meeting was adjourned at 11:22 a.m.

11. ROLL CALL

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

12. CHAIRMAN'S REMARKS- CHAIR TORNATORE

Chair Tornatore went over the procedures of the hearing and informed the Committee Members that there was a previous appeal hearing on this permit last year.

13. PUBLIC COMMENT

No public comments were offered.

14. ADMINISTRATIVE APPEAL HEARING14.A. **23-2498**

Action Item - Request by VB BTSII, LLC for Appeal of the Building Official's decision on issuance of a new building permit under Building Code Section 8-112.6's Exception after revocation of Permit Number T69474

Attachments:

[Medinah Spring Valley Cell Tower 2nd Appeal Memo for Development Committee 8-1-2023.pdf](#)

[Rejection Letter to Vertical Bridge 7-10-2023.pdf](#)

[June 26 2023 Appeal Packet from VTB.pdf](#)

[Corrected Notice of Appeal of 7-10-23 Final Administrative Decision.pdf](#)

[4886-1222-4099.2 - Final Administrative Decision.wExhibits from DuPage County 2023-49_Redacted.pdf](#)

[4865-7270-6161.2 - Snipped Image of Lot 171.pdf](#)

Jim Stran explained that a permit was issued in July, 2022. Prior to it being issued, a bond receipt from Bloomingdale Township was submitted by the applicant to obtain the permit. The permitting process was delayed to litigation. Unbeknownst to the County the township bond had expired, the permit was rescinded due to not meeting the requirement of either a waiver or receipt of a paid bond. There was a hearing last November, to reconsider our position. The County did not reissue the permit. Vertical Bridge has submitted a amended application asking to re-evaluate our position based on the exception to section 112.6. Mr. Stran stated the County's position is that this section would not apply to this permit, and denied the re-issue of the permit.

Melanie Chico, Counsel for Vertical Bridge presented their appeal. Her client leased land to build a cell tower and needed to build a construction road from the cell tower site to Spring Valley Drive and Glendale Road. The County revoked the permit, based on the lack of a Township access permit. Initially the township had issued a permit and then changed positions, after citizens had lost a lawsuit challenging the validity of the lease on the property. The Township then claimed they owned the easement area where the access road was to be built. The township advised Vertical Bridge they would need to enter into a lease with the Township, which would be subject to a vote. Earlier this year the county updated their GIS maps, showing this easement area is part of Lot 171, which Vertical Bridge is leasing. In March the Township, though still claiming ownership of the easement, would allow the work, however they set some conditions, including a \$7,500 bond and that another route be used other then over this easement. Vertical Bridge has asked that the County apply the exception based on these new developments. She thanked the Committee for their consideration.

Jim Stran responded that the County is not taking a position on the ownership of Lot 171. Our ordinance requires us to have a bond receipt or waiver issued by the authority having jurisdiction over the right-of-way. The Township has not issued any document to the County. Assistant State's Attorney Nicholas Alfonso referred to the Illinois Highway Code Section 9-113 supporting the County's decision.

Counsel rebutted, that the Township is no longer raising an issue with the right-of-way, so the exception should apply.

A discussion ensued.

RESULT:	DEFEATED
MOVER:	Sheila Rutledge
SECONDER:	Liz Chaplin
NAY:	Chaplin, Krajewski, Rutledge, and Tornatore
ABSENT:	Gustin, and Ozog

15. OLD BUSINESS

No old business was discussed.

16. NEW BUSINESS

No new business was discussed.

17. ADJOURNMENT

With no further business, the Building Board of Appeals meeting was adjourned at 11:42 a.m.