



**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

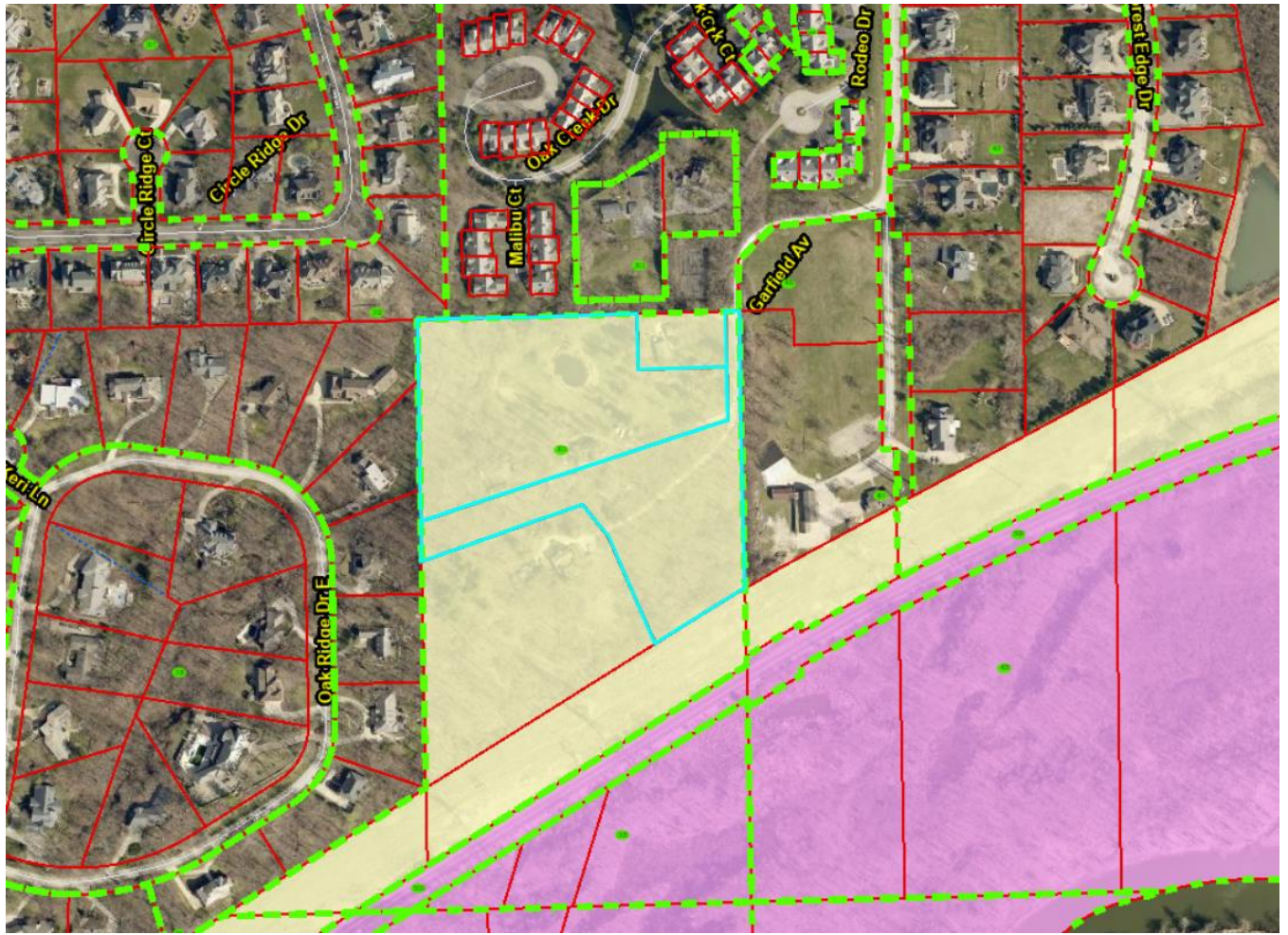
GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-22-000065 Aliyeva	
ZONING REQUEST	Variation to reduce the required lot width from required 165 feet to approximately 143.55 feet for Lot 2.	
OWNER	KAMALYA ALIYEVA, 299 COLUMBINE DRIVE, CLARENDON HILLS, IL 60514/ AGENT: V3 COMPANIES (C/O DWAYNE 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:

