1. **CALL TO ORDER**

11:00 AM meeting was called to order by Chair Sam Tornatore at 11:00 AM.

A. Please turn all beepers, pagers and cell phones "off" or to "vibrate" during the meeting

2. **ROLL CALL**

PRESENT: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

ABSENT:

3. **CHAIRMAN'S REMARKS**

Chair Tornatore announced that one of the homes under the Neighborhood Revitalization Plan is tentatively scheduled to be demolished on Tuesday, February 13, 2018. An invitation is extended to all of the Development Committee and District 4 Members to attend this event.

4. **PUBLIC COMMENT**

A. Public comment is limited to three minutes per person, at the beginning of the meeting. Any comment on Zoning items must be limited to discussion of testimony and/or evidence presented in the Zoning Board of Appeals. No new testimony or evidence can be presented.

There was no Public Comment.

5. **APPROVAL OF MINUTES**

A. Development Committee - Regular Meeting - Jan 16, 2018 11:00 AM
RESULT: ACCEPTED [UNANIMOUS]
MOVER: Kevin Wiley, District 6
SECONDER: Elizabeth Chaplin, Vice Chair
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

6. SCHEDULE OF CLAIMS

A. Payment of Claims -- Schedule of Claims

RESULT: APPROVED [UNANIMOUS]
MOVER: Kevin Wiley, District 6
SECONDER: Elizabeth Chaplin, Vice Chair
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

REGULATORY SERVICES

A. DC-O-0012-18 ORDINANCE -- Z17-036 - PONTARELLI: The Zoning Board of Appeals recommended to deny the following zoning relief: 1. A Conditional Use: to allow open Storage of commercial vehicles and equipment; 2. A Variation: to reduce the interior side and rear yard setbacks from 20 feet to 5 feet; 3. A Variation: to eliminate the requirement to provide a transition yard in the south, east and north yards; 4. A Variation: to permit gravel parking spaces, drives and circulation aisles instead of all-weather material. ZBA VOTE (to deny): 7 Ayes, 0 Nays Development Committee: (January 16, 2018: Tabled the matter to February 6, 2018) All Ayes

The Petitioner requested to withdraw this Petition.

RESULT: WITHDRAWN [UNANIMOUS]
MOVER: Elizabeth Chaplin, Vice Chair
SECONDER: Janice Anderson, District 5
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

B. DC-O-0013-18 ORDINANCE -- Z17-018 - Giagnorio: ZHO: To approve the following zoning relief: 1. A Variation to allow an existing accessory building in front of the front wall of the house. 2. A Variation to reduce the side yard setback from 20 feet to 10 feet. (04-Winfield/District 6) ZHO: Recommended to approve DuPage County Development Committee Vote (to approve) 6 Ayes, 0 Nays
RESULT: APPROVED [UNANIMOUS]
MOVER: Elizabeth Chaplin, Vice Chair
SECONDER: Janice Anderson, District 5
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

C. DC-O-0014-18 ORDINANCE -- Z17-053 - Galgano: To approve the following zoning relief: 1. Variation to reduce the side yard setback from 20 feet to approximately 10 feet; for a garage addition; 2. Conditional use to allow more than 6 passenger vehicle on a residential property. (Lisle/Dist. 5) The ZBA vote to Approve: 6 Ayes, 1 Absent DuPage County Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Recusal

Member Chaplin recused herself from the room at 11:06 AM, and returned to the room at 11:07 AM.

RESULT: APPROVED [5 TO 0]
MOVER: Janice Anderson, District 5
SECONDER: Greg Hart, District 3
AYES: Anderson, Eckhoff, Hart, Tornatore, Wiley
RECUSED: Chaplin

D. DC-O-0015-18 ORDINANCE -- Z17-055 - PIONEER CHILDCARE: To approve the following zoning relief: 1. A Variation to reduce the front yard setback from 40’ to approximately 20 feet for a new parking lot; and 2. A Variation to reduce the east corner side yard setback from 30 feet to approximately 5 feet for a new parking lot. 3. A Variation to reduce the south rear yard setback from 40 feet to approximately 5 feet for a new parking lot. (Dist. 2/ YORK) The ZBA vote to Approve: 5 Ayes, 1 Nay, 1 Absent DuPage County Development Committee Vote (to approve) 6 Ayes, 0 Nays

RESULT: APPROVED [UNANIMOUS]
MOVER: Janice Anderson, District 5
SECONDER: Elizabeth Chaplin, Vice Chair
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

8. OLD BUSINESS
There was no Old Business.

9. NEW BUSINESS
There was no New Business.

10. EXECUTIVE SESSION
Motion by Member Hart, seconded by Member Chaplin to go into Executive Session for a Litigation Update for County Neighborhood Revitalization Program Pursuant to Open Meetings Act 5 ILCS 120 2(c)(112) - Imminent Litigation at 11:10 AM. On a roll call vote all members present voted aye. Motion carried.

**Litigation Update for County Neighborhood Revitalization Program**

**A. Pursuant to Open Meetings Act 5 ILCS 120 §2(c)(11) - Imminent Litigation**

The Meeting returned to Open Session at 11:36 AM.

**11. ADJOURNMENT**

Motion by Member Hart, seconded by Member Chaplin to adjourn the meeting at 11:36 AM. On a voice vote all members present voted aye. Motion carried.
1. CALL TO ORDER

11:00 AM meeting was called to order by Chair Sam Tornatore at 11:00 AM.

A. Please turn all beepers, pagers and cell phones "off" or to "vibrate" during the meeting

2. ROLL CALL

PRESENT: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley
ABSENT:

3. CHAIRMAN'S REMARKS

4. PUBLIC COMMENT

A. Public comment is limited to three minutes per person, at the beginning of the meeting. Any comment on Zoning items must be limited to discussion of testimony and/or evidence presented in the Zoning Board of Appeals. No new testimony or evidence can be presented.

Jason Klinker and Steve Osbourn were present representing Z17-038 LSCD of Glen Ellyn LLC. Mr. Kliker explained they would like the conditions stipulating that zoning relief shall expire upon the sale or transfer of the property to another owner, and that there shall be no storage of commercial equipment or vehicles or materials associated with commercial or industrial uses be re-reviewed.

Chair Tornatore explained that the Development Committee never hears new testimony in the Development Committee Meeting.

5. APPROVAL OF MINUTES

A. Development Committee - Regular Meeting - Dec 5, 2017 11:00 AM
REGULATORY SERVICES

A. DC-O-0010-18 ORDINANCE -- Z17-049 - MASIO: To approve the following zoning relief: A Variation to reduce the side yard setback from 10 feet to approximately 8.5 feet for a garage addition. (Bloom/ Dist. 1) ZBA VOTE (to Approve): 6 Ayes, 0 Nay, 1 Absent Development Committee: (to Approve): 6 Ayes, 0 Nays

RESULT: APPROVED [UNANIMOUS]
MOVER: Grant Eckhoff, District 4
SECONDER: Elizabeth Chaplin, Vice Chair
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

Chair Tornatore noted that it was his understanding that the Petition was approved by the ZBA because it was dealing with residential/recreational vehicles. Also, Conditional Uses historically apply to the property owner and does not run with the property. The Development Committee reviews the ZBA’s issues and if there is a substantial deviation from what was presented and voted on at the ZBA meeting, we refer the Petition back to the ZBA so the Petitioner can make their case again. Staff answered all questions posed by the Committee. Chair Tornatore stated that the Committee is voting on the Petition as presented. He inquired if the Petitioner wish to relitigate before the ZBA. The Petitioner wished to move forward.

RESULT: APPROVED [5 TO 1]
MOVER: Greg Hart, District 3
SECONDER: Elizabeth Chaplin, Vice Chair
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore
NAYS: Wiley
C. DC-O-0012-18 ORDINANCE -- Z17-036 - PONTARELLI: The Zoning Board of Appeals recommended to deny the following zoning relief: 1. A Conditional Use: to allow open storage of commercial vehicles and equipment; 2. A Variation: to reduce the interior side and rear yard setbacks from 20 feet to 5 feet 3. A Variation: to eliminate the requirement to provide a transition yard in the south, east and north yards; 4. A Variation: to permit gravel parking spaces, drives and circulation aisles instead of all-weather material. ZBA VOTE (to deny): 7 Ayes, 0 Nays Development Committee: (January 16, 2018: Tabled the matter to February 6, 2018) All Ayes

During Chairman's Report Chair Tornatore informed the Committee the Petitioner requested tabling Agenda Item 6C. DC-O-0012-18 ORDINANCE Z17-036 Pontarelli until February 6, 2018.

RESULT: TABLED [UNANIMOUS]
MOVER: Elizabeth Chaplin, Vice Chair
SECONDER: Janice Anderson, District 5
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

D. Action Item -- T-1-17 Text Amendments to the County Zoning Ordinance relative message center signs and fences and Conditional Use Requirement for development in a special management area: To approve the following text amendment to the DuPage County Zoning Ordinance: 1. To allow for the que for message center signs from 5 minutes to 10 seconds. 2. To allow fences to be limited to certain heights in residential zoning districts to accommodate the attenuation of drainage below the fence to wit: a. In residential zoning districts where the fence height requirement is no taller than 4 feet change the Code from 4 feet to 4 feet 6 inches. b. In residential zoning districts where the fence height requirement is no taller than 6 feet, change the code to 6 feet 6 inches. c. In residential zoning districts where the fence height requirement is no taller than 8 feet, change the code to 6 feet 6 inches. d. In non-residential zoning districts where the fence height requirement is no taller than 8 feet, change the code to 8 feet 6 inches. 3. To remove the requirement for a Conditional Use for the development of uses which disturb a regulatory floodplain and/or wetland pursuant to section 37-423 of this chapter; Section 37-423 DEVELOPMENT IN A REGULATORY FLOODPLAIN AND/OR A WETLAND and 37-701.2: CONDITIONAL USES: 37-702.2: CONDITIONAL USES; 37-703.2: CONDITIONAL USES; 37-704.2: CONDITIONAL USES; 37-705.2: CONDITIONAL USES; 37-706.2: CONDITIONAL USES; 37-707.2: CONDITIONAL USES; 37-801.2: CONDITIONAL USES; 37-802.2: CONDITIONAL USES; 37-901.2: CONDITIONAL USES; 37-1001.2: CONDITIONAL USES.

ZBA VOTE (to approve): 7 Ayes, 0 Nays Development Committee: (to Approve): 6 Ayes, 0 Nays

Paul Hoss gave a summary of the Text Amendments. Staff answered all questions posed by the Committee.
RESULT: APPROVED [UNANIMOUS]
MOVER: Elizabeth Chaplin, Vice Chair
SECONDER: Janice Anderson, District 5
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

7. OLD BUSINESS
There was no Old Business.

8. NEW BUSINESS
There was no New Business.

9. ADJOURNMENT
Without objection, the meeting was adjourned at 11:19 AM.
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MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Board of Appeals

DATE: December 7, 2017

RE: Zoning Petition Z17-036 PONTARELLI

Development Committee: February 6, 2018: At the January 16, 2018 meeting the Committee TABLED the matter to the February 6, 2018 Committee Meeting.

Zoning Board of Appeals Meeting: December 7, 2017: The Zoning Board of Appeals recommended to deny the following zoning relief:

1. A Conditional Use: to allow open Storage of commercial vehicles and equipment;
2. A Variation: to reduce the interior side and rear yard setbacks from 20 feet to 5 feet
3. A Variation: to eliminate the requirement to provide a transition yard in the south, east and north yards;
4. A Variation: to permit gravel parking spaces, drives and circulation aisles instead of all-weather material.

ZBA VOTE (to deny): 7 Ayes, 0 Nays

DU PAGE COUNTY ZONING BOARD OF APPEALS

GENERAL ZONING CASE INFORMATION
CASE #/PETITIONER  Z17-036 PONTARELLI

ZONING REQUEST:
1. A Conditional Use: to allow open Storage of commercial vehicles and equipment;
2. A Variation: to reduce the interior side and rear yard setbacks from 20 feet to 5 feet
3. A Variation: to eliminate the requirement to provide a transition yard in the south, east and north yards;
4. A Variation: to permit gravel parking spaces, drives and circulation aisles instead of all-weather material.

OWNER  ANTHONY PONTARELLI, ANTHONY PONTARELLI
113 ROSE DR BLOOMINGDALE IL  60108

ADDRESS/LOCATION  5N103 SWIFT RD, ADDISON
PIN  02-13-414-067
TWSP./CTY. BD. DIST.  Bloomingdale/ District 1
ZONING/LUP  I-1 Light industrial district  Office High
AREA  2.26/ 98,445 sq. ft.
UTILITIES  Septic and well
PUBLICATION DATE  Daily Herald: Friday September 8, 2017
PUBLIC HEARING  Tuesday September 26, 2017 6:00 PM

ADDITIONAL INFORMATION:
Building: No Objection
DUDOT: The DuPage County Division of Transportation has no jurisdictional authority over the subject property adjacent roadway right-of-way and defers its review to the highway jurisdictional authority.
Health: No Objection.
Stormwater: No objection/concerns with the concept of the petition. Additional information may be required at time of permit application

EXTERNAL:
DCFPD  No Comments
Bloom Township: No Objection.
Addison  Objection: See attached Letter

GENERAL BULK REQUIREMENTS:

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<td>Location</td>
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<td>North</td>
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<td>South</td>
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<td>East</td>
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**LAND USE**

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<th>5 feet</th>
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<tbody>
<tr>
<td>Rear Yard</td>
<td>20 feet</td>
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<td>5 feet</td>
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</table>
FINDINGS OF FACT:

A. Petitioner submitted the following narrative relative to his request for zoning relief

NARRATIVE

Anthony and Sally Pontarelli ("Applicant") apply for a conditional use for open storage of commercial vehicles and equipment and variations from i) 37-1601.1A to reduce the south, east and north setbacks from twenty (20) feet to five (5) feet; ii) 37-302(D) to eliminate the requirement to provide a transition yard in the south, east and north yards; and, iii) 37-1202.4 to permit gravel parking spaces, drives and circles instead of all-weather material for the Property commonly known as 5N149 Swift Road, Addison, Illinois ("Subject Property").

The Property is contiguous to parcels previously purchased by Applicant. The parcel immediately to the north, also commonly known as 5N149 Swift Road, was purchased in the mid 1980's and was granted a conditional use in 1985 for open storage of commercial vehicles and reduction of several yards, including the east, north and south yards from 20 feet to 5 feet. The Subject Property was purchased in approximately the late 1980's. The existing house was removed with a demolition permit. The Subject Property has been continuously used by Applicant for open storage of commercial vehicles since the late 1980's without any incident until late 2016 when the County informed Applicant a conditional use would be required with variances to the zoning ordinance to continue the same use that had been operated on the Subject Property for almost thirty years. Applicant also obtained a permit and constructed an office building at 21 W319 Lake Street in approximately 2003. At no time during that process was Applicant notified that the Subject Property required a conditional use.

PROPOSED FINDINGS

CONDITIONAL USE

For all the reasons provided in 1 – 7 below, the continuation of the existing use on the Subject Property will be in harmony with the general purpose and intent of the zoning ordinance, will not be injurious to the neighborhood or detrimental to the public welfare.

1. Impair an adequate supply of light and air to adjacent property.
   
   RESPONSE: There are no buildings on the Subject Property. Adjacent property is also used for similar industrial uses.

2. Increase the hazard from fire or other dangers to said property.
   
   RESPONSE: There are no buildings or uses on the Subject Property, only parking of vacant, commercial vehicles.

3. Diminish the value of land and buildings in the vicinity of the proposed conditional use.
   
   RESPONSE: The use has existed on the Subject Property for almost thirty years without diminishing the value of land and buildings in the vicinity of the Subject Property. The parcel to the north is owned by Applicant. The parcels to the east and
south are zoned Industrial in the County and are used for outside storage. The property to the west, across the street from Swift Road, is zoned M4 Planned Office/Research/Industrial (Industrial/Office Research) in the Village of Addison and is developed with an Industrial building. This use was developed after the Subject Property began its use parking commercial vehicles. In addition, the Subject Property has an approximately 30-foot landscape setback from Swift Road.

4. Unduly increase traffic congestion in the public streets and highways.

**RESPONSE:** The Subject Property has operated for almost thirty years without causing undue traffic congestion. In addition, there are only 60 truck stalls on the Subject Property and only approximately 10 to 15 per day enter or exit the Subject Property.

