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

Chairman Tornatore thanked Jan Janowicz, outgoing Secretary, for her years of service working with the Development Committee.

4. PUBLIC COMMENT

Kevin Coyne, attorney representing the petitioner, spoke in favor of Z18-041MIF 31W350 Diehl, LLC
Brad Werkman spoke in favor of petition Z18-040 The Salvation Army

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.

5. APPROVAL OF MINUTES

A. Development Committee - Regular Meeting - Aug 21, 2018 11:00 AM
RESULT: ACCEPTED [UNANIMOUS]
MOVER: Kevin Wiley, District 6
SECONDER: Elizabeth Chaplin, Vice Chair
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

REGULATORY SERVICES

A. Action Item -- Request to proceed with Chicago Metropolitan Agency for Planning (CMAP) Local Technical (LTA) program for the Lake Street Corridor, in conjunction with the Village of Hanover Park, Village of Roselle, and Village of Bloomingdale.

Mr. Hoss spoke about CMAP funding on redevelopment of the Lake Street corridor from Gary Avenue on the west to Bloomingdale Road on the east. We would be working with the communities of Hanover Park, Roselle and Bloomingdale to seek the funding to hire a financial consultant to assist in allocating the funds.

Chairman Tornatore stated that we have been meeting with the municipalities along this corridor and they are actively engaged and happy with what we have done so far and there will be a greater opportunity to make improvements with grant.

Member Eckhoff questioned if municipalities would want to incorporate these areas and Chairman Tornatore said that he was sure that it would be much more attractive for municipalities to do so after the improvements are made.

RESULT: APPROVED [UNANIMOUS]
MOVER: Kevin Wiley, District 6
SECONDER: Greg Hart, District 3
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

B. 2018-219 Recommendation for the approval of a contract purchase order to Imaging Office Systems, Inc., to provide digitization of microfilm permitting history to digital reel for storing and retrieval for viewing and printing for Building and Zoning, for a contract total amount not to exceed $19,962.00, per low quote Q18-087-GV.

RESULT: APPROVED [UNANIMOUS]
MOVER: Kevin Wiley, District 6
SECONDER: Elizabeth Chaplin, Vice Chair
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley
C. DC-O-0060-18 ORDINANCE -- Z18-040 – ORDINANCE – The Salvation Army: To approve the following zoning relief: 1) A Variation to Reduce the front yard setback from 15 ft. to approx. 10 ft. for a new sign; 2) A Variation to Increase the height of a ground sign from 6 ft to approx. 6ft and 1.5 inches; 3) A Variation to Increase the size of sign from 24 sq. ft. to approx. 57.2 sq. ft. (28.6 sq. ft. per face). 4) A Conditional Use for an LED electronic message center sign. (York/ District 2) ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent, DuPage County Development Committee Vote (to Approve): 6 Ayes, 0 Nays, 0 Absent

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

D. DC-O-0061-18 ORDINANCE -- Z18-041 – ORDINANCE – MIF 31W350 Diehl, LLC: To approve the following zoning relief: 1. Variation to increase maximum height of pole mounted sign along I-88 from 20 feet to 75 feet; 2. Variation to increase signage of a dual paneled pole mounted sign from 200 square feet to 1,600 (800 sq. ft. per side); 3. Variation to allow for setback from Right-of-Way from 80 feet to 20 feet; 4. Conditional Use to allow for electronic/ L.E.D display sign within 500 feet of Interstate Highway. (Naperville/ District 5) (North side of Diehl Road, approximately 1,500 feet east of Eola Road) ZBA VOTE (to Approve): 6 Ayes, 1 Nays, 0 Absent, DuPage County Development Committee Vote to Approve: 6 Ayes, 0 Nays, 0 Absent

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

E. DC-O-0064-18 ORDINANCE -- Z18-048 – ORDINANCE – Group A Architecture: To approve the following zoning relief: 1) Conditional Use for a Planned Development. 2) Rezoning from R-4 to R-5 (Downers Grove/ District 3) ZBA VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent, 1 Abstain, DuPage County Development Committee Vote (to Approve): 6 Ayes, 0 Nays, 0 Absent

RESULT: APPROVED [UNANIMOUS]
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley
F. DC-O-0062-18 ORDINANCE -- Z18-049 -- ORDINANCE -- Martens: To approve the following zoning relief: A Variation to reduce the interior (west) side setback from 10 feet to approximately 3 feet for a new detached garage. (Addison/District 1) ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent DuPage County Development Committee Vote to Approve: 6 Ayes, 0 Nays, 0 Absent

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

G. DC-O-0063-18 ORDINANCE -- Z18-050 -- ORDINANCE -- Foss: To approve the following zoning relief: Conditional Use to increase the square footage of all detached structures (1 new detached garage of 960 sq. ft. and 1 existing shed of 144 sq. ft.) from 850 sq. ft. to approximately 1,104 sq. ft. (Bloomingdale/ District 4) ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent DuPage County Development Committee Vote to Approve: 6 Ayes, 0 Nays, 0 Absent

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

7. INFORMATIONAL

1. Informational -- Update of DuPage county Neighborhood Revitalization Program

Mr. Hoss spoke about the 55 properties that are part of the program. He mentioned three properties in particular, including Hemlock in Naperville, Western in Darien and Donwood and Hobson. Member Anderson brought up calls she receives about the Donwood property and break-ins. This property has been successfully boarded up, graffiti removed and weeds cut. There was discussion about placing a lien on the property and foreclosures on properties that are in the program. This program has been successful and there are approximately 50 more to go.

8. OLD BUSINESS

Member Hart brought up the resolution regarding the operation of the Sterigenics in Willowbrook and the use of Ethylene Oxide in DuPage County. He suggested that we keep the code up to date and add Ethylene Oxide by name to clear up any gray areas. Member Chaplin added that there have been explosions at four plants that use this chemical. This should be looked at by the Public Safety Committee. Member Wiley stated that there are currently fire codes and building codes that do address this. Mr. Hoss added that OEM and Hazard Planning also have
codes. Wiley replied that it would be nice if this was all under one code. Member Eckhoff mentioned that he is on the Local Emergency Planning Committee and believes there is a Federal law in place for companies to report their use of chemicals. This should also be discussed with Joy Hinz, who is within the environmental group in Building and Zoning.

Member Anderson brought up the continuing problem of Air B & B’s in Naperville and what is being done.

9. **NEW BUSINESS**
Member Chaplin mentioned that she received an a very complimentary email from Nick Rambke about Dave Winklebleck and staff.

10. **ADJOURNMENT**
Without objection the meeting was adjourned at 11:34 AM
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 (Remote)

   ABSENT: Motion by Member Chaplin, seconded by Member Anderson to allow Member Wiley to participate via speaker phone while he is serving in the military. On a voice vote all members present voted aye. Motion carried.

3. **CHAIRMAN'S REMARKS**

   There were not 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.

   Christine Act, representing the Grussenmeyer's, spoke in favor of Petition Z18-004.

   Bradley Pollock, representing himself and Neil & Karen Pollock, spoke in opposition of Petition Z18-004.

   Mel Grussenmeyer spoke in favor of Petition 18-004.

5. **APPROVAL OF MINUTES**
A. Development Committee - Regular Meeting - Aug 7, 2018 11:00 AM

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

REGULATORY SERVICES

A. Permits - Special Events -- SE-06-18 – TEAM 66 Education Foundation/Kelly Miller Circus: September 14, 2018: To approve the special event action item for Development Committee only. (Downers Grove N/ District 3) (East of Lemont Road and 83rd Street, on the south side of Plainfield Road)

RESULT: APPROVED [UNANIMOUS]
MOVER: Greg Hart, District 3
SECONDER: Elizabeth Chaplin, Vice Chair
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

B. DC-O-0059-18 ORDINANCE -- Z18-004 – Grussenmeyer: To approve the following zoning relief: 1. A Conditional Use to allow a 4H program on a lot less than 40,000 sq. ft. (22,651 sq. ft.) (Milton/ District 4) (Southwest of Gary Avenue and Geneva Road, on Herrick Drive) ZBA VOTE (to Approve): 5 Ayes, 2 Nays, 0 Absent

Mr. Hoss briefly summarized the Petition. Discussion ensued regarding the 2 (two) year time limitation, enforcement, home value depreciation, confusion regarding the opposition of the Home Owners Association and the 4-H certification date versus date of application of zoning relief. On a roll vote.

RESULT: DEFEATED [1 TO 5]
MOVER: Elizabeth Chaplin, Vice Chair
SECONDER: Greg Hart, District 3
AYES: Chaplin
NAYS: Anderson, Eckhoff, Hart, Tornatore, Wiley

7. OLD BUSINESS
There was not Old Business.

8. NEW BUSINESS
There was no New Business.
9. **ADJOURNMENT**

Without objection the meeting was adjourned at 11:35 AM.
### Purchase Requisition

**Procurement Services Division**

**Send Purchase Order To:**
- Vendor: Imaging Office Systems Inc
  - Vendor #: 19477
- Attn: Bill Stewart
  - Email: bstewart@myios.com
- Address: 4505 E Park 30 Drive
- City: Columbia City
  - State: IN
  - Zip: 46725
- Phone: 224-265-7654
- Fax: 224-265-7654

**Send Invoices To:**
- Dept: Building & Zoning
- Attn: Marla Flynn
  - Email: Marla.Flynn@dupageco.org
- Address: 421 N County Farm Rd
- City: Wheaton
  - State: IL
  - Zip: 60187
- Phone: 630-407-6789
- Fax: 630-407-6702

**Send Payments To:**
- Vendor: Imaging Office Systems Inc
  - Vendor #: 19477
- Attn: 
- Email: 
- Address: 4505 E Park 30 Drive
- City: Columbia City
  - State: IN
  - Zip: 46725
- Phone: 219-484-7731
- Fax: 219-484-7731

**Payment Terms:**
- F.O.B. PO 20 Delivery Date
- Requisitioner

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**Requisition Total:** $19,962.00

**Header Comments** (these comments will appear on the PO20 and PO25 Purchase Order):

*Annual maintenance costs for Digital Reel Licences and Digital Reel Text Search Library will not increase for 2 years (2019 & 2020).

**Special Instructions/Comments to Buyer or Approver** (these comments will NOT appear on the Purchase Order):

**User Department Internal Notes** (these comments will NOT appear on the Purchase Order):
**County of DuPage, Illinois**  
**Procurement Services Division**  
**Request For Quotation**

This request for quotation does not constitute a purchase requisition or order.

**IMAGING OFFICE SYSTEMS**  
**ATTN: BILL STEWART**  
**999 PLAZA DR. SUITE 675**  
**SCHAUMBURG, IL 60173**

**IMAGING OFFICE SYSTEMS**  
**PO BOX 80360**  
**FORT WAYNE, IN 46898**

**Ghonda Vasak**  
**DuPage County Procurement Services**  
**PHONE: (630) 417-6100 FAX: (630) 417-6201**  
**EMAIL: ghonda.vasak@dupageco.org**

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**ALL CHARGES MUST BE INCLUDED IN PRICE**

**TOTAL**: $19,962.00

---

*Packet Pg. 10*
Procurement Review Checklist
Procurement Services Division

This form must accompany all Purchase Order Requisitions
Attach Required Vendor Ethics Disclosure Statement

Vendor: Imaging Office Systems Inc
Vendor #: 11378

Dept: Building & Zoning
Contact: Marla Flynn

Contract Term:
Phone: X6789

Contract Total: $19,962.00
Assigned Committee: Development

Description of Procurement/Scope of Work/Background
Digitization of microfilm permitting history to Digital Reel for storing and retrieval for viewing and printing.

Reason for Procurement
The equipment now used to view and print film images is obsolete. The records are also at risk because of the age of the film that contains the images. These records are necessary to research the history of a parcel.

FUNDING SOURCE

☐ Procurement budgeted for (FY and budget code(s)): FY18-1100-2810-53090 ($13,912), 1100-2810-53806 ($5,000), 1100-2810-53807 ($1,050)
☐ Budget Transfer (Date) ____________ Add'l Information

DECISION MEMO NOT REQUIRED

☐ LOWEST RESPONSIBLE QUOTE # or BID # Q18-087-GV (QUOTE < $25,000, BID ≥ $25,000; attach Tabulation)
☐ RENEWAL, Enter Bid # ____________________________ Intergovernmental Agreement
☐ SOLE SOURCE per DuPage County Purchasing Ordinance, Article 4-102(S) (attach Sole Source Justification form)
☐ PER 55 ILCS 5/5-1022 'Competitive Bids' (d) IT/Telecom purchases under $35,000.00  ☐ Public Utility
☐ PER 55 ILCS 5/5-1022 'Competitive Bids' (c) not suitable for competitive bidding. Explain below:

DECISION MEMO REQUIRED

☐ Cooperative Procurement (DPC4-107) or Government Joint Purchasing Act Procurement (30ILCS525)
☐ EXPLANATION OF REQUEST FOR PROPOSAL RFP # ____________________________ (include Evaluation Summary if applicable)
☐ RENEWAL OF RFP # ____________________________
☐ PROFESSIONAL SERVICES EXCLUDED per DuPage Ordinance (4-108) and 50 ILCS 510/2 (Architects, Engineers and Land Surveyors)
☐ OTHER PROFESSIONAL SERVICES (detail vetting process on Decision Memo)
☐ REQUEST WAIVER OF COUNTY BID RULES (only allowable to Statutory Limits)
☐ OTHER THAN LOWEST RESPONSIBLE, BID # ____________________________

PREPARED BY AND APPROVAL(S) (Initials Only)

MAF
Prepared By
Aug 27, 2018

Recommended for Approval
Date

8-26-18
IT Approval, if required

REVIEWED BY (Initials Only)

BV
Buyer
Date

9/10/18
Procurement Officer
Date

9-12-18
Chairman's Office
Date

9-13-18
Chief Financial Officer
Date

(Decision Memos Over $25,000)

FORM OPTIMIZED FOR ADOBE READER VERSION 9 OR LATER
Required Vendor Ethics Disclosure Statement

Date: 03-28-18

Company Name: IMAGING OFFICE SYSTEMS
Contact Phone: 260-212-1569

Bid/Contract/PO #:

Bob Bailey

Contact Email: bbailey@myuos.com

The DuPage County Procurement Ordinance requires the following written disclosures prior to award:

1. Every contractor, union, or vendor that is seeking or has previously obtained a contract, change orders to one (1) or more contracts, or two (2) or more individual contracts with the county resulting in an aggregate amount at or in excess of $25,000, shall provide to Procurement Services Division a written disclosure of all political campaign contributions made by such contractor, union, or vendor within the current and previous calendar year to any incumbent county board member, county board chairman, or countywide-elected official whose office the contract to be awarded will benefit. The contractor, union or vendor shall update such disclosure annually during the term of a multi-year contract and prior to any change order or renewal requiring approval by the county board. For purposes of this disclosure requirement, "contractor or vendor" includes owners, officers, managers, lobbyists, agents, consultants, bond counsel and underwriters counsel, subcontractors and corporate entities under the control of the contracting person, and political action committees to which the contracting person has made contributions.