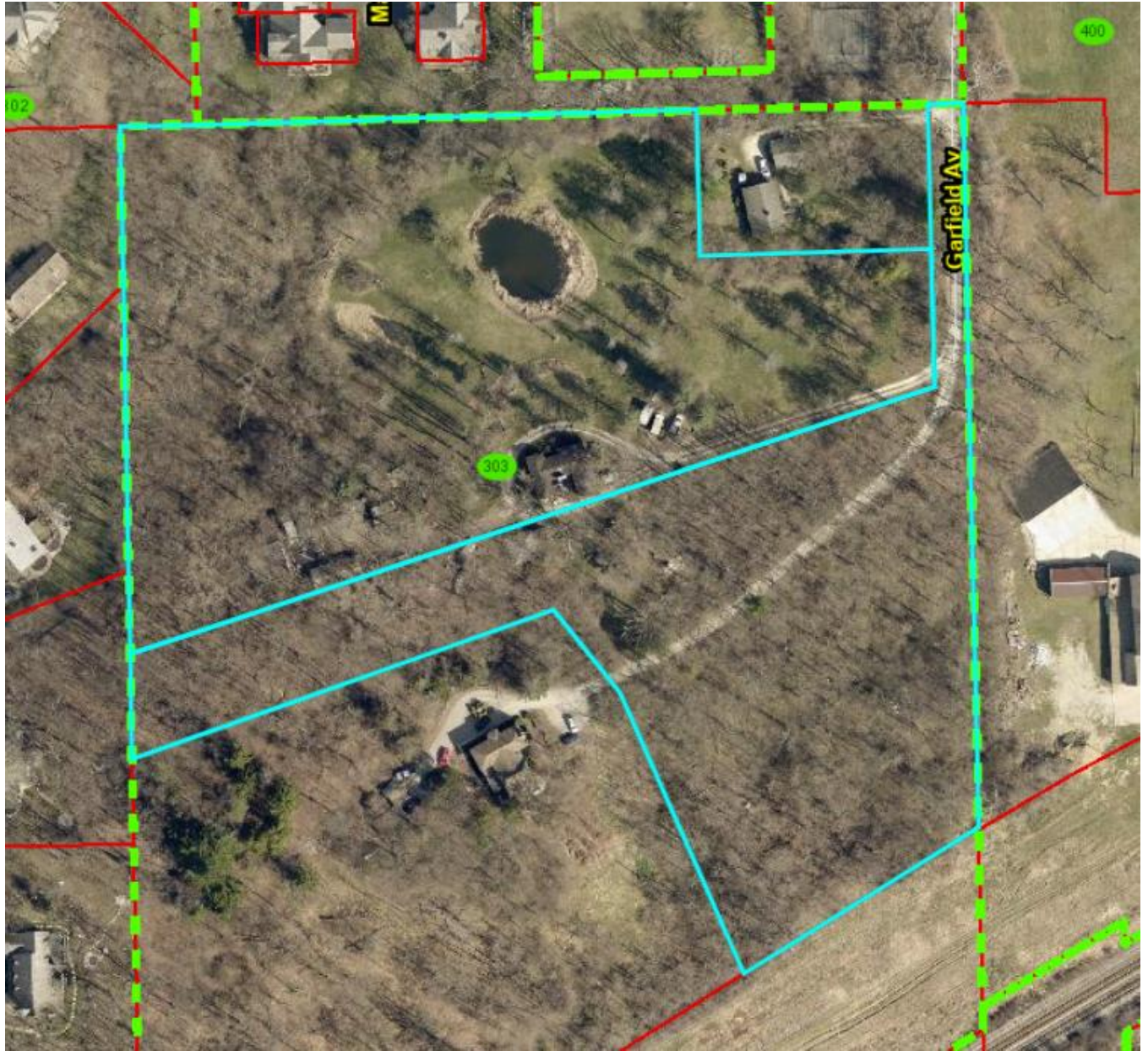
REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Lot Width:	165 FT	NA	143.55 FT

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.) of the South East quarter (S.E.) 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.

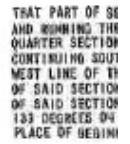
Subscribed and sworn to before me this 24th day of May A. D. 1918.

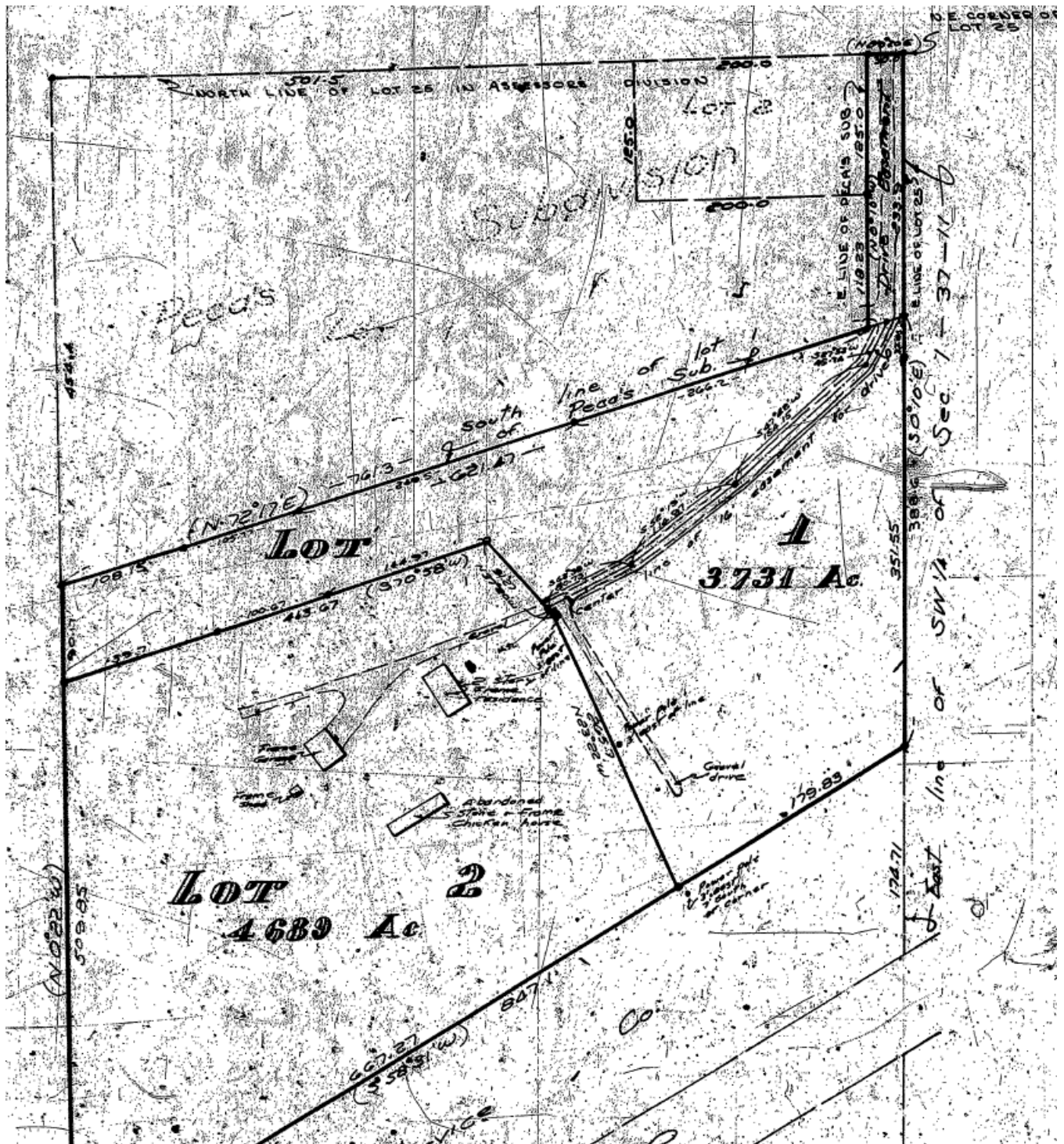
o o o o o o o o o o
o Henry B. Koller, o
o Notary Public o
o Cook Co. Ills. o
o o o o o o o o o