5. Increase the potential for flood damage to adjacent property.

**RESPONSE:** The Subject Property will comply with all provisions of the County Stormwater ordinance.

6. Incur additional public expense for fire protection, rescue or relief.

**RESPONSE:** It will not.

7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County, nor will it otherwise create a nuisance.

**RESPONSE:** It will not.

**VARIATIONS**

A. For all the reasons provided in 1 – 7 below, the continuation of the existing use on the Subject Property will be in harmony with the general purpose and intent of the zoning ordinance, will not be injurious to the neighborhood or detrimental to the public welfare. It also is consistent with the County Comprehensive Plan designation of Industrial on the Subject Property.

   B1. Impair an adequate supply of light and air to adjacent property.

   **RESPONSE:** There are no buildings on the Subject Property. Adjacent property is also used for similar industrial uses.

   B2. Increase the hazard from fire or other dangers to said property.

   **RESPONSE:** There are no buildings or use on the Subject Property, only parking of vacant, commercial vehicles.

   B3. Diminish the value of land and buildings throughout the County.
STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner has not demonstrated that the granting of the Variations and Conditional are 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 including the County’s recently revised Land Use Plan and Lake Street Corridor Plan.

2. That the Zoning Board of Appeals finds that the petitioner has not demonstrated the proposed zoning relief is consistent with the County’s recently amended land use plan, (recently updated with the Lake Street Corridor Land Use Plan) that was developed with the assistance and cooperation of the Chicago Metropolitan Agency.
for Planning (CMAP) and other municipal stakeholders within the Corridor including the Village of Addison

3. That the Zoning Board of Appeals finds that petitioner has not demonstrated that the proposed zoning relief as an outside storage facility with gravel parking and limited setbacks is consistent with the Land Use Plan and the trend of development in the areas which includes the following:

a. Redeveloped areas to the west and the south of the subject property;

b. Areas which include new public infrastructure including new curb and gutter roadways, new paved parking areas, new redeveloped antiquated properties for new buildings and structures.

4. That the Zoning Board of Appeals finds as credible evidence and testimony submitted by the Village of Addison that the subject property currently is and would continue to be a blight to the surrounding area and roadways as the use would not comply with the trend of development in the area and would not be developed consistent with the typical infrastructure that is required for development in the I-1 Zoning District.
September 6, 2017

DuPage County Zoning Board of Appeals
421 N. County Farm Road
Wheaton, IL 60187

Re: Zoning Petition Z17-036 Pontarelli
5N103 Swift Road, Addison, IL
Application for Conditional Use for Outside Storage and Variations

Dear Zoning Board of Appeals:

On behalf of the Village of Addison, please accept this correspondence as our objection to the above referenced case for zoning relief. As with the Redline Metals case last year (Z16-030), the Village objection is based on the proposed use being totally out of character with the surrounding area.

We also believe that the current use, along with the other non-conforming unincorporated uses surrounding the property, does diminish the value of land and buildings in the vicinity. The uses are not in character with surrounding development, which would be considered light industrial, as opposed to the petitioner’s use, which we consider to be heavy industrial. The large amount of outside storage and outdoor business operations, on unimproved surfaces, creates a blight that is inconsistent with the surrounding upscale area.

In 2014, the County adopted the Lake Street Corridor Planning Study, which identifies this site, along with the immediately surrounding unincorporated property, for redevelopment/revitalization as light industrial. The main goal of the study is to continue “working toward making the County’s Land Development Regulations as consistent as possible with those of neighboring municipalities.” We would argue that continued use of this property as proposed, would be inconsistent with this goal, as developments such as DeVry Institute, Venuti’s, Meadows Business Park, all of which surround the subject property, have been developed as high end office/warehouse and light industrial uses. Granting the conditional use would only serve to further cement this inconsistent use long into the future. Please note that the Village Comprehensive Plan also designates this unincorporated area for redevelopment as light industrial.

1 Friendship Plaza Addison, IL 60101-2786 Tel. (630) 693-2786 Fax (630) 543-9357 www.AddisonAdvantage.org
We also believe that additional paving on the property, without proper stormwater management, will cause increased stormwater run-off and potential flood damages to adjacent property.

In summary, we believe that the County should adhere to its Lake Street Corridor Planning Study Goals, which were established in working with affected municipalities such as Addison, toward the common goal of quality and consistent development in DuPage County. Granting of the zoning relief as requested would only serve to further solidify a non-conforming use that is inconsistent with a majority of the surrounding area and the goals of the Lake Street Corridor Planning Study.

Thank you for your consideration.

Sincerely,

[Signature]

John J. Berley
Assistant Village Manager/
Director, Community Development

Cc: Mayor and Village Board
    Joe Block
    Dave Freeman
    Arlene Kollar
Revised site plan:
January 5, 2018

DuPage County Development Committee
421 N. County Farm Road
Wheaton, IL 60187

RE: Application for Conditional Use and Variances

Dear Development Committee:

Anthony and Sally Pontarelli ("Applicant") have applied for a conditional use for open storage of commercial vehicles and equipment and variations: i) to reduce the south, east and north setbacks from twenty (20) feet to five (5) feet; ii) to eliminate the requirement to provide a transition yard in the south, east and north yards; and, iii) to permit gravel parking spaces, drives and circles instead of all-weather material for the Property commonly known as SN149 Swift Road, Addison, Illinois ("Property"). A copy of the site plan and aerial of the Property and surrounding property is enclosed as Exhibit 1.

The Property is contiguous to parcels previously purchased by Applicant. The parcel immediately to the north, also commonly known as SN149 Swift Road, was purchased in the mid 1980’s and was granted a conditional use in 1985 by the County for open storage of commercial vehicles and reduction of several yards, including the east, north and south yards from 20 feet to 5 feet, just as requested by Applicant for this Property. The Property was purchased in the late 1980’s. The existing house was removed with a demolition permit. The Property has been continuously used by Applicant for open storage of commercial vehicles since the late 1980’s without any incident until late 2016 when the County informed Applicant a conditional use would be required with variances to the zoning ordinance to continue the same use that has been operated on the Property for almost thirty years.

As addressed below, Applicant meets the standards for the conditional use and variances. Additionally, previous conditional use and setback reductions support the proposed application for the conditional use and variances. As noted above, a conditional use for outside storage and front, side and rear yards from 20 to 5 feet on the adjacent property to the north were granted by the County in 1985. It contains gravel parking spaces just as requested as part of this Application. Also, in 2016, the County rezoned from R-2 Residential to I-2 General Industrial, together with
conditional use for a planned unit development for outside storage and deviations for various setbacks including the east, which is adjacent to a parcel owned by the Forest Preserve and zoned Residential, from 40 feet to 10 feet and to the south along Army Trail from 40 feet to 20 feet for the front yard. It also permits the use of gravel for the parking spaces, just as requested by the Applicant. Additionally, all contiguous and surrounding properties to the north, east and west are zoned R-2 Single Family Residential. The Building and Zoning Department memorandum regarding the approvals and ordinance are enclosed as Exhibit 2. (‘Army Trail Road Approvals’). In this case, the Applicant’s Property is completely surrounded by Industrial Zoning designations.

The Zoning Board of Appeals denied Applicant’s application in one motion. A copy of the ZBA Recommendation Meeting transcript is enclosed as Exhibit 3. One of the reasons to deny the application was that the proposed use did not conform to the trend of development in the area. Trend of development is not a factor to consider when reviewing a conditional use or a variation. The Illinois Supreme Court in City of Chicago Heights v. Living Word Outreach Full Gospel Church and Ministries, 156 Ill. 2d 1 (2001), held that “inclusion of a special use within a zoning ordinance is tantamount to a legislative finding that the permitted use is in harmony with the general zoning plan and will not adversely affect the neighborhood. (Citations Omitted). A special exception use is a “permitted use” when allowed under a special permit. Thus, there has been a local legislative determination that the use, as such, is neither inconsistent with the public’s health, safety, morals or general welfare nor out of harmony with the town’s general zoning plan.” Living Word, 156 Ill. 2d at 17. Later in the opinion the court noted:

Because special uses, as such, are considered compatible with other uses in the zoning district in which they are included, it is generally held that an application for a special use permit may not be denied on the ground that the use is not in harmony with the surrounding neighborhood. 3 K. Young, Anderson’s American Law of Zoning §21.13, at 743 (4th ed. 1996). Instead, a special use permit must be denied when it is determined from the facts and circumstance that the grant of the requested special exception use would result in an adverse effect upon adjoining and surrounding properties unique and different from the adverse effect that would otherwise result from the development of such a special exception use located anywhere within the zone. Thus, *** the appropriate standard to be used in determining whether a requested special exception use would have an adverse effect and, therefore, should be denied is whether there are facts and circumstances that show that the particular use proposed at the particular location proposed would have any adverse effects above and beyond those inherently associated with such a special exception use irrespective of its location within the zone.”” (Emphasis in original.) Id. at 21-22.

Pursuant to the Living Word case, the conditional use granted to Applicant’s parcel to the north for the same use and the Army Trail Road Approvals, the continued use of the Property for parking of operable trucks meets the requirements for conditional use approval. The use has existed on the Property for almost thirty years without diminishing the value of land and buildings in the vicinity of the Property. The parcel to the north is owned by Applicant. The parcels to the east
and south are zoned Industrial in the County and are used for outside storage. The property to the west, across the street from Swift Road, is zoned M4 Planned Office/Research/Industrial (Industrial/Office Research) in the Village of Addison and is developed with an industrial building. This use was developed after the Property began its use parking commercial vehicles. There are only 60 parking stalls proposed on the Property and only approximately 10 to 15 trucks per day enter and exit the site. In addition, the Property has an approximate landscape setback ranging from 80 to 120 feet from Swift Road, together with landscaping, berming and a fence with screening slats which will screen the use from Swift Road. For all of the reasons noted above, given the surrounding uses and low intensity of the existing use, as provided in the Living Word Supreme Court Case, the proposed use at this location would not result in an adverse effect above and beyond those inherently associated with open storage of commercial vehicles and equipment irrespective of its location within the I-1 zoning district.

Regarding the zoning variances, the Applicant provided testimony as to how all the zoning variance standards were satisfied. Conforming to the bulk setback provisions would make the site less efficient for the proposed use. This was recognized by the County more than thirty (30) years ago when similar variances were granted for the property to the north and in the Army Trail Road Approvals. The variance to maintain the existing portions of the gravel lot would match the condition of adjoining uses and create more pervious than impervious surfaces. Paving the area for this vacant use would be cost prohibitive. The practical difficulty or particular hardship is that this use does not contain a business or building. It is more in the nature of a contractor yard rather than an industrial development containing a business with employees and customers. It also would make future redevelopment more unlikely if substantial capital improvements are required for the current use. In addition, the Army Trail Road Approvals permitted the use of a gravel parking area.

With the front setbacks ranging from 80 feet to 120 and containing 22,035 square feet, and 20-yard setbacks on the south, east and north, which would total 16,867 square feet, 38,902 square feet, or 38% of the 2.3-acre site would be consumed by setbacks, which is the practical difficulty or particular hardship for the Property. These setbacks anticipate a larger industrial site with other improvements. Also, the nature of the surrounding area, none of which contain 20-foot setbacks, would create a hardship on this Applicant to provide. In addition, the Army Trail Road Approvals granted 10-foot side yard relief, front yard setback relief to 20 feet and use of gravel in the parking area. The adjoining side yards for the Army Trail Road Approvals were residential, not industrial.

Although Applicant believes all the side and rear yard variances are appropriate given the variances granted for the north and for the Army Trail Road Approvals, Applicant can park smaller trucks on a portion of the site and comply with the yard setbacks to the south and east. A five-yard setback between the Property and Applicants parcel immediately to the north would be appropriate since the parcel is owned by Applicant and used for the same use. Alternatively, the site could also operate with a twenty-foot setback on both side yards and the year yard. A copy of a site plan showing such setbacks is enclosed as Exhibit 4. These alternative site plans show that the use proposed is not too large for the Property. This was the second reason for denying the conditional use or the variances.
DuPage County Development Committee
January 5, 2018
Page 4 of 4

In conclusion, for all of the reasons noted in this letter, the application meets all the requirements for a conditional use under the County ordinance and pursuant to the Illinois Supreme Court case of City of Chicago Heights v. Living Word Outreach Full Gospel Church and Ministries, Inc. The proposed use at this location would not result in an adverse effect above and beyond those inherently associated with open storage of commercial vehicles and equipment irrespective of its location within an I-1 district. Additionally, the standards to grant the requested variances have been met as well. A copy of the proposed Findings of Fact submitted by Applicant to the Zoning Board of Appeals is enclosed as Exhibit 5. Nevertheless, Applicant requests the Development Committee refer this matter back to the Zoning Board of Appeals to consider Applicant’s revised site plan consistent with the requirements under the Living Word case and County standards for a conditional use and variances, together with the previous conditional uses and variations or deviations granted by the County for similar uses.

Sincerely,

RATHJE & WOODAWARD, LLC

[Signature]

Tracy D. Karson

TDK/lb
Enclosures

EXHIBIT 2

Building and Zoning Department Memorandum and Ordinance
MEMORANDUM

TO:        DuPage County Board
FROM:      DuPage County Development Committee
DATE:      January 5, 2016
RE:        Z15-048 12M Partners LLC. (Bloomington Township/District 1)

DuPage County Board: January 12, 2016: Concurred with Development Committee and Approved

County Board Vote (to Approve): 12 Ayes, 5 Nays

Development Committee: January 5, 2016: The Development Committee considered
the ZBA Recommendations and Findings and approved of same and added 1 conditions;

A Conditional Use Planned Development for 12M Partners LLC., Pat and Bryan
Marino as agents, (12M Partners LLC ) to allow for the following:

a. To rezone the property from R-2 Single Family Residential Zoning district to the I-
   2 General Industrial Zoning District for 12M Partners LLC;

b. To allow 12M Partners LLC to use the property for empty commercial vehicle
   trailer outdoor storage and parking of commercial vehicles only;

c. To allow 12M Partners LLC to store and park commercial vehicles in the area of
   the 40 feet setback no closer than ten (10) feet from the east side property line and
   no closer than twenty (20) feet from the front side property line;

d. To allow that 12M Partners LLC be able to maintain the existing fence within the
   front yard setback at a height of 8 ft. tall with solid fabric screening;

e. To allow that 12M Partners LLC be able to maintain the existing fence within the
   side setbacks at a height of 6 ft. tall.

Subject to the following conditions:
Ownership, Use and Zoning classification:

1. That the Conditional Use Planned Development, rezoning and all sections of the
   approved planned development herein shall inure only to 12M Partners LLC, and
   shall not be transferable.
2. That at all times 12M Partners LLC must own or lease 100% of the subject property with Pat and/or Brian Marino, (either jointly or individually) owning at least 50% of 12M Partners LLC.

   a. That if at any time 12M Partners LLC, fails to control 100% of the property, (either by ownership or lease) the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

   b. That if at any time Pat and/or Brian Marino, (either jointly or individually) fail to hold at least a 50% or greater interest in 12M Partners LLC, the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

3. That if at any time the uses approved as part of the subject Planned Development Conditional Use, (outdoor storage and parking of commercial vehicles only), ceases or a new use is added the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

4. That 12M Partners LLC shall be required to either own or have executed a lease of the subject property within six (6) months of the approval of this ordinance.
   a. That if 12M Partners LLC, fails to own or maintain a lease of the property within six (6) months of the approval of this ordinance the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

Traffic and trip generation:

5. That after one (1) year of approval of this ordinance 12M Partners LLC shall submit a traffic study to the DuPage County Building and Zoning Department to be reviewed by the DuPage County Department of Transportation (DUDOT).

   a. That after review of the traffic study by DUDOT, DUDOT shall review their findings with 12M Partners LLC. If DUDOT determines that improvements are required 12 M Partners LLC shall:
      (1) Apply for and receive a permit from the County for said improvement(s); and
      (2) Commence the improvement(s) within six (6) months of receipt of the permit; and
(3) Shall complete the improvement(s) within six (6) months from the date of
commencing the work.

Site plans and permitting:

7. That the property be developed in accordance with the petitioner’s site plan to
be made part of Zoning Permit #215-048 12M Partners LLC. The site plan shall
show that the east side yard setback shall be ten (10) feet and the south front yard
setback shall be twenty (20) feet.

a. Said site plan to indicate that there will be no development in the special
management areas on the property.

8. That prior to any occupancy or use of the subject property 12M Partners LLC
shall apply for and receive a permit for restoration and mitigation of all
disturbed special management areas on the property and all detention required
by the development of the site and complete all of the work associated with
restoration, mitigation and detention and have same approved by the County.

