



Development Ordinance

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

File #: DC-O-0035-23

Agenda Date: 8/1/2023

Agenda #: 11.E.

ORDINANCE

Zoning Petition ZONING-23-000040 J B CAPITAL MANAGEMENT, LLC.

WHEREAS, a public hearing was held on July 11, 2023 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 6:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting 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', on the property hereinafter described:

THE WEST HALF OF THE NORTH HALF OF THE EAST 660.0 FEET (MEASURED ON THE NORTH AND SOUTH LINES) OF LOT 40, ALSO THE WEST HALF OF THE SOUTH HALF OF THE EAST 660.0 FEET (MEASURED ON THE NORTH AND SOUTH LINES) OF SAID LOT 40, (EXCEPT THE WEST 233.0 FEET THEREOF), ALSO THE NORTH 24.0 FEET OF THE WEST 233.0 FEET OF SAID WEST HALF OF THE SOUTH HALF AND ALSO THE WEST 100.33 FEET OF THE EAST HALF OF THE NORTH HALF OF THE EAST 66.0 FEET (MEASURED ON THE NORTH AND SOUTH LINES OF SAID LOT 40, EXCEPTING THEREFROM THE NORTH 33 FEET (EXCEPT THE SOUTH 15 FEET OF THE EAST 375.33 FEET) AND THE WEST 32 FEET OF THE LAND DEDICATED TO THE HIGHWAY COMMISSIONER OF THE TOWN OF DOWNERS GROVE BY PLAT OF DEDICATION RECORDED AS DOCUMENT R92-098323 AND AGREEMENT OF DEDICATION RECORDED AS DOCUMENT R92-098324M ALL IN ASSESSMENT DIVISION OF PART OF SECTIONS 1 AND 2 AND PART OF SECTIONS 11 AND 12, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JUNE 22, 1898 AS DOCUMENT 58945, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on July 11, 2023 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that the requested zoning relief is for the subject 2.29-acre site with two (2) existing industrial buildings containing two (2) businesses, including Haus of Imports (high-end vehicle storage/sales) and D&B Fabricators (steel container fabricator).

2. That petitioner testified that Jeans Road was widened in 1992 causing the subject property to be legal non-conforming due to the building and parking setbacks.
3. That petitioner testified that they do not propose any new improvements or changes to the existing property and that the purpose for the requested zoning relief is to reconfigure the subjects lots so that the two (2) existing buildings are on their own parcels rather than bisected by three (3) different parcel numbers.
4. That petitioner testified that he would complete the proposed lot reconfiguration through an assessment plat.
5. That petitioner testified that his original zoning request was for Variations to reduce the existing setbacks and that at the time of the public hearing he withdrew his original request and amended his petition to convert the Variations to Conditional Uses with Exceptions, which is considered a “lesser zoning relief” and therefore does not require republishing/re-notice of the petition.
6. That the Zoning Board of Appeals finds that petitioner has demonstrated sufficient evidence for the requested zoning relief, as petitioner has proposed to reconfigure the existing three (3) parcels to allow the two (2) existing buildings to each be located on their own parcel and that due to the expansion of Jeans Road in 1992, the subject property does not meet the current setback requirements for the I-1 Light Industrial Zoning District.

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals 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:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore, will not impair an adequate supply of light and air to the adjacent properties as no alteration or new improvements will result from the requested exceptions.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore, will not increase the hazard from fire or other dangers to said properties as no alteration or new improvements will result from the requested exceptions.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore will not diminish the value of land and buildings throughout the County as no alteration or new improvements will result from the requested exceptions.

- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore, will not unduly increase traffic congestion in the public streets and highways as no alteration or new improvements will result from the requested exceptions.
- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore, will not increase the potential for flood damages to adjacent properties as no alteration or new improvements will result from the requested exceptions.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore, will not incur additional public expense for flood protection, rescue, or relief as no alteration or new improvements will result from the requested exceptions.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the requested zoning relief is only for the existing buildings and improvements in order to complete a lot reconfiguration, and therefore will not impair the public health, safety, comfort, morals or general welfare as no alteration or new improvements will result from the requested exceptions.

PETITIONER'S DEVELOPMENT FACT SHEET

| GENERAL ZONING CASE INFORMATION | |
|---------------------------------|--|
| CASE #/PETITIONER | ZONING-23-000040 J B CAPITAL MANAGEMEN |
| ZONING REQUEST | Conditional Use with exceptions for the existing improvements: 1. Exception from 40' required fr setback from Jeans Road (widened in 1992) on p to approximately 0'. 2. Exception from 20' requi setback on proposed Lot 1 to approximately 14.5 Exception to allow parking in existing 40' corner proposed Lot 1. 4. Exception to allow parking in interior side yard on proposed Lot 1. 5. Exception required interior side yard setback on proposed L approximately 16.12'. 6. Exception from 20' req side yard setback on proposed Lot 2 to approxim |
| OWNER | J B CAPITAL MANAGEMENT, LLC. (JOHN DEY) JEANS ROAD, LEMONT, IL 60439/ AGENT: MIC 2300 CABOT DRIVE, SUITE 455, LISLE, IL 60532 |
| ADDRESS/LOCATION | 16W065 JEANS ROAD, LEMONT, IL 60439 |
| PIN | 10-11-204-048/10-11-204-052/ 10-11-204-047 |
| TWSP./CTY. BD. DIST. | DOWNERS GROVE DISTRICT 3 |
| ZONING/LUP | I-1 LIGHT INDUSTRIAL INDUSTRIAL LOW |
| AREA | 2.29 ACRES (99,752 SQ. FT.) |