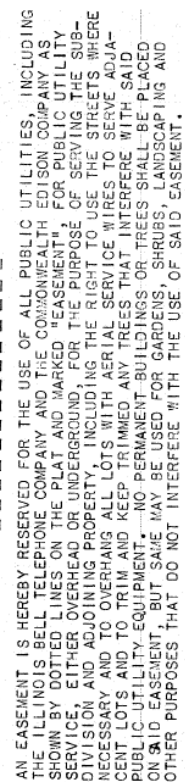
Henry B. Koller,
Notary Public.

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

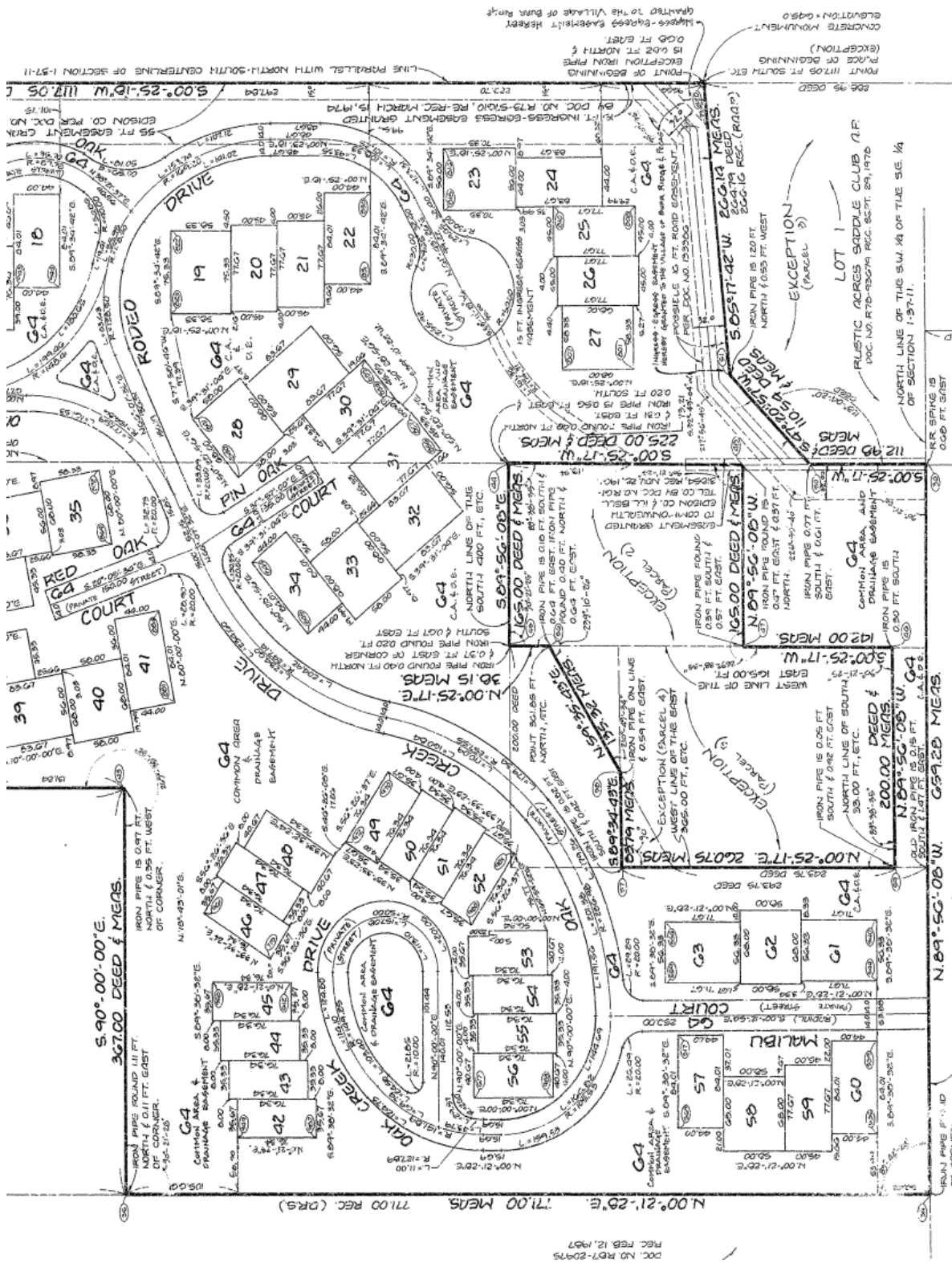
RUST







15





**DUPAGE
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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	
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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.



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.



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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.