9. That 12M Partners LLC., shall apply for and receive a Building Permit for all
construction and/or excavation that occurs on the property.

10. That in conjunction with the submittal of a building permit 12M Partners LLC.,
shall provide a landscape plan showing full landscape screens around the
perimeter of the development. Said landscape plan to show at least the
following:

a. An eight (8) foot tall solid or completely screened fence parallel to the
north line of the vehicle storage area but not within the special
management area;

b. A six (6) foot tall fence adjacent to the east property line and perimeter
of the vehicle storage area but not within the special management area;

c. A six (6) foot tall solid or screened fence adjacent to the south property
line and perimeter of the vehicle storage area but not within the special
management area;

d. A six (6) foot tall solid or screened fence adjacent to the west property
line and perimeter of the vehicle storage area but not within the special
management area.

Compliance with all other County Codes and Ordinances:

11. That the property be developed in accordance with all other codes and Ordinances
of DuPage County- including but not limited to the following:
a. Exposed sources of light shall be controlled so that direct and indirect illumination within the lot lines shall not cause illumination in excess one and one half (1.5) foot-candle at all property lines.
b. Exposed sources of light shall be shielded in such a way that the light source shall not create harmful glare that is deleterious to adjacent properties or a road or road right of way.
c. All trailers used for curtailage or off site hauling of materials shall be empty when stored or parked on the property.
d. Noise Emission:
   a. No person shall cause or allow the emission of sound during weekday hours, (Monday through Friday between the hours of 6 AM and 8 PM) from any property-line-noise-source located on the subject property in excess of 71 decibels.
   b. No person shall cause or allow the emission of sound during weekend hours, (Monday through Friday between the hours of 8 PM and 6 AM) from any property-line-noise-source located on the subject property in excess of 61 decibels.
   c. No person shall cause or allow the emission of sound during weekend day hours, (Saturday and Sunday between the hours of 8 AM and 6 PM) from any property-line-noise-source located on the subject property in excess of 71 decibels.
   d. No person shall cause or allow the emission of sound during weekend night hours, (Saturday and Sunday between the hours of 6 PM and 8 AM) from any property-line-noise-source located on the subject property in excess of 61 decibels.
   e. That other than a single dwelling caretaker facility in the residential structure on the west side of the property there shall be no sleeping facilities on the property and no overnight sleeping quarters in any of the commercial vehicles or storage trailers. Furthermore, that there be no idling of commercial vehicles or equipment on the property to facilitate any use other than storage of commercial vehicles and equipment and the pick-up and drop of commercial vehicles and equipment.

Development Committee VOTE (to Approve): 4 Ayes, 2 Nays

Zoning Board of Appeals Meeting: December 3, 2015: The Zoning Board of Appeals recommended to approve the following zoning relief:

A Conditional Use Planned Development for 12M Partners LLC, Pat and Brian Marino as agents. (12M Partners LLC) to allow for the following:
a. To rezone the property from R-2 Single Family Residential Zoning district to the I-2 General Industrial Zoning District for 12M Partners LLC;

b. To allow 12M Partners LLC to use the property for outdoor storage and parking of commercial vehicles only;

c. To allow 12M Partners LLC to store and park commercial vehicles in the area of the 40-foot setback no closer than ten (10) feet from the east side property line and no closer than twenty (20) feet from the front south property line;

d. To allow that 12M Partners LLC be able to maintain the existing fence within the front yard setback at a height of 8 ft. tall with solid fabric screening;

e. To allow that 12M Partners LLC be able to maintain the existing fence within the side setbacks at a height of 6 ft. tall.

Subject to the following conditions:

Ownership, Use and Zoning classification:

1. That the Conditional Use Planned Development, rezoning and all sections of the approved planned development herein shall inure only to 12M Partners LLC, and shall not be transferable.

2. That at all times Pat and/or Brian Marine, (either jointly or individually) must hold at least a 50% interest in the 12M Partners LLC.

   a. That if at any time Pat and/or Brian Marine, (either jointly or individually) fail to hold at least a 50% or greater interest in 12M Partners LLC, the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

3. That at all times 12M Partners LLC, must hold at least a 50% or greater interest in the subject property by ownership or executed lease to operate only the approved uses on the subject property.

   a. That if at any time 12M Partners LLC, fails to hold at least a 50% or greater interest in the subject property, the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

   b. That if at any time the uses approved as part of the subject Planned Development Conditional Use, (outdoor storage and parking of commercial vehicles only), ceases or a new use is added the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.
General Industrial District to the R-2 Single Family Residential District.

4. That 12M Partners LLC shall be required to either own or have executed a lease of the subject property within six (6) months of the approval of this ordinance.

   a. That if 12M Partners LLC fails to own or maintain a lease of the property within six (6) months of the approval of this ordinance the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

Traffic and trip generation:

5. That after one (1) year of approval of this ordinance 12M Partners LLC shall submit a traffic study to the DuPage County Building and Zoning Department to be reviewed by the DuPage County Department of Transportation (DUDOT).

   a. That after review of the traffic study by DUDOT, DUDOT shall review their findings with 12M Partners LLC. If DUDOT determines that improvements are required 12 M Partners LLC shall:

      (1) Apply for and receive a permit from the County for said improvement(s); and

      (2) Commence the improvement(s) within six (6) months of receipt of the permit; and

      (3) Shall complete the improvement(s) within six (6) months from the date of commencing the work.

Site plans and permitting:

6. That the property be developed in accordance with the petitioner’s site plan to be made part of Zoning Petition #Z15-048 12M Partners LLC. The site plan shall show that the east side yard setback shall be ten (10) feet and the south front yard setback shall be twenty (20) feet.

   a. Said site plan to indicate that there will be no development in the special management areas on the property.

7. That 12M Partners LLC shall apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

8. That in conjunction with the submittal of a building permit 12M Partners LLC shall provide a landscape plan showing full landscape screens around the
perimeter of the development. Said landscape plan to show at least the following:

a. An eight (8) foot tall solid or completely screened fence parallel to the north line of the vehicle storage area but not within the special management area;

b. A six (6) foot tall fence adjacent to the east property line and perimeter of the vehicle storage area but not within the special management area;

c. A six (6) foot tall solid or screened fence adjacent to the south property line and perimeter of the vehicle storage area but not within the special management area;

d. A six (6) foot tall solid or screened fence adjacent to the west property line and perimeter of the vehicle storage area but not within the special management area.

**Compliance with all other County Codes and Ordinances:**

9. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

**Dissenting Opinion:**

1. The dissenting members find that the petitioner has not demonstrated that the property warranted rezoning as the subject property is surrounded by property that is predominately zoned single family residential district and is developed either as single family homes or open space.

2. That the dissenting members find that petitioner has not adequately demonstrated or addressed that the petitioner has satisfied or mitigated the concerns of the neighbors relative to concerns about prospective traffic issues, noise, lighting and general use and maintenance of the property relative to the potential impact these issues may have on the neighbors property values and standard of living.

**FINDINGS OF FACT:**

1. That the petitioner testified that while the property is currently zoned R-2 Single Family, it is less than three (3) blocks from industrial and commercial land uses to the northeast and southeast that lie within the corporate limits of the Village of Addison and immediately adjacent to the south side of Army Trail Road is commercial property zoned and developed as such within the Village of Bloomingdale.
2. That the petitioner testified that the property is bordered on north and east by open space owned by the DuPage County Forest Preserve.

3. That the petitioner testified that new residential uses along Army Trail Rd. have not been established within approximately the previous twenty (20) years.

4. That the petitioner testified that the property has been used for non-residential uses within the previous twenty (20) years pursuant to qualification as a property exempted from the Zoning Ordinance if used for agricultural purposes. The most recent and intense use began operation in 2009 and entailed an outdoor storage yard for agricultural goods and equipment.

5. That the petitioner testified that since the termination of the previous use, that all prospective owners have not sought to use the property under the allowable uses found in the current zoning of R-2 Single Family.

6. That the petitioner has indicated that they will accept and comply with conditions adopted by the DuPage County Board relative to the property reverting back to an R-2 Single Family Residential zoning category and all use and structures removed from the property should 12m Partners LLC cease to have either ownership or a lease on the property.

7. That the petitioner testified that they will be responsible for the remediation of special management area violations that presently exist on the property which were caused by a previous owner.

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. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that the fire district has no objection.
   b. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the proposed use will reemphasize usage of a vacant property, which will incorporate remediation of special management area violations.
   c. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that all Highway Department concerns have been addressed satisfactorily.
d. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that they will remediate the current special management area violations.

e. Incur additional public expense for flood protection, rescue or relief as petitioner has demonstrated that the Storm water department has no objection.

f. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner will recommence usage of a vacant property, which will incorporate remediation of special management area violations.

<table>
<thead>
<tr>
<th>PETITIONER'S DEVELOPMENT FACT SHEET</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERAL ZONING CASE INFORMATION</td>
</tr>
<tr>
<td>CASE #:PETITIONER</td>
</tr>
<tr>
<td>Z15-048 12M Partners LLC</td>
</tr>
<tr>
<td>OWNER</td>
</tr>
<tr>
<td>AGENT FOR</td>
</tr>
<tr>
<td>PETITIONER</td>
</tr>
<tr>
<td>12M Partners LLC. Managers: Pat Marino and Brian Marino. 21W420 Thornridge Ave., Medinah, IL 60157</td>
</tr>
<tr>
<td>ADDRESS/LOCATION</td>
</tr>
<tr>
<td>22W020 and 22W060 Army Trail Rd., Addison IL 60181. 4N127 Walter Dr., Addison, IL 60181</td>
</tr>
<tr>
<td>PUBLICATION DATE</td>
</tr>
<tr>
<td>Daily Herald: September 30, 2015</td>
</tr>
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</table>

ZONING REQUEST
Petitioner requests that a fence be allowed to remain at its current location. Also, Petitioner requests the ability to store or park commercial vehicles in the area of the 40 ft. setback (conditional use). (Sec. 37-407, and 37-1602)
Within the I-2 zoning, petitioner requests the ability to use the property for outdoor storage and parking of commercial vehicles (conditional use). (Sec. 37-1002.2)
The property is currently zoned R-2 non-conforming and the petitioner requests it to be rezoned to I-2 zoning. (Sec. 37-1002, and 37-1412)
A Conditional Use for a Planned Development in an I-2 zoning district. (Sec. 37-1002.2 and 37-1414)

| PIN/TWSP/COUNTY BOARD DIST.         |
| 02-23-401-025; -026; -027          |
| Bloomingsdale Township/District    |
| ZONING/UP                          |
| R-2 Single Family Res.             |
| 6-5 DU/AC                          |
| AREA/UTILITIES                     |
| 253,176 sq. ft. (5.8 Acres)        |
| PUBLIC HEARING                     |
| Thursday, October 15, 2015, 6:00 p.m. |

ADDITIONAL INFORMATION:

| Building: No Objection. |
| DUDOT: No objection with the concept of the petition. See attached note dated 9/30/2015 from DuDOT. |
| Health: No Objection. |
### GENERAL BULK REQUIREMENTS:

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>REQUIRED</th>
<th>EXISTING</th>
<th>PROPOSED</th>
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<tbody>
<tr>
<td>Front Yard:</td>
<td>30 ft. in R-2</td>
<td>40 ft. in L-2</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>59.7 ft.</td>
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<td>East Int. Sid Yard+</td>
<td>20 ft. in R-2</td>
<td>40 ft. in L-2</td>
<td>NA</td>
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<tr>
<td>West Corner Sid Yard:</td>
<td>30 ft. in R-2</td>
<td>40 ft. in L-2</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Parking within 40 ft. setback</td>
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<tr>
<td>Rear Yard:</td>
<td>25 ft. in R-2</td>
<td>40 ft. in L-2</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td></td>
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<td>In excess of 25 ft.</td>
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</table>

### LAND USE

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<th>Location</th>
<th>Subject</th>
<th>Zoning</th>
<th>Existing Use</th>
<th>LUP</th>
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<tbody>
<tr>
<td>South</td>
<td>R-2 Single Family Res.</td>
<td>Single Family Home/Community Commercial</td>
<td>0-5 DU/AC</td>
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<tr>
<td>East</td>
<td>R-2 Single Family Res.</td>
<td>Regional Open Space</td>
<td>Regional Office Space</td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>Walter Dr. and Beyond R-2 Single Family Res.</td>
<td>Single Family Home</td>
<td>0-5 DU/AC</td>
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</tbody>
</table>

### ZONING MAP

Zoning Classification Legend:

- Residential
- Commercial
- Industrial
- Open Space
- Agricultural
- Other

In addition to the access concerns raised on 4/18/13, the Division of Transportation would potentially object to the placement of the fence in its current location due concerns regarding the accessibility of the path for hiker, jogger traffic. Placing the site in the current location is not ideal for traffic on Army Trail Rd, which travels well in the line of traffic in order to gain access to the site. The application has been routed to the Division of Transportation to address the access deficiencies with the street.
2. The Forest Preserve District objects to the dispensing of the property from 1/2 to 2 given the immediate area around the subject property is existing residential and open space (Hilltop Forest Preserve). It is important that a residential use of the subject property would have the impact as the existing residential and open space in the immediate area.

3. Industrial operations in general contain more rigorous surfaces and have a larger volume of vehicle traffic. The outdoor use and storage of vehicles, equipment, and the associated fluids pose potential environmental hazards. Any noise from the area will also impact the recreation and adjacent Forest Preserve. The potential for damage to natural areas.

4. Industrial operations are allowed on the subject property, adhere to setback in aesthetic, setbacks are buffers that allow observation into the ground through permeable surface, provide filtration of debris for septic and reduce water transfer into natural areas. Allowing vehicles in such a manner constitutes the functional capacity of setback and create a greater stress on the infiltration system and increasing the possibility of runoff into the nearby East Branch DuPage River. On a broader scale, continuous infiltration and observation into the residential areas. Whatever the need is to keep clean and attractive, which subsequently reduces the likelihood of flooding due to large storm events.

We hope that you will allow the opportunity to review and comment on any future required plans. Please contact me at any time if there are any questions. For more information, please contact me at (333) 933-7235.

Sincerely,

[Signature]

[Name]
Land Preservation Manager

cc: Joseph Carter, President
    Mantha Murphy, Forest Preserve District 1 Commissioner
    Dan Strain, Director Resource Management and Development
    Dean Conte, DuPage County Board Chairman
    Paul Surace, DuPage County Board Chairman
    Donald Pursley, DuPage County Board Chairman
    Brian Tumminia, DuPage County Board Chairman

Illinois Nature Preserves Commission

One Natural Resources Way
Springfield, IL 62706-1214
217-785-6666

October 22, 2014
Robert Kussl, Chairman
DuPage County Zoning Board of Appeals

Jack T. Knueper Administration Building
421 North County Farm Road
Wheaton, IL 60187

Res Publica Services on Zoning Petition Z-15-036, 1334 Patterson LLC

Dear Mr. Kussl and Members of the DuPage County Zoning Board of Appeals,

The Illinois Nature Preserves Commission (INPC) is aware that a public hearing regarding Zoning Petition Z-15-036 is pending a period of land use approval to Swift Prairie Nature Preserve that was initialed on August 30, 2014, and has been rescheduled for October 13, 2015. The INPC once again requests that the DuPage County Zoning Board of Appeals deny the Zoning Petition 15-036 until consultation with the Illinois Department of Natural Resources has been completed.

The property subject to the zoning request by petitioner 1334 Patterson LLC is adjacent to Swift Prairie Nature Preserve, which is owned by the Forest Preserve District of DuPage County. The INPC has again concerned about the proposed impact to Swift Prairie Nature Preserve in the Zoning Petition 15-036. The property is adjacent to the subject property from 1/2 to 2/3 of the 2/3 acre lot by the subject property. The property is adjacent to the subject property from 1/2 to 2/3 of the 2/3 acre lot. The property is adjacent to the subject property from 1/2 to 2/3 of the 2/3 acre lot. The property is adjacent to the subject property from 1/2 to 2/3 of the 2/3 acre lot. The property is adjacent to the subject property from 1/2 to 2/3 of the 2/3 acre lot. The property is adjacent to the subject property from 1/2 to 2/3 of the 2/3 acre lot. The property is adjacent to the subject property from 1/2 to 2/3 of the 2/3 acre lot. The property is adjacent to the subject property from 1/2 to 2/3 of the 2/3 acre lot.