| | |
|--------------------------------|---|
| UTILITIES | WELL/SEPTIC |
| PUBLICATION DATE | Daily Herald: June 26, 2023 |
| PUBLIC HEARING | TUESDAY, July 11, 2023 |
| ADDITIONAL INFORMATION: | |
| Building: | No Objections. |
| DUDOT: | Our office has no jurisdiction in this matter. |
| Health: | No Objections. |
| Stormwater: | No Objections. |
| Public Works: | No Objections with the concept of the petition. Additional information m of permit application. "We are the sewer and water provider for the area. |
| EXTERNAL: | |
| Village of Burr Ridge: | <i>No Comments Received.</i> |
| Downers Grove Townsh | <i>No Comments Received.</i> |
| Township Highway: | No Objections with the concept of the petition. Additional information m of permit application. |
| Tr-State Fire Dist.: | <i>No Comments Received.</i> |
| Sch. Dist. 180: | <i>No Comments Received.</i> |
| Forest Preserve: | "The Forest Preserve District of DuPage County staff has reviewed the in this notice and due to the sizable distance between the subject property ar do not have any specific comments. Thank you." |

GENERAL BULK REQUIREMENTS LOT 1:

| REQUIREMENTS: | REQUIRED | EXISTING | PROPOSED |
|----------------------|-----------------|------------------|------------------|
| Front Yard: | 40 FT | APPROX. 0 FT | APPROX. 0 FT |
| Int. Side Yard: | 20 FT | APPROX. 0 FT | APPROX. 0 FT |
| Corner Side Yard: | 40 FT | APPROX. 5 FT | APPROX. 5 FT |
| Rear Yard: | 20 FT | APPROX. 14.53 FT | APPROX. 14.53 FT |

GENERAL BULK REQUIREMENTS LOT 2:

| REQUIREMENTS:RE QUIREDEXISTINGP ROPOSED | | | |
|--|-------|------------------|------------------|
| Front Yard: | 40 FT | APPROX. 45 FT | APPROX. 45 FT |
| Int. Side Yard: | 20 FT | APPROX. 16.12 FT | APPROX. 16.12 FT |
| Int. Side Yard: | 20 FT | APPROX. 15 FT | APPROX. 15 FT |
| Rear Yard: | 20 FT | APPROX. 25 FT | APPROX. 25 FT |

LAND USE

| Location | Zoning | Existing Use | LUP |
|-----------------|--|---------------------|----------------|
| Subject | I-1 Light Industrial | Industrial | INDUSTRIAL LOW |
| North | Jeans Road and beyond I-1 Light Industrial | Industrial | INDUSTRIAL LOW |

| | | | |
|-------|--|------------|----------------|
| South | I-1 Light Industrial | Industrial | INDUSTRIAL LOW |
| East | I-1 Light Industrial | Industrial | INDUSTRIAL LOW |
| West | Jeans Road and beyond I-1 Light Industrial | Industrial | INDUSTRIAL LOW |

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on July 11, 2023, recommends 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'.
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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'.

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-23-000040 JB CAPITAL MANAGEMENT, LLC.** dated July 11, 2023.
2. That the Conditional Use zoning relief shall expire after two (2) years from the date of approval of the subject zoning relief by the DuPage County Board if the proposed assessment plat is not recorded 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. All exceptions approved with the grant of the conditional use shall be for the existing building and improvements as described and detailed in the application and exhibits and will not inure to future development or redevelopment of the subject property.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

WHEREAS, the County Board Development Committee on August 1, 2023, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and

recommends to approve the following zoning relief:

Conditional Use with exceptions for the existing buildings and improvements:

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 - b. The structure is voluntarily removed.
3. All exceptions approved with the grant of the conditional use shall be for the existing building and improvements as described and detailed in the application and exhibits and will not inure to future development or redevelopment of the subject property.
4. 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 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.
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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 **#ZONING-23-000040 JB CAPITAL MANAGEMENT, LLC.** dated July 11, 2023.
2. That the Conditional Use zoning relief shall expire after two (2) years from the date of approval of the subject zoning relief by the DuPage County Board if the proposed assessment plat is not recorded or upon one of the following circumstances, whichever shall come first:
 - c. 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.
 - d. The structure is voluntarily removed.
3. All exceptions approved with the grant of the conditional use shall be for the existing building and improvements as described and detailed in the application and exhibits and will not inure to future development or redevelopment of the subject property.
4. 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; J B CAPITAL MANAGEMENT, LLC. (JOHN DEYOUNG), 16W065 JEANS ROAD, LEMONT, IL 60439/ AGENT: MICHAEL M. ROTH, 2300 CABOT DRIVE, SUITE 455, LISLE, IL 60532-4613; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 8th Day of August, 2023 at Wheaton, Illinois.



DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: 
JEAN KACZMAREK, COUNTY CLERK

AYES 16
NAYS 0
ABSENT 2