

Ordinance

DC-O-0034-22

WHEREAS, a public hearing was held on May 18, 2022 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:

Conditional Use to allow an existing shed to remain less than 10 feet from the interior side setback (approximately 7.5 feet), where the shed has existed for at least 5 years, on the property hereinafter described:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE WESTERLY ON THE NORTH LINE THEREOF, 1528.02 FEET TO THE WEST LINE OF LOUIS H. BROKE'S LAND AS DESCRIBED IN DOCUMENT 333756; THENCE SOUTH OF THE WEST LINE OF SAID LAND, 1762.98 FEET THE CENTER LINE OF BROKER ROAD; THENCE EASTERLY ON THE CENTER LINE OF SAID ROAD, 667.81 FEET TO AN IRON STAKE ON A LINE WITH A FENCE RUNNING SOUTH OF A PLACE OF BEGINNING; THENCE SOUTH ON SAID FENCE LINE 330.72 FEET TO AN IRON STAKE; THENCE EASTERLY PARALLEL WITH A CENTER OF BROKER ROAD, 100 FEET; THENCE 330.72 TO A POINT IN THE CENTER LINE OF SAID ROAD WHICH IS 100 FEET EASTERLY FROM PLACE OF BEGINNING; THENCE WESTERLY 100 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, 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 May 18, 2022 does find as follows:

**FINDINGS OF FACT:**

- A. The Hearing Officer finds that petitioner has demonstrated evidence for a Conditional Use to allow an existing shed to remain less than 10 feet from the interior side setback (approximately 7.5 feet), where the shed has existed for at least 5 years.
- B. That petitioner testified that he has lived at the subject property since August 2020.
- C. That petitioner testified that the subject shed is in good condition and located on concrete pillars in the ground.
- D. That petitioner testified that the subject shed is used to store household accessory equipment.

**STANDARDS FOR CONDITIONAL USES:**

*(Per Section 37-1413.5)*

- 1. That the Zoning Hearing Officer 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:

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- a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the existing shed does not impact or impair 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 they will receive a building permit from the County for the existing shed and that the shed is built pursuant to the current DuPage County building codes.
- c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing shed is an added benefit to the neighborhood and is built pursuant to the current DuPage County building codes.
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing shed is located behind the front wall of the house, in the back corner of the subject property, and does not impact traffic.
- 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 existing shed.
- 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 existing shed.
- g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the existing shed does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

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PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	Zoning Petition Z-22-000021 Longobardi	
ZONING REQUEST	Conditional Use to allow an existing shed to remain less than 10 feet from the interior side setback (approximately 7.5 feet), where the shed has existed for at least 5 years.	
OWNER	ALFONSO LONGOBARDI, 22W121 BROKER ROAD, MEDINAH, IL 60157	
ADDRESS/LOCATION	22W121 BROKER ROAD, MEDINAH, IL 60157	
PIN	02-11-412-005	
TWSP./CTY. BD. DIST.	BLOOMINGDALE	DISTRICT 1
ZONING/LUP	R-3 SF RES	0-5 DU AC
AREA	0.68 acres (29,621 sq. ft.)	
UTILITIES	WELL / SEPTIC	
PUBLICATION DATE	Daily Herald: MAY 3, 2022	
PUBLIC HEARING	WEDNESDAY, MAY 18, 2022	
<b><u>ADDITIONAL INFORMATION:</u></b>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections.	
Stormwater:	No Objections.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Roselle:	Our office has no jurisdiction in this matter. "Not within Roselle's ultimate planning jurisdiction."	
Village of Bloomingdale:	<i>No Comments Received.</i>	
Village of Addison:	Our office has no jurisdiction in this matter.	