- **NONE (check here) - If no contributions have been made**

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2. All contractors and vendors who have obtained or are seeking contracts with the county shall disclose the names and contact information of their lobbyists, agents and representatives and all individuals who are or will be having contact with county officers or employees in relation to the contractor's bid and shall update such disclosure with any changes that may occur.

- **NONE (check here) - If no contacts have been made**

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<th>Lobbyists, Agents and Representatives and all individuals who are or will be having contact with county officers or employees in relation to the contract or bid</th>
<th>Telephone</th>
<th>Email</th>
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A contractor or vendor that knowingly violates these disclosure requirements is subject to penalties which may include, but are not limited to, the immediate cancellation of the contract and possible disbarment from future county contracts.

Continuing disclosure is required, and I agree to update this disclosure form as follows:

- Information changes, within five (5) days of change, or prior to county action, whichever is sooner
- 30 days prior to the optional renewal of any contract
- Annual disclosure for multi-year contracts on the anniversary of said contract
- With any request for change order except those issued by the county for administrative adjustments

The full text for the county's ethics and procurement policies and ordinances are available at: http://www.dupageco.org/CountyBoard/Policies/

I hereby acknowledge that I have read, have reviewed, and understand these requirements.

Authorized Signature

Printed Name: Bob Bailey
Title: Senior Vice President
Date: 03-28-18

Additional sheets if necessary. Sign each sheet and number each page. Page 1 of 1 (total number of pages)
Quote Name: Digital Reel System - OnPremise
Quote Number: 00003240
Contact Name: Deborah Olson
Phone: (630) 407-6778
Email: deborah.olson@dupageco.org

Bill To Name: DuPage County Public Works
Bill To: 421 N. County Farm Road
         Wheaton, IL 60187
Ship To Name: DuPage County Public Works
Ship To: 421 N. County Farm Road
         Wheaton, IL 60187

Created By: Bill Stewart
Address: 999 Plaza Drive, Suite 875
          Schaumburg, IL 60173
Phone: 224-265-7854
Email: bstewart@mylos.com

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Subtotal: $19,962.00

Terms and Conditions

All invoices shall be due and payable with terms of net 30 days from date of invoice, and shall thereafter accrue interest, until paid, at the lesser of 1.5% per month or the maximum of interest rate permitted under applicable law.

If any sales, excise, occupation, or use tax is applicable to this transaction, the amount will be added to the price stated herein.

General Payment Terms: Software Upon customer signature of an IOS Statement of Work and Purchase Agreement (or Purchase Order in lieu of Purchase Agreement) IOS will invoice for all software pursuant to the system. Invoices terms are net 30.

System Implementation Fees: IOS will invoice the customer monthly for the contractually agreed upon System Implementation fees. The monthly amount will be invoiced in dollars corresponding to:

Customer shall pay each invoice in full according to the General Payment Terms. Total cost of Professional Services will not exceed the amount indicated in the signed IOS Statement of Work unless a project change order has been mutually agreed to and signed by both parties. An additional fee of 2.25% will be added if credit card payment is used.

This agreement may be signed in counterparts, each of which will be deemed an original and all of which together shall constitute one and the same agreement. A facsimile signature of one or more of the parties hereto shall be deemed an original signature.
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**Grand Total** $19,962.00
MEMORANDUM

TO: DuPage County Board
FROM: DuPage County Development Committee
DATE: September 18, 2018
RE: Z18-040 The Salvation Army (York/District 2)

DuPage County Board: September 25, 2018:

Development Committee: September 18, 2018: The DuPage County Development Committee recommended to approve the following zoning relief:

1. A Variation to Reduce the front yard setback from 15 ft. to approx. 10 ft. for a new sign;
2. A Variation to Increase the height of a ground sign from 6 ft to approx. 6ft and 1.5 inches;
3. A Variation to Increase the size of sign from 24 sq. ft. to approx. 57.2 sq. ft. (28.6 sq. ft. per face).

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-040 The Salvation Army dated August 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 the electronic message center sign shall be lit only between the hours of 7:00 AM to 11:00 PM each day of the week.
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, 0 Absent
Zoning Board of Appeals Meeting: September 6, 2018: The Zoning Board of Appeals recommended to approve the following zoning relief:

1. A Variation to Reduce the front yard setback from 15 ft. to approx. 10 ft. for a new sign;
2. A Variation to Increase the height of a ground sign from 6 ft to approx. 6ft and 1.5 inches;
3. A Variation to Increase the size of sign from 24 sq. ft. to approx. 57.2 sq. ft. (28.6 sq. ft. per face);

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-040 The Salvation Army dated August 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 the electronic message center sign shall be lit only between the hours of 7:00 AM to 11:00 PM each day of the week.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

FINDINGS OF FACT:

1. That petitioner testified that they seek the subject zoning relief to remove the existing sign on the subject property and erect a new, LED electronic message center sign.
2. That petitioner testified that the subject property is owned by The Salvation Army: The Oakbrook Terrace Corps.
3. That petitioner testified that the existing sign is an older, manual changeable copy sign which is located in the stormwater retention area and further from Summit Avenue.
   - As such, petitioner testified that they will remove the existing sign located in the rendition area.
4. That petitioner testified that the proposed sign will be located closer to the access point and principal building of the subject property.

5. That petitioner testified that the proposed location is set back 5 feet from an existing 10-foot utility easement, creating a total of a 15-foot front yard setback from the front (west) property line.
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8. That petitioner testified that the proposed sign will be set back far enough not to impede the view of traffic or cause any safety issues.

**STANDARDS FOR CONDITIONAL USES and VARIATIONS:**

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Conditional Use and 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 evidence for the subject zoning relief and specifically, evidence of a practical difficulty or particular hardship with the location of utility easements, topography, and stormwater retention areas, in the way of carrying out a Variation to Reduce the front yard setback from 15 ft. to approx. 10 ft. for a new sign; to Increase the height of a ground sign from 6 ft to approx. 6 ft and 1.5 inches; and to Increase the size of sign from 24 sq. ft. to approx. 57.2 sq. ft. (28.6 sq. ft. per face).

3. That the Zoning Board of Appeals finds that petitioner has demonstrated the granting of the Variation and Conditional Use will not:
a. Impair an adequate supply of light and air to the adjacent property as petitioner has demonstrated that the proposed sign will be located on the subject property that is approximately 2.5 acres in size and is located adjacent to Summit Avenue.

b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that they will receive a building permit from the County for the proposed sign and that the proposed sign will be built pursuant to the current building codes.

c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that they will remove the existing sign located in the stormwater rendition area and that the addition of a new sign closer to the main access point of the subject property will be an added benefit to the neighborhood and surrounding area.

d. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the proposed sign will facilitate better access to the subject property.

- Furthermore, the proposed LED electronic message center sign will be built pursuant to all County codes regarding sign requirements with a minimum duration of 10 seconds per static display.

e. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the County’s Stormwater Department has no objections to the proposed LED electronic message center sign.

f. Incur additional public expense for flood protection, rescue or relief as petitioner has demonstrated that the County’s Stormwater Department has no objections to the proposed LED electronic message center sign.

g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner has demonstrated that the proposed sign will be an added benefit to the neighborhood as petitioner will remove the existing sign and replace it with a new, LED electronic message center sign.

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ADDITIONAL INFORMATION:

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

EXTERNAL:

City of Oakbrook Terrace: No Comment.
Forest Preserve: No Comment.
Township: No Comment.
Township Highway: No Comment.
Oakbrook Terrace Fire Dist.: No Objections.
Sch. Dist. 48: No Objections.
Village of Oak Brook: No Comment.
Village of Villa Park: No Comment.
City of Elmhurst: No Objections.
Village of Lombard: “1S415 Summit Avenue, Oak Brook Terrace, IL 60181 is outside our Planning Boundaries and therefore we have no comments.”
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Updated Site Plan Submitted on August 23, 2018:
Additional Information Submitted by Petitioner:

![Image of a sign with handwritten notes: Current sign to be removed.]

Packet Pg. 26
WHEREAS, a public hearing was held on August 16, 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. A Variation to Reduce the front yard setback from 15 ft. to approx. 10 ft. for a new sign;
2. A Variation to Increase the height of a ground sign from 6 ft to approx. 6ft and 1.5 inches;
3. A Variation to Increase the size of sign from 24 sq. ft. to approx. 57.2 sq. ft. (28.6 sq. ft. per face).
4. A Conditional Use for an LED electronic message center sign, on the property hereinafter described:


WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on September 6, 2018 does find as follows:

**FINDINGS OF FACT:**
1. That petitioner testified that they seek the subject zoning relief to remove the existing sign on the subject property and erect a new, LED electronic message center sign.
2. That petitioner testified that the subject property is owned by The Salvation Army: The Oakbrook Terrace Corps.

3. That petitioner testified that the existing sign is an older, manual changeable copy sign which is located in the stormwater retention area and further from Summit Avenue.
   - As such, petitioner testified that they will remove the existing sign located in the rendition area.

4. That petitioner testified that the proposed sign will be located closer to the access point and principal building of the subject property.

5. That petitioner testified that the proposed location is set back 5 feet from an existing 10-foot utility easement, creating a total of a 15-foot front yard setback from the front (west) property line.
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8. That petitioner testified that the proposed sign will be set back far enough not to impede the view of traffic or cause any safety issues.

**STANDARDS FOR CONDITIONAL USES and VARIATIONS:**
1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Conditional Use and 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 evidence for the subject zoning relief and specifically, evidence of a practical difficulty or particular hardship with the location of utility easements, topography, and stormwater retention areas, in the way of carrying out a Variation to Reduce the front yard setback from 15 ft. to approx. 10 ft. for a new sign; to Increase the height of a ground sign from 6 ft to
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3. That the Zoning Board of Appeals finds that petitioner has demonstrated the granting of the Variation and Conditional Use will not:

   a. Impair an adequate supply of light and air to the adjacent property as petitioner has demonstrated that the proposed sign will be located on the subject property that is approximately 2.5 acres in size and is located adjacent to Summit Avenue.

   b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that they will receive a building permit from the County for the proposed sign and that the proposed sign will be built pursuant to the current building codes.

   c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that they will remove the existing sign located in the stormwater rendition area and that the addition of a new sign closer to the main access point of the subject property will be an added benefit to the neighborhood and surrounding area.

   d. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the proposed sign will facilitate better access to the subject property.

      • Furthermore, the proposed LED electronic message center sign will be built pursuant to all County codes regarding sign requirements with a minimum duration of 10 seconds per static display.

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   g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner has demonstrated that the proposed sign will be an added benefit to the neighborhood as petitioner will remove the existing sign and replace it with a new, LED electronic message center sign.

      • As such, petitioner testified that they will install the new sign at the proposed location indicated on the site plan made part of Zoning Petition #Z18-040 The Salvation Army dated August 16, 2018, which will improve access to the
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WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on September 6, 2018 recommends to approve the following zoning relief:

1. A Variation to Reduce the front yard setback from 15 ft. to approx. 10 ft. for a new sign;
2. A Variation to Increase the height of a ground sign from 6 ft to approx. 6 ft and 1.5 inches;
3. A Variation to Increase the size of sign from 24 sq. ft. to approx. 57.2 sq. ft. (28.6 sq. ft. per face).

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-040 The Salvation Army dated August 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 the electronic message center sign shall be lit only between the hours of 7:00 AM to 11:00 PM each day of the week.

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

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

WHEREAS, the County Board Development Committee on September 18, 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. A Variation to Reduce the front yard setback from 15 ft. to approx. 10 ft. for a new sign;
2. A Variation to Increase the height of a ground sign from 6 ft to approx. 6ft and 1.5 inches;
3. A Variation to Increase the size of sign from 24 sq. ft. to approx. 57.2 sq. ft. (28.6 sq. ft. per face).

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-040 The Salvation Army dated August 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 the electronic message center sign shall be lit only between the hours of 7:00 AM to 11:00 PM each day of the week.
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, 0 Absent

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

1. A Variation to Reduce the front yard setback from 15 ft. to approx. 10 ft. for a new sign;
2. A Variation to Increase the height of a ground sign from 6 ft to approx. 6ft and 1.5 inches;
3. A Variation to Increase the size of sign from 24 sq. ft. to approx. 57.2 sq. ft. (28.6 sq. ft. per face).
4. A Conditional Use for an LED electronic message center sign, on the property hereinafter described:


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 #Z18-040 The Salvation Army dated August 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 the electronic message center sign shall be lit only between the hours of 7:00 AM to 11:00 PM each day of the week.

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; The Salvation Army, 1S415 Summit Avenue, Oak Brook Terrace, IL 60181; and Township Assessor, York Township, 1502 S. Meyers Road, Lombard, IL 60148.

Enacted and approved this _______ day of ____________ 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: September 18, 2018
RE: Z18-041 MIF 31W350 Diehl, LLC (Naperville/ District 5)

DuPage County Board: September 25, 2018:

Development Committee: September 18, 2018: The DuPage County Development Committee recommended to approve the following zoning relief:

1. Variation to increase maximum height of pole mounted sign along I-88 from 20 feet to 75 feet;
2. Variation to increase signage of a dual paneled pole mounted sign from 200 square feet to 1,600 (800 sq. ft. per side);
3. Variation to allow for setback from Right-of-Way from 80 feet to 20 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 #Z18-041 MIF 31W350 Diehl, LLC dated August 9, 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 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, 0 Absent
**Zoning Board of Appeals Meeting: September 6, 2018:** The Zoning Board of Appeals recommended to approve the following zoning relief:

1. Variation to increase maximum height of pole mounted sign along I-88 from 20 feet to 75 feet;
2. Variation to increase signage of a dual paneled pole mounted sign from 200 square feet to 1,600 (800 sq. ft. per side);
3. Variation to allow for setback from Right-of-Way from 80 feet to 20 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 #Z18-041 MIF 31W350 Diehl, LLC dated August 9, 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 the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

**Dissenting Opinion:**
That the one dissenting Zoning Board of Appeals member finds that petitioner has not presented enough evidence to support the subject zoning relief for a dual paneled, pole-mounted electronic/L.E.D sign.

**FINDINGS OF FACT:**

1. That petitioner testified that he seeks the subject zoning relief to erect a dual-paneled LED/electronic message center sign (billboard) on the subject property located directly south of I-88.

2. That petitioner testified that due to the topography of the subject property, without zoning relief, the proposed sign would be blocked by large trees and brush, powerlines, antennas, transmission lines, and fences.

3. That petitioner testified that the subject sign will be similar in height (approximately 75 feet), size/area, and style to neighboring dual-paneled LED electronic message center signs.
4. That petitioner testified that the subject sign will maintain static images and will adhere to all State and Illinois Department of Transportation (IDOT) guidelines.

5. That petitioner testified that he has owned the subject property since December 2016 and owns the adjacent property to the east, also known as 31W356 Diehl Road, Naperville, Illinois.

   • Furthermore, that petitioner testified that the billboard sign located on his adjacent property to the east, will be moved to accommodate the proposed sign installation on the subject property.

   • That petitioner testified that the subject sign will be located at least 500 feet away from any other pole-mounted sign, per IDOT guidelines.