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The DPC again requests that the DuPage County Zoning Board of Appeals defer this zoning request (Z17-036) to the Illinois Department of Natural Resources for consultation as required by the Illinois Natural Areas Protection Act (510 ILCS 20/7) prior to taking an official position on this zoning request.

The DPC also notes this opportunity to inform the DuPage County Zoning Board of Appeals of the ecological significance of the NPA Prairie Bluff Preserve and the requirement by 12 M Builders, LLC to submit this request to the Illinois Department of Natural Resources for consultation. This DPC further requests that this letter be made a part of the public record of the Public Hearing scheduled for October 12, 2015.

Thank you.

Sincerely,

[Signature]

[Name]
[Position]

cc: Valeria Kipp, Interim Director, DPC
Sean Murphy, Forest Preserve District of DuPage County
ORDINANCE
Zoning Petition Z15-048 I2M Partners LLC

WHEREAS, a public hearing was held on August 20, 2015 and September 30, 2015 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:

Petitioner requests that the fence on the property, which is 8 ft. high with screening, be allowed to remain at its current location (validation). Also, Petitioner requests the ability to store or park commercial vehicles in the area of the 40 ft. setback (conditional use). (Sec. 37-407, and 37-1002)

Within the I-2 zoning, petitioner requests the ability to use the property for outdoor storage and parking of commercial vehicles (conditional use). (Sec. 37-1002.2)

The property is currently zoned R-2 non-conforming residential and the petitioner requests to be rezone to I-2 zoning. (Sec. 37-1002.2, and 37-1412)

A Conditional Use for a Planned Development in an I-2 zoning district. (Sec. 37-1002.2 and 37-1412); on the property hereinafter described:

PARCEL 1: LOT 6 IN OLD ARMY TRAIL ESTATES, BEING A SUBDIVISION IN THE SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1947 AS DOCUMENT 516663, IN DU PAGE COUNTY, ILLINOIS.

PARCEL 2: THE SOUTH 100 FEET OF THE NORTH 400.00 FEET IN OLD ARMY TRAIL ESTATES, BEING A SUBDIVISION IN THE SOUTHEAST ¼ OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1947 AS DOCUMENT 519663, IN DU PAGE 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 December 3, 2015 does find as follows:

FINDINGS OF FACT:
1. That the petitioner testified that while the property is currently zoned R-2 Single Family, it is less than three (3) blocks from industrial and commercial land uses to the northeast and southeast that lie within the corporate limits of the Village of Addison and immediately adjacent to the south side of Army Trail Road is commercial property zoned and developed as such within the Village of Bloomingdale.
2. That the petitioner testified that the property is bordered on north and east by open space owned by the DuPage County Forest Preserve.

3. That the petitioner testified that new residential use along Army Trail Rd. have not been established within the previous twenty (20) years.

4. That the petitioner testified that the property has been used for non-residential uses within the previous twenty (20) years pursuant to qualification as a property exempted from the Zoning Ordinance if used for agricultural purposes. The most recent and intense use began operation in 2000 and consisted an outdoor storage yard for agricultural goods and equipment.

5. That the petitioner testified that since the termination of the previous use, that all prospective owners have not sought to use the property under the allowable uses found in the current zoning of R-2 Single Family.

6. That the petitioner has indicated that they will accept and comply with conditions adopted by the DuPage County Board relative to the property reverting back to an R-2 Single Family Residential zoning category and all uses and structures removed from the property should 12m Partners LLC cease to have either ownership or a lease on the property.

7. That the petitioner testified that they will be responsible for the remediation of special management area violations that presently exist on the property which were caused by a previous owner.

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. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that the fire district has no objection.

   b. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the proposed use will recompense usage of a vacant property, which will incorporate remediation of special management area violations.

   c. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that all Highway Department concerns have been addressed satisfactorily.

   d. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that they will remediate the current special management area violations.
e. Incure additional public expense for flood protection, rescue or relief as petitioner has demonstrated that the storm water department has no objection.

f. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner will recommend usage of a vacant property, which will incorporate remission of special management area violations.

**Dissecting Opinion:**

1. The dissenting members find that the petitioner has not demonstrated that the property warranted rezoning as the subject property is surrounded by property that is predominately zoned single-family residential district and is developed either as single family homes or open space.

2. That the dissenting members find that petitioner has not adequately demonstrated or addressed that the petitioner has satisfied or mitigated the concerns of the neighbors relative to concerns about prospective traffic issues, noise, lighting and general use and maintenance of the property relative to the potential impact these issues may have on the neighbor’s property values and standard of living.

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**PETITIONER’S DEVELOPMENT FACT SHEET**

**GENERAL ZONING CASE INFORMATION**

<table>
<thead>
<tr>
<th>CASE #PETITIONER</th>
<th>Z15-048 12M Partners LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>OWNER</td>
<td>Chase Bank and Trust, Trustee, Beneficiary: Robert J. Murphy, Jr., 233 Dalewood, Wood Dale, IL 60191.</td>
</tr>
<tr>
<td>AGENT FOR PETITIONER</td>
<td>12M Partners LLC, Manager: Pat Marino and Brian Saffitz, 22W20 Thornvale Ave., Addison, IL 60101</td>
</tr>
<tr>
<td>ADDRESS/LOCATION</td>
<td>22W20 and 22W60 Army Trail Rd., Addison, IL 60101</td>
</tr>
<tr>
<td>PUBLICATION DATE</td>
<td>Daily Herald; September 30, 2015</td>
</tr>
<tr>
<td>ZONING REQUEST</td>
<td>Petitioner requests that the fence on the property, which is 8 ft. high with screening, be allowed to remain at its current location (variation). Also, Petitioner requests the ability to store or park commercial vehicles in the area of the 40 ft. setback (conditional use). (Sec. 37-507, and 37-1600) Within the 1-2 zoning, petitioner requests the ability to use the property for outdoor storage and parking of commercial vehicles (conditional use). (Sec. 37-1002.2) The property is currently zoned R-2 non-conforming commercial and the petitioner requests it to be rezoned to R-2 zoning. (Sec. 37-1002, and 37-1412) A Conditional Use for a Planned Development in an R-2 zoning district. (Sec. 37-1002.2 and 37-1414)</td>
</tr>
<tr>
<td>PIN/TWP/ COUNTY BOARD DIST.</td>
<td>09-23-401-025; -026; -027</td>
</tr>
</tbody>
</table>
WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on December 3, 2013 recommends to approve the following zoning relief:

A Conditional Use Planned Development for 12M Partners LLC. Pat and Brian Marubo as agents, (12M Partners LLC) to allow for the following:

<table>
<thead>
<tr>
<th>Location</th>
<th>Zoning</th>
<th>Existing Use</th>
<th>LUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>R-2 Single Family Res.</td>
<td>Single Family Home</td>
<td>0-5 DU/AC</td>
</tr>
<tr>
<td>South</td>
<td>Army Trail Ed., and Beyond Incorporated Bloomingdale</td>
<td>Commercial/Office Incorporated</td>
<td>0-5 DU/AC</td>
</tr>
<tr>
<td>East</td>
<td>R-2 Single Family Res.</td>
<td>Regional Open Space</td>
<td>Regional Office Space</td>
</tr>
<tr>
<td>West</td>
<td>Walter Dr., and Beyond R-2 Single Family Res.</td>
<td>Single Family Home</td>
<td>0-5 DU/AC</td>
</tr>
</tbody>
</table>
a. To resume the property from R-2 Single Family Residential Zoning district to the I-2 General Industrial Zoning district for 12M Partners LLC;
b. To allow 12M Partners LLC to use the property for outdoor storage and parking of commercial vehicles only;
c. To allow 12M Partners LLC to store and park commercial vehicles in the area of the 40 foot setback no closer than ten (10) feet from the east side property line and no closer than twenty (20) feet from the front south property line;
d. To allow that 12M Partners LLC be able to maintain the existing fence within the front yard setback at a height of 6 ft. tall with solid fabric screening;
e. To allow that 12M Partners LLC be able to maintain the existing fence within the side setbacks at a height of 6 ft. tall.

Subject to the following conditions:

Owneable, Use and Zoning Classification:
1. That the Conditional Use Planned Development, rezoning and all sections of the approved planned development herein shall inure only to 12M Partners LLC, and shall not be transferable.

2. That at all times Pat and/or Brian Marino, (either jointly or individually) must hold at least a 50% Interest in the 12M Partners LLC.
   a. That if at any time Pat and/or Brian Marino, (either jointly or individually) fail to hold at least a 50% or greater interest in 12M Partners LLC, the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

3. That at all times 12M Partners LLC must hold at least a 50% or greater interest in the subject property by ownership or executed lease to operate only the approved uses on the subject property.
   a. That if at any time 12M Partners LLC, fails to hold at least a 50% or greater interest in the subject property the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.
   b. That if at any time the uses approved as part of the subject Planned Development Conditional Use, (outdoor storage and parking of commercial vehicles only), ceases or a new use is added the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

4. That 12M Partners LLC, shall be required to either own or have executed a lease of the subject property within six (6) months of the approval of this application.
a. That if 12M Partners LLC. fails to own or maintain a lease of the property within six (6) months of the approval of this ordinance the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

Traffic and truck generation:

5. That after one (1) year of approval of this ordinance 12M Partners LLC. shall submit a traffic study to the DuPage County Building and Zoning Department to be reviewed by the DuPage County Department of Transportation (DUDOT).

a. That after review of the traffic study by DUDOT, DUDOT shall review their findings with 12M Partners LLC. If DUDOT determines that improvements are required 12 M Partners LLC shall:

(1) Apply for and receive a permit from the County for said improvement(s); and

(2) Commence the improvement(s) within six (6) months of receipt of the permit; and

(3) Shall complete the improvement(s) within six (6) months from the date of commencing the work.

Site plan and permitting:

6. That the property be developed in accordance with the petitioner’s site plan to be made part of Zoning Petition #2015-048 12M Partners LLC. The site plan shall show that the east side yard setback shall be ten (10) feet and the south front yard setback shall be twenty (20) feet.

a. Said site plan to indicate that there will be no development in the special management areas on the property.

7. That 12M Partners LLC., shall apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

8. That in conjunction with the submittal of a building permit 12M Partners LLC., shall provide a landscape plan showing full landscape screens around the perimeter of the development. Said landscape plan to show at least the following:

a. An eight (8) foot tall solid or completely screen fence parallel to the north line of the vehicle storage area but not within the special management area;

b. A six (6) foot tall fence adjacent to the east property line and perimeter of the vehicle storage area but not within the special management area;
c. A six (6) foot tall solid or screened fence adjacent to the north property line and perimeter of the vehicle storage area but not within the special management area;

d. A six (6) foot tall solid or screened fence adjacent to the west property line and perimeter of the vehicle storage area but not within the special management area.

Compliance with all other County Codes and Ordinances:

9. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

WHEREAS, the County Board Development Committee on January 5, 2016 considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommendations and added additional conditions and recommends to approve the following zoning relief:

A Conditional Use Planned Development for 12M Partners LLC, Pat and Brian Marino as agents, (12M Partners LLC) to allow for the following:

a. To rezone the property from R-2 Single Family Residential Zoning District to the I-2 General Industrial Zoning District for 12M Partners LLC;

b. To allow 12M Partners LLC to use the property for empty commercial vehicle trailer outdoor storage and parking of commercial vehicles only;

c. To allow 12M Partners LLC to store and park commercial vehicles in the area of the 40 feet setback no closer than ten (10) feet from the east side property line and no closer than twenty (20) feet from the front south property line;

d. To allow that 12M Partners LLC be able to maintain the existing fence within the front yard setback at a height of 8 ft. tall with solid fabric screening;

e. To allow that 12M Partners LLC be able to maintain the existing fence within the side setbacks at a height of 6 ft. tall.

Subject to the following conditions:

Ownership, Use and Zoning classifications:

1. That the Conditional Use Planned Development, rezoning and all sections of the approved planned development herein shall beure only to 12M Partners LLC, and shall not be transferable.

2. That at all times 12M Partners LLC must own or lease 100% of the subject property with Pat and Brian Marino, (either jointly or individually) owning at least 50% of 12 M Partners LLC.
a. That if at any time 12M Partners LLC., fails to control 100% of the property, (either by ownership or lease) the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

b. That if at any time Pat and/or Brian Marino, (either jointly or individually) fail to hold at least a 50% or greater interest in 12M Partners LLC., the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

3. That if at any time the uses approved at the subject Planned Development Conditional Use, (outdoor storage and parking of commercial vehicles only), cease or a new use is added the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

4. That 12M Partners LLC. shall be required to either own or have executed a lease of the subject property within six (6) months of the approval of this ordinance.

a. That if 12M Partners LLC., fails to own or maintain a lease of the property within six (6) months of the approval of this ordinance the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

Traffic and thru generation:

5. That after one (1) year of approval of this ordinance 12M Partners LLC. shall submit a traffic study to the DuPage County Building and Zoning Department to be reviewed by the DuPage County Department of Transportation (DUDOT).

a. That after review of the traffic study by DUDOT, DUDOT shall review their findings with 12M Partners LLC. If DUDOT determines that improvements are required 12 M Partners LLC shall:

(1) Apply for and receive a permit from the County for said improvement(s); and

(2) Commence the improvement(s) within six (6) months of receipt of the permit; and

(3) Shall complete the improvement(s) within six (6) months from the date of commencing the work.

Site plans and permits:

6. That the property be developed in accordance with the petitioner’s site plan to be made part of Zoning Petition #Z15-048 12M Partners LLC. The site plan shall
show that the east side yard setback shall be ten (10) feet and the south front yard setback shall be twenty (20) feet.

a. Said site plan to indicate that there will be no development in the special management areas on the property.

7. That prior to any occupancy or use of the subject property 12M Partners LLC shall apply for and receive a permit for restoration and mitigation of all disturbed special management areas on the property and all detention required by the development of the site and complete all of the work associated with restoration, mitigation and detention and have same approved by the County.

8. That 12M Partners LLC, shall apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

9. That in conjunction with the submittal of a building permit 12M Partners LLC, shall provide a landscape plan showing full landscape screens around the perimeter of the development. Said landscape plan to show at least the following:

a. An eight (8) foot tall solid or completely screened fence parallel to the north line of the vehicle storage area but not within the special management area;

b. A six (6) foot tall fence adjacent to the east property line and perimeter of the vehicle storage area but not within the special management area;

c. A six (6) foot tall solid or screened fence adjacent to the south property line and perimeter of the vehicle storage area but not within the special management area;

d. A six (6) foot tall solid or screened fence adjacent to the west property line and perimeter of the vehicle storage area but not within the special management area.

Compliance with all other County Codes and Ordinances:

10. That the property be developed in accordance with all other codes and Ordinances of DuPage County, including but not limited to the following:

a. Exposed sources of light shall be controlled so that direct and indirect illumination within the lot lines shall not cause illumination in excess one and one half (1.5) foot-candle at all property lines.

b. Exposed sources of light shall be shielded in such a way that the light source shall not create harmful glare that is deleterious to adjacent properties or a road or road right of way.
o. All trailers used for cartage or off-site hauling of materials shall be empty when stored or parked on the property.

d. Noise Emission:

(1) No person shall cause or allow the emission of sound during weekday hours, (Monday through Friday between the hours of 6 AM and 8 PM) from any property-line noise-source located on the subject property in excess of 71 decibels.

(2) No person shall cause or allow the emission of sound during nighttime hours, (Monday through Friday between the hours of 8 PM and 6 AM) from any property-line noise-source located on the subject property in excess of 61 decibels.

(3) No person shall cause or allow the emission of sound during weekend day hours, (Saturday and Sunday between the hours of 8 AM and 6 PM) from any property-line noise-source located on the subject property in excess of 71 decibels.

(4) No person shall cause or allow the emission of sound during weekend night hours, (Saturday and Sunday between the hours of 6 PM and 8 AM) from any property-line noise-source located on the subject property in excess of 61 decibels.

e. That other than a single dwelling care taker facility in the residential structure on the west side of the property there shall be no sleeping facilities on the property and no overnight sleeping quarters in any of the commercial vehicles or storage trailers. Furthermore, that there be no filling of commercial vehicles or equipment on the property to facilitate any use other than storage of commercial vehicles and equipment and the pick-up and drop of commercial vehicles and equipment.

