



## Development Ordinance

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
[www.dupagecounty.gov](http://www.dupagecounty.gov)

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**File #:** DC-O-0061-24

**Agenda Date:** 9/17/2024

**Agenda #:** 6.D.

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### **Zoning Petition ZONING-24-000062 Falcon Point Subdivision**

WHEREAS, a public hearing was held on August 27, 2024 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 for a Planned Development in the R-4 Single Family Residential District for a 9-lot single family subdivision, with the following exceptions:

1. To reduce the required lot size from 20,000 sq. ft. to approximately 7,555 sq. ft. for proposed Lots 1-4 and to approximately 7,561 for proposed Lots 5-9.
2. To reduce the required lot width from 100 ft. to approximately 58 ft.
3. To increase the FAR from required 0.35 to approximately 0.45, on the property hereinafter described:

THE NORTH THREE HUNDRED THIRTY-FIVE AND SEVEN HUNDREDTHS (335.07) FEET OF LOT SEVEN (7) IN BLOCK TWENTY-ONE (21) IN GARY AVENUE GARDENS, A SUBDIVISION OF THE SOUTHEAST QUARTER OF SECTION FIVE (5), TOWNSHIP THIRTY-NINE (39) NORTH, RANGE TEN (10), EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 8, 1927 IN BOOK 17 OF PLATS, PAGE 68, AS DOCUMENT 237266, 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 September 5, 2024 does find as follows:

### **FINDINGS OF FACT:**

1. That petitioner testified that the subject zoning relief is for the creation of a proposed planned development in the R-4 Single Family Residential Zoning District for a 9-lot subdivision with exceptions.
2. That petitioner testified that they propose to build nine (9) custom, single family homes with a retention pond on the subject two (2) acre property.
3. That petitioner testified that the existing property consists of one (1) parcel/PIN number with two (2) single family homes and a barn, and that the subject property was a "hold-out" from when the surrounding subdivision was originally created.

4. That petitioner testified that the proposed development would be in character with the surrounding neighborhood and would mirror the existing lot sizes and widths that were developed in 2011 for the subdivision immediately south of the subject property.
5. That petitioner testified that there would be no signage indicating the subdivision and that it would match the adjacent lot sizes and widths.
6. That petitioner testified that they would improve the subject property and surrounding properties significantly through the development of a retention pond on Outlot A.

**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 proposed single-family home development will meet all required setbacks and height requirements and will not impair an adequate 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 obtain permits for the proposed single-family home development and that it will meet all required codes of DuPage County.
  - C. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed single-family home development will be an added benefit to the surrounding area and will increase the value of land and buildings throughout the County.
  - D. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed single-family home development will not 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 Stormwater Department has no objections to the proposed development.
  - F. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the Stormwater Department has no objections to the proposed development.
  - 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 surrounding area, will mirror the lot size and lot width of the surrounding subdivisions, and that

the nine (9) single family homes 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-24-000062 Falcon Point Subdivision   |            |
| ZONING REQUEST                        | Conditional Use for a Planned Development in the R-4 Single Family Residential District for a 9-lot single family subdivision, with the following exceptions: 1. To reduce the required lot size from 20,000 sq. ft. to approximately 7,555 sq. ft. for proposed Lots 1-4 and to approximately 7,561 for proposed Lots 5-9. 2. To reduce the required lot width from 100 ft. to approximately 58 ft. 3. To increase the FAR from required 0.35 to approximately 0.45. |            |
| OWNER                                 | FALCON POINT, LLC., 1N060 MORSE STREET, WHEATON, IL 60187 / AGENT: LIONEL MARTINEZ, L. MARTINEZ CONSTRUCTION, INC., 29W030 MAIN STREET, WARRENVILLE, IL 60555 AND NICHOLAS VARCHETTO, ENGINEERING RESOURCE ASSOCIATES, 3S701 WEST AVENUE, SUITE 15, WARRENVILLE, IL 60555 AND RICH GUERARD, GUERARD, KALINA & BUTKUS, 310 S. COUNTY FARM ROAD, SUITE H, WHEATON, IL 60187   |            |
| ADDRESS/LOCATION                      | 1N060 MORSE STREET, WHEATON, IL 60187 (ALSO KNOWN AS 1N070 MORSE STREET, WHEATON, IL 60187)   |            |
| PIN                                   | 05-05-419-012   |            |
| TWSP./CTY. BD. DIST.                  | MILTON  | DISTRICT 6 |
| ZONING/LUP                            | R-4 SF RES  | 0-5 DU AC  |
| AREA                                  | 2 ACRES (87,120 SQ. FT.)  |            |
| UTILITIES                             | WELL AND SEWER  |            |
| PUBLICATION DATE                      | Daily Herald: AUGUST 12, 2024   |            |
| PUBLIC HEARING                        | TUESDAY, AUGUST 27, 2024  |            |
| <b><u>ADDITIONAL INFORMATION:</u></b> |   |            |
| Building:                             | No Objections.  |            |
| DUDOT:                                | No Comments Received.   |            |
| Health:                               | No Comments Received.   |            |