STANDARDS FOR VARIATIONS AND CONDITIONAL USE:

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Variations and Conditional Use 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 evidence for the subject zoning relief and specifically, evidence of a practical difficulty or particular hardship with the topography of the subject property in the way of carrying out a Variation to increase the maximum height along I-88 from 20 feet to 75 feet; to increase signage from 200 square feet to 1,600 (800 sq. ft. per side); and to reduce the setback from Right-of-Way from 80 feet to 20 feet, for the proposed dual-paneled LED electronic message center sign.

3. That the Zoning Board of Appeals finds that petitioner has demonstrated that 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 sign will be located on the subject property which is approximately 5.96 acres and is located/ surrounded by the both the I-1 and I-2 Industrial zoning districts. Furthermore, that petitioner has demonstrated that the subject sign will be located at least 500 feet from any other pole-mounted sign.
b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that they will receive a building permit from the County for the proposed sign and that it will be build pursuant to the current building codes.

c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the proposed sign will maintain a “modern-aesthetic” similar to other signs in the area and will not impact the value of land within the area or throughout the County.

- As such, petitioner has demonstrated that both adjacent neighbors to the east and west of the subject property are located within the I-2 Industrial zoning district and both properties have erected pole-mounted, LED electronic message center signs.

d. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the proposed subject sign images will be static and will adhere to all State, County, and IDOT regulations regarding pole-mounted, LED/electronic message center signs.

e. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the DuPage County Stormwater Department has no objections to the proposed sign.

f. Incur additional public expense for flood protection, rescue or relief as petitioner has demonstrated that the DuPage County Stormwater Department has no objections to the proposed sign. Furthermore, that petitioner will allow the County, State, or law enforcement agencies to utilize the proposed sign in emergency situations.

g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner has demonstrated that the proposed sign will be an added benefit to the community and may be used by local law enforcement to announce emergency information, such as Amber Alerts.

- Furthermore, that petitioner has demonstrated that they have not received any objections from neighbors/property owners regarding the proposed sign and the subject zoning relief.
### GENERAL ZONING CASE INFORMATION

<table>
<thead>
<tr>
<th>CASE #/PETITIONER</th>
<th>Z18-041 MIF 31W350 Diehl, LLC</th>
</tr>
</thead>
</table>

**ZONING REQUEST:**
*(As indicated in the Petitioner's application)*

1. Variation to increase maximum height of pole mounted sign along I-88 from 20 feet to 75 feet.
2. Variation to increase signage of a dual paneled pole mounted sign from 200 square feet to 1,600 (800 sq. ft. per side)
3. Variation to allow for setback from Right-of-Way from 80 feet to 20 feet.

**OWNER**
MICHAEL ANDROWICH, MANAGER, 1301 W. 22ND STREET, STE 711, OAK BROOK, IL 60523

**ADDRESS/LOCATION**
31W350 DIEHL ROAD, NAPERVILLE, IL 60563

**PIN**
07-05-303-013

**TWSP./CTY. BD. DIST.**
Naperville District 5

**ZONING/LUP**
I-2 Gen. Industrial Office Low

**AREA**
5.96 (259,617 sq. ft.)

**UTILITIES**
Well and Septic

**PUBLICATION DATE**
Daily Herald: July 24, 2018 and August 16, 2018

**PUBLIC HEARING**
August 9, 2018 and September 6, 2018

**ADDITIONAL INFORMATION:**

- **Building:** No Objections.
- **DUDOT:** No Comment.
- **Health:** No Objections.
- **Stormwater:** No Objections with the concept of the petition. Additional information may be required at time of permit application.
- **Public Works:** No Objections. “We do not provide sewer or water to that area.”

**EXTERNAL:**

- **City of Naperville:** No Comment.
- **Naperville Township:** No Comment.
- **Naperville Township Highway:** No Comment.
- **Naperville Fire Dist.:** No Comment.
- **Sch. Dist. 204:** No Comment.
- **Forest Preserve:** No Comment.
- **City of Aurora:** No Comment.
- **City of Warrenville:** No Comment.
### GENERAL BULK REQUIREMENTS (SIGNS):

<table>
<thead>
<tr>
<th>REQUIREMENTS:</th>
<th>REQUIRED</th>
<th>EXISTING</th>
<th>PROPOSED</th>
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<tbody>
<tr>
<td>South Front Yard:</td>
<td>40 FEET</td>
<td>N/A</td>
<td>APPROX. 456.2 FEET</td>
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<tr>
<td>East Int. Side Yard:</td>
<td>20 FEET</td>
<td>N/A</td>
<td>APPROX. 380 FEET</td>
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<tr>
<td>West Int. Side Yard:</td>
<td>20 FEET</td>
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<td>APPROX. 105.2 FEET</td>
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<td>North Rear Yard:</td>
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<td>N/A</td>
<td>APPROX. 20 FEET</td>
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<tr>
<td>Height:</td>
<td>20 FEET</td>
<td>N/A</td>
<td>APPROX. 75 FEET</td>
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### LAND USE

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<tr>
<th>Location</th>
<th>Zoning</th>
<th>Existing Use</th>
<th>LUP</th>
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<tr>
<td>Subject</td>
<td>I-2 Gen. Industrial</td>
<td>Industrial</td>
<td>Office Low</td>
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<tr>
<td>North</td>
<td>I-88 and beyond I-1</td>
<td>Northern Illinois Gas Co.</td>
<td>TUI</td>
</tr>
<tr>
<td></td>
<td>Gen. Industrial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>Diehl Road and beyond I-2 Gen. Industrial</td>
<td>ComEd</td>
<td>Vacant/Unclassified</td>
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<td>East</td>
<td>I-2 Gen. Industrial</td>
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<td>Vacant/ Unclassified</td>
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<tr>
<td>West</td>
<td>I-2 Gen. Industrial</td>
<td>Industrial</td>
<td>Office Low</td>
</tr>
</tbody>
</table>
SIGN SITE PLAN
PART OF SECTION 5, T38N–R9E, 3rd PM
NAPERVILLE TOWNSHIP  DUPAGE COUNTY  ILLINOIS

LEGEND:

1. Includes Iron Fence
   2. Includes Iron Wire
   3. Includes Storm Drain
   4. Includes Overhead Utility
   5. Includes Line of Street
   6. Includes Perforated Gutter Plane
   7. Includes Grate Cut in Concrete

LEGAL DESCRIPTION:

The Park is located on East 1780 North of the 3rd Principal Meridian described by beginning at the Southwest Corner of Lot 1, the Park of Survey of the 4th Avenue Park, described as follows: The southerly line of the same is 275.77 feet as a street laid out by the City of Naperville, on the line of what is now Wilson Avenue, 275.77 feet on the line of a dirt road, 900 feet to the eastern line of the same, duly surveyed and recorded in Volume 87, Page 207, in the DuPage County Recorder's Office. The width of the street is 40 feet.

PHILLIP D. YOUNG, LAND Surveyor

Date: June 12, 2002

LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic. #184-002775

PHILLIP D. YOUNG and Associates, Inc.

11078 South Ridge Street
Yorkville, Illinois  60560
Telephone (630)553-1500

Jack T. Knuepfer Administration Building, 421 N. County Farm Road, Wheaton
**Zoning Petition Z18-041 MIF 31W350 Diehl, LLC**

Please review the information herein and return with your comments to: Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupageco.org or via facsimile at 630-407-6762 by August 8, 2018.

**COMMENT SECTION:**

--- NO OBJECTION CONCERNS WITH THE PETITION.

--- NO OBJECTION CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION.

--- I CANNOT COMMENT AT THIS TIME. ADDITIONAL INFORMATION REQUIRED.

--- I OBJECT. I HAVE CONCERNS WITH THE PETITION.

**COMMENTS:** Recommend that comments are requested from Illinois Tollway regarding the petition. 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.

---

**SIGNATURE:**

David E. Fryer

**DATE:**

8/6/18

**MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:**

DuPage County DOT

---

**GENERAL ZONING CASE INFORMATION**

**CASE/PETITIONER:**

Z18-041 MIF 31W350 Diehl, LLC

**ZONING REQUEST:**

(As indicated in the Petitioner’s application)

1. Variance from the sign code to allow for the duration of electronic display sign images to change at the interval of ten seconds, instead of the required five minutes on both sides of dual-panel billboard sign.
2. Variation to allow for electronic display sign within 500 feet of Interstate Highway.
3. Variation to increase maximum height of pole mounted sign along L88 to 75 feet.
4. Variation to allow for 1,000 square feet of signage on dual paneled pole mounted sign (800 sq. ft. per side).
5. Variation to allow for setback from Right-of-Way from 80 feet to 20 feet

**OWNER:**

MICHAEL ANDROWICH, MANAGER, 1301 W. 22ND STREET, STE 711, OAKBROOK, IL 60523

**ADDRESS/LOCATION:**

31W350 DIEHL ROAD, NAPERVILLE, IL 60563

**PIN:**

07-05-303-013

**TWP./CTY. BD. DIST.:**

Naperville | District 5
Additional Information Submitted by Petitioner on June 21, 2018:

Exhibit List

Exhibit A - Legal Description
Exhibit B - Letter of Authorization
Exhibit C - Proof of Ownership
Exhibit D - Site Plan (dated June 18, 2018)
Exhibit E - Survey (dated May 25, 2018)
Exhibit F - Statement in Support of Variance Requests
Exhibit G - Picture of Electronic Billboard Sign
EXHIBIT "A"
LEGAL DESCRIPTION

THAT PART OF SECTION 6, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF THE PLAT OF SURVEY OF THE CARL A. NOREEN FARM (RECORDED AS DOCUMENT NUMBER 743589) SAID POINT BEING ON THE CENTER LINE OF DIEHL ROAD, AND RUNNING THENCE NORTH 00 DEGREES 07 MINUTES 08 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 1, 1485.21 FEET TO THE SOUTH LINE OF PARCEL E-1C-387.3 OF THE EAST WEST TOLLWAY; THENCE NORTH 00 DEGREES 06 MINUTES 03 SECONDS EAST ALONG SAID SOUTH LINE, 99.37 FEET TO AN ANGLE POINT; THENCE NORTH 67 DEGREES 43 MINUTES 57 SECONDS EAST ALONG SAID SOUTH LINE, 204.78 FEET (RECORD 211.77 FEET) TO THE WEST LINE OF LOT 9 OF THE ASSESSMENT PLAT OF THE LANDS OF JAMES L. NICHOLS (RECORDED AS DOCUMENT NUMBER 680298); THENCE SOUTH 06 DEGREES 30 MINUTES 54 SECONDS WEST ALONG SAID WEST LINE, BEING ALSO THE WEST LINE OF LOT 1 OF BEAVER CONSTRUCTION COMPANY ASSESSMENT PLAT (RECORDED AS DOCUMENT NUMBER R71-2976), 586.23 FEET TO THE CENTER LINE OF DIEHL ROAD; THENCE NORTH 00 DEGREES 15 MINUTES 45 SECONDS WEST ALONG SAID CENTER LINE 168.10 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS; EXCEPTING THEREFROM THAT PART DESCRIBED AS FOLLOWS:

THAT PART OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF THE PLAT OF SURVEY OF THE CARL A. NOREEN FARM (RECORDED AS DOCUMENT NUMBER 743589), SAID POINT BEING ON THE CENTER LINE OF DIEHL ROAD AND RUNNING THENCE NORTH 06 DEGREES 07 MINUTES 03 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 1 1485.21 FEET TO THE SOUTH LINE OF PARCEL NO. E-1C-387.3 OF THE EAST WEST TOLLWAY; THENCE NORTH 06 DEGREES 30 MINUTES 03 SECONDS EAST ALONG SAID SOUTH LINE, 99.10 FEET; THENCE SOUTH 44 MINUTES 15 SECONDS WEST, 839.72 FEET TO THE CENTER LINE OF DIEHL ROAD; THENCE NORTH 00 DEGREES 15 MINUTES 45 SECONDS WEST ALONG SAID CENTER LINE 399.50 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS;

AND ALSO EXCEPTING THEREFROM THAT PART OF THE LAND CONVEYED TO THE NAPERVILLE TOWNSHIP ROAD DISTRICT BY TRUSTEES DEED RECORDED AUGUST 12, 2003 AS DOCUMENT NUMBER R2003-315349, IN DUPAGE COUNTY, ILLINOIS.
Letter of Authorization

The undersigned, MICHAEL ANDROWICH, as Manager of MIF 31W350 (Naperville), LLC, an Illinois limited liability company, hereby authorizes our attorney, KEVIN COYNE, of the law firm MOMKUS McCluskey, LLC, to act on or behalf and communicate with any and all third parties, including the County of DuPage, State of Illinois with respect to our application for variances relative our electronic billboard sign to be located at 31W350 Diehl Road, Naperville, IL 60563.

__________________________
MICHAEL ANDROWICH, as Manager of MIF 31W350 (Naperville), LLC
Date: ______/____/____, 2018
THE GRANTEE, Nancy K. Magee Revocable Trust dated July 28, 2003, a trust created and existing under and by virtue of the laws of the State of Illinois and duly authorized to transact business in the State of Illinois, for and in consideration of Ten and 00/100 Dollars, and other good and valuable consideration, in hand paid, and pursuant to authority given by the Declaration of Trust Establishing the Nancy K. Magee Revocable Trust dated July 24, 2003, CONVEYS and WARRANTS to MIF 31W350 Diehl (Naperville), LLC, an Illinois limited liability company, the following described Real Estate situated in the County of DuPage in the State of IL, to wit:

See Exhibit "A" attached hereto and made a part hereof

Property Address: 31W350 Diehl Road, Naperville, IL 60563
Permanent Real Estate Index Number(s): 07-05-303-013

Together with the appurtenances thereto belonging, and subject to the same Permitted Exceptions listed in Exhibit "B" hereto.

To have and to hold the same unto said party of the second part, and to the proper use and benefit forever of said party of the second part.

This deed is executed pursuant to and in exercise of the power and authority granted to and vested in the Trustee by the terms of the trust agreement mentioned above.

In witness Whereof, said party of the first part has caused its name to be signed below by its Trustee, on this the 24th day of July in the year 2003.

NANCY K. MAGEE REVOCABLE TRUST DATED JULY 28, 2003

By its Trustee

[Signature]

STATE OF ILLINOIS

DUPage COUNTY

REAL ESTATE TRANSFER TAX

0165000

06/25/17

FRED BUCHOLZ

DUPAGE COUNTY RECORDER

EXHIBIT C
STATE OF FLORIDA
COUNTY OF MARTIN

On this day before me, the undersigned Notary Public, personally appeared John Danisi, Trustee of the Nunola K. Mages Revocable Trust dated July 28, 2003, to me know to be the individual described in and who executed the Warranty Deed, and acknowledged that he signed the Warranty Deed as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal, this 20 day of December, 2014.