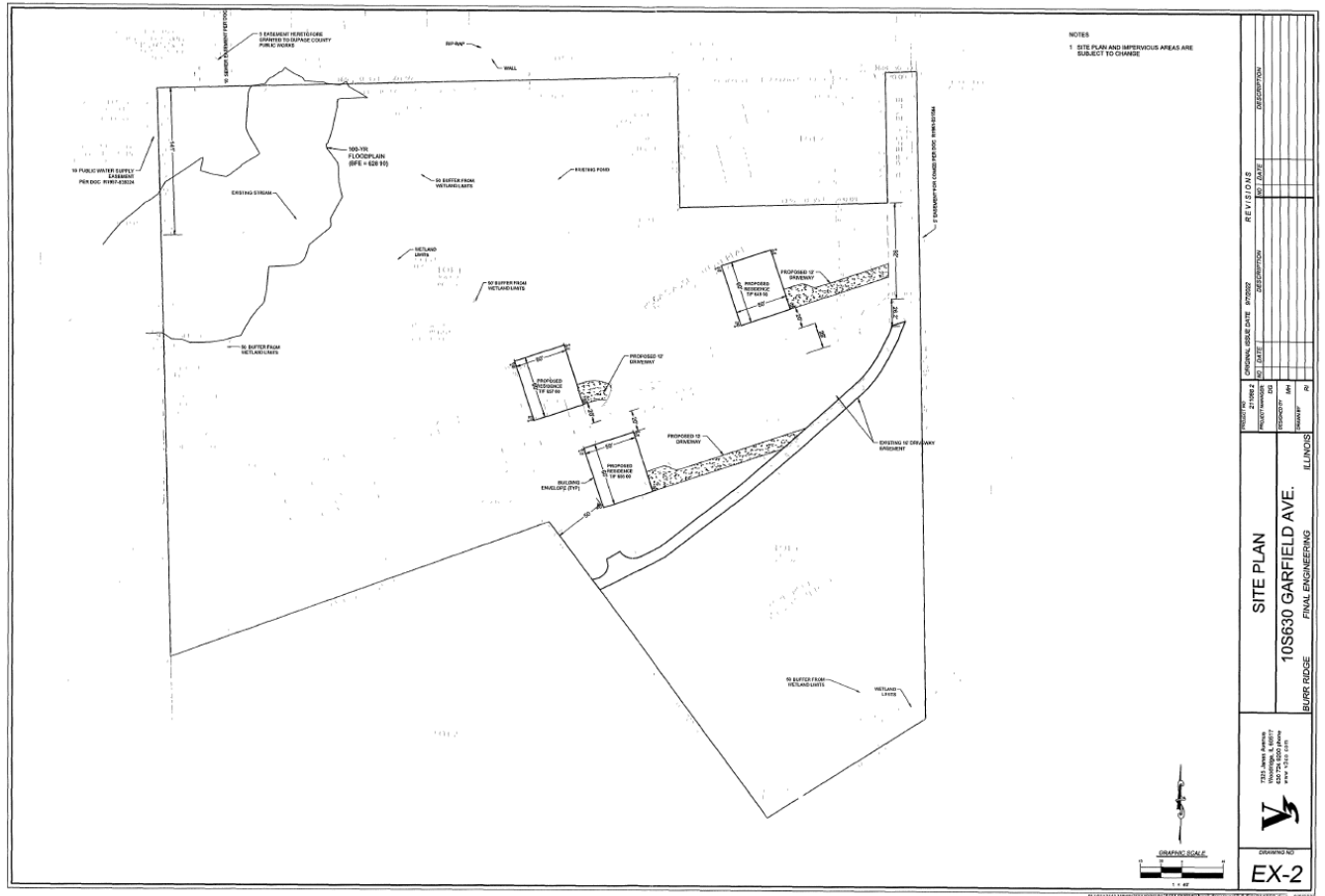
The lots asking for the variance are just to the west of my house. straight west of my house right behind me. There is no current access to this land that is being asked for in this variance.

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.

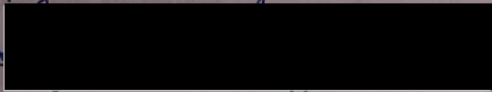
I'm also questioning the three proposed home placements. One of the homes does not have existing access to the access road if they are to be well and septic. The layout is way too close together.

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.

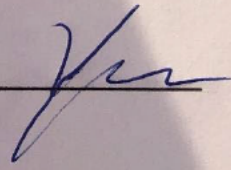
The developer that is requesting the variance has no right to that Utility easement on the north of these lots. This utility easement is not wide enough for a road. It is part of Burr Ridge Oak Creek Club property. Also, they are asking to build on wetlands which is noted in their own survey.