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

A Conditional Use Planned Development for 12M Partners LLC, Pat and Brian Madrano as agents (12M Partners LLC) to allow for the following:

a. To rezone the property from R-2 Single Family Residential Zoning district to the I-2 General Industrial Zoning District for 12M Partners LLC;

b. To allow 12M Partners LLC to use the property for empty commercial vehicle trailer outdoor storage and parking of commercial vehicles only;
c. To allow 12M Partners LLC to store and park commercial vehicles in the area of the
40 foot setback no closer than ten (10) feet from the east side property line and no
closer than twenty (20) feet from the front south property line;
d. To allow that 12M Partners LLC be able to maintain the existing fence within the
front yard setback at a height of 6\ ft. tall with solid fabric screening;
e. To allow that 12M Partners LLC be able to maintain the existing fence within the side
setbacks at a height of 6\ ft. tall; on the property hereinafter described:

PARCEL 1: LOT 6 IN OLD ARMY TRAIL ESTATES, BEING A SUBDIVISION IN
THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 46 NORTH, RANGE 10, EAST
OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF
RECORDED APRIL 23, 1947 AS DOCUMENT 519683, IN DU PAGE COUNTY,
ILLINOIS;

PARCEL 2: THE SOUTH 100 FEET OF THE NORTH 400.00 FEET IN OLD ARMY
TRAIL ESTATES, BEING A SUBDIVISION IN THE SOUTHEAST 1/4 OF SECTION
23, TOWNSHIP 46 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL
MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 23, 1947
AS DOCUMENT 519683, IN DU PAGE COUNTY, ILLINOIS;

The Zoning Relief is subject to the following conditions:

Ownership, Use and Zoning classification:
1. That the Conditional Use Planned Development, rezoning and all sections of the
approved planned development herein shall issue only to 12M Partners LLC, and
shall not be transferable.

2. That at all times 12M Partners LLC must own or lease 100% of the subject property.
with Pat and/or Brian Marino, (either jointly or individually) owning at least 50% of
12 M Partners LLC.

a. That if at any time 12M Partners LLC, fails to control 100% of the property,
(either by ownership or lease) the zoning relief herein shall be null and void and the
property zoning classification shall revert from 1-2 General Industrial District
to the R-2 Single Family Residential District.

b. That if at any time Pat and/or Brian Marino, (either jointly or individually) fail to
hold at least a 50% or greater Interest in 12M Partners LLC, the zoning relief
herein shall be null and void and the property zoning classification shall revert
from 1-2 General Industrial District to the R-2 Single Family Residential District.

3. That if at any time the uses approved as part of the subject Planned Development
Conditional Uses, (outdoor storage and parking of commercial vehicles only), ceases
or a new use is added the zoning relief herein shall be null and void and the property
zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

4. That 2M Partners LLC shall be required to either own or have exercised a lease of the subject property within six (6) months of the approval of this ordinance.

a. That if 2M Partners LLC fails to own or maintain a lease of the property within six (6) months of the approval of this ordinance, the zoning relief herein shall be null and void and the property zoning classification shall revert from I-2 General Industrial District to the R-2 Single Family Residential District.

Traffic and Trafic Generation:

5. That after one (1) year of approval of this ordinance 2M Partners LLC shall submit a traffic study to the DuPage County Building and Zoning Department to be reviewed by the DuPage County Department of Transportation (DUDOT).

a. That after review of the traffic study by DUDOT, DUDOT shall review their findings with 2M Partners LLC. If DUDOT determines that improvements are required 2M Partners LLC shall:

   (1) Apply for and receive a permit from the County for said improvement(s); and

   (2) Commence the improvement(s) within six (6) months of receipt of the permit; and

   (3) Shall complete the improvement(s) within six (6) months from the date of commencing the work.

Site Plan and Permits:

6. That the property be developed in accordance with the petitioner’s site plan to be made part of Zoning Petition #Z15-048 2M Partners LLC. The site plan shall show that the east side yard setback shall be ten (10) feet and the south front yard setback shall be twenty (20) feet.

a. Said site plan to indicate that there will be no development in the special management areas on the property.

7. That prior to any occupancy or use of the subject property 2M Partners LLC shall apply for and receive a permit for restoration and mitigation of all disturbed special management areas on the property and all detention required by the development of the site and complete all of the work associated with restoration, mitigation and detention and have same approved by the County.
8. That 12M Partners LLC., shall apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

9. That in conjunction with the submission of a building permit 12M Partners LLC., shall provide a landscape plan showing full landscape screens around the perimeter of the development. Said landscape plan to show at least the following:
   a. An eight (8) foot tall solid or completely screened fence parallel to the north line of the vehicle storage area but not within the special management area;
   b. A six (6) foot tall fence adjacent to the east property line and perimeter of the vehicle storage area but not within the special management area;
   c. A six (6) foot tall solid or screened fence adjacent to the south property line and perimeter of the vehicle storage area but not within the special management area;
   d. A six (6) foot tall solid or screened fence adjacent to the west property line and perimeter of the vehicle storage area but not within the special management area.

Compliance with all other County Codes and Ordinances:

10. That the property be developed in accordance with all other codes and Ordinances of DuPage County, including but not limited to the following:
   a. Exposed sources of light shall be controlled so that direct and indirect illumination within the lot lines shall not cause illumination in excess one and one half (1.5) foot-candle at all property lines.
   b. Exposed sources of light shall be shielded in such a way that the light source shall not cause harmful glare that is deleterious to adjacent properties or a road or road right of way.
   c. All trailers used for cartage or off site hauling of materials shall be empty when stored or parked on the property.
   d. Noise Emission:
      (1) No person shall cause or allow the emission of sound during weekday hours, (Monday through Friday between the hours of 6 AM and 8 PM) from any property-line-noise-source located on the subject property in excess of 71 decibels.
      (2) No person shall cause or allow the emission of sound during weekend hours, (Monday through Friday between the hours of 8 PM and 6 AM) from any property-line-noise-source located on the subject property in excess of 61 decibels.
(7) No person shall cause or allow the emission of sound during weekend day hours, (Saturday and Sunday between the hours of 8 AM and 6 PM) from any property-like-noise-source located on the subject property in excess of 71 dBA.

(8) No person shall cause or allow the emission of sound during weekend night hours, (Saturday and Sunday between the hours of 6 PM and 8 AM) from any property-like-noise-source located on the subject property in excess of 61 dBA.

c. That other than a single dwelling care taker facility in the residential structure on the west side of the property there shall be no sleeping facilities on the property and no overnight sleeping quarters in any of the commercial vehicles or storage trailers. Furthermore, that there be no loading of commercial vehicles or equipment on the property to facilitate any use other than storage of commercial vehicles and equipment and the pick-up and drop of commercial vehicles and equipment.

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. Hess, Zoning, State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; 12M Partners LLC, Managers: Pete Marino and Brian Marino, 21 W420 Thedale Ave., Medina, IL 60157; Electa Bank and Trust, Trust No. 11839, Beneficiaries: Robert J. Murphy, Jr., 233 Dalewood, Wood Dale, IL 60191; and Township Assessors, Bloomingdale Township, 123 N. Roselawn, Bloomingdale, IL 60108.

Enacted and approved this 12th day of January, 2016, A.D.

DANIEL J. CRONIN, CHAIRMAN
DUPAGE COUNTY BOARD

ATTEST:

PAUL HINDS, COUNTY CLERK.
STATE OF ILLINOIS
COUNTY OF DU PAGE


ALL OF WHICH APPEARS FROM THE RECORDS OF THE PROCEEDINGS OF SAID COUNTY BOARD NOW IN MY OFFICE REMAINING.

GIVEN UNDER MY HAND AND OFFICIAL SEAL AT WHEATON, ILLINOIS, THIS 13TH DAY OF JANUARY, A.D. 2016.

COUNTY CLERK AND CLERK OF THE COUNTY BOARD OF DU PAGE COUNTY, ILLINOIS

EXHIBIT 3

DuPage County Zoning Board of Appeals Transcript of Recommendation Meeting
DuPage County Zoning Board of Appeals

December recommendation meeting

December 7, 2017

COUNTY COURT REPORTERS, INC.
600 S. COUNTY FARM ROAD
SUITE 200-B
WHEATON, IL 60187
Phone: 630.653.1622
Fax: 630.653.4119
courtreporters@ccrreporters.com
December recommendation meeting
December 7, 2017

1. **BEFORE THE DU PAGE COUNTY**
   **PLANNING & ZONING DEPARTMENT**
   **BOARD OF APPEALS**

   December Recommendation Meeting: 3 1ST-306 and T-4-17

   November 20, 2017

   BOARD MEMBERS PRESENT:
   - ROBERT J. KAMINSKY, Chairman
   - JERRY COTTON, Commissioner
   - MICHAEL COFFIT, Commissioner
   - JOHN MIPAL, Commissioner
   - CINNBE LEE, Commissioner
   - ERIN MORAN, Commissioner
   - JACOB MURPHY, Commissioner
   - PAUL LOWE, Planning & Zoning Supervisor

   2. **COMMISSIONER MORAN:** Could we come to order and we'll
   take case No. 274-A/6, the Pontarelli case, first. So
   3. unanimously we start with a motion on the case. I think
   4. this is my first time, so you understand —
   5. **COMMISSIONER KETTER:** I'll make a motion. I would
   6. move to deny. My concern was, I think, expressed by
   7. Mr. Mor, Mr. Lowe, and one other person. My overall concern
   8. is the existing property. One of the things is it
   9. Mr. Low brought up the variance, Mr. Mor, about using
   10. the existing building. Now the mechanical issues would be done
   11. in the garage area, but for the most part and agree that the
   12. property be used by an existing property, not a new one to
   13. same property. But I don't want this to mean the trend of
   14. development there, and I think it's just not right for the
   15. area.
   16. So my motion would be to deny.

   17. **COMMISSIONER KETTER:** Is that a second to that motion?

   18. **COMMISSIONER MORAN:** (indicating)

   19. **COMMISSIONER KETTER:** Motion by Mr. Ketter, to deny.

   20. **COMMISSIONER MORAN:** I will second the motion.

   21. **COMMISSIONER KETTER:** Mr. Mor has —

   22. **COMMISSIONER MORAN:** I was seconding it.

   23. **COMMISSIONER KETTER:** Okay. So, motion by Mr. Ketter

   to deny, second by Mr. Morphy.

   3. **COMMISSIONER MORAN:** Aye.

   4. **MR. HOSS:** Mr. Mor?

   5. **COMMISSIONER HARRIL:** Aye.

   6. **MR. HOSS:** Mr. Mor?

   7. **COMMISSIONER HARRIL:** Aye.

   8. **MR. HOSS:** Mr. Mor?

   9. **COMMISSIONER HARRIL:** Aye.

   10. **MR. HOSS:** Mr. Mor?

   11. **COMMISSIONER HARRIL:** Aye.

   12. **MR. HOSS:** Mr. Mor?

   13. **COMMISSIONER HARRIL:** Aye.

   14. **MR. HOSS:** Mr. Mor?

   15. **COMMISSIONER HARRIL:** Aye.

   16. **MR. HOSS:** Mr. Mor?

   17. **COMMISSIONER HARRIL:** Aye.

   18. **MR. HOSS:** Mr. Mor?

   19. **COMMISSIONER HARRIL:** Aye.

   20. **MR. HOSS:** Mr. Mor?

   21. **COMMISSIONER HARRIL:** Aye.

   22. **MR. HOSS:** Mr. Mor?

   23. **COMMISSIONER HARRIL:** Aye.

   24. **MR. HOSS:** Mr. Mor?

   25. **COMMISSIONER HARRIL:** Aye.

   26. **MR. HOSS:** Mr. Mor?

   27. **COMMISSIONER HARRIL:** Aye.

   28. **MR. HOSS:** Mr. Mor?

   29. **COMMISSIONER HARRIL:** Aye.

   30. **MR. HOSS:** Mr. Mor?

   31. **COMMISSIONER HARRIL:** Aye.

   32. **MR. HOSS:** Mr. Mor?

   33. **COMMISSIONER HARRIL:** Aye.

   34. **MR. HOSS:** Mr. Mor?

   35. **COMMISSIONER HARRIL:** Aye.

   36. **MR. HOSS:** Mr. Mor?

   37. **COMMISSIONER HARRIL:** Aye.

   38. **MR. HOSS:** Mr. Mor?

   39. **COMMISSIONER HARRIL:** Aye.

   40. **MR. HOSS:** Mr. Mor?

   41. **COMMISSIONER HARRIL:** Aye.

   42. **MR. HOSS:** Mr. Mor?

   43. **COMMISSIONER HARRIL:** Aye.

   44. **MR. HOSS:** Mr. Mor?

   45. **COMMISSIONER HARRIL:** Aye.

   46. **MR. HOSS:** Mr. Mor?

   47. **COMMISSIONER HARRIL:** Aye.

   48. **MR. HOSS:** Mr. Mor?

   49. **COMMISSIONER HARRIL:** Aye.
December recommendation meeting  
December 7, 2017

1. The first piece on the fence is that our little zoning staff has taken some code enforcement now after having come back from it 17 years ago, and we've had some more problems done in review of fence permits. And we found that, in inspection of fence permits, we found that many, many fences had fields or measured distances on top of fences. In addition, we found that the stormwater department, drainage department, was requiring by condition of the permit that in some instances fences be raised three inches above the grade to allow for accumulation of water.
2. That unnecessarily caused fences to be higher than four feet, six feet, and eight feet, which are general standards and regulations in the Zoning Code. They happen to also be the general manufacturing standards for fence point at those levels.
3. So, we have instances out there where fences are technically higher than they're allowed to.
4. Rather than have people come in for inspection of variations from those requirements, and reassessing that the requirements are going to be -- we're going to ask for those things to be out on, we thought the better way to handle them was to raise the fence heights and add six inches on all of the three different wound heights.
5. We did some discussion and research with fence manufacturers and found that they don't make six feet six inches, but they do make six feet on 2 x 6's, so we think we're going to settle on that. So, I'm sure there is an order there on the --
6. CHAIRMAN KARHIO: How about we take a vote on that piece of it? Let's take a motion on the --
7. COMMISSIONER KARHIO: I have a question. What is CHAIRMAN KARHIO: What is it until we get the motion on the table.
8. COMMISSIONER KARHIO: Okay. Bureaucratic changes with respect to the changes in the text relating to the increase in fence height.
9. CHAIRMAN KARHIO: At some motion to approve?
10. COMMISSIONER KARHIO: At some motion to approve?
11. MR. HESS: The fencing height, and I'll correct all of the fencing height is intended to be six inches on top of four feet, six feet, and eight feet.
12. COMMISSIONER KARHIO: The language of this, it does say six inches. So it's not point six.
13. MR. HESS: We'll make sure that that is reflected in all of the documents, including the bilingual that we sent out.
14. CHAIRMAN KARHIO: The only question has it, it says over here in resolution at zoning districts where the fence height requirement is greater than eight feet, change the code to six feet... Now that one --
15. CHAIRMAN KARHIO: That's just a typo.
16. COMMISSIONER KARHIO: But it is like that all the way through on all the pages.
17. MR. HESS: And that will be changed.
18. COMMISSIONER KARHIO: I just wanted to be sure about all that.
19. CHAIRMAN KARHIO: Those are all to increase?
20. MR. HESS: Yeah, all to increase by six inches.
21. CHAIRMAN KARHIO: Every place that there's a fence height of eight feet, six inches, eight feet, in a residence.
22. CHAIRMAN KARHIO: That's doing it going to go to six and six inches, eight, six, return.
23. COMMISSIONER KARHIO: I'm going to motion.
24. COMMISSIONER KARHIO: I'm going to motion.
25. COMMISSIONER KARHIO: Motion to increase all of the fencing height.
26. CHAIRMAN KARHIO: Motion by Mr. Moran and seconded by Mr. Kercher. Any discussion on the motion?
27. (no response)
28. CHAIRMAN KARHIO: Let's vote on it now.
29. MR. HESS: Mr. Marinello.
30. COMMISSIONER KARHIO: Mr. Marinello.
31. COMMISSIONER KARHIO: Mr. Marinello.
32. MR. HESS: Mr. Marinello.
33. MR. HESS: Mr. Marinello.
34. MR. HESS: Mr. Marinello.
35. MR. HESS: Mr. Marinello.
36. MR. HESS: Mr. Marinello.
37. MR. HESS: Mr. Marinello.
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44. MR. HESS: Mr. Marinello.
45. MR. HESS: Mr. Marinello.
46. MR. HESS: Mr. Marinello.
47. MR. HESS: Mr. Marinello.
48. MR. HESS: Mr. Marinello.
49. MR. HESS: Mr. Marinello.
50. MR. HESS: Mr. Marinello.
51. MR. HESS: Mr. Marinello.
52. MR. HESS: Mr. Marinello.
December recommendation meeting
December 7, 2017

1. Packet Pg. 60

1. Whatever it is, five minutes to ten seconds or something. I
would like to get public hearings on these cases whenever
we have, because we’re never talking about something that’s
slightly off here, you know, the quick refresh. And I
would like it to be known if it is and what the circumstances
are, and how long they propose to display the sign, et
cezum, et cetra. So, I don’t know. I mean, finally, I
wish we could shorten a little shudder and do the same
component first and then the second, seven to eight two
years from now, but that’s only my opinion.