By: (Notary Public)

Notary Public in and for the State of FLORIDA

My Commission Expires: (04-04-2020)

Prepared by: Ryan A. Hils
Laurie Brannon, LLP
Two North Riverside Plaza, Suite 1750
Chicago, Illinois 60606

Return To:
Stewart Title NTS-Chicago
10 S. Riverside Plaza, Suite 1450
Chicago, IL 60606
Ph: 312-664-4400

Packet Pg. 52
EXHIBIT "A"

LEGAL DESCRIPTION

THAT PART OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF THE PLAT OF SURVEY OF THE CARL A. NOREEN FARM (RECORDED AS DOCUMENT NUMBER 743593) SAID POINT BEING ON THE CENTER LINE OF DIEHL ROAD, AND RUNNING THENCE NORTH 08 DEGREES 07 MINUTES 03 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 1, 465.21 FEET TO THE SOUTH LINE OF PARCEL E-1C-367.3 OF THE EAST WEST TOLLWAY; THENCE NORTH 86 DEGREES 50 MINUTES 03 SECONDS EAST ALONG SAID SOUTH LINE, 658.37 FEET TO AN ANGLE POINT; THENCE NORTH 67 DEGREES 43 MINUTES 57 SECONDS EAST ALONG SAID SOUTH LINE, 206.78 FEET (RECORD 211.77 FEET) TO THE WEST LINE OF LOT 6 OF THE ASSESSMENT PLAT OF THE LANDS OF JAMES L. NICHOLS (RECORDED AS DOCUMENT NUMBER 596683); THENCE SOUTH 06 DEGREES 00 MINUTES 04 SECONDS WEST ALONG SAID WEST LINE, BEING ALSO THE WEST LINE OF LOT 1 OF BEAVER CONSTRUCTION COMPANY ASSESSMENT PLAT (RECORDED AS DOCUMENT NUMBER R71-6976); 598.23 FEET TO THE CENTER LINE OF DIEHL ROAD, THENCE NORTH 86 DEGREES 15 MINUTES 45 SECONDS WEST ALONG SAID CENTER LINE 655.10 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS; EXCEPTING THEREFROM THAT PART DESCRIBED AS FOLLOWS:

THAT PART OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF THE PLAT OF SURVEY OF THE CARL A. NOREEN FARM (RECORDED AS DOCUMENT NUMBER 743668), SAID POINT BEING ON THE CENTER LINE OF DIEHL ROAD AND RUNNING THENCE NORTH 06 DEGREES 07 MINUTES 03 SECONDS EAST ALONG THE EAST LINE OF SAID LOT 1, 465.21 FEET TO THE SOUTH LINE OF PARCEL NO. E-1C-307.3 OF THE EAST WEST TOLLWAY; THENCE NORTH 86 DEGREES 50 MINUTES 03 SECONDS EAST ALONG SAID SOUTH LINE, 658.37 FEET; THENCE SOUTH 03 DEGREES 44 MINUTES 15 SECONDS WEST, 530.72 FEET TO THE CENTER LINE OF DIEHL ROAD; THENCE NORTH 86 DEGREES 15 MINUTES 45 SECONDS WEST ALONG SAID CENTER LINE 305.50 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

AND ALSO EXCEPTING THEREFROM THAT PART OF THE LAND CONVEYED TO THE NAPERVILLE TOWNSHIP ROAD DISTRICT BY TRUSTEE'S DEED RECORDED AUGUST 12, 2003 AS DOCUMENT NUMBER R2003-315345, IN DUPAGE COUNTY, ILLINOIS.
3. GENERAL REAL ESTATE TAXES FOR THE YEAR(S) 2018 AND SUBSEQUENT YEARS.

PERMANENT INDEX NUMBER: 07-05-232-012

8. EASEMENT IN FAVOR OF TEXAS ILLINOIS NATURAL GAS PIPELINE COMPANY, AND ITS SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED AS DOCUMENT NUMBER 924759, THE CENTER LINE OF WHICH IS DESCRIBED AS FOLLOWS:

RUNNING FROM APPROXIMATELY 403 FEET EAST OF THE SOUTHWEST CORNER OF THE ABOVE DESCRIBED TRACT AND RUNNING IN A NORTH-WESTERLY DIRECTION TO A POINT 375 FEET EAST OF A POINT 100.50 FEET SOUTH OF THE POINT OF BEGINNING IN THE ABOVE DESCRIPTION, THENCE NORTH-EASTERLY PARALLEL WITH THE WEST PROPERTY LINE AND LEAVING THE TRACT ON THE NORTH PROPERTY LINE APPROXIMATELY 376 FEET EAST OF THE NORTH-WESTERLY CORNER THEREOF.

NOTE: THE ABOVE GRANT IS ALSO SET FORTH IN RIGHT OF MAY AGREEMENT RECORDED AS DOCUMENT NUMBER 613140.

NOTE: BY INSTRUMENTS RECORDED AS DOCUMENT NUMBERS 659330 AND 351429, THE INTEREST UNDER SAID PIPELINES WERE CONVEYED TO NATURAL GAS PIPELINE COMPANY OF AMERICA, A CORPORATION OF DELAWARE.

6. EASEMENT IN FAVOR OF THE COMMONWEALTH EDISON COMPANY, AND ITS SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED AS DOCUMENT NUMBER H6-21183, AFFECTING THAT PART OF THE LAND DESCRIBED AS FOLLOWS:

THAT PART OF THE SOUTH 1/2 OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMAS AT THE CENTER OF SECTION 5, IN THE APONISED TOWNSHIP AND RANGE, AND RUNNING THENCE SOUTH 5 DEGREES 30 MINUTES EAST ALONG THE CENTER LINE OF SAID ROAD AND SAID CENTER LINE EXTENDED EASTERLY 764.05 FEET TO AN IRON STAKE; THENCE SOUTH 5 DEGREES 30 MINUTES WEST, 764.05 FEET TO AN IRON STAKE; THENCE NORTH 5 DEGREES 30 MINUTES WEST, 764.05 FEET TO THE CENTER LINE OF A PUBLIC ROAD; THENCE SOUTH 49 DEGREES 15 MINUTES WEST, 185.12 FEET ALONG THE CENTER LINE OF SAID ROAD TO THE SOUTHWEST CORNER OF LOT 6 OF THE ASSESSMENT PLAT OF LANDS OF JAMES L. HILLS' ESTATES IN SECTIONS 4, 5, 6 AND 7, TOWNSHIP 38 NORTH, RANGE 7, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED FEBRUARY 4, 1853 AS DOCUMENT NUMBER 659350, FOR A POINT OF BEGINNING; THENCE NORTH 5 DEGREES 40 MINUTES EAST ALONG THE WEST EASTERLY LINE OF SAID LOT 6, A DISTANCE OF 47.46 FEET TO A POINT; THENCE SOUTHWESTERLY A DISTANCE OF 125.51 FEET TO THE CENTER LINE OF SAID ROAD AT A POINT WHICH IS A DISTANCE OF 117.01 FEET WESTERLY OF THE POINT OF BEGINNING; THENCE EASTERLY ALONG THE CENTER LINE OF SAID ROAD, A DISTANCE OF 117.01 FEET TO THE POINT OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

10. EASEMENT IN FAVOR OF AT&T COMMUNICATIONS OF ILLINOIS INC., AND ITS RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED AS DOCUMENT NUMBER 396089, AFFECTING THAT PART OF THE LAND SHOWN ON EXHIBIT "A" ATTACHED THERETO AND MADE A PART THEREOF.

(Please refer to instrument for exact location)

11. EASEMENT IN FAVOR OF NATURAL GAS PIPELINE COMPANY OF AMERICA, AND ITS RESPECTIVE SUCCESSORS AND ASSIGNS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY, TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED AS DOCUMENT NUMBER 970528, AFFECTING A STRIP OF LAND 50 FEET IN WIDTH BEING
25 FEET ON EACH SIDE OF A CENTER LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE CENTER LINE OF DIEHL ROAD, BEING 1270.0 FEET EASTERLY (MEASURED ALONG SAID CENTER LINE) OF THE CENTER LINE OF S.A. ROUTE 14; THENCE NORTH 01 DEGREES 30 MINUTES 00 SECONDS WEST, A DISTANCE OF 981.1 FEET; THENCE NORTH 00 DEGREES 29 MINUTES 32 SECONDS EAST, A DISTANCE OF 484.7 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF THE EAST WEST TOLER, BEING 322.8 FEET EASTERLY (MEASURED ALONG SAID RIGHT OF WAY LINE) OF THE GRANTOR'S NORTHWEST PROPERTY CORNER, ALL BEING A PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS; ALSO

BEGINNING AT A POINT ON THE GRANTOR'S SOUTH-EASTERLY PROPERTY LINE, SAID POINT BEING 30.1 FEET NORTH 85 DEGREES 35 MINUTES 03 SECONDS EAST AND 193.9 FEET NORTH 00 DEGREES 29 MINUTES 59 SECONDS EAST OF AN EXISTING RIGHT OF WAY MONUMENT ON THE NORTH LINE OF THE EAST WEST TOLER, THENCE NORTH 00 DEGREES 29 MINUTES 31 SECONDS EAST, A DISTANCE OF 158.9 FEET; THENCE NORTH 12 DEGREES 25 MINUTES 30 SECONDS EAST, A DISTANCE OF 40 FEET; THENCE NORTH 03 DEGREES 38 MINUTES 30 SECONDS EAST, A DISTANCE OF 147.3 FEET; THENCE NORTH 00 DEGREES 45 MINUTES 15 SECOND EAST, A DISTANCE OF 40.0 FEET; THENCE NORTH 07 DEGREES 01 MINUTES 00 SECONDS EAST, A DISTANCE OF 530.1 FEET; THENCE NORTH 07 DEGREES 12 MINUTES 45 SECONDS EAST, A DISTANCE OF 40.0 FEET; THENCE NORTH 07 DEGREES 24 MINUTES 58 SECONDS EAST, A DISTANCE OF 150 FEET; THENCE NORTH 07 DEGREES 36 MINUTES 15 SECONDS EAST, A DISTANCE OF 400 FEET; THENCE NORTH 00 DEGREES 48 MINUTES 03 SECONDS EAST, A DISTANCE OF 40.0 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 15 SECONDS EAST, A DISTANCE OF 170.0 FEET TO A POINT ON THE GRANTOR'S EASTERLY PROPERTY LINE, BEING 462.0 FEET SOUTH OF GRANTOR'S NORTHEAST PROPERTY CORNER, ALL BEING A PART OF THE SOUTH 1/2 OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

13. EASEMENT IN FAVOR OF THE COMMONWEALTH EDISON COMPANY, AND THEIR SUCCESSORS AND AS HEIRS, TO INSTALL, OPERATE AND MAINTAIN ALL EQUIPMENT NECESSARY FOR THE PURPOSE OF SERVING THE LAND AND OTHER PROPERTY TOGETHER WITH THE RIGHT OF ACCESS TO SAID EQUIPMENT, AND THE PROVISIONS RELATING THERETO CONTAINED IN THE GRANT RECORDED AS DOCUMENT NUMBER ROG-18044, AFFECTING THAT PART OF THE SOUTH 1/2 OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY COMMISSIONERS AT THE CENTER OF SECTION 5, IN THE FORESAYD TOWNSHIP AND RANGE, AND RUNNING THENCE NORTHERLY ALONG THE QUARTER SECTION LINE, 861.9 FEET TO THE CENTER LINE OF BILLER ROAD; THENCE SOUTH 03 DEGREES 30 MINUTES EAST ALONG THE CENTER LINE OF SAID ROAD AND SAID CENTER LINE EXTENDED EASTERLY 019.12 FEET TO AN IRON STAKE; THENCE SOUTH 00 DEGREES 00 MINUTES WEST, 674.10 FEET TO THE CENTER LINE OF A PUBLIC ROAD; THENCE SOUTH 00 DEGREES 17 MINUTES EAST 063.12 FEET ALONG THE CENTER LINE OF SAID ROAD TO THE SOUTHWEST CORNER OF LOT 6 OF THE ASSESSMENT PLAT OF LANDS OF JAMES L. NICHOLS' ESTATE IN SECTIONS 4, 5, 6 AND 9, TOWNSHIP 38 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED FEBRUARY 9, 1950 AS DOCUMENT NUMBER 49035, FOR A POINT OF BEGINNING; THENCE NORTH 06 DEGREES 46 MINUTES EAST ALONG THE WESTERLY LINE OF SAID LOT 6, A DISTANCE OF 47.48 FEET TO A POINT THENCE SOUTHWESTERLY A DISTANCE OF 128.40 FEET TO THE CENTER LINE OF SAID ROAD AT A POINT WHICH IS A DISTANCE OF 117.01 FEET WESTERLY OF THE POINT OF BEGINNING; THENCE EASTERLY ALONG THE CENTER LINE OF SAID ROAD A DISTANCE OF 117.01 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.


A) ENCROACHMENT OF CHAIN LINK FENCE OVER THE 19 FOOT EASEMENT FOR AT&T COMMUNICATIONS ALONG THE NORTH LINE OF THE LAND.

14. RIGHTS OF WAY EARNED, THE GOOD WILL WITHIN THE EASEMENT AS STATED IN OTHER DOCUMENTS.

FRED BUCHOLZ
RECEIVED FOR RECORD

19

Packet Pg. 55
AFFIDAVIT — METES AND BOUNDS

STATE OF ILLINOIS ) SS.
COUNTY OF DU PAGE )

COO K

AFFIDAVIT — METES AND BOUNDS

Nane. K. Mayer Revocable Trust Dtd July 28, 2007, being duly sworn on oath, states that he/she resides at 1511 SE Krueger Pley, Suite F1, 33996.

That the attached deed is not in violation of Section 209(k) of Chapter 765 of the Illinois Compiled Statutes for one of the following reasons:

1. The division or subdivision of land is into parcels or tracts of five acres or more in size which does not involve any new streets or easements of access.

2. The division is of lots or blocks of less than one acre in any recorded subdivision which does not involve any new streets or easements of access.

3. The sale or exchange of parcels of land is between owners of adjoining and contiguous land.

4. The conversion is of parcels of land or interests therein for use as right of way for railroads or other public utility facilities, which does not involve any new streets or easements of access.

5. The conversion is of land owned by a railroad or other public utility which does not involve any new streets or easements of access.

6. The conversion is of land for highway or other public purposes or grants of conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.

7. The conversion is made to correct descriptions in prior conveyances.

8. The sale or exchange is of parcels or tracts of land following the division into no more than two parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.

9. The sale is of a single lot of less than five acres from a larger tract, the dimensions and configuration of said larger tract having been determined by the dimensions and configuration of said larger tract on October 1, 1973, and no sale, prior to this sale, or any lot or lots from said larger tract having taken place since October 1, 1973 and a survey of said single lot having been made by a registered land surveyor.

10. (The conversion is of land described in the same manner as title was taken by grantor).

THE APPLICABLE STATEMENT OR STATEMENTS ABOVE ARE CIRCLED.

AFFIANT further states that he/she makes this affidavit for the purpose of inducing the Recorder of DuPage County, State of Illinois, to accept the attached deed for recording.

SUBSCRIBED AND SWORN TO before me:

this 19 day of January, 2022.

