

Ordinance

DC-O-0034-21

WHEREAS, a public hearing was held on April 7, 2021 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. Variation to reduce the west side yard setback from 20 feet to approximately 5 feet for new parking lot "Yards Adjacent to interior side/rear property lines" under Non-Residential per Section 37-1001.4. (37-1001.4)
2. Variation to reduce the south front yard setback from 40 feet to approximately 20 feet for new parking lot "Yards facing existing or proposed street" under non-residential per Section 37-1001.4. (37-1001.4), on the property hereinafter described:

PARCEL 2: THAT PART OF LOT 3 LYING SOUTHWESTERLY OF A LINE DRAWN NORTHWESTERLY AT RIGHT ANGLES TO THE SOUTHEASTERLY LINE OF SAID LOT 3 FROM A POINT 72.00 FEET SOUTHWESTERLY (MEASURED ON THE SOUTHEASTERLY LINE OF SAID LOT 3) OF THE SOUTHEAST CORNER OF SAID LOT 3 AND LYING NORTHEASTERLY OF A LINE DRAWN NORTHWESTERLY AT RIGHT ANGLES TO THE SOUTHEASTERLY LINE OF SAID LOT 3 FROM A POINT 202.00 FEET SOUTHWESTERLY (MEASURED ON THE SOUTHEASTERLY LINE OF SAID LOT 3) OF THE SOUTHEAST CORNER OF SAID LOT 3 IN JACOB J. JEAN'S PLAT OF SURVEY OF PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS. (COMMONLY KNOWN AS 16W280 JEANS ROAD, LEMONT, ILLINOIS.); 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 April 7, 2021 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that he seeks the subject zoning relief to build a new office building on the subject property for his business known as King's Landscape Design.
- B. That petitioner testified that he seeks the subject zoning relief which requires a reduction in the front and west side setback due to wetlands in the rear of the subject property, the location of the septic field on the subject property, and required safety access and parking from the Tri-State Fire Protection District.
- C. That petitioner testified that the existing wetlands on the subject property requires that petitioner create a buffer between the subject wetlands and proposed office building, causing the proposed office building to shift forward and to the west.
- D. That Hearing Officer finds that petitioner has demonstrated evidence for a particular hardship and practical difficulty in carrying out the strict letter of regulations of the Zoning Ordinance, as the subject property contains wetlands which require a buffer between the proposed office building and existing wetlands.

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- E. That Hearing Officer finds that petitioner has demonstrated evidence for the subject zoning relief does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impeded ventilation and light to the subject property or adjacent properties.

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:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the proposed development will not impair an adequate supply of light and air to the adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the proposed development will 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 proposed development will not diminish the value of land and buildings throughout the County and will be an added benefit to the surrounding area.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed development will not unduly increase traffic congestion in the public streets and highways.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed development will not increase the potential for flood damages to adjacent property and will properly maintain all required buffers in regard to the existing wetlands on the subject property.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the proposed development 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 demonstrated** that the proposed development will be an added benefit to the area and will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

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PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	Z21-001 King	
ZONING REQUEST	1. Variation to reduce the west side yard setback from 20 feet to approximately 5 feet for new parking lot "Yards Adjacent to interior side/rear property lines" under Non-Residential per Section 37-1001.4; 2. Variation to reduce the south front yard setback from 40 feet to approximately 20 feet for new parking lot "Yards facing existing or proposed street" under non-residential per Section 37-1001.4.	
OWNER	MARK KING, 16W280 JEANS ROAD, LEMONT, IL 60439	
ADDRESS/LOCATION	16W280 JEANS ROAD, LEMONT, IL 60439	
PIN	10-11-401-002	
TWSP./CTY. BD. DIST.	Downers Grove	District 3
ZONING/LUP	I-1 Light Industrial	Industrial Low
AREA	1.08 acres (47,045 sq. ft.)	
UTILITIES	Water and Septic	
PUBLICATION DATE	Daily Herald: March 22, 2021	
PUBLIC HEARING	Wednesday, April 7, 2021 via Zoom	
<u>ADDITIONAL INFORMATION:</u>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections with the concept of the petition. Additional information may be required at time of permit application. "Will need to install bio-barrier septic system as proposed on the site plan."	
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
Public Works:	No Objections with the concept of the petition. Additional	