2. COMMISSIONER LOFTUS: My understanding is these
have been heard and voted on. Is there any
ordinance, isn’t it?

3. MR. HOSS: Yes, relatively new.

4. COMMISSIONER LOFTUS: I guess there was discussion
on that at the time about the unusual something or other.

5. We had hearings on that sort of thing, and then it’s just
the local municipalities. And people have responded it,
reduced it, reduced it, and then the State came along.

6. It was going out of state from that component, but then
viewed anything so far – we’ve always been sort of
amused things where there’s motion going on. It’s like a
picture that moves across or something like that. You need
to watch it longer, but in the short, but wouldn’t

7. MR. HOSS: Before we take any zoning cases, text
amendments to this Board for public here, we will do that before
the Development Committee and ask our Development
Committee if they have a problem if we wrote around with text
amendments. Our Zoning Ordinance requires that we take it
to the Development Committee and first get a mandate from
them. Often times the mandate comes in the form of a
motion in the Zoning Board of Appeals and let them see it.

8. In this particular instance, we have had – every now and
then the Development Committee has had several cases before them, but
they have asked that we take these things before the
ordinance as long as that.

9. CHAIRMAN KARHOLL: How do you have the sense that
the County Board is inclined to make this change as of right?

10. CHAIRMAN KARHOLL: The sense and the sense
that I wanted this all to be by separate motion, is I don’t
favor doing both of these things with respect to the
ordinance. To go from five minutes to ten seconds is
unreasonable. I’m not persuaded of the safety issues, that
the safety issues have been met. I do understand that
the State of Illinois standard is consistent with the new
proposed, and I don’t have myself to be an expert. But
my opinion is that I think the common sense opinion,
ammoniated that everybody thinks they are permitted of what
is common sense. I don’t know. That, if I’m willing to take
the views to approve the reduction from a refresh at – from

11. COMMISSIONER LOFTUS: That doesn’t affect anything here?

12. MR. HOSS: No.

13. COMMISSIONER LOFTUS: I mean if it’s moving, it’s
technically changing.

14. COMMISSIONER KARHOLL: This is just a change in the
message each time.

15. COMMISSIONER LOFTUS: This is something where it’s a
black spot and then the next one comes up.

16. MR. HOSS: There are several items that deal with
what’s called isolation and use. That’s the term in the
industry. And that deals with the floodwall and the
motions of floodwalls and things like that. None of that is
giving to change, it’s just the time period which you can
change the status on the sign to the next status.

17. COMMISSIONER KARHOLL: I personally am comfortable
with that. I think we’ve been doing it for the last years.

18. That is the lower message part. In five minutes,
you’re not even moving anything. I don’t think we’ve

19. CHAIRMAN KARHOLL: Agreed. Five minutes is crazy.

20. Ten seconds is, you know.
December recommendation meeting
December 7, 2017

Chairman Karrhoff: How do you have the same time?

MR. HOSS: Before we take any zoning cases, we amend the agenda for public hearing, we vote on those before the Development Committee and vote on the Development Committee.

Chairman Karrhoff: Mr. Hoss, the reason I ask, the reason I asked this did it by separate motion, is I don’t have done both of these things with respect to this for some time. To go from five minutes to ten seconds is incredible. I’m not surprised of the safety issues, but the safety issues have been resolved. I do understand that the State of Illinois standard is consistent with the new proposal, and I don’t fancy myself to be an expert. My opinion is what I think is a common sense opinion, recognizing that everybody thinks they are possessed of what is common sense. I don’t know. It’s possible confusing the time is approved the reduction from a total of 24 seconds to is approved.

11

Chairman Karrhoff: Agreed. Five minutes is cozy.

24

MR. HOSS: It is five minutes to ten seconds or something.

Chairman Karrhoff: I would like to see public hearings on these cases when they come because now we’re talking about something that’s slightly different, you know, the quick refresh. And I would like to know where it is and what the circumstances are, and I mean long they respond to demonstrate the sign, et cetera, et cetera. So, I don’t know. I mean, frankly, I wish we could take this a little slower and do it the complete first and then the second, make as right two years from now, but that’s my opinion.

COMMISSIONER LOFTUS: My understanding is that even after we vote for four minutes. It’s an odd ordinance, isn’t it?

MR. HOSS: Absolutely.

COMMISSIONER LOFTUS: I remember we had discussion on that at the time the rate on the national something or other.

We had hearings on that sort of thing, and then it’s just the local municipalities. And people who received it, reduced it, reduced it, and then the State came along. So, it was getting out of date from that standpoint, but does this change anything as far as we’ve always been out of against things where there’s motion going on. It’s like a picture that moves around or something like that. You want to work longer. Not just the change, but you write it.
### December recommendation meeting
December 7, 2017

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<td>STATE OF ILLINOIS</td>
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<td>COUNTY OF DUPage</td>
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<td>LIBIA M. CHIDER, CSR. No. 84-2872 Notary Public</td>
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<td>duly qualified and commissioned for the State of Illinois,</td>
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<td>County of DuPage, do hereby certify that the report of</td>
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<td>the DuPage County Board of Appeals, subject to the</td>
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<td>usual terms and conditions of County Court Reporter, Inc.</td>
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<td>8.</td>
<td>reported at the public hearing of the above-entitled cases and</td>
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<td>that the foregoing transcript is true, correct, and</td>
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<td>complete report of the testimony taken at the time and</td>
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| 1 | MR. HOSS: Mr. Laz? |
| 2 | COMMISSIONER LAZ: Aye. |
| 3 | MR. HOSS: Mr. Holkin? |
| 4 | COMMISSIONER HASKIN: Aye. |
| 5 | MR. HOSS: And Mr. Karthoff? |
| 6 | CHAIRMAN KARThOULL: Aye. |
| 7 | The motion passes by a vote of seven in |
| 8 | favor and none opposed. I think that's OK, okay, so we've |
| 9 | adjourned then. |
| 10 | (Which were all the proceedings |
| 11 | had and testimony taken in the |
| 12 | above-entitled cases.) |
| 13 | |
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**EXHIBIT 4**

Site Plan with Setbacks
EXHIBIT 5

Proposed Findings of Fact
Submitted by Applicant to Zoning Board of Appeals

PONTARELLI PROPOSED FINDINGS OF FACT

CONDITIONAL USE

For all the reasons provided in 1 – 7 below, the continuation of the existing use on the Subject Property will be in harmony with the general purpose and intent of the zoning ordinance, will not be injurious to the neighborhood or detrimental to the public welfare.

1. Impair an adequate supply of light and air to adjacent property.
   
   **RESPONSE:** There are no buildings on the Subject Property. Adjacent property is also used for similar industrial uses.

2. Increase the hazard from fire or other dangers to said property.
   
   **RESPONSE:** There are no buildings or uses on the Subject Property, only parking of vacant, commercial vehicles.

3. Diminish the value of land and buildings in the vicinity of the proposed conditional use.
   
   **RESPONSE:** The use has existed on the Subject Property for almost thirty years without diminishing the value of land and buildings in the vicinity of the Subject Property. The parcel to the north is owned by Applicant.

   The parcels to the east and south are zoned Industrial in the County and are used for outside storage.

   The property to the west, across the street from Swift Road, is zoned M4 Planned Office/Research/Industrial (Industrial/Office Research) in the Village of Addison and is developed with an industrial building. This use was developed after the Subject Property began its use parking commercial vehicles.

   In addition, the Subject Property has an approximate landscape setback ranging from 80 to 120 feet from Swift Road, together with landscaping, berming and a fence with screening slats which will screen the use from Swift Road.

   For all of the reasons noted above, given the surrounding uses and low intensity of the existing use, as provided in the *Living Word* Supreme Court Case, the proposed use at this location would not result in an adverse effect above and beyond those inherently associated with open storage of commercial vehicles and equipment irrespective of its location with the I-I zoning district.

4. Unduly increase traffic congestion in the public streets and highways.
RESPONSE: The Subject Property has operated for almost thirty years without causing undue traffic congestion. In addition, there are only 60 truck stalls on the Subject Property and only approximately 10 to 15 per day enter or exit the Subject Property.

5. Increase the potential for flood damages to adjacent property.

RESPONSE: The Subject Property will comply with all provisions of the County Stormwater ordinance.

6. Incur additional public expense for fire protection, rescue or relief.

RESPONSE: It will not.

7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County, nor will it otherwise create a nuisance.

RESPONSE: It will not. In fact, this use will enhance the general welfare of the inhabitants in DuPage County by providing a local area for them to park their trucks and cabs while they are not out. These vehicles cannot be parked in the residential areas where these truckers reside.

VARIATIONS

A. That the granting of any variation is in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County’s Comprehensive Plan for development.

RESPONSE: For all the reasons provided in 1 – 7 below, the continuation of the existing use on the Subject Property will be in harmony with the general purpose and intent of the zoning ordinance, will not be injurious to the neighborhood or detrimental to the public welfare. It also is consistent with the Lake Street Comprehensive Plan designation of re-development/light industrial on the Subject Property. First, the proposed use is a light industrial use because: i) it is listed as part of the County’s I-I zoning designation, which is light industrial; ii) it contains all operable truck vehicles with only 10 to 15 trucks leaving the site on any given day; iii) as noted in the Lake Street Corridor Planning Study, the existing land uses do not have any conflicts with the underlying county zoning, which is an indication that current uses are commensurate to the zoning classifications (P. 32, Lake Street Corridor Planning Study); b) the property’s description in the County designates industrial use, which is consistent with Addison’s designation; c) the proposed use, with no buildings and short-term leases, would not be an impediment to future redevelopment.

B. That the granting of the variation will not:
B1. Impair an adequate supply of light and air to adjacent property.

**RESPONSE:** There are no buildings on the Subject Property. Adjacent property is also used for similar industrial uses.

B2. Increase the hazard from fire or other dangers to said property.

**RESPONSE:** There are no buildings or uses on the Subject Property, only parking of vacant, commercial vehicles.

B3. Diminish the value of land and buildings throughout the County.

**RESPONSE:** The uses with the proposed setbacks and gravel lot have existed on the Subject Property for almost thirty years without diminishing the value of land and buildings in the vicinity of the Subject Property and development of the surrounding area.

The parcel to the north is owned by Applicant. The parcels to the east and south are zoned Industrial in the County and are used for outside storage. The property to the west, across the street from Swift Road, is zoned M4 Planned Office/Research/Industrial (Industrial/Office Research) in the Village of Addison and is developed with an industrial building. This use was developed after the Subject Property began its use parking commercial vehicles.

In addition, the Subject Property has an approximate landscape setback ranging from 80 to 120 feet from Swift Road, together with landscaping, berming and a fence with screening slats which will screen the use from Swift Road.

B4. Unduly increase traffic congestion in the public streets and highways.

**RESPONSE:** The Subject Property has operated for almost thirty years without causing undue traffic congestion. In addition, there are only 60 truck stalls on the Subject Property and only approximately 10 to 15 per day enter or exit the Subject Property.

B5. Increase the potential for flood damages to adjacent property.

**RESPONSE:** The Subject Property will comply with all provisions of the County Stormwater ordinance.

B6. Incur additional public expense for flood protection, rescue or relief.

**RESPONSE:** It will not.
B7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.

**RESPONSE:** It will not.

In addition, pursuant to Section 37.1411.1, there is a practical difficulty or particular hardship in carrying out the strict letter of the regulations of this Chapter.

**RESPONSE:** Conforming to the bulk setback provisions would make the site impractical for the proposed use. This was recognized by the County more than thirty (30) years ago when similar variances were granted for the property to the north. The variance to maintain the existing portions of the gravel lot would match the condition of adjoining uses and create more pervious than impervious surfaces. Paving the area for this vacant use would be cost prohibitive. The practical difficulty or particular hardship is that this use does not contain a business or building. It is more in the nature of a contractor yard rather than an industrial development containing a business with employees and customers. It also would make future redevelopment more unlikely if substantial capital improvements are required for the current use.

With the front setbacks ranging from 80 feet to 120 and containing 22,635 square feet, and 20-yard setbacks on the south, east and north, which would total 16,867 square feet, 38,502 square feet, or 38 % of the 2.3-acre site would be consumed by setbacks, which is the practical difficulty or particular hardship since the Subject Property is so small. These setbacks anticipate a larger industrial site with other improvements. Also, the nature of the surrounding area, none of which contain 20-foot setbacks, would create a hardship on this Applicant to provide.
MEMORANDUM

TO: DuPage County Board
FROM: DuPage County Development Committee
DATE: February 6, 2018
RE: Zoning Petition Z17-018 Giagnorio

DuPage County Board: February 13, 2018:

Development Committee: February 6, 2018: The DuPage County Development Committee recommends to approve the following zoning relief:

1. Variation to allow an existing accessory building in front of the front wall of the house.

2. Variation to reduce the side yard setback from 20 feet to 10 feet.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-018 Giagnorio dated 1/16/2018

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 full landscape screens around the perimeter of the garage. The required screen can include preservation of existing vegetation.

4. That the detached garage be used for domestic items only and that there be no business use of the facility nor any storage of commercial vehicle or equipment.

5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

DuPage County Development Committee Vote (to approve) 6 Ayes, 0 Nays
**DuPage County Zoning Hearing Officer: ZHO:** The ZHO recommends to approve the following zoning relief:

1. Variation to allow an existing accessory building in front of the front wall of the house.

2. Variation to reduce the side yard setback from 20 feet to 10 feet.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-018 Giagnorio dated 1/16/2018

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 full landscape screens around the perimeter of the garage. The required screen can include preservation of existing vegetation.

4. That the detached garage be used for domestic items only and that there be no business use of the facility nor any storage of commercial vehicle or equipment.

5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

**FINDINGS OF FACT:**

1. That the petitioner has demonstrated that the garage was built at a time when the zoning code allowed accessory building to be constructed in front of the front wall of the home, irrespective of the fact that the garage was built without a permit.

2. That the subject property is over two acres of land and the existing home of the property is built approximately 386 feet from the front property line.

3. That petitioner indicates that when the garage was built it was built in front of the home as the nearest home to the property was located behind the home on the adjacent property to the south. Furthermore, petitioner has indicted that the only place to build the garage, (other than where it is built) would be to the rear of the home where the septic was located as are several mature trees.
4. That the ZHO finds that the location of the existing garage does not impair light or air to adjacent properties given the size of the subject property and the size of the majority of the properties in the area which are all over 2.5 acres in size.

5. That the ZHO finds that the existing garage is adequately screened from adjacent properties by mature vegetation which is required to remain around the garage or be replaced in like manner.

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<td>ZONING/LUP</td>
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ORDINANCE
Zoning Petition Z17-018 Giagnorio

WHEREAS, a public hearing was held on November 22, 2017 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 allow an existing accessory building in front of the front wall of the house.

2. Variation to reduce the side yard setback from 20 feet to 10 feet; on the property hereinafter described:

   THE SOUTH 182.00 FEET OF THE NORTH 200.00 FEET OF THE SOUTH 896.50 FEET, BOTH MEASURED ON THE WEST LINE, OF THE WEST 1308.90 FEET, MEASURED ON THE SOUTH LINE, (EXCEPT THE EAST 654.45 FEET THEREOF) OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the DuPage County Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing does find as follows:

FINDINGS OF FACT:
1. That the petitioner has demonstrated that the garage was built at a time when the zoning code allowed accessory building to be constructed in front of the front wall of the home, irrespective of the fact that the garage was built without a permit.

2. That the subject property is over two acres of land and the existing home of the property is built approximately 386 feet from the front property line.

3. That petitioner indicates that when the garage was built it was built in front of the home as the nearest home to the property was located behind the home on the adjacent property to the south. Furthermore, petitioner has indicted that the only place to build the garage, (other than where it is built) would be to the rea of the home where the septic was located as are several mature trees.

4. That the ZHO finds that the location of the existing garage does not impair light or air to adjacent properties given the size of the subject property and the size of the majority of the properties in the area which are all over 2.5 acres in size.
5. That the ZHO finds that the existing garage is adequately screened from adjacent properties by mature vegetation which is required to remain around the garage or be replaced in like manner.