Notary Public

FRED BUCHOLZ, DU PAGE COUNTY RECORDER
421 N. COUNTY FARM ROAD, BOX 296, WHEATON, ILLINOIS 60189

(Rev. 02/16)
Statement in Support of Variance Requests

31W350 Diehl Road, Naperville, IL 60563 (the “Property”)

I. Variation Request: Pursuant to DuPage County Code Section 37-411, Petitioner hereby requests a variance from the sign code to allow for the duration of electronic display sign images to change at the interval of ten (10) seconds instead of the required five (5) minutes on both sides of dual-panel billboard sign as is required under Sec. 37-1103(C)(2)(a). Petitioner states that the standards for said variance are met as follows:

A. That there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of the Zoning Ordinance.

Petitioner’s Property lies adjacent to an interstate I-88. Due to the speed at which the cars travel the value and impact of the sign passing cars cannot be achieved if the images are only allowed to flip every five (5) minutes. Moreover, State law only requires ten (10) second intervals and it is the duration that is utilized by all adjacent electronic billboard signs. Without the approval requested herein, Petitioner’s billboard sign would not be able to compete with the neighboring signs, and accordingly, this sign’s value and utility would be greatly diminished.

B. That granting of any 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.

The requested variance would not run in conflict with the intentions of the Code nor injure neighboring property owners. To the contrary, the neighboring properties on both sides already have their own electronic billboard signs that flip images every ten (10) seconds. No images of a shocking or offensive nature will be depicted on the subject sign. Moreover, all surrounding properties are industrial. There are no residential neighbors that might be bothered by the signs flipping every ten (10) seconds. No danger is presented by the changing images, images have been flipping at the requested rate from neighboring signs without any evidence of negative impact or increased dangers.

C. The granting of the Variation will not:

1. Impair an adequate supply of light and air to the adjacent property;
   This variance will have no impact on the amount of sunlight to neighboring Property owners.

2. Increase the hazard from fire or other dangers to said property;
   This change will not increase the risk of fire or hazards. It has already been taking place from numerous properties in the immediate area without any known incidents.

3. Diminish the value of land and buildings throughout the County;
   There should be no impact on neighboring landowners. It should also be noted that the property immediately adjoining Petitioner’s Property to the east also belongs to the Petitioner and it also has a sign the flips images every ten (10) seconds.

4. Unduly increase traffic congestion in the public streets and highways;
   The changing images will have no impact on traffic congestion on either the streets or highway.

5. Increase the potential for flood damages to adjacent property;
   The changing images will have no impact on flooding nor cause water damage.

6. Incur additional public expense for flood protection, rescue or relief; or
   The request herein images will have no impact on public expense.

7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.
   No images of an immoral nature will be depicted from the sign. The requested variance will allow for improved public safety as Petitioner is agreeable to depicting Amber alerts or similar information of an emergency nature from the sign.
II. Variance Request: Variation to allow for electronic display sign within 500 feet of Interstate Highway as required under Section 37-1103(1)(C)(1). Petitioner states that the standards for said variance are met as follows:

A. That there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of the Zoning Ordinance.

Petitioner’s Property lays adjacent to an interstate I-88 and the proposed sign lays 110 feet from the south edge of I-88. Due to the topography and surrounding trees, the sign cannot be seen by the passing cars if placed 300 feet from the interstate.

B. That the granting of any 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.

The requested variance would not run in conflict with the intentions of the Code nor injure neighboring property owners. To the contrary, the neighboring properties on both sides are of an industrial nature and they too have their own electronic billboard signs that are within 500 feet of the interstate I-88.

C. The granting of the Variation will not:

1. Impair an adequate supply of light and air to the adjacent property;
   This variance will have no impact on the amount of sunlight to neighboring Property owners.

2. Increase the hazard from fire or other dangers to said property;
   This change will not increase the risk of fire or hazards. It has already been taking place from numerous properties in the immediate area without any known incidents.

3. Diminish the value of land and buildings throughout the County;
   There should be no impact on neighboring landowners. It should also be noted that the property immediately adjoining Petitioner’s Property to the east belongs to the Petitioner and its sign is within 500 feet of the interstate.

4. Unduly increase traffic congestion in the public streets and highways;
   The sign location should have no impact on traffic congestion on either the streets or highway. Similar signs already exist along I-88 and have not caused congestion problems.

5. Increase the potential for flood damages to adjacent property;
   The sign location will have no impact on flooding or cause water damage.

6. Incur additional public expense for flood protection, rescue or relief;
   The sign location will have no impact on public expenses.

7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County,
   No images of an immoral nature will be depicted from the sign. The variance will allow for increased and improved public safety as Petitioner is agreeable to depict Amber alerts or similar information of an emergency nature from the sign.
III. Variance Request: Petitioner requests a Variation to increase maximum height of pole mounted sign along I-88 to 75 feet as is required under Section 37-1103(A)(14). Petitioner states that the standards for said variance are met as follows:

A. That there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of the Zoning Ordinance.

Petitioner’s Property lays adjacent to an interstate I-88. Due to topography and distance from the interstate, Petitioner’s sign needs to be 75 feet tall in order to be visible to the passing cars. The subject billboard sign also needs to be 75 feet tall to compete with neighboring signs that are of this same height.

B. That the granting of any 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.

No danger is presented by the height of the sign and the surrounding properties are industrial and also have billboards that are 75 feet in height.

C. The granting of the Variation will not:

1. Impair an adequate supply of light and air to the adjacent property;
   This variance will have no impact on the amount of sunlight to neighboring Property owners.

2. Increase the hazard from fire or other dangers to said property;
   This change in sign height will not increase the risk of fire or hazards. Neighboring properties already have signs of the same height and have had no negative incidents as a result.

3. Diminish the value of land and buildings throughout the County;
   There should be no impact on neighboring landowners. It should also be noted that the property immediately adjoining Petitioner’s Property to the east belongs to the Petitioner and it too has a sign 75 feet in height.

4. Unduly increase traffic congestion in the public streets and highways;
   The change in sign height should have no impact on traffic congestion on either the streets or highway.

5. Increase the potential for flood damages to adjacent property;
   The change in sign height will have no impact on flooding or cause water damage.

6. Incur additional public expense for flood protection, rescue or relief; or
   The change in sign height will have no impact on public expenses.

7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.
   No images of an immoral nature will be depicted from the sign. The variance will allow for increased and improved public safety as Petitioner is agreeable to depict Amber alerts or similar information of an emergency nature from the sign.
IV. Variance Request: Variance to allow for 1,600 square feet of signage on dual panelled pole mounted sign (800 sq. ft per side) as required under Section 37-1195.4(D). Petitioner states that the standards for said variance are met as follows:

A. That there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of the Zoning Ordinance.

Petitioner’s Property lays adjacent to interstate I-88. Due to topography and distance from the interstate, Petitioner’s sign needs to be sizable enough to be viewed by the passing cars and to compete with the neighboring signs which are of the same size and scale as is requested herein.

B. That the granting of any Variance 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.

No danger is presented by the requested size height of the sign and the surrounding properties are industrial and also have signs that are of the same size and scale as is requested herein.

C. The granting of the Variance will not:

1. Impair an adequate supply of light and air to the adjacent property; This variance will have no impact on the amount of sunlight to neighboring Property owners.

2. Increase the hazard from fire or other dangers to said property; This change in sign height will not increase the risk of fire or hazards. Neighboring properties already have signs of the same size and have had no negative incidents as a result.

3. Diminish the value of land and buildings throughout the County; There should be no impact on neighboring landowners. It should also be noted that the property immediately adjoining Petitioner’s Property to the east belongs to the Petitioner and it too has a 800 square foot per side, dual panelled sign.

4. Unduly increase traffic congestion in the public streets and highways; The change in sign size should have no impact on traffic congestion on either the streets or highway.

5. Increase the potential for flood damages to adjacent property; The change in sign height will have no impact on flooding nor cause water damage.

6. Incurred additional public expense for flood protection, rescue or relief; or The change in sign height will have no impact on public expenses.

7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.

No images of an immoral nature will be depicted from the sign. The variance will allow for increased and improved public safety as Petitioner is agreeable to depict Amber alerts or similar information of an emergency nature from the sign.
V. Variance Request: Petitioner requests Variation to allow for setback from Right-of-Way from 80 feet to 20 feet. Sec. 57-1103(A)(15).

A. That there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of the Zoning Ordinance.

Petitioner’s Property lays adjacent to Interstate I-88. Due to topography and distance from the interstate, Petitioner’s sign cannot be located 80 feet from the Right-of-Way and still be viewed by the passing cars and able to compete with neighboring signage. Petitioner intends to locate the sign 20 feet south of the Right-of-Way.

B. That the granting of any 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.

No danger is presented by the requested size height of the sign and the surrounding properties are industrial and have billboard signs that are also within 80 feet of the right away and have caused no known issues.

C. The granting of the Variance will not:

1. Impair an adequate supply of light and air to the adjacent property; This variance will have no impact on the amount of sunlight to neighboring Property owners.

2. Increase the hazard from fire or other dangers to said property; This change in sign height will not increase the risk of fire or hazards.

3. Diminish the value of land and buildings throughout the County; There should be no impact on neighboring landowners. It should also be noted that the property immediately adjoining Petitioner’s Property to the east belongs to the Petitioner and it too has a sign within 80 feet of the right of way.

4. Unduly increase traffic congestion in the public streets and highways; The change in sign size should have no impact on traffic congestion on either the streets or highway.

5. Increase the potential for flood damages to adjacent property; The change in sign height will have no impact on flooding nor cause water damage.

6. Incur additional public expense for flood protection, rescue or relief; or The change in sign height will have no impact on public expenses.

7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.

No images of an immoral nature will be depicted from the sign. The variance will allow for increased and improved public safety as Petitioner is agreeable to depict Amber alerts or similar information of an emergency nature from the sign.
Additional Information Submitted by Petitioner on August 6, 2018:

Statement in Support of Variance Requests (AMENDED)

31W350 Diehl Road, Naperville, IL 60563 (the “Property”)

1. Variance Request: Petitioner requests a Variation to increase maximum height of pole mounted sign along I-88 from 20 feet to 75 feet as is required under Section 37-1103(A)(14). Petitioner states that the standards for said variance are met as follows:

A. That there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of the Zoning Ordinance.

Petitioner’s Property lays adjacent to I-88. Due to topography that slants downhill and away from I-88, and because the sign would be blocked from the view of passing cars by large trees and powerlines, Petitioner’s sign needs to be 75 feet tall in order to be visible to the passing car. The subject billboard sign also needs to be 75 feet tall to compete with neighboring signs that are of this same height.

B. That the granting of any 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.

No danger is presented by the height of the sign and the surrounding properties are industrial and also have billboards that are 75 feet in height.

C. The granting of the Variance will not:

1. Impair an adequate supply of light and air to the adjacent property;
   This variance will have no impact on the amount of sunlight to neighboring Property owners.

2. Increase the hazard from fire or other dangers to said property;
   This change in sign height will not increase the risk of fire or hazards. Neighboring properties already have signs of the same height and have had no negative incidents as a result.

3. Diminish the value of land and buildings throughout the County;
   There should be no impact on neighboring landowner property value. It should also be noted that the property immediately adjoining Petitioner’s Property to the east belongs to the Petitioner and it too has a sign 75 feet in height.

4. Unduly increase traffic congestion in the public streets and highways;
   The change in sign height should have no impact on traffic congestion on either the streets or highway.

5. Increase the potential for flood damages to adjacent property;
   The change in sign height will have no impact on flooding nor cause water damage.

6. Incur additional public expense for flood protection, rescue or relief;
   The change in sign height will have no impact on public expenses.

7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County;
   No images of an immoral nature will be depicted from the sign. The variance will allow for increased and improved public safety as Petitioner is agreeable to depict Amber alerts or similar information of an emergency nature from the sign.
II. Variance Request: Variation to allow for an increase in signage on a dual paneled pole mounted sign from 200 square feet to 1,000 square feet (800 sq. ft per side) as required under Section 37-1105.4(B). Petitioner states that the standards for said variance are met as follows:

A. That there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of the Zoning Ordinance.

Petitioner’s Property lays adjacent to I-88. Due to topography that slants downhill and away from I-88, and because the signs would be blocked from the view of passing cars by large trees and powerlines, Petitioner’s sign needs to be sizable enough to be viewed by the passing cars and to compete with the neighboring signs which are of the size and scale as is requested herein.

B. That the granting of any 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.

No danger is presented by the requested size height of the sign and the surrounding properties are industrial and also have signs that are of the same size and scale as is requested herein.

C. The granting of the Variation will not:

1. Impair an adequate supply of light and air to the adjacent property;
   This variance will have no impact on the amount of sunlight to neighboring Property owners.

2. Increase the hazard from fire or other dangers to said property;
   This change in sign height will not increase the risk of fire or hazards. Neighboring properties already have signs of the same size and have had no negative incidents as a result.

3. Diminish the value of land and buildings throughout the County;
   There should be no impact on neighboring landowners. It should also be noted that the property immediately adjoining Petitioner’s Property to the east belongs to the Petitioner and it too has a 800 square foot per side, dual paneled sign.

4. Unduly increase traffic congestion in the public streets and highways;
   The change in sign size should have no impact on traffic congestion on either the streets or highway.

5. Increase the potential for flood damages to adjacent property;
   The change in sign height will have no impact on flooding nor cause water damage.

6. Incure additional public expense for flood protection, rescue or relief;
   The change in sign height will have no impact on public expenses.

7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.
   No images of an immoral nature will be depicted from the sign. The variance will allow for increased and improved public safety as Petitioner is agreeable to depict Amber alerts or similar information of an emergency nature from the sign.
III. Variance Request: Petitioner requests a variation to allow for setback from Right-of-Way from 80 feet to 20 feet. Sec. 37-1103(A)(13).

A. That there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of the Zoning Ordinance.

Petitioner’s Property lays adjacent to I-88. Due to topography, powerlines and neighboring trees, Petitioner’s sign cannot be located 80 feet from the Right-of-Way and still be viewed by the passing cars and able to compete with neighboring signage. The Property slants downward away from the interstate. Neighboring trees and existing powerlines would block the view of the signs without this variance request being approved.

B. That the granting of any 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.

No danger is presented by the requested size height of the sign and the surrounding properties are industrial and have billboard signs that are also within 80 feet of the right away and have caused no known issues.

C. The granting of the Variation will not:

1. Impair an adequate supply of light and air to the adjacent property;
   This variance will have no impact on the amount of sunlight to neighboring Property owners.

2. Increase the hazard from fire or other dangers to said property;
   This change in sign height will not increase the risk of fire or hazards.

3. Diminish the value of land and buildings throughout the County;
   There should be no impact on neighboring landowners. It should also be noted that the property immediately adjoining Petitioner’s Property to the east belongs to the Petitioner and it too has a sign within 80 feet of the right of way.

4. Unduly increase traffic congestion in the public streets and highways;
   The change in sign size should have no impact on traffic congestion on either the streets or highway.

5. Increase the potential for flood damages to adjacent property;
   The change in sign height will have no impact on flooding or cause water damage.

6. Incur additional public expense for flood protection, rescue or relief, or;
   The change in sign height will have no impact on public expenses.