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Village of Itasca:	<i>No Comments Received.</i>
Bloomingtondale Township:	<i>No Comments Received.</i>
Township Highway:	Our office has no jurisdiction in this matter.
Bloomingtondale Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 11:	<i>No Comments Received.</i>
Forest Preserve:	<i>No Comments Received.</i>

**GENERAL BULK REQUIREMENTS:**

<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Front Yard:	30 FT	298 FT	298 FT
Int. Side Yard:	10 FT	7.5 FT	7.5 FT
Int. Side Yard:	10 FT	80 FT	80 FT
Rear Yard:	3 FT	15.3 FT	15.3 FT

**LAND USE**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-3 SF RES	House	0-5 DU AC
North	Broker Road and beyond R-3 SF RES	House	0-5 DU AC
South	R-3 SF RES	House	0-5 DU AC
East	R-3 SF RES	House	0-5 DU AC
West	R-3 SF RES	House	0-5 DU AC

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on May 18, 2022, recommends to approve the following zoning relief:

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Conditional Use to allow an existing shed to remain less than 10 feet from the interior side setback (approximately 7.5 feet), where the shed has existed for at least 5 years.

**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-22-000021 Longobardi** dated May 18, 2022.
2. That the Conditional Use zoning relief shall expire after ten (10) years from the date of approval of the subject zoning relief by the DuPage County Board 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. That owner/developer is not permitted to operate a business on the subject property.
4. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
5. That petitioner maintains the existing landscaping around the perimeter of the subject property.
6. 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 June 7, 2022, 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:

Conditional Use to allow an existing shed to remain less than 10 feet from the interior side setback (approximately 7.5 feet), where the shed has existed for at least 5 years.

**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-22-000021 Longobardi** dated May 18, 2022.

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2. That the Conditional Use zoning relief shall expire after ten (10) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
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  - b. The structure is voluntarily removed.
3. That owner/developer is not permitted to operate a business on the subject property.
4. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
5. That petitioner maintains the existing landscaping around the perimeter of the subject property.
6. 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:

Conditional Use to allow an existing shed to remain less than 10 feet from the interior side setback (approximately 7.5 feet), where the shed has existed for at least 5 years, on the property hereinafter described:

THAT PART OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMENCING AT THE NORTHEAST CORNER OF SAID QUARTER SECTION AND RUNNING THENCE WESTERLY ON THE NORTH LINE THEREOF, 1528.02 FEET TO THE WEST LINE OF LOUIS H. BROKE'S LAND AS DESCRIBED IN DOCUMENT 333756; THENCE SOUTH OF THE WEST LINE OF SAID LAND, 1762.98 FEET THE CENTER LINE OF BROKER ROAD; THENCE EASTERLY ON THE CENTER LINE OF SAID ROAD, 667.81 FEET TO AN IRON STAKE ON A LINE WITH A FENCE RUNNING SOUTH OF A PLACE OF BEGINNING; THENCE SOUTH ON SAID FENCE LINE 330.72 FEET TO AN IRON STAKE; THENCE EASTERLY PARALLEL WITH A CENTER OF BROKER ROAD, 100 FEET; THENCE 330.72 TO A POINT IN THE CENTER LINE OF SAID ROAD WHICH IS 100 FEET EASTERLY FROM PLACE OF BEGINNING; THENCE WESTERLY 100 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS; and

**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 #ZONING-22-000021 Longobardi dated May 18, 2022.

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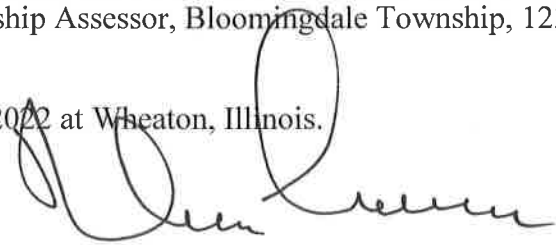
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  - b. The structure is voluntarily removed.
3. That owner/developer is not permitted to operate a business on the subject property.
4. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
5. That petitioner maintains the existing landscaping around the perimeter of the subject property.
6. 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; ALFONSO LONGOBARDI, 22W121 BROKER ROAD, MEDINAH, IL 60157; and Township Assessor, Bloomingdale Township, 123 N. Rosedale, Bloomingdale, IL 60108.

Enacted and approved this 14th day of June, 2022 at Wheaton, Illinois.



DANIEL J. CRONIN, CHAIRMAN  
DU PAGE COUNTY BOARD

Attest:



JEAN KACZMAREK, COUNTY CLERK