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

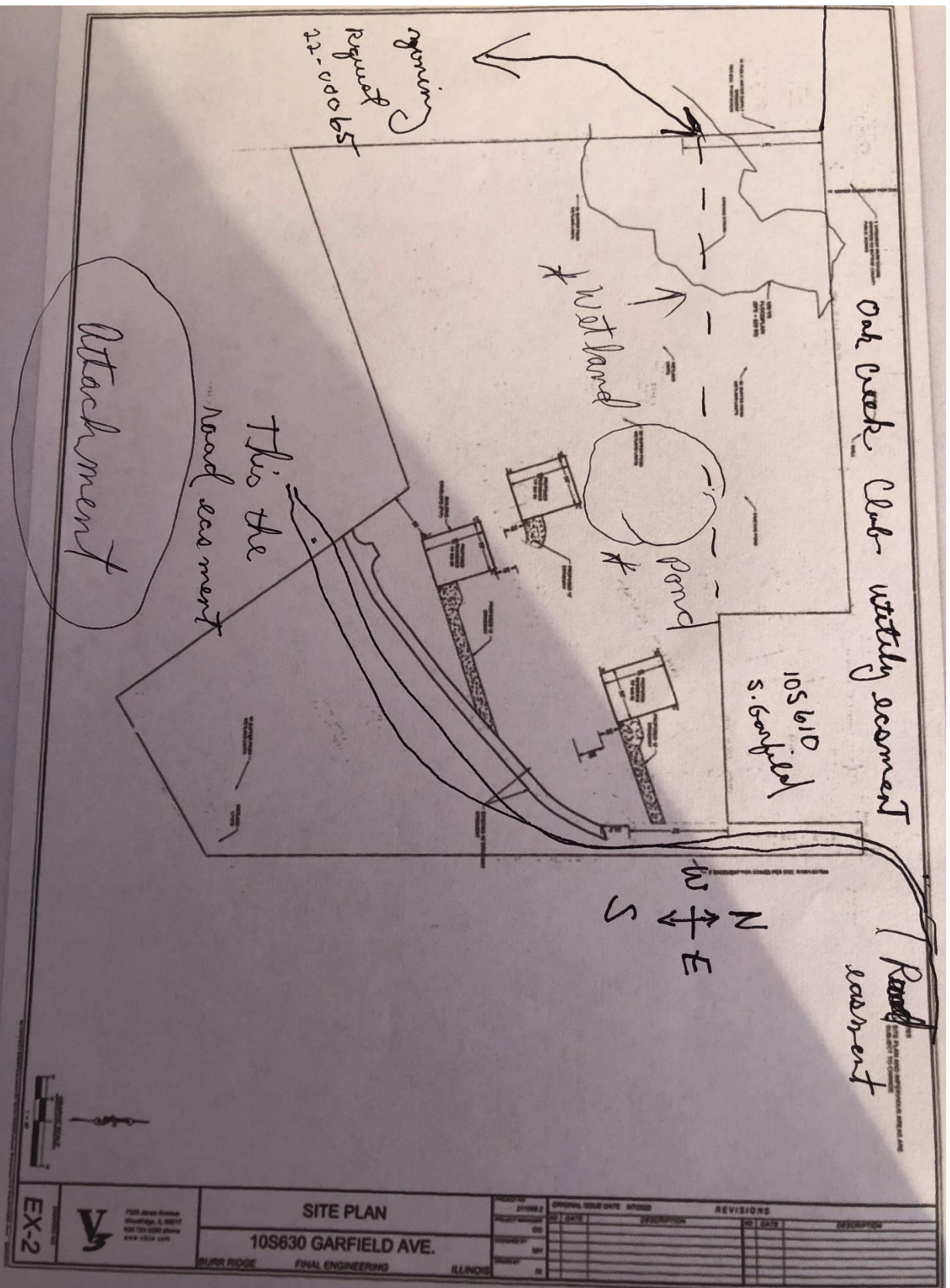
630-308-0456

105610 S. Garfield Ave.

Burr Ridge, IL 60527



YOLANDA BARRETO-BOSQUES
Commission # HH 187486
Expires February 11, 2026
Dated 11th Budget Notary Service