**GENERAL ZONING CASE INFORMATION**

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| ZONING REQUEST      | 1. Variation to allow an existing accessory building in front of the front wall of the house.  
                      2. Variation to reduce the side yard setback from 20 feet to 10 feet. |
| OWNER               | Geralynn Giagnorio |
| ADDRESS/LOCATION    | 1N521 Prince Crossing Road, West Chicago, IL 60185 |
| PIN                 | 04-02-106-002 |
| TWSP./CTY. BD. DIST. | 04-Winfield/District 6 |
| ZONING/LUP          | R-1 Single Family 0-5 DU/acre |
| AREA                | 2.52 acres Approx. 109,771 sq. ft. |

WHEREAS, the DuPage County Zoning Hearing Officer, having considered in relation to the above recommends to approve the following zoning relief:

1. Variation to allow an existing accessory building in front of the front wall of the house.

2. Variation to reduce the side yard setback from 20 feet to 10 feet.

**Subject to the following conditions:**

3. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-018 Giagnorio dated 1/16/2018

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 in conjunction with the submittal of a building permit the developer provides a landscape plan showing full landscape screens around the perimeter of the garage. The required screen can include preservation of existing vegetation.

6. That the detached garage be used for domestic items only and that there be no business use of the facility nor any storage of commercial vehicle or equipment.

WHEREAS, the County Board Development Committee on February 6, 2018, considered the above findings and recommendations of the DuPage County Zoning Hearing Officer and recommends to concur with the findings and recommends to approve the following zoning relief:
1. Variation to allow an existing accessory building in front of the front wall of the house.

2. Variation to reduce the side yard setback from 20 feet to 10 feet.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-018 Giagnorio dated 1/16/2018.

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 full landscape screens around the perimeter of the garage. The required screen can include preservation of existing vegetation.

4. That the detached garage be used for domestic items only and that there be no business use of the facility nor any storage of commercial vehicle or equipment.

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

1. Variation to allow an existing accessory building in front of the front wall of the house.

2. Variation to reduce the side yard setback from 20 feet to 10 feet; on the property hereinafter described:

   THE SOUTH 182.00 FEET OF THE NORTH 200.00 FEET OF THE SOUTH 896.50 FEET, BOTH MEASURED ON THE WEST LINE, OF THE WEST 1308.90 FEET, MEASURED ON THE SOUTH LINE, (EXCEPT THE EAST 654.45 FEET THEREOF) OF THE NORTHWEST QUARTER OF SECTION 2, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS; and

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-018 Giagnorio dated 1/16/2018.

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 full landscape screens around the perimeter of the garage. The required screen can include preservation of existing vegetation.

4. That the detached garage be used for domestic items only and that there be no business use of the facility nor any storage of commercial vehicle or equipment.

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; Geralynn Giagnorio 1N521 Prince Crossing Road, West Chicago, IL 60185; and Township Assessor, Winfield Township, 130 Arbor Avenue, West Chicago, IL 60185.

Enacted and approved this 13th day of February 2018, A.D.

_______________________
DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

ATTEST: _______________________
PAUL HINDS, COUNTY CLERK
MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: February 6, 2018

RE: Zoning Petition Z17-053 Galgano

DuPage County Board: February 13, 2018:

Development Committee: February 6, 2018: The DuPage County Development Committee recommended to approve the following zoning relief:

1. Variation to reduce the side yard setback from 20 feet to approximately 10 feet for a garage addition; and

2. Conditional use to allow more than six (6) passenger vehicles to not more than nine (9) passenger vehicles on a residential property.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-053 Galgano dated January 11, 2018.

2. That the Zoning Relief Conditional Use for nine (9) passenger vehicles shall be valid for five (5) years from the date of approval of the zoning relief.

3. That the Conditional Use for the parking of more than six (6) passenger vehicles to not more than nine (9) passenger vehicles shall inure only to the current property owner RICH GALGANO and shall not be transferrable and shall expire upon the sale of the property to another property owner.

4. That there be no more than nine (9) passenger vehicles parked or stored on the subject property and only parked or stored inside the garage buildings.

5. That the garage and garage addition be used for the storage of domestic items only and that there be no commercial use of the building or property and no parking of commercial vehicles and equipment on the property.
6. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

7. That in conjunction with the submittal of a building permit the developer provide a landscape plan showing a full landscape screen around the perimeter of the new garage addition.

8. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

DuPage County Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Recusal

Zoning Board of Appeals Meeting: 02-01-18: The Zoning Board of Appeals recommended to approve the following zoning relief:

1. Variation to reduce the side yard setback from 20 feet to approximately 10 feet for a garage addition; and

2. Conditional use to allow more than six (6) passenger vehicles to not more than nine (9) passenger vehicles on a residential property.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-053 Galgano dated January 11, 2018.

2. That the Zoning Relief Conditional Use for nine (9) passenger vehicles shall be valid for five (5) years from the date of approval of the zoning relief.

3. That the Conditional Use for the parking of more than six (6) passenger vehicles to not more than nine (9) passenger vehicles shall inure only to the current property owner RICH GALGANO and shall not be transferrable and shall expire upon the sale of the property to another property owner.

4. That there be no more than nine (9) passenger vehicles parked or stored on the subject property and only parked or stored inside the garage buildings.

5. That the garage and garage addition be used for the storage of domestic items only and that there be no commercial use of the building or property and no parking of commercial vehicles and equipment on the property.
6. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

7. That in conjunction with the submittal of a building permit the developer provide a landscape plan showing a full landscape screen around the perimeter of the new garage addition.

8. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZBA VOTE (to Approve): 6 Ayes, 0 Nays, 1 Absent

FINDINGS OF FACT:

A. That petitioner testified that he seeks the zoning relief to allow him to develop a new garage addition on the property in order to store and park the petitioner’s passenger vehicles.

B. That petitioner testified that he is entitled to park six (6) passenger vehicles on the property as well as encumber up to 500 square feet of area for recreational vehicles.

C. That petitioner testified that while he does not have recreational vehicle storage needs he does collect “high-end” passenger vehicles.

D. That petitioner testified that he seeks to store his higher-end passenger vehicles at his home in an enclosed building rather than storing or parking the vehicles off site in a warehouse.

E. That petitioner testified that he proposes to store the vehicles in a garage addition that is adjacent to and connected to his existing garage.

F. That petitioner testified that the home on the property is built at an irregular angle to the generally rectilinear lot and as such, the existing garage on the property is built in a manner that is irregular to the east property line of the property.

   1. As such, petitioner testified that he seeks a variation from the required 20 foot side yard setback to accommodate a very small portion of the proposed new garage addition.

   2. Petitioner testified that only approximately 50 sq. ft. of the new garage addition will encroach into the required 20 foot side yard setback and only at an acute angle with the bulk of the new addition being built outside of the required 20 foot side yard setback.

G. That petitioner testified that his property is unique; to wit:
1. The property is approximately 2.25 acres in size;
2. The property is heavily landscaped and wooded;
3. The house is setback approximately 100 feet from the front property line;

H. That petitioner testified that the area adjacent to the garage addition is currently heavily landscaped and petitioner will emplace additional landscaping along the east property line to buffer the addition from the adjacent property owner to the east.

1. That petitioner testified and submitted a notarized letter from the property owner to the east indicating that that owner does not object to the variations requests.

STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals 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 Board of Appeals 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 building additional only slightly encroaches into the required 20 foot side yard setback and that petitioner has demonstrated that there is adequate landscape screening along the east property line to buffer any impact of the building addition on the property to the east.

   b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that the proposed development will comply with all other codes of the County.

   c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the proposed development will enable petitioner to park and store his vehicles inside an enclosed building and that building will be buffered from adjacent properties and roadways with existing and proposed landscaping.

   d. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the proposed development will comply with all other codes of the county including the required regulation of the Countywide Stormwater Ordinance.
GENERAL ZONING CASE INFORMATION

CASE#/PETITIONER | Z17-053 Galgano

ZONING REQUEST:
1. Variation to reduce the side yard setback from 20 feet to approximately 10 feet; for a garage addition (Section 37-701.2)
2. Conditional use to allow more than 6 passenger vehicle on a residential property (Section 37-701.1)

OWNER | RICH GALGANO 24W100 DONWOOD CIRCLE WEST, NAPERVILLE, IL 60540

ADDRESS/LOCATION | 24W100 DONWOOD CIRCLE WEST, NAPERVILLE, IL 60540

PIN | 08-21-201-061

TWSP./CTY. BD. DIST. | Lisle/Dist. 5

ZONING/LUP | R-1 SF RES. | 0-5 DU AC.

AREA | 2.28 (99,316.8)

UTILITIES | Septic and Well

PUBLICATION DATE | Daily Herald: December 21, 2017

PUBLIC HEARING | January 11, 2018

PETITIONER’S DEVELOPMENT FACT SHEET

ADDITIONAL INFORMATION: No Objection.

Building: No Objection.
DUDOT: No Objection.
Health: No Objection.
Stormwater: No Objection.
Public Works: No Objection.

EXTERNAL:
Lisle Township: No Comment
Lisle Township Highway: No Comment

GENERAL BULK REQUIREMENTS:

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Approximately 7,000 sq. ft.  
Approximately 835 sq. ft. additional to approximately 7,840 sq. ft.

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Attachment: Z17-053 (DC-O-0014-18 : Z17-053 Galgano)
ORDINANCE
Zoning Petition Zoning Petition Z17-053 Galgano

WHEREAS, a public hearing was held on January 11, 2018 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:

1. Variation to reduce the side yard setback from 20 feet to approximately 10 feet for a garage addition; and

2. Conditional use to allow more than six (6) passenger vehicles to not more than nine (9) passenger vehicles on a residential property; on the property hereinafter described:

LOT 2 IN THE GROVE HILLS, (EXCEPT THE EAST 107.25 FEET AS MEASURED PARALLEL WITH EAST LINE THEREOF), BEING A SUBDIVISION IN PART OF SECTIONS 21 AND 22, TOWNSHIP NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 19, 1945 AS DOCUMENT 472853, 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 February 1, 2018 does find as follows:

FINDINGS OF FACT:
A. That petitioner testified that he seeks the zoning relief to allow him to develop a new garage addition on the property in order to store and park the petitioner’s passenger vehicles.

B. That petitioner testified that he is entitled to park six (6) passenger vehicles on the property as well as encumber up to 500 square feet of area for recreational vehicles.

C. That petitioner testified that while he does not have recreational vehicle storage needs he does collect “high-end” passenger vehicles.

D. That petitioner testified that he seeks to store his higher-end passenger vehicles at his home in an enclosed building rather than storing or parking the vehicles off site in a warehouse.

E. That petitioner testified that he proposes to store the vehicles in a garage addition that is adjacent to and connected to his existing garage.
F. That petitioner testified that the home on the property is built at an irregular angle to the generally rectilinear lot and as such, the existing garage on the property is built in a manner that is irregular to the east property line of the property.

1. As such, petitioner testified that he seeks a variation from the required 20 foot side yard setback to accommodate a very small portion of the proposed new garage addition.

2. Petitioner testified that only approximately 50 sq. ft. of the new garage addition will encroach into the required 20 foot side yard setback and only at an acute angle with the bulk of the new addition being built outside of the required 20 foot side yard setback.

G. That petitioner testified that his property is unique; to wit:

1. The property is approximately 2.25 acres in size;

2. The property is heavily landscaped and wooded;

3. The house is setback approximately 100 feet from the front property line;

H. That petitioner testified that the area adjacent to the garage addition is currently heavily landscaped and petitioner will emplace additional landscaping along the east property line to buffer the addition from the adjacent property owner to the east.

1. That petitioner testified and submitted a notarized letter from the property owner to the east indicating that that owner does not object to the variations requests.

STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals 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 Board of Appeals 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 building additional only slightly encroaches into the required 20 foot side yard setback and that petitioner has demonstrated that there is adequate landscape screening along the east property line to buffer any impact of the building addition on the property to the east.

   b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that the proposed development will comply with all other codes of the County.
c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the proposed development will enable petitioner to park and store his vehicles inside an enclosed building and that building will be buffered from adjacent properties and roadways with existing and proposed landscaping.

d. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the proposed development will comply with all other codes of the county including the required regulation of the Countywide Stormwater Ordinance.

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**ZONING REQUEST:**

1. Variation to reduce the side yard setback from 20 feet to approximately 10 feet; for a garage addition (Section 37-701.2)
2. Conditional use to allow more than 6 passenger vehicle on a residential property (Section 37-701.1)

---

**OWNER**

RICH GALGANO 24W100 DONWOOD CIRCLE WEST, NAPERVILLE, IL 60540

**ADDRESS/LOCATION**

24W100 DONWOOD CIRCLE WEST, NAPERVILLE, IL 60540

**PIN**

08-21-201-061

**TWSP./CTY. BD. DIST.**

Lisle/Dist. 5

**ZONING/LUP**

R-1 SF RES. 0-5 DU AC.

**AREA**

2.28 (99,316.8)

**UTILITIES**

Septic and Well

**PUBLICATION DATE**

Daily Herald: December 21, 2017

**PUBLIC HEARING**

January 11, 2018

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**PETITIONER'S DEVELOPMENT FACT SHEET**

**ADDITIONAL INFORMATION:** No Objection.

- **Building:** No Objection.
- **DUDOT:** No Objection.
- **Health:** No Objection.
- **Stormwater:** No Objection.
- **Public Works:** No Objection.

**EXTERNAL:**

- **Lisle Township:** No Comment
- **Lisle Township Highway:** No Comment

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**LAND USE**

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WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on February 1, 2018 recommends to approve the following zoning relief:

1. Variation to reduce the side yard setback from 20 feet to approximately 10 feet for a garage addition; and

2. Conditional use to allow more than six (6) passenger vehicles to not more than nine (9) passenger vehicles on a residential property.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-053 Galgano dated January 11, 2018.

2. That the Zoning Relief Conditional Use for nine (9) passenger vehicles shall be valid for five (5) years from the date of approval of the zoning relief.

3. That the Conditional Use for the parking of more than six (6) passenger vehicles to not more than nine (9) passenger vehicles shall inure only to the current property owner RICH GALGANO and shall not be transferrable and shall expire upon the sale of the property to another property owner.

4. That there be no more than nine (9) passenger vehicles parked or stored on the subject property and only parked or stored inside the garage buildings.

5. That the garage and garage addition be used for the storage of domestic items only and that there be no commercial use of the building or property and no parking of commercial vehicles and equipment on the property.
6. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

7. That in conjunction with the submittal of a building permit the developer provide a landscape plan showing a full landscape screen around the perimeter of the new garage addition.

8. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

WHEREAS, the County Board Development Committee on February 6, 2018 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:

1. Variation to reduce the side yard setback from 20 feet to approximately 10 feet for a garage addition; and

2. Conditional use to allow more than six (6) passenger vehicles to not more than nine (9) passenger vehicles on a residential property.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-053 Galgano dated January 11, 2018.

2. That the Zoning Relief Conditional Use for nine (9) passenger vehicles shall be valid for five (5) years from the date of approval of the zoning relief.

3. That the Conditional Use for the parking of more than six (6) passenger vehicles to not more than nine (9) passenger vehicles shall inure only to the current property owner RICH GALGANO and shall not be transferrable and shall expire upon the sale of the property to another property owner.

4. That there be no more than nine (9) passenger vehicles parked or stored on the subject property and only parked or stored inside the garage buildings.

5. That the garage and garage addition be used for the storage of domestic items only and that there be no commercial use of the building or property and no parking of commercial vehicles and equipment on the property.

6. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
7. That in conjunction with the submittal of a building permit the developer provide a landscape plan showing a full landscape screen around the perimeter of the new garage addition.

8. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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 side yard setback from 20 feet to approximately 10 feet for a garage addition; and

2. Conditional use to allow more than six (6) passenger vehicles to not more than nine (9) passenger vehicles on a residential property; on the property hereinafter described:

LOT 2 IN THE GROVE HILLS, (EXCEPT THE EAST 107.25 FEET AS MEASURED PARALLEL WITH EAST LINE THEREOF), BEING A SUBDIVISION IN PART OF SECTIONS 21 AND 22, TOWNSHIP NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 19, 1945 AS DOCUMENT 472853, IN DUPAGE COUNTY, ILLINOIS.

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 # Z17-053 Galgano dated January 11, 2018.

2. That the Zoning Relief Conditional Use for nine (9) passenger vehicles shall be valid for five (5) years from the date of approval of the zoning relief.

3. That the Conditional Use for the parking of more than six (6) passenger vehicles to not more than nine (9) passenger vehicles shall inure only to the current property owner RICH GALGANO and shall not be transferrable and shall expire upon the sale of the property to another property owner.

4. That there be no more than nine (9) passenger vehicles parked or stored on the subject property and only parked or stored inside the garage buildings.

5. That the garage and garage addition be used for the storage of domestic items only and that there be no commercial use of the building or property and no parking of commercial vehicles and equipment on the property.
6. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

7. That in conjunction with the submittal of a building permit the developer provide a landscape plan showing a full landscape screen around the perimeter of the new garage addition.

8. 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; RICH GALGANO 24W100 DONWOOD CIRCLE WEST, NAPERVILLE, IL 60540; and Township Assessor, Lisle Township, 4721 Indiana Avenue, Lisle, IL 60532

Enacted and approved this 13th day of February 2018, A.D.

_____________________________________
DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

ATTEST: _____________________________
PAUL HINDS, COUNTY CLERK
MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: February 6, 2018

RE: Z17-055 PIONEER CHILDCARE

DuPage County Board: February 13, 2018:

Development Committee: February 6, 2018:
The Zoning Board of Appeals recommended to approve the following zoning relief:

1. Variation to reduce the front yard setback from 40' to approximately 20 feet for a new parking lot; and

2. A Variation to reduce the east corner side yard setback from 30 feet to approximately 5 feet for a new parking lot; and

3. A Variation to reduce the south rear yard setback from 40 feet to approximately 5 feet for a new parking lot.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-055 PIONEER CHILDCARE dated January 18, 2018.

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 full 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.
DuPage County Development Committee  VOTE (to approve): 6 Ayes, 0 Nays

**Zoning Board of Appeals Meeting: February 1, 2018:** The Zoning Board of Appeals recommended to approve the following zoning relief:

1. Variation to reduce the front yard setback from 40' to approximately 20 feet for a new parking lot; and

2. A Variation to reduce the east corner side yard setback from 30 feet to approximately 5 feet for a new parking lot; and

3. A Variation to reduce the south rear yard setback from 40 feet to approximately 5 feet for a new parking lot.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # **Z17-055 PIONEER CHILDCARE** dated January 18, 2018.

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 full 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): 5 Ayes, 1 Nay, 1 Absent

**Dissenting Opinion:**

A. The ZBA member dissenting finds that the petitioner has not demonstrated that the existing parking lot can not be used for their day care use and that if the County were to grant the zoning relief the County would be perpetuating a legal non-conforming use on the property which includes the building and the driveway on the west side of the building.
The dissenting member finds that there was value in petitioner sought zoning relief to bring the entire property into conformance and not just the parking area which the dissenting member indicated he would support.

FINDINGS OF FACT:

A. That petitioner testified that they have recently purchased the subject property and have begun renovating same for a permitted use day care center consistent with newly adopted County Roosevelt Road Corridor Land Use Plan Update.

B. That petitioner testified that the previous use was the House of Rattan retail furniture store that had been using the property for approximately 50-60 years.

C. That petitioner testified that the existing parking lot located to the east of the building is a legal non-conforming parking lot that does not meet any of the current setback requirements and pavement requirement of the County Zoning Ordinance.

D. That petitioner testified that in addition to the legal non conformity of the existing parking lot, the lot does not adequately adapt itself to adequate ingress and egress on to State Rt. 38, (Roosevelt Road) or to the eastern side street of Wisconsin Ave.

E. That petitioner testified that they seek zoning relief to develop a new parking lot and access drives that more adequately accommodates uses of the property as well as to accommodate a better flow traffic to and from the site from Roosevelt Road.

F. That petitioner testified that the setback variations will generally be consistent with the existing setbacks of the existing parking lot. However, the new parking lot configuration will be circular as opposed to the existing rectilinear parking areas.

G. That petitioner testified that the new parking lot and access configuration will allow more parking spaces on the property where the parking spaces will be paved and stripped pursuant to the regulations of the County Zoning ordinance.

   a. In addition, petitioner testified that the new parking configuration will allow for a rightin/right-out only access on Rt. 38 where that access is now a full access. The right- in/right-out access design is a requirement of IDOT and will insure safer movements to and from the property and reduce congestion along Rt. 38.

   b. In addition, the proposed reconfiguration will allow for a commercial grade access on Wisconsin Ave. which currently is a smaller residential access.

H. That petitioner testified that the proposed redevelopment of the parking lot will enable better access to the site, better queuing for drop-off and pick-up of children.
at the facility and will enable petitioner to better secure these areas with landscape screening and on-site traffic controls.

**STANDARDS FOR VARIATIONS:**

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Variations are 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 Board of Appeals 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 and roadways as petitioner has demonstrated that the proposed redevelopment of the parking area will enable petitioner to open up the line of site corner at Rt. 38 and Wisconsin Ave. as the parking area will now be circular instead of rectilinear. The reconfigurations will enable petitioner to provide more open space at the intersections of Wisconsin Ave. and Rt.38.

   b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that the proposed redevelopment of the parking lot will accommodate a better flow of traffic both on site and at access points along Rt. 38 and Wisconsin Ave.

      • Furthermore, the reconfiguration of the parking lot will allow for access improvements that will be commercial grade access point both in terms of width and design quality and consistent with IDOT design standards.

   c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the proposed reconfiguration of the parking lot will enhance the overall redevelopment of the property from an antiquated commercial property to a more dynamic use consistent with the newly adopted County Roosevelt Road Corridor Land Use Plan Update.

   d. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the proposed reconfiguration of the parking lot will enable petitioner to park more vehicles on the property than the previous use while at the same time meet the required parking spaces for the day care use per the County Zoning Ordinance, provide new hard surface per the County Zoning Ordinance to replace the existing dilapidated and unpaved parking areas on the site, provide the required parking stalls spacing and stripping per the County Zoning Ordinance where currently there is none.
In addition, petitioner has demonstrated that the reconfigured parking lot will accommodate a better flow of traffic both on and off site and will alleviate congestion both on and off site with the new IDOT required right-in/right out access point on Rt. 38 and the improved commercial grade access to the site along Wisconsin Ave.

e. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the proposed development will comply with the County Stormwater Ordinance and where there was no true attenuation of drainage on site, the parking lot reconfiguration will be designed to store water in the parking lot and more adequately direct water to the appropriate drainage areas off site.

f. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner has demonstrated that the proposed redeveloped to the subject property including the reconfigured parking to accommodate the new use of the property is consistent with the recently adopted Roosevelt Road Transportation Corridor Land Use plan.

### GENERAL ZONING CASE INFORMATION

<table>
<thead>
<tr>
<th>CASE #/PETITIONER</th>
<th>Z17-055 PIONEER CHILDCARE</th>
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<tbody>
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<td>ZONING REQUEST</td>
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</table>

| OWNER            | Pioneer Child Care LLC:  |
|------------------| Jeannie M. Barae and Nancy Lantz |
| ADDRESS/LOCATION| 18W375 ROOSEVELT Rd, LOMBARD |
| PIN              | 06-21-200-017              |
| TWSP./CTY. BD. DIST. | Dist. 2/ YORK             |
| ZONING/LUP       | B-1 LOCAL BUSINESS        |
| AREA             | 0.47                       |
| UTILITIES        | Sewer and water            |
| PUBLICATION DATE | Daily Herald: 11/27/210    |
| PUBLIC HEARING   | 01-18-18                   |

**ADDITIONAL INFORMATION:** No Objection.
Building: No Objection.
DUDOT: No Objection.
Health: No Objection.
Stormwater: No Objection.
Public Works: No Objection.
EXTERNAL:
York Township: No Objection.
York Township Highway: No Objection.

**GENERAL BULK REQUIREMENTS:**

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<thead>
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<td>15 feet</td>
<td>20 feet new parking lot</td>
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<td></td>
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<td></td>
<td>5 feet new parking lot</td>
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<td>East Corner Side Yard:</td>
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<td>West Corner Side Yard:</td>
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<td>Rear Yard:</td>
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<td>5 feet new parking and circulation</td>
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**LAND USE**

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<th>Zoning</th>
<th>Existing Use</th>
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<tr>
<td>Subject</td>
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<td>Commercial Building (old retail furniture store)</td>
<td>Community Commercial</td>
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<tr>
<td>North</td>
<td>Rt. 38 and Beyond B-1 Local Business</td>
<td>Auto sales, Tire and Strip Commercial/ Car dealership</td>
<td>Community Commercial/Partial Commercial in Villa Park</td>
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<tr>
<td>South</td>
<td>R-4 SF RES</td>
<td>VACANT</td>
<td>0-5 DU AC</td>
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<tr>
<td>East</td>
<td>Wisconsin Av. And beyond B-1 Local Business</td>
<td>Strip Commercial</td>
<td>Community Commercial</td>
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<td>Addison Av. And beyond B-1 Local Business</td>
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ORDINANCE
Zoning Petition Z17-055 PIONEER CHILDCARE

WHEREAS, a public hearing was held on January 18, 2018 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:

1. Variation to reduce the front yard setback from 40' to approximately 20 feet for a new parking lot; and

2. A Variation to reduce the east corner side yard setback from 30 feet to approximately 5 feet for a new parking lot; and

3. A Variation to reduce the south rear yard setback from 40 feet to approximately 5 feet for a new parking lot; on the property hereinafter described:

LOTS 1,2,3,4 AND 5 IN BLOCK 2 IN LASALLE REALTY COMPANY’S VILLA ROOSEVELT, BEING A SUBDIVISION OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE NORtheast Quarter, ALL IN SECTION 21, TOWNSHIP 30 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 1, 1929 AS DOCUMENT NO. 276750, 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 February 1, 2018 does find as follows:

Dissenting Opinion:

A. The ZBA member dissenting finds that the petitioner has not demonstrated that the existing parking lot can not be used for their day care use and that if the County were to grant the zoning relief the County would be perpetuating a legal non-conforming use on the property which includes the building and the driveway on the west side of the building.

• The dissenting member finds that there was value in petitioner sought zoning relief to bring the entire property into conformance and not just the parking area which the dissenting member indicated he would support.
FINDINGS OF FACT:

A. That petitioner testified that they have recently purchased the subject property and have begun renovating same for a permitted use day care center consistent with newly adopted County Roosevelt Road Corridor Land Use Plan Update.

B. That petitioner testified that the previous use was the House of Rattan retail furniture store that had been using the property for approximately 50-60 years.

C. That petitioner testified that the existing parking lot located to the east of the building is a legal non-conforming parking lot that does not meet any of the current setback requirements and pavement requirement of the County Zoning Ordinance.

D. That petitioner testified that in addition to the legal non-conformity of the existing parking lot, the lot does not adequately adapt itself to adequate ingress and egress on to State Rt. 38, (Roosevelt Road) or to the eastern side street of Wisconsin Ave.

E. That petitioner testified that they seek zoning relief to develop a new parking lot and access drives that more adequately accommodates uses of the property as well as to accommodate a better flow traffic to and from the site from Roosevelt Road.

F. That petitioner testified that the setback variations will generally be consistent with the existing setbacks of the existing parking lot. However, the new parking lot configuration will be circular as opposed to the existing rectilinear parking areas.

G. That petitioner testified that the new parking lot and access configuration will allow more parking spaces on the property where the parking spaces will be paved and stripped pursuant to the regulations of the County Zoning ordinance.

a. In addition, petitioner testified that the new parking configuration will allow for a right-in/right-out only access on Rt. 38 where that access is now a full access. The right-in/right-out access design is a requirement of IDOT and will insure safer movements to and from the property and reduce congestion along Rt. 38.

b. In addition, the proposed reconfiguration will allow for a commercial grade access on Wisconsin Ave. which currently is a smaller residential access.

H. That petitioner testified that the proposed redevelopment of the parking lot will enable better access to the site, better queuing for drop-off and pick-up of children at the facility and will enable petitioner to better secure these areas with landscape screening and on-site traffic controls.

STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Variations are 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 Board of Appeals 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 and roadways as petitioner has demonstrated that the proposed redevelopment of the parking area will enable petitioner to open up the line of site corner at Rt. 38 and Wisconsin Ave. as the parking area will now be circular instead of rectilinear. The reconfigurations will enable petitioner to provide more open space at the intersections of Wisconsin Ave. and Rt.38.

   b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that the proposed redevelopment of the parking lot will accommodate a better flow of traffic both on site and at access points along Rt. 38 and Wisconsin Ave.

   - Furthermore, the reconfiguration of the parking lot will allow for access improvements that will be commercial grade access point both in terms of width and design quality and consistent with IDOT design standards.

   c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the proposed reconfiguration of the parking lot will enhance the overall redevelopment of the property from an antiquated commercial property to a more dynamic use consistent with the newly adopted County Roosevelt Road Corridor Land Use Plan Update.

   d. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the proposed reconfiguration of the parking lot will enable petitioner to park more vehicles on the property than the previous use while at the same time meet the required parking spaces for the day care use per the County Zoning Ordinance, provide new hard surface per the County Zoning Ordinance to replace the existing dilapidated and unpaved parking areas on the site, provide the required parking stalls spacing and stripping per the County Zoning Ordinance where currently there is none.

   - In addition, petitioner has demonstrated that the reconfigured parking lot will accommodate a better flow of traffic both on and off site and will alleviate congestion both on and off site with the new IDOT required right-in/right out access point on Rt. 38 and the improved commercial grade access to the site along Wisconsin Ave.

   e. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the proposed development will comply with the County
Stormwater Ordinance and where there was no true attenuation of drainage on site, 
the parking lot reconfiguration will be designed to store water in the parking lot and 
more adequately direct water to the appropriate drainage areas off site.

f. Otherwise impair the public health, safety, comfort, morals or general welfare of 
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<td>UTILITIES</td>
<td>Sewer and water</td>
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<td>PUBLICATION DATE</td>
<td>Daily Herald: 11/27/210</td>
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**ADDITIONAL INFORMATION:** No Objection.

Building: No Objection.
DUDOT: No Objection.
Health: No Objection.
Stormwater: No Objection.
Public Works: No Objection.

**EXTERNAL:**
York Township: No Objection.
York Township Highway: No Objection.

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WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on February 1, 2018, recommends to approve the following zoning relief:

1. Variation to reduce the front yard setback from 40' to approximately 20 feet for a new parking lot; and

2. A Variation to reduce the east corner side yard setback from 30 feet to approximately 5 feet for a new parking lot; and

3. A Variation to reduce the south rear yard setback from 40 feet to approximately 5 feet for a new parking lot.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-055 PIONEER CHILDCARE dated January 18, 2018.

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 full 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.

WHEREAS, the County Board Development Committee on February 6, 2018, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends the following zoning relief:

1. Variation to reduce the front yard setback from 40' to approximately 20 feet for a new parking lot; and

2. A Variation to reduce the east corner side yard setback from 30 feet to approximately 5 feet for a new parking lot; and

3. A Variation to reduce the south rear yard setback from 40 feet to approximately 5 feet for a new parking lot.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition # Z17-055 PIONEER CHILDCARE dated January 18, 2018.

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 full 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.
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 front yard setback from 40' to approximately 20 feet for a new parking lot; and

2. A Variation to reduce the east corner side yard setback from 30 feet to approximately 5 feet for a new parking lot; and

3. A Variation to reduce the south rear yard setback from 40 feet to approximately 5 feet for a new parking lot; on the property hereinafter described:

LOTS 1, 2, 3, 4 AND 5 IN BLOCK 2 IN LASALLE REALTY COMPANY’S VILLA ROOSEVELT, BEING A SUBDIVISION OF THE WEST HALF OF THE WEST HALF OF THE NORTHEAST QUARTER AND THE EAST HALF OF THE NORTHEAST QUARTER, ALL IN SECTION 21, TOWNSHIP 30 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOFRecorded April 1, 1929 as Document No. 276750, 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 # Z17-055 PIONEER CHILDCARE dated January 18, 2018.

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 full 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; Pioneer Child Care LLC., Jeannie M. Barae and Nancy Lantz 18W375 ROOSEVELT RD VILLA PARK IL 60181; and Township Assessor, York Township, 1502 S. Meyers Road, Lombard, IL 60148.

Enacted and approved this 13th day of February 2018, A.D.

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DANIEL J. CRONIN, CHAIRMAN
DUPAGE COUNTY BOARD

ATTEST: _______________________
PAUL HINDS, COUNTY CLERK