7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.
   No images of an immoral nature will be depicted from the sign. The variance will allow for increased and improved public safety as Petitioner is agreeable to depict Amber alerts or similar information of an emergency nature from the sign.
Statement in Support of Conditional Use Request (AMENDED)
31W350 Dichl Road, Naperville, IL 60563 (the “Property”)

I. Conditional Use: Petitioner requests a Conditional Use to allow for electronic display sign within 500 feet of Interstate Highway as required under Section 37-1103(C)(1). Petitioner states that the standards for said variance as required by Section 37-14.15.5 are met as follows:

A. 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.

The requested Conditional Use would not run in conflict with the intentions of the Code nor injure neighboring property owners. To the contrary, the neighboring properties on both sides are of an industrial nature and they too have their own electronic billboard signs that are within 900 feet of the Interstate I-88. This sign will be an attractive addition that will offer information to residents and increase economic opportunity for DuPage County businesses. Furthermore:

The granting of the Conditional Use will not:

1. Impair an adequate supply of light and air to the adjacent property; This variance will have no impact on the amount of sunlight to neighboring Property owners.

2. Increase the hazard from fire or other dangers to said property; This change will not increase the risk of fire or hazards. It has already been taking place from numerous properties in the immediate area without any known incidents.

3. Diminish the value of land and buildings throughout the County; There should be no impact on neighboring landowners. It should also be noted that the property immediately adjoining Petitioner’s Property to the east belongs to the Petitioner and its sign is within 900 feet of the Interstate.

4. Unduly increase traffic congestion in the public streets and highways; The sign location should have no impact on traffic congestion on either the streets or highway. Similar signs already exist along I-88 and have not caused congestion problems.

5. Increase the potential for flood damages to adjacent property; The sign location will have no impact on flooding or cause water damage.

6. Incur additional public expense for flood protection, rescue or relief; or The sign location will have no impact on public expenses.

7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.

No images of an immoral nature will be depicted from the sign. The conditional use will allow for increased and improved public safety as Petitioner is agreeable to depict Amber alerts or similar information of an emergency nature from the sign. It will also improve economic opportunity through the promotion of DuPage County business.
ORDINANCE
Zoning Petition Z18-041 MIF 31W350 Diehl, LLC.

WHEREAS, a public hearing was held on September 6, 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 increase maximum height of pole mounted sign along I-88 from 20 feet to 75 feet;
2. Variation to increase signage of a dual paneled pole mounted sign from 200 square feet to 1,600 (800 sq. ft. per side);
3. Variation to allow for setback from Right-of-Way from 80 feet to 20 feet;
4. Conditional Use to allow for electronic/L.E.D display sign within 500 feet of Interstate Highway, on the property hereinafter described:

THAT PART OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED BY BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF THE PLAT OF SURVEY OF THE CARL A. NOREEN FARM (RECORDED AS DOCUMENT NUMBER 743569), SAID POINT BEING ON THE CENTERLINE OF DIEHL ROAD AND RUNNING THENCE NORTH 06°07'08" EAST, ALONG THE EAST LINE OF SAID LOT 1, 485.21 FEET TO THE SOUTH LINE OF PARCEL E-1C-367.3 OF THE EAST WEST TOLLWAY; THENCE NORTH 86°50'03" EAST, ALONG SAID SOUTH LINE, 658.37 FEET TO AN ANGLE POINT; THENCE NORTH 87°43'57" EAST, ALONG SAID SOUTH LINE 208.78 FEET (RECORD 211.77 FEET) TO THE WEST LINE OF LOT 9 OF THE ASSESSMENT PLAT OF THE LANDS OF JAMES L. NICHOLS (RECORDED AS DOCUMENT NUMBER 586056): THENCE SOUTH 06°00'54" WEST ALONG SAID WEST LINE, BEING ALSO THE WEST LINE OF LOT 1 OF BEAVER CONSTRUCTION COMPANY ASSESSMENT PLAT (RECORDED AS DOCUMENT NUMBER R71-6976), 586.23 FEET TO THE CENTERLINE OF DIEHL ROAD; THENCE NORTH 86°15'45" WEST, ALONG SAID CENTERLINE, 858.10 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY ILLINOIS; EXCEPTING THEREFROM THAT PART DESCRIBED AS FOLLOWS: THAT PART OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF THE PLAT OF SURVEY OF THE CARL A. NOREEN FARM (RECORDED AS DOCUMENT NUMBER 743569), SAID POINT BEING ON THE CENTERLINE OF DIEHL ROAD AND THENCE NORTH 06°07'08" EAST, ALONG THE EAST LINE OF SAID LOT 1, 485.21 FEET TO THE SOUTH LINE OF PARCEL E-1C-367.3 OF THE EAST WEST TOLLWAY; THENCE NORTH 86°50'03" EAST, ALONG SAID SOUTH LINE, 382.10 FEET; THENCE SOUTH 03°44'15" WEST 530.72 FEET TO THE CENTERLINE OF DIEHL ROAD; THENCE NORTH 86°15'45" WEST, ALONG SAID CENTERLINE, 399.50 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS; AND ALSO EXCEPTING THEREFROM THAT PART OF THE LAND CONVEYED TO THE NAPERVILLE TOWNSHIP ROAD DISTRICT BY TRUSTEE’S DEED RECORDED AUGUST 12, 2003 AS DOCUMENT NUMBER R2003-315346, IN DUPAGE COUNTY, ILLINOIS; and
WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on September 6, 2018 does find as follows:

FINDINGS OF FACT:
1. That petitioner testified that he seeks the subject zoning relief to erect a dual-paneled LED/electronic message center sign (billboard) on the subject property located directly south of I-88.

2. That petitioner testified that due to the topography of the subject property, without zoning relief, the proposed sign would be blocked by large trees and brush, powerlines, antennas, transmission lines, and fences.

3. That petitioner testified that the subject sign will be similar in height (approximately 75 feet), size/area, and style to neighboring dual-paneled LED electronic message center signs.

4. That petitioner testified that the subject sign will maintain static images and will adhere to all State and Illinois Department of Transportation (IDOT) guidelines.

5. That petitioner testified that he has owned the subject property since December 2016 and owns the adjacent property to the east, also known as 31W356 Diehl Road, Naperville, Illinois.
   - Furthermore, that petitioner testified that the billboard sign located on his adjacent property to the east, will be moved to accommodate the proposed sign installation on the subject property.
   - That petitioner testified that the subject sign will be located at least 500 feet away from any other pole-mounted sign, per IDOT guidelines.

STANDARDS FOR VARIATIONS AND CONDITIONAL USE:
1. That the Zoning Board of Appeals finds that petitioner **has demonstrated** that the granting of the Variations and Conditional Use 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** evidence for the subject zoning relief and specifically, evidence of a practical difficulty or particular hardship with the topography of the subject property in the way of carrying out a Variation to increase the maximum height along I-88 from 20 feet to 75 feet; to increase signage from 200 square feet to 1,600 (800 sq. ft. per side); and to reduce the setback from Right-of-Way from 80 feet to 20 feet, for the proposed dual-paneled LED electronic message center sign.
3. That the Zoning Board of Appeals finds that petitioner **has demonstrated** that 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 sign will be located on the subject property which is approximately 5.96 acres and is located/ surrounded by the both the I-1 and I-2 Industrial zoning districts. Furthermore, that petitioner **has demonstrated** that the subject sign will be located at least 500 feet from any other pole-mounted sign.

   b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they will receive a building permit from the County for the proposed sign and that it will be build pursuant to the current building codes.

   c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed sign will maintain a “modern-aesthetic” similar to other signs in the area and will not impact the value of land within the are or throughout the County.

      • As such, petitioner **has demonstrated** that both adjacent neighbors to the east and west of the subject property are located within the I-2 Industrial zoning district and both properties have erected pole-mounted, LED electronic message center signs.

   d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed subject sign images will be static and will adhere to all State, County, and IDOT regulations regarding pole-mounted, LED/ electronic message center signs.

   e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the DuPage County Stormwater Department has no objections to the proposed sign.

   f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the DuPage County Stormwater Department has no objections to the proposed sign. Furthermore, that petitioner will allow the County, State, or law enforcement agencies to utilize the proposed sign in emergency situations.

   g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the proposed sign will be an added benefit to the community and may be used by local law enforcement to announce emergency information, such as Amber Alerts.

      • Furthermore, that petitioner has demonstrated that they have not received any objections from neighbors/property owners regarding the proposed sign and the subject zoning relief.
PETITIONER’S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION

CASE #/PETITIONER  Z18-041 MIF 31W350 Diehl, LLC

ZONING REQUEST:
(As indicated in the Petitioner’s application)
1. Variation to increase maximum height of pole mounted sign along I-88 from 20 feet to 75 feet.
2. Variation to increase signage of a dual paneled pole mounted sign from 200 square feet to 1,600 (800 sq. ft. per side)
3. Variation to allow for setback from Right-of-Way from 80 feet to 20 feet.

OWNER  MICHAEL ANDROWICH, MANAGER, 1301 W. 22ND STREET, STE 711, OAK BROOK, IL 60523

ADDRESS/LOCATION  31W350 DIEHL ROAD, NAPERVILLE, IL 60563

PIN  07-05-303-013

TWSP./CTY. BD. DIST.  Naperville District 5

ZONING/LUP  I-2 Gen. Industrial Office Low

AREA  5.96 (259,617 sq. ft.)

UTILITIES  Well and Septic

PUBLICATION DATE  Daily Herald: July 24, 2018 and August 16, 2018

PUBLIC HEARING  August 9, 2018 and September 6, 2018

ADDITIONAL INFORMATION:
Building:  No Objections.
DUDOT:  No Comment.
Health:  No Objections.
Stormwater:  No Objections with the concept of the petition. Additional information may be required at time of permit application.
Public Works:  No Objections. “We do not provide sewer or water to that area.”

EXTERNAL:
City of Naperville:  No Comment.
Naperville Township:  No Comment.
Naperville Township Highway:  No Comment.
Naperville Fire Dist.:  No Comment.
Sch. Dist. 204:  No Comment.
Forest Preserve:  No Comment.
City of Aurora:  No Comment.
City of Warrenville:  No Comment.
GENERAL BULK REQUIREMENTS (SIGNS):

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LAND USE

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<td>Northern Illinois Gas Co.</td>
<td>TUI</td>
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<tr>
<td>West</td>
<td>I-2 Gen. Industrial</td>
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<td>Office Low</td>
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</table>

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on September 6, 2018 recommends to approve the following zoning relief:

1. Variation to increase maximum height of pole mounted sign along I-88 from 20 feet to 75 feet;
2. Variation to increase signage of a dual paneled pole mounted sign from 200 square feet to 1,600 (800 sq. ft. per side);
3. Variation to allow for setback from Right-of-Way from 80 feet to 20 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 #Z18-041 MIF 31W350 Diehl, LLC dated August 9, 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 the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

Dissenting Opinion:
That the one dissenting Zoning Board of Appeals member finds that petitioner has not presented enough evidence to support the subject zoning relief for a dual paneled, pole-mounted electronic/L.E.D sign.
WHEREAS, the County Board Development Committee on September 18, 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 increase maximum height of pole mounted sign along I-88 from 20 feet to 75 feet;
2. Variation to increase signage of a dual paneled pole mounted sign from 200 square feet to 1,600 (800 sq. ft. per side);
3. Variation to allow for setback from Right-of-Way from 80 feet to 20 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 #Z18-041 MIF 31W350 Diehl, LLC dated August 9, 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 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, 0 Absent

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

1. Variation to increase maximum height of pole mounted sign along I-88 from 20 feet to 75 feet;
2. Variation to increase signage of a dual paneled pole mounted sign from 200 square feet to 1,600 (800 sq. ft. per side);
3. Variation to allow for setback from Right-of-Way from 80 feet to 20 feet;
4. Conditional Use to allow for electronic/ L.E.D display sign within 500 feet of Interstate Highway, on the property hereinafter described:

THAT PART OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED BY BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF THE PLAT OF SURVEY OF THE CARL A. NOREEN FARM (RECORDED AS DOCUMENT NUMBER 743569), SAID POINT BEING ON THE CENTERLINE OF DIEHL ROAD AND RUNNING THENCE NORTH 06°07'08" EAST, ALONG THE EAST LINE OF SAID LOT 1, 485.21 FEET TO THE SOUTH LINE OF PARCEL E-1C-367.3 OF THE EAST WEST TOLLWAY; THENCE NORTH 86°50'03" EAST, ALONG SAID SOUTH LINE, 658.37 FEET TO AN ANGLE POINT; THENCE NORTH 87°43'57" EAST, ALONG SAID SOUTH LINE, 208.78 FEET (RECORD 211.77 FEET) TO THE WEST LINE OF LOT 9 OF THE ASSESSMENT PLAT OF THE LANDS OF JAMES L. NICHOLS (RECORDED AS DOCUMENT NUMBER 586056): THENCE SOUTH 06°00'54" WEST ALONG SAID WEST LINE,
BEING ALSO THE WEST LINE OF LOT 1 OF BEAVER CONSTRUCTION COMPANY ASSESSMENT PLAT (RECORDED AS DOCUMENT NUMBER R71-6976), 586.23 FEET TO THE CENTERLINE OF DIEHL ROAD; THENCE NORTH 86°15’45” WEST, ALONG SAID CENTERLINE, 858.10 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY ILLINOIS; EXCEPTING THEREFROM THAT PART DESCRIBED AS FOLLOWS: THAT PART OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE SOUTHEAST CORNER OF LOT 1 OF THE PLAT OF SURVEY OF THE CARL A. NOREEN FARM (RECORDED AS DOCUMENT NUMBER 743569), SAID POINT BEING ON THE CENTERLINE OF DIEHL ROAD AND THENCE NORTH 06°07’08” EAST, ALONG THE EAST LINE OF SAID LOT 1, 485.21 FEET TO THE SOUTH LINE OF PARCEL E-1C-367.3 OF THE EAST WEST TOLLWAY; THENCE NORTH 86°50’03” EAST, ALONG SAID SOUTH LINE, 382.10 FEET; THENCE SOUTH 03°44’15” WEST 530.72 FEET TO THE CENTERLINE OF DIEHL ROAD; THENCE NORTH 86°15’45” WEST, ALONG SAID CENTERLINE, 399.50 FEET TO THE POINT OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS; AND ALSO EXCEPTING THEREFROM THAT PART OF THE LAND CONVEYED TO THE NAPERVILLE TOWNSHIP ROAD DISTRICT BY TRUSTEE’S DEED RECORDED AUGUST 12, 2003 AS DOCUMENT NUMBER R2003-315346, 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 #Z18-041 MIF 31W350 Diehl, LLC dated August 9, 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 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; MICHAEL ANDROWICH, MANAGER, 1301 W. 22ND STREET, STE 711, OAK BROOK, IL 60523; and Township Assessor, Naperville Township, 139 Water Street, Naperville, IL 60540.

Enacted and approved this ______ day of __________ 2018, A.D.