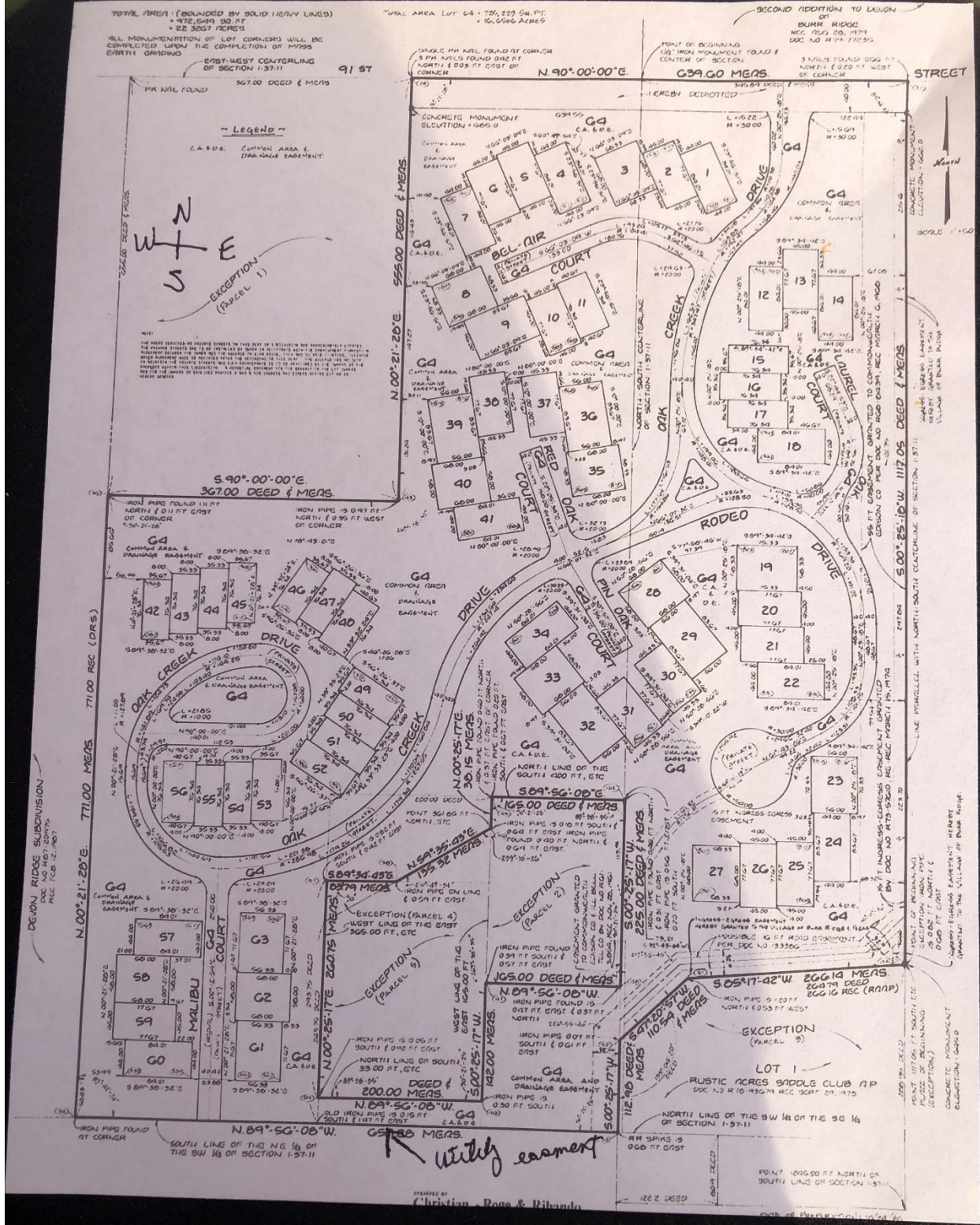


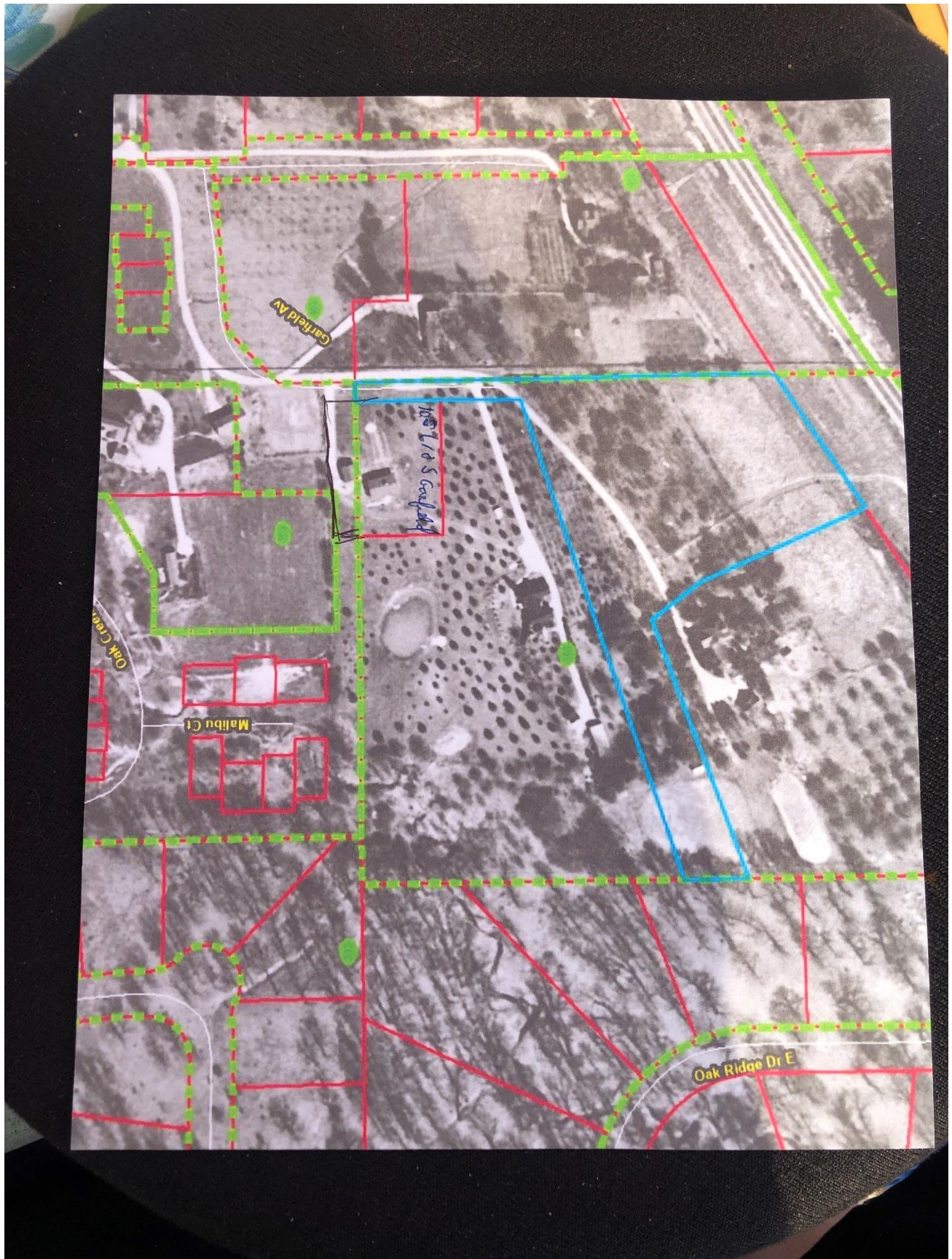


C

PLACE OF BEGINNING, IN NO FALL COUNTY, INDIANA







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,

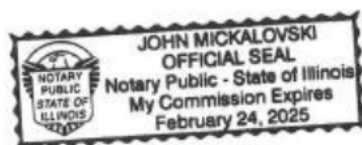
[Redacted Signature]