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	information may be required at time of permit application. “We are the sewer and water provider for the area.”
EXTERNAL:	
Village of Burr Ridge:	No Comments Received.
Downers Grove Township:	No Objections.
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
Tri-State Fire Dist.:	No Comments Received.
Sch. Dist. 180:	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 have no concerns. Thank you.”

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Front Yard:	40 FT	NA	APPROX. 20 FT.
Int. Side Yard:	20 FT	NA	APPROX. 148 FT.
Int. Side Yard:	20 FT	NA	APPROX. 5 FT.
Rear Yard:	20 FT	NA	APPROX. 180 FT.

LAND USE

Location	Zoning	Existing Use	LUP
Subject	I-1 Light Industrial	Industrial	Industrial Low
North	I-1 Light Industrial	Railroad	Industrial Low
South	Jeans Road and beyond I-1 Light Industrial	Industrial	Industrial Low
East	I-1 Light Industrial	Industrial	Industrial Low

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West	I-1 Light Industrial	Industrial	Industrial Low
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WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on April 7, 2021, recommends to approve the following zoning relief:

1. Variation to reduce the west side yard setback from 20 feet to approximately 5 feet for new parking lot “Yards Adjacent to interior side/rear property lines” under Non-Residential per Section 37-1001.4. *(37-1001.4)*
2. Variation to reduce the south front yard setback from 40 feet to approximately 20 feet for new parking lot “Yards facing existing or proposed street” under non-residential per Section 37-1001.4. *(37-1001.4)*

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #**Z21-001 King** dated April 7, 2021.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. 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 May 4, 2021, 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. Variation to reduce the west side yard setback from 20 feet to approximately 5 feet for new parking lot “Yards Adjacent to interior side/rear property lines” under Non-Residential per Section 37-1001.4. *(37-1001.4)*
2. Variation to reduce the south front yard setback from 40 feet to approximately 20 feet for new parking lot “Yards facing existing or proposed street” under non-residential per Section 37-1001.4. *(37-1001.4)*

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Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-001 King dated April 7, 2021.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. 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. Variation to reduce the west side yard setback from 20 feet to approximately 5 feet for new parking lot "Yards Adjacent to interior side/rear property lines" under Non-Residential per Section 37-1001.4. (37-1001.4)
2. Variation to reduce the south front yard setback from 40 feet to approximately 20 feet for new parking lot "Yards facing existing or proposed street" under non-residential per Section 37-1001.4. (37-1001.4), on the property hereinafter described:

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The Zoning Relief is subject to the following conditions:

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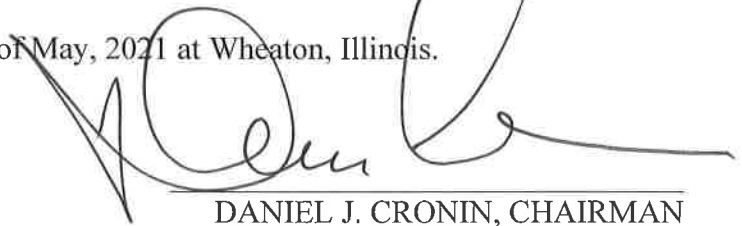
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1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-001 King dated April 7, 2021.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. 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; MARK KING, 16W280 JEANS ROAD, LEMONT, IL 60439; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 11th day of May, 2021 at Wheaton, Illinois.



DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest:



JEAN KACZMAREK, COUNTY CLERK

AYES 17
NAYS 0
ABSENT 1