_______________________
DANIEL J. CRONIN, CHAIRMAN
DUPAGE COUNTY BOARD

ATTEST: ______________________
PAUL HINDS, COUNTY CLERK
MEMORANDUM

TO: DuPage County Board
FROM: DuPage County Development Committee
DATE: September 18, 2018
RE: Z18-048 Group A Architecture (Downers Grove/ District 3)

DuPage County Board: September 25, 2018:

Development Committee: September 18, 2018: The DuPage County Development Committee recommended to approve the following zoning relief:

1. Conditional Use for a Planned Development.
2. Rezoning from R-4 to R-5.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-048 Group A Architecture dated August 23, 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 partial landscape screens around the perimeter of the development.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County

DuPage County Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent
Zoning Board of Appeals Meeting: September 6, 2018: The Zoning Board of Appeals recommended to approve the following zoning relief:

1. Conditional Use for a Planned Development.
2. Rezoning from R-4 to R-5.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-048 Group A Architecture dated August 23, 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 partial landscape screens around the perimeter of the development.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

FINDINGS OF FACT (REZONING FROM R-4 TO R-5):

1. That petitioner testified that he seeks the subject zoning relief to combine and rezone the two subject properties from R-4 Single-Family to R-5 Multiple-Family to allow for the construction of 15 townhomes.
2. That petitioner testified that the two subject properties have been for-sale for an extended period of time, so much so that the for-sale signs have deteriorated and collapsed.

- That petitioner testified that the subject properties should be rezoned to a use compatible for the site and general area due to the length of time the subject properties have been left vacant/undeveloped as single-family residences.
- That petitioner testified that the heavy traffic along Route 83 is incompatible with single-family residences and that the subject properties should be used for multiple-family residences.
3. That petitioner testified that he does not yet own the two subject properties but has placed a conditional offer and deposit with the property owner for the sale to be completed once petitioner has received the subject zoning relief.

4. That petitioner testified that the single-family homes located on the west side of Route 83 were most likely constructed in the 1940s.

5. That petitioner testified that the adjacent property to the east is owned and operated by the Zoroastrian Center of Chicago.

6. That petitioner testified that commercial developments are located south of the proposed development on Route 83.

7. That petitioner testified that the highest and best use of the property would be multiple-family residences, built on a quiet street (as indicated in the site plan), rather than two single-family, homes built on two large parcels of land, and located adjacent to Route 83.

8. That petitioner testified that a commercial use would not be the highest and best use of the subject properties because there would not be enough property for a commercial development at the subject location.

9. That petitioner testified that rezoning the subject properties from R-4 to R-5 would be an added benefit to the surrounding area because petitioner is in the process of developing 7 single-family homes approximately ½ mile from the subject properties. As such, that petitioner testified that the proposed townhome development would act as an entrance/buffer to the new, single-family homes.

**FINDINGS OF FACT (CONDITIONAL USE):**

1. That petitioner testified that he seeks the subject zoning relief for a planned development to allow for the construction of 15 townhomes.

2. That petitioner testified that each townhome will be constructed with quality materials, such as brick and wood.

3. That petitioner testified that the proposed development will have a Homeowner’s Association and that each home will be a fee-simple townhome, complete with approximately a 2.5 car garage and 20-foot driveway.

4. That petitioner testified that the proposed development will include a wetland-bottom stormwater detention area on the northwestern portion of the property, complete with native species/plants.
5. That petitioner testified that sewer and water are both available to the proposed development through the adjacent property to the east. Petitioner testified that the lift station maintained by the adjacent property to the east has enough capacity for the proposed development.

6. That petitioner testified that the proposed development will have clear circulation and access for emergency vehicles, garbage collection, and snow plows. Furthermore, petitioner testified that the clearance is approximately 24 feet wide between the community parking spaces and townhomes and that the length of each driveway is approximately 20 feet.

7. That petitioner testified that he intends to maintain the existing, mature trees on the subject properties but will add a partial landscape screen of arborvitae along the south and east property lines. Petitioner testified that he will discuss the screening further with the adjacent property owners.

8. That petitioner testified that the planned development will not have street lighting and that only the proposed townhomes will have lighting typically found on residential properties.

**STANDARDS FOR CONDITIONAL USES:**

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County’s comprehensive plan for development; and specifically, that the granting of the Conditional Use will not:

   a. Impair an adequate supply of light and air to the adjacent property as petitioner has demonstrated that the proposed development complies with all setback requirements for the R-5 Multiple-Family Zoning District.

      • Furthermore, that petitioner has demonstrated that he will create a partial landscape screen along the south and east property lines per recommendations from the adjacent property owners.

   b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that they will receive a building permit from the County for the proposed townhome planned development and that it will be built pursuant to the current building codes.
c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the construction of the proposed townhome planned development will be an added benefit to the neighborhood.

- As such, petitioner has demonstrated through the architectural renderings made part of Zoning Petition #Z18-048 Group A Architecture dated August 23, 2018, that the development will be constructed in such a manner to include quality materials (brick and wood accents) throughout the front, sides, and rear of the proposed townhomes.

d. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the proposed development will not have direct access to Route 83 but will have access to Route 83 through two locations on Meadowbrook.

e. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the proposed development will include a wetland-bottom stormwater detention area on the northwestern portion of the property, complete with native species/plants. Additionally, that petitioner testified that depending on the financial feasibility, petitioner would like to include permeable pavers instead of asphalt for the paving within the proposed development.

f. Incur additional public expense for flood protection, rescue or relief as petitioner has demonstrated that the DuPage County Stormwater Department does not object to the proposed development but may require additional information at the time of permit application.

g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner has demonstrated that the adjacent property owner to the east of the development does not object and that petitioner will work with the adjacent property owner to the south to develop a proper landscape screen.

- Furthermore, that the proposed development will be an added benefit to the neighborhood and will also act as an entrance to the neighborhood and to seven (7) single-family homes petitioner is developing approximately ½ mile from the subject property.
**PETITIONER’S DEVELOPMENT FACT SHEET**

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<tr>
<th><strong>CASE #/PETITIONER</strong></th>
<th>Z18-048 Group A Architecture</th>
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| **ZONING REQUEST**     | 1. Conditional Use for a Planned Development.  
2. Rezoning from R-4 to R-5. |
| **OWNER**              | HAROLD LIESENFELT (AGENT) 50 BURR RIDGE PARKWAY, BURR RIDGE, IL 60527 |
| **ADDRESS/LOCATION**   | 8601 Route 83, Burr Ridge Illinois 60527 |
| **PIN**                | 09-35-401-001 & 09-35-401-002 |
| **TWSP./CTY. BD. DIST.** | Downers Grove N District 3 |
| **ZONING/LUP**         | R-4 Single Family 0-5 DU AC |
| **AREA**               | Total: 2.89 Acres (125,888 sq. ft.)  
09-35-401-001: 1.41 Acres  
09-35-401-002: 1.48 Acres |
| **UTILITIES**          | N/A |
| **PUBLICATION DATE**   | Daily Herald: July 31, 2018 |
| **PUBLIC HEARING**     | August 23, 2018 |

**ADDITIONAL INFORMATION:**

- **Building:** No Objections.
- **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 Objections.
- **Stormwater:** No Objections with the concept of the petition. Additional information may be required at time of permit application. (See attached documentation).
- **Public Works:** No Objections with the concept of the petition. Additional information may be required at time of permit application. (See attached documentation).

**EXTERNAL:**

- **Village of Burr Ridge:** No Comments.
- **Downers Grove Township:** No Objections.
- **DG Township Highway:** No Comments.
- **Tri-State Fire Dist.:** No Objections.
- **Sch. Dist. 62:** No Comments.
Village of Willowbrook: No Objections/No Comments. “Proposed development is located outside of the Village of Willowbrook’s jurisdictional planning boundary. The Village has no comments.”

Village of Darien: No Comments.

**GENERAL BULK REQUIREMENTS (R-5 MULTI-RES):**

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**LAND USE**

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<td>House</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>East</td>
<td>R-4 SF RES</td>
<td>House</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>West</td>
<td>Route 83 and beyond R-4 SF RES</td>
<td>House</td>
<td>0-5 DU AC</td>
</tr>
</tbody>
</table>
DU PAGE COUNTY ZONING BOARD OF APPEALS

Zoning Petition Z18-048 Group A Architecture

Please review the information herein and return with your comments to:
Paul Hoss, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187, or Jessica.Infelise@dupageco.org via email at or via facsimile at 630-407-6702 by August 22, 2018.

COMMENT SECTION:
- _No objection/concerns with the petition._
- _No objection/concerns with the concept of the petition. Additional information may be required at time of permit application._
- _I cannot comment at this time. Additional information required._
- _I object/have concerns with the petition._

COMMENTS: We have sewer and water in the area.

________________________
SIGNATURE: Edward Buga  DATE: 8-7-18

MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: 

GENERAL ZONING CASE INFORMATION

CASE #/PETITIONER: Z18-048 Group A Architecture

ZONING REQUEST:
1. Conditional Use for a Planned Development.
2. Rezoning from R-4 to R-5

OWNER: HAROLD LIESENFELT (AGENT) 50 BURR RIDGE PARKWAY, BURR RIDGE, IL 60527

ADDRESS/LOCATION: 8601 Route 83, Burr Ridge Illinois 60527

PIN: 09-35-401-001 & 09-35-401-002

TWP/CTV. BD. DIST.: Downers Grove N  District 3

ZONING/LUP: R-4 Single Family  0-5 DU AC

AREA:
Total: 2.89 Acres (125,888 sq. ft.)
09-35-401-001: 1.41 Acres
09-35-401-002: 1.48 Acres

UTILITIES: N/A

PUBLICATION DATE: Daily Herald: July 31, 2018

PUBLIC HEARING: August 23, 2018

PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.

Jack T. Kuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187

Packet Pg. 89
Zoning Petition Z18-048 Group A Architecture

Please review the information herein and return with your comments to:
Paul Hoss, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187; or Jessica.Infelise@dupageco.org via email at or via facsimile at 630-407-6702 by August 22, 2018.

COMMENT SECTION:

☐ ○ NO OBJECTION/CONCERNS WITH THE PETITION.

☒ ☐ NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION.

☐ ○ ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION.

☐ ○ I CAN NOT COMMENT AT THIS TIME. ADDITIONAL INFORMATION REQUIRED.

☐ ○ I OBJECT/HAVE CONCERNS WITH THE PETITION.

COMMENTS: There appears to be a potential wetland and associated buffer in the northwest corner of the property. A wetland determination will be required and if wetlands are identified a wetland delineation and assessment will be needed to determine what, if any, impact the proposed development will have on the wetland and buffer, and if any impact will meet the requirements of the Stormwater Ordinance.

SIGNATURE: Clayton Hoffer
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: DuPage County Stormwater Management

GENERAL ZONING CASE INFORMATION

CASE #/PETITIONER: Z18-048 Group A Architecture
ZONING REQUEST: 1. Conditional Use for a Planned Development
2. Rezoning from R-4 to R-5.
OWNER: HAROLD LISENVELT (AGENT) 50 BURR RIDGE PARKWAY, BURR RIDGE, IL 60527
ADDRESS/LOCATION: 5601 Route 93, Burr Ridge Illinois 60527
PIN: 09.35-401-001 & 09.35-401-002
TWP./CTY. BD. DIST.: Downers Grove N District 3
ZONING/LUP: R-4 Single Family
AREA: Total: 2.89 Acres (125,888 sq. ft.)
09.35-401-001: 1.41 Acres
09.35-401-002: 1.48 Acres
UTILITIES: N/A
PUBLICATION DATE: Daily Herald: July 21, 2018
PUBLIC HEARING: August 23, 2018

PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.
Fax 630 407 6702 8/23/18

Paul Hess:

Re: Zoning Petition
Z18-048
A Architecture

Greetings.

Here are our comments for today's hearing. Please make this a part of the record.

Best regards,

Bob Rinella.
23 August 2018

To:
DuPage County Zoning Board of Appeals
421 North County Farm Road, Wheaton, IL 60187

Re: Zoning Petition Z18-048 Group A Architecture

In the above matter the Zoroastrian Association of Metropolitan Chicago, the owner of the property to the immediate east of the subject property affirms and attests that it has no objection to the rezoning of the subject property from R4 single family residence to R5 multi family residence. The Zoroastrian Association of Metropolitan Chicago would like their support so recorded at the August 23, 2018 Public Hearing.

Yours sincerely
Zoroastrian Association of Metropolitan Chicago

Rohinton Rivelna

8613 Meadowbrook Drive, Burr Ridge, IL 60527 • (630) 789-1883 • www.zac-chicago.org
Additional information submitted by petitioner on September 4, 2018:


August 30, 2018

To: DuPage County Zoning Board of Appeals:

From: Group A Architectural & Harry Liesenfeld, Provencal Building & Development, Inc.

Pursuant to our recent Public Hearing before the DuPage County Board, we offer the following additional information relative to our proposed zoning request and development proposal.

Historic zoning & development trends:

1. Recognizing the need to address rapid growth and ensure sustainable development, DuPage County has adopted several major corridor plans to assist developers, municipalities, and the County with the future development potential along high traffic corridors, specifically Route 83 corridor.

2. These plans seek to proactively guide growth in a manner ensuring future growth is sustainable and consistent with the needs of each individual municipality and the County.

3. These plans provide a framework in which the development of each individual municipality along with the County will mesh together to support the overall development vision within the DuPage County.

4. Toward that end, we find that the Route 83 corridor has remained stagnant for quite some time and only recently has this corridor seen an influx of new development and redevelopment through annexation to the Village of Burr Ridge and new zoning entitlement from the County of DuPage all consistent with the land use plan of the County and the adjacent local communities.

5. The acute corridor we are discussing here is from I-55 on the north to generally Bluff Road and the Des Plaines river to the south.

6. While the properties along the stretch of Route 83 have been zoned in the single-family residential zoning district and have been either vacant or underutilized with agricultural use, the following recent developments and entitlements have been approved with new zoning districts, new development trends in the area and new development consistent with and complimentary to development long the high-speed, heavily traveled Route 83 transportation corridor: 
- One lot to the south of the subject property along Route 83 the County has rezoned vacant property that was essentially used as a landfill from the R-4 single family residential to multi-family residential to allow for 25 units of townhouses that have been partially constructed and continue to be developed.

- At the northeast corner of Route 83 and 91st the County has rezoned the subject property from R-4 SF residential to B-2 to allow for a court order automobile service station to be redeveloped from an antiquated facility to a new facility that not only services vehicle customers but now services the SF residential homes to the northeast of the facility with well planned pedestrian access to the site.

- At the northeast corner of Route 83 and 91st the County has rezoned the property from R-4 SF residential to B-2 to allow for redevelopment of the property to a Walgreens Pharmacy and retail store.

- At the northwest corner of Route 83 and 91st, approximately ½ mile from the subject property the Village of Burr Ridge has annexed a property used as an agricultural use and zoned R-4 SF residential in the County and rezoned to a mixed use PUD for senior care facility, office and retail. The property is currently being developed for the senior care facility and shortly a new McDonald’s restaurant will be developed at the “hard corner”.

- The southwest corner of Route 83 and 91st, the County has recently rezoned over 6 acres of land previously zoned in the R-4 SF residential district to a B-2 Regional Commercial PDD for a new 70K shopping facility.

- Just to the west of the southwest corner of route 83 and 91st, the County has rezoned property from R-4SF residential to R-5 multifamily PDD for the development of 45 townhomes.

Use of Property:

1. The subject property has been zoned in the R-4 SF residential zoning district for over 75 years when the County first adopted a formal zoning map for the area. Even when the adjacent properties along Route 83 were developed with single family homes, the subject property was vacant.