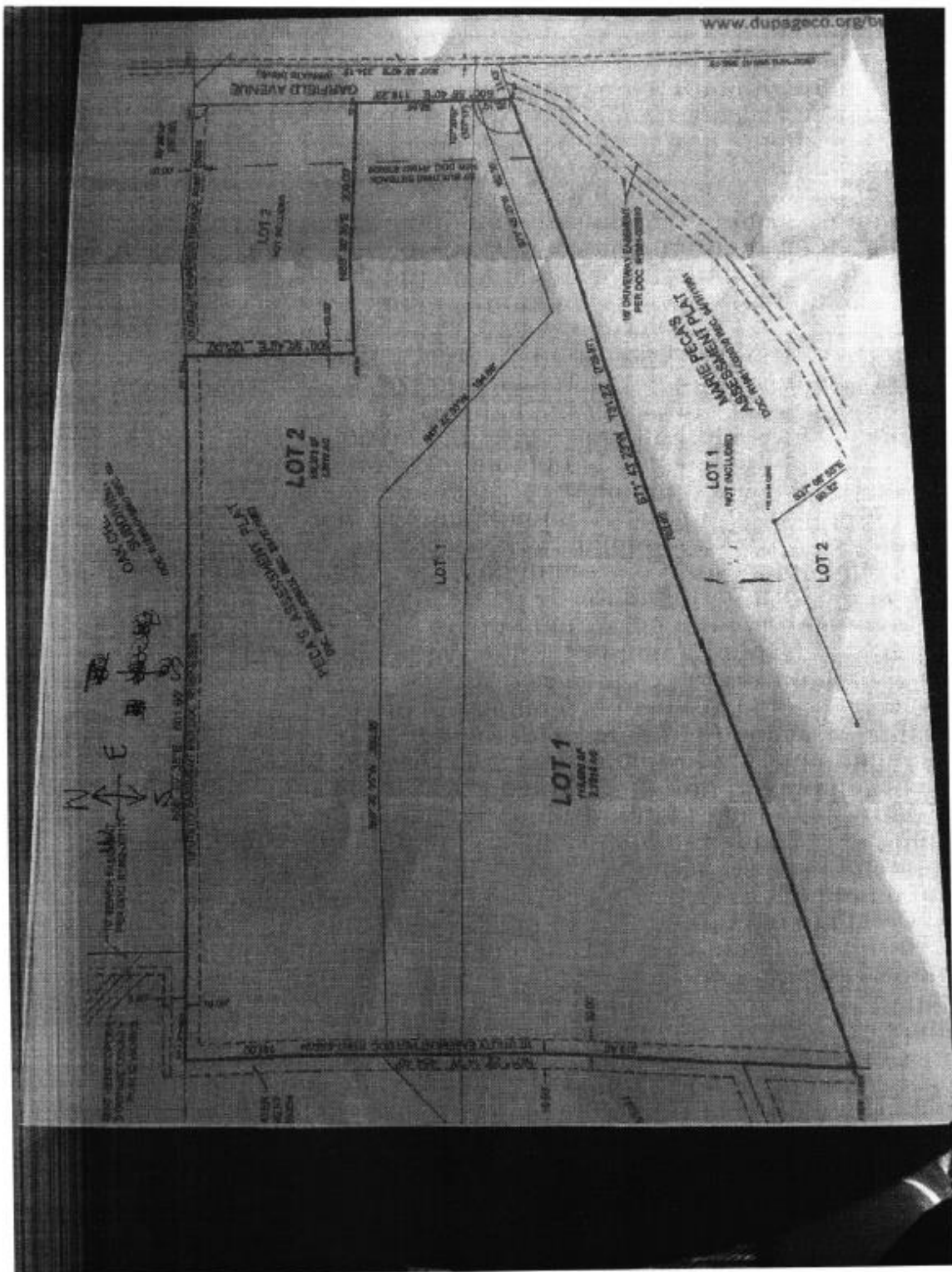
DR. CHRIS NIKOLOVSKI

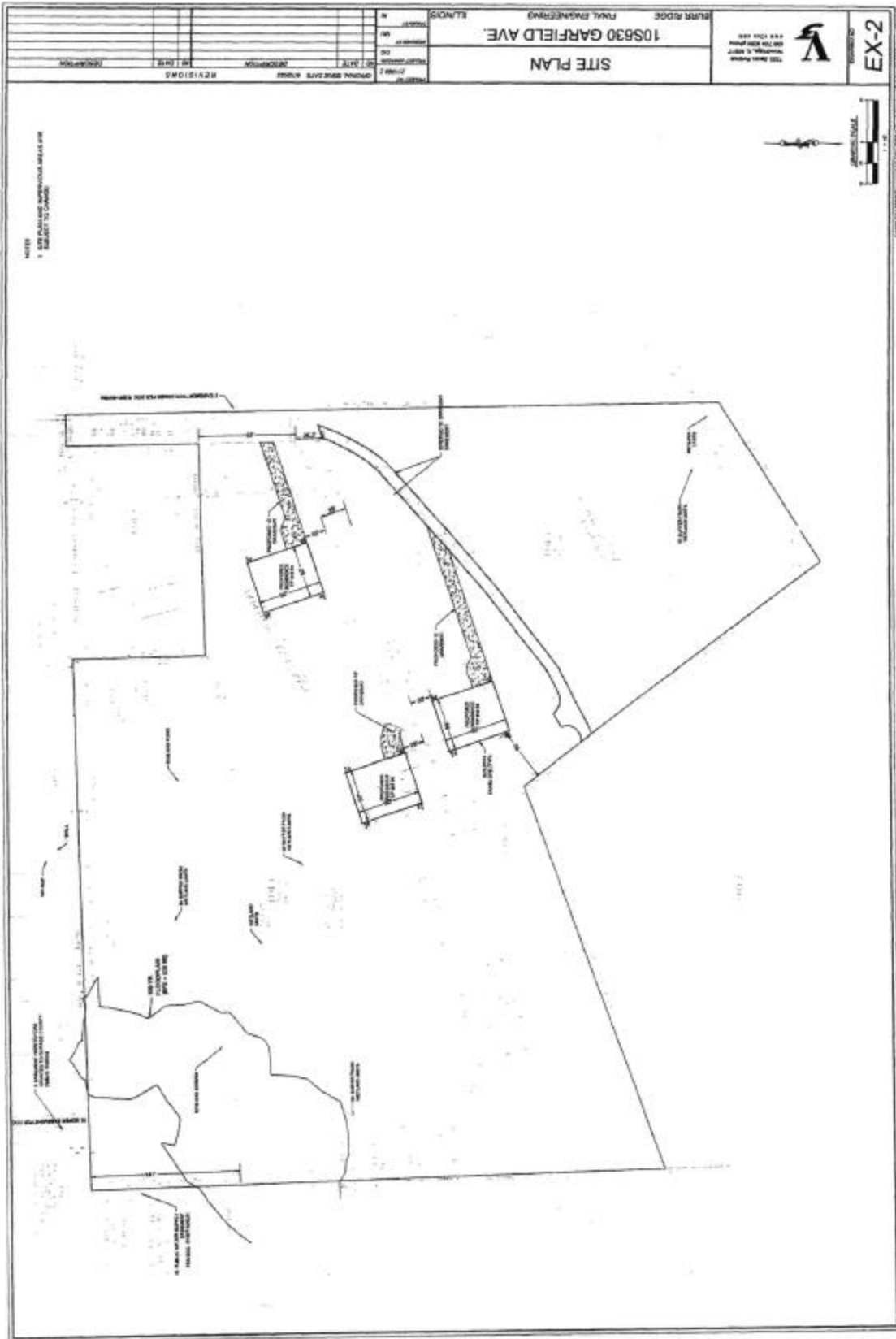
State of Illinois, County of DuPage

[Redacted Signature]

My Commission Expires 02/24/2025



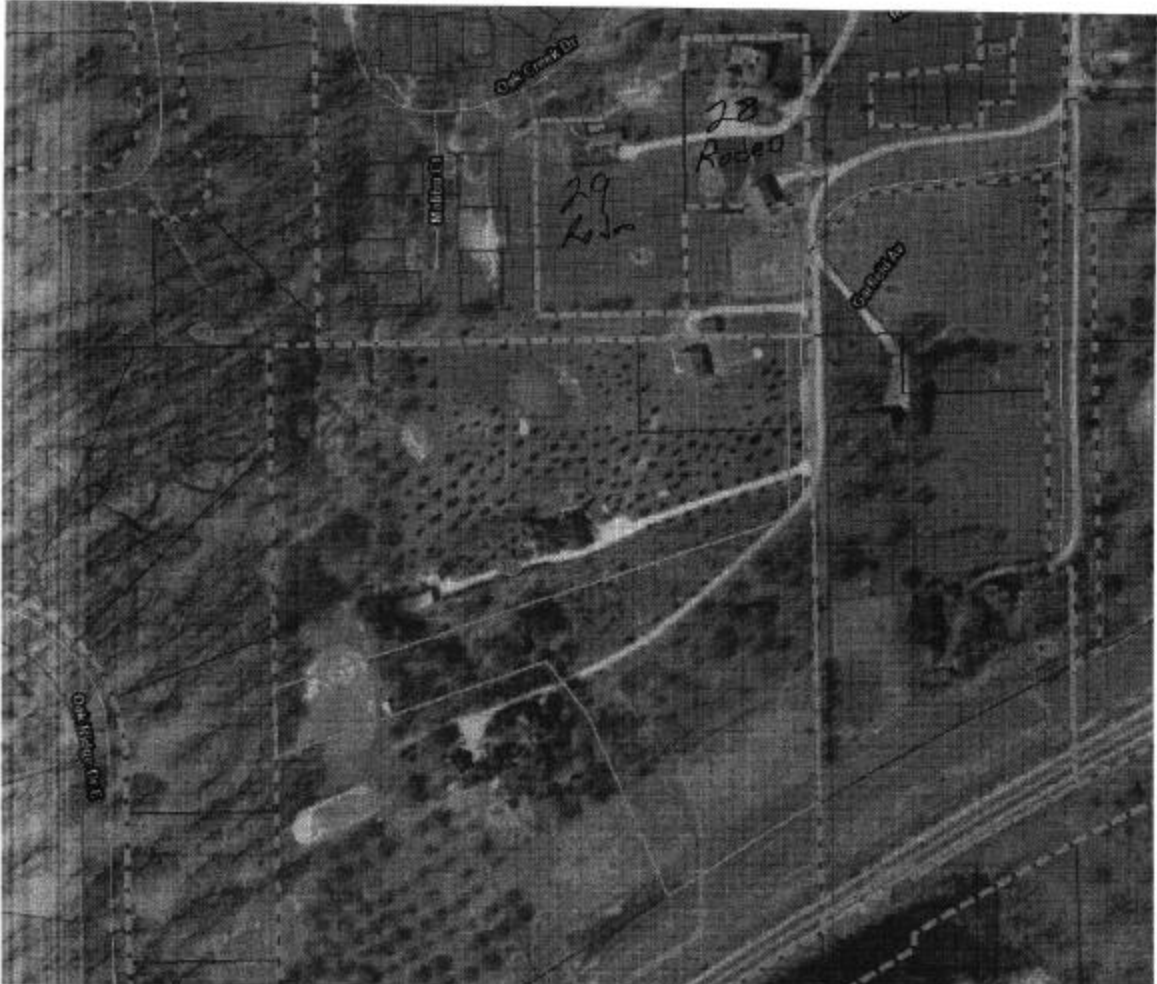






Since at least the 1950s (see below), this private street (Garfield) has had access to 91st Street and gives access to the houses at: 10S700 Garfield Avenue, 10S630 Garfield Avenue, and 10S610 Garfield Avenue. Official easement doc Marie Peca's Assessment Plat 1961-003310 confirms this.

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