|                              |   |
|------------------------------|---|
| Stormwater:                  | No Objections with the concept of the petition. Additional information may be required at time of permit application. |
| Public Works:                | “SCP R2 Best Practices Webinar October 9th & December 11 <sup>th</sup> .”   |
| <b>EXTERNAL:</b>             |   |
| Village of Carol Stream:     | (See attached documentation)  |
| Village of Winfield:         | <i>No Comments Received.</i>  |
| City of Wheaton:             | <i>No Comments Received.</i>  |
| Village of Glen Ellyn:       | <i>No Comments Received.</i>  |
| Village of Glendale Heights: | “No comment from GH.”   |
| Milton Township:             | <i>No Comments Received.</i>  |
| Township Highway:            | <i>No Comments Received.</i>  |
| Carol Stream Fire Dist.:     | <i>No Comments Received.</i>  |
| Sch. Dist. 200:              | <i>No Comments Received.</i>  |
| Forest Preserve:             | <i>No Comments Received.</i>  |

#### LAND USE

| Location | Zoning                              | Existing Use | LUP       |
|----------|-------------------------------------|--------------|-----------|
| Subject  | R-4 SF RES                          | HOUSE        | 0-5 DU AC |
| North    | R-4 SF RES                          | HOUSE        | 0-5 DU AC |
| South    | R-4 SF RES                          | HOUSE        | 0-5 DU AC |
| East     | MORSE ST AND BEYOND<br>R-4 SF RES   | HOUSE        | 0-5 DU AC |
| West     | FARWELL ST AND<br>BEYOND R-4 SF RES | HOUSE        | 0-5 DU AC |

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on September 5, 2024, recommends to approve the following zoning relief:

Conditional Use for a Planned Development in the R-4 Single Family Residential District for a 9-lot single family subdivision, with the following exceptions:

1. To reduce the required lot size from 20,000 sq. ft. to approximately 7,555 sq. ft. for proposed Lots 1-4 and to approximately 7,561 for proposed Lots 5-9.
2. To reduce the required lot width from 100 ft. to approximately 58 ft.
3. To increase the FAR from required 0.35 to approximately 0.45.

**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-24-000062 Falcon Point Subdivision** dated August 27, 2024.
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 in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

**ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent**

WHEREAS, the County Board Development Committee on September 17, 2024, 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 for a Planned Development in the R-4 Single Family Residential District for a 9-lot single family subdivision, with the following exceptions:

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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 in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

**Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent**

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Conditional Use for a Planned Development in the R-4 Single Family Residential District for a 9-lot single family subdivision, with the following exceptions:

1. To reduce the required lot size from 20,000 sq. ft. to approximately 7,555 sq. ft. for proposed Lots 1-4 and to approximately 7,561 for proposed Lots 5-9.
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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-24-000062 Falcon Point Subdivision** dated August 27, 2024.
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 in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
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; FALCON POINT, LLC., 1N060 MORSE STREET, WHEATON, IL 60187 / AGENT: LIONEL MARTINEZ, L. MARTINEZ CONSTRUCTION, INC., 29W030 MAIN STREET, WARRENVILLE, IL 60555 AND NICHOLAS VARCHETTO, ENGINEERING RESOURCE ASSOCIATES, 3S701 WEST AVENUE, SUITE 15, WARRENVILLE, IL 60555 AND RICH GUERARD, GUERARD, KALINA & BUTKUS, 310 S. COUNTY FARM ROAD, SUITE H, WHEATON, IL 60187; and Township Assessor, Milton Township, 1492 N. Main Street, Wheaton, IL 60187.

Enacted and approved this 24<sup>th</sup> day of September, 2024 at Wheaton, Illinois.



DEBORAH A. CONROY, CHAIR  
DU PAGE COUNTY BOARD

Attest:   
JEAN KACZMAREK, COUNTY CLERK