2. Per DuPage County records we have determined that at least within the last 25 years there has been no zoning of subdivision cases or building permit requests seeking development or redevelopment for single family homes for the subject property.

3. In the past 15 years, we have determined the subject property has been earmarked for sale with no interest in development as single family residential or commercial development.

4. Per DuPage County records we have determined that the single family residential zoned and single family homes on the adjacent properties to the north of the subject property are currently vacant and current within the County’s Neighborhood Revitalization plan for demolition.
5. As such, we propose that given the location of the subject property along the heavily traveled and high speed Route 83 corridor the desirability for commercial retail use and the dilapidation of the existing single family homes on Route 83 adjacent to the subject property that commercial development nor single family development is a viable or desirable option for the subject property.

6. By contrast, there are several instances where the County and the Village have permitted the redevelopment of these single family residential properties to other non-residential and multifamily type development in close proximity to the subject property consistent with the proposed development.

Effect of Annexation on Unincorporated DuPage County:

1. As a result of municipal annexations, the total land area of unincorporated DuPage County has steadily been in decline. As of 2010, the unincorporated area totaled 91.30 square miles or only 27.2% of the total DuPage County area, with Regional Open Space making up approximately 33% of this area, therefore leaving only roughly 60 acres of developable land in unincorporated DuPage County. Furthermore, contiguity between unincorporated areas is in decline, leaving pockets of unincorporated land spread throughout the County.

2. This subject development will enable land that has been vacant for a long time to be developed into a land use consistent with other land uses within the corridor both within the Village of Burr Ridge and in the unincorporated area.

3. In addition, the new retail land uses to the south will be complimented by the recent multifamily development in Burr Ridge and the unincorporated areas to maintain a sustainable corridor where uses can compliment one another.

Positive Impact on Area Properties:

1. Both the contiguous neighbors to the subject property have endorsed the proposed development and have voiced their support at the Public Hearing.

2. There are no objections by any area residents, the nearby Village of Burr Ridge, the fire prevention district or any other agencies.

3. The proposed development is upscale and will positively affect area residents all along Meadowbrook Dr. and create an attractive well landscaped entry point to the Meadowbrook area. Property along Route 83 on the east going north would also benefit and this may inspire development of that property which currently includes an abandoned home and under developed Route 83 Frontage.

4. There are no negatives to the proposed land use that we are aware of and we truly believe that proposed development will enhance the local property values and future development potential of the area.
WHEREAS, a public hearing was held on August 23, 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. Conditional Use for a Planned Development.
2. Rezoning from R-4 to R-5, on the property hereinafter described:

LOTS 21 AND 22 IN HINSDALE MEADOWBROOK FARMS, BEING A SUBDIVISION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THE SOUTH 175.0 FEET OF THE WEST 350.0 FEET, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1952 AS DOCUMENT 650073 AND CERTIFICATE OF CORRECTION FILED JUNE 3, 1952 AS DOCUMENT 653220, IN DUPAGE COUNTY, ILLINOIS.; and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on September 6, 2018 does find as follows:

FINDINGS OF FACT (REZONING FROM R-4 TO R-5):
1. That petitioner testified that he seeks the subject zoning relief to combine and rezone the two subject properties from R-4 Single-Family to R-5 Multiple-Family to allow for the construction of 15 townhomes.
2. That petitioner testified that the two subject properties have been for-sale for an extended period of time, so much so that the for-sale signs have deteriorated and collapsed.
   - That petitioner testified that the subject properties should be rezoned to a use compatible for the site and general area due to the length of time the subject properties have been left vacant/undeveloped as single-family residences.
   - That petitioner testified that the heavy traffic along Route 83 is incompatible with single-family residences and that the subject properties should be used for multiple-family residences.
3. That petitioner testified that he does not yet own the two subject properties but has placed a conditional offer and deposit with the property owner for the sale to be completed once petitioner has received the subject zoning relief.
4. That petitioner testified that the single-family homes located on the west side of Route 83 were most likely constructed in the 1940s.

5. That petitioner testified that the adjacent property to the east is owned and operated by the Zoroastrian Center of Chicago.

6. That petitioner testified that commercial developments are located south of the proposed development on Route 83.

7. That petitioner testified that the highest and best use of the property would be multiple-family residences, built on a quiet street (as indicated in the site plan), rather than two single-family, homes built on two large parcels of land, and located adjacent to Route 83.

8. That petitioner testified that a commercial use would not be the highest and best use of the subject properties because there would not be enough property for a commercial development at the subject location.

9. That petitioner testified that rezoning the subject properties from R-4 to R-5 would be an added benefit to the surrounding area because petitioner is in the process of developing 7 single-family homes approximately ½ mile from the subject properties. As such, that petitioner testified that the proposed townhome development would act as an entrance/ buffer to the new, single-family homes.

FINDINGS OF FACT (CONDITIONAL USE):
1. That petitioner testified that he seeks the subject zoning relief for a planned development to allow for the construction of 15 townhomes.

2. That petitioner testified that each townhome will be constructed with quality materials, such as brick and wood.

3. That petitioner testified that the proposed development will have a Homeowner’s Association and that each home will be a fee-simple townhome, complete with approximately a 2.5 car garage and 20-foot driveway.

4. That petitioner testified that the proposed development will include a wetland-bottom stormwater detention area on the northwestern portion of the property, complete with native species/plants.

5. That petitioner testified that sewer and water are both available to the proposed development through the adjacent property to the east. Petitioner testified that the lift station maintained by the adjacent property to the east has enough capacity for the proposed development.

6. That petitioner testified that the proposed development will have clear circulation and access for emergency vehicles, garbage collection, and snow plows. Furthermore,
petitioner testified that the clearance is approximately 24 feet wide between the community parking spaces and townhomes and that the length of each driveway is approximately 20 feet.

7. That petitioner testified that he intends to maintain the existing, mature trees on the subject properties but will add a partial landscape screen of arborvitae along the south and east property lines. Petitioner testified that he will discuss the screening further with the adjacent property owners.

8. That petitioner testified that the planned development will not have street lighting and that only the proposed townhomes will have lighting typically found on residential properties.

STANDARDS FOR CONDITIONAL USES:
1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County’s comprehensive plan for development; and specifically, that the granting of the Conditional Use will not:
   a. Impair an adequate supply of light and air to the adjacent property as petitioner has demonstrated that the proposed development complies with all setback requirements for the R-5 Multiple-Family Zoning District.
      - Furthermore, that petitioner has demonstrated that he will create a partial landscape screen along the south and east property lines per recommendations from the adjacent property owners.
   b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that they will receive a building permit from the County for the proposed townhome planned development and that it will be built pursuant to the current building codes.
   c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that the construction of the proposed townhome planned development will be an added benefit to the neighborhood.
      - As such, petitioner has demonstrated through the architectural renderings made part of Zoning Petition #Z18-048 Group A Architecture dated August 23, 2018, that the development will be constructed in such a manner to include quality materials (brick and wood accents) throughout the front, sides, and rear of the proposed townhomes.
   d. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the proposed development will not have direct access to Route 83 but will have access to Route 83 through two locations on Meadowbrook.
e. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the proposed development will include a wetland-bottom stormwater detention area on the northwestern portion of the property, complete with native species/plants. Additionally, that petitioner testified that depending on the financial feasibility, petitioner would like to include permeable pavers instead of asphalt for the paving within the proposed development.

f. Incur additional public expense for flood protection, rescue or relief as petitioner has demonstrated that the DuPage County Stormwater Department does not object to the proposed development but may require additional information at the time of permit application.

g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner has demonstrated that the adjacent property owner to the east of the development does not object and that petitioner will work with the adjacent property owner to the south to develop a proper landscape screen.

- Furthermore, that the proposed development will be an added benefit to the neighborhood and will also act as an entrance to the neighborhood and to seven (7) single-family homes petitioner is developing approximately ½ mile from the subject property.

### PETITIONER’S DEVELOPMENT FACT SHEET

<table>
<thead>
<tr>
<th>CASE #/PETITIONER</th>
<th>Z18-048 Group A Architecture</th>
</tr>
</thead>
</table>
| ZONING REQUEST        | 1. Conditional Use for a Planned Development.  
                        | 2. Rezoning from R-4 to R-5. |
| OWNER                 | HAROLD LIESENFELT (AGENT) 50 BURR RIDGE PARKWAY, BURR RIDGE, IL 60527 |
| ADDRESS/LOCATION      | 8601 Route 83, Burr Ridge Illinois 60527 |
| PIN                   | 09-35-401-001 & 09-35-401-002 |
| TWSP./CTY. BD. DIST.  | Downers Grove N | District 3 |
| ZONING/LUP            | R-4 Single Family | 0-5 DU AC |
| AREA                  | Total: 2.89 Acres (125,888 sq. ft.)  
                        | 09-35-401-001: 1.41 Acres  
                        | 09-35-401-002: 1.48 Acres |
| UTILITIES             | N/A |
| PUBLICATION DATE      | Daily Herald: July 31, 2018 |
| PUBLIC HEARING        | August 23, 2018 |

**ADDITIONAL INFORMATION:**

Building: No Objections.

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 Objections.

Stormwater: No Objections with the concept of the petition. Additional information may be required at time of permit application. (See attached documentation).

Public Works: No Objections with the concept of the petition. Additional information may be required at time of permit application. (See attached documentation).

EXTERNAL:

Village of Burr Ridge: No Comments.
Downers Grove Township: No Objections.
DG Township Highway: No Comments.
Tri-State Fire Dist.: No Objections.
Sch. Dist. 62: No Comments.
Village of Willowbrook: No Objections/ No Comments. “Proposed development is located outside of the Village of Willowbrook’s jurisdictional planning boundary. The Village has no comments.”
Village of Darien: No Comments.

**GENERAL BULK REQUIREMENTS (R-5 MULTI-RES):**

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<tr>
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<th>REQUIRED</th>
<th>EXISTING</th>
<th>PROPOSED</th>
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<tr>
<td>North Front Yard:</td>
<td>25 FEET</td>
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<td>APPROX. 25 FEET</td>
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<tr>
<td>East Int. Side Yard:</td>
<td>15 FEET</td>
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<td>West Corner Side Yard:</td>
<td>20 FEET</td>
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<td>APPROX. 74 FEET &amp; 11 INCHES</td>
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<td>South Rear Yard:</td>
<td>20 FEET</td>
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<td>APPROX. 35 FEET &amp; 3 INCHES</td>
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**LAND USE**

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<tr>
<th>Location</th>
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<td>Subject</td>
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<td>0-5 DU AC</td>
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<td>North</td>
<td>Circle Ave./ Meadowbrook Drive and beyond R-4 SF RES</td>
<td>House</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>South</td>
<td>R-4 SF RES</td>
<td>House</td>
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</tr>
</tbody>
</table>
WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on September 6, 2018 recommends to approve the following zoning relief:

1. Conditional Use for a Planned Development.
2. Rezoning from R-4 to R-5.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition **#Z18-048 Group A Architecture** dated August 23, 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 partial landscape screens around the perimeter of the development.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

WHEREAS, the County Board Development Committee on September 18, 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. Conditional Use for a Planned Development.
2. Rezoning from R-4 to R-5.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition **#Z18-048 Group A Architecture** dated August 23, 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 partial landscape screens around the perimeter of the development.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County

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

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

1. Conditional Use for a Planned Development.
2. Rezoning from R-4 to R-5, on the property hereinafter described:

LOTS 21 AND 22 IN HINSDALE MEADOWBROOK FARMS, BEING A SUBDIVISION OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 14, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPTING THE SOUTH 175.0 FEET OF THE WEST 350.0 FEET, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 25, 1952 AS DOCUMENT 650073 AND CERTIFICATE OF CORRECTION FILED JUNE 3, 1952 AS DOCUMENT 653220, 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 #Z18-048 Group A Architecture dated August 23, 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 partial landscape screens around the perimeter of the development.

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

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and
BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; HAROLD LIESENFELT (AGENT) 50 BURR RIDGE PARKWAY, BURR RIDGE, IL 60527; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this ______ day of ____________ 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: September 18, 2018
RE: Z18-049 Martens (Addison/ District 1)

DuPage County Board: September 25, 2018:

Development Committee: September 18, 2018: The DuPage County Development Committee recommended to approve the following zoning relief:

A Variation to reduce the interior (west) side setback from 10 feet to approximately 3 feet for a new detached garage.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-049 Martens dated August 23, 2018.
2. That petitioner is not permitted to operate a business out of the subject detached garage.
3. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.
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 partial landscape screens around the perimeter of the development.
6. 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, 0 Absent
Zoning Board of Appeals Meeting: September 6, 2018: The Zoning Board of Appeals recommended to approve the following zoning relief:

A Variation to reduce the interior (west) side setback from 10 feet to approximately 3 feet for a new detached garage.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-049 Martens dated August 23, 2018.

2. That petitioner is not permitted to operate a business out of the subject detached garage.

3. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.

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 partial landscape screens around the perimeter of the development.

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

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

FINDINGS OF FACT:

1. That petitioner testified that she seeks the subject zoning relief to demolish the existing detached garage on the subject property and replace it with the proposed detached garage.
   
   • That petitioner testified that the existing detached garage has foundation problems, including large cracks and exposed rebar.

2. That petitioner testified that she has lived at the property for approximately 15 years.

3. That petitioner testified that the proposed detached garage will be located within the exact footprint of the existing detached garage.
That petitioner testified that the subject property’s septic field is located directly behind the existing detached garage. As such, that petitioner testified that the only location she can build a new detached garage is within the exact footprint of the existing detached garage.

- Furthermore, that petitioner testified that building the proposed detached garage directly behind the house and within the buildable area, would create difficulties pulling vehicles in and out of the garage due to the location of the principal building, driveway, and septic field on the subject property.

5. That petitioner testified that she nor will anyone at the subject property run a business out of the proposed detached garage.

6. That petitioner testified that the proposed detached garage will not have any heat nor running water and will only have basic electrical outlets typically found in a residential garage.

7. That petitioner testified that the proposed detached garage will maintain general lighting typically found on a residential garage.

8. That petitioner testified that the adjacent neighbor to the west of the proposed detached garage signed a letter of support for the development and does not have any objections.

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. The Zoning Board of Appeals finds that due to the location of petitioner’s septic field on the subject property, the only location to place the proposed detached garage is within the exact footprint of the existing detached garage, which is located approximately 3 feet from the interior (west) side setback.

3. 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 detached garage will be located within the exact footprint of the existing garage.
b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that they will receive a building permit from the County for the proposed detached garage and that it will be built pursuant to the current building codes.

c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that they will tear down the existing detached garage and will replace it with the proposed detached garage, which will be an added benefit to the neighborhood.

d. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the proposed detached garage will store the same number of vehicles as the existing, two-car garage.

- Furthermore, that traffic will not be increased on the subject property, as petitioner has demonstrated that the proposed detached garage will be located at the same location of the existing garage, which is set back behind the rear the principal building and will not affect traffic.

e. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the proposed detached garage will be located within the same footprint as the existing garage.

- As such, that the County’s Stormwater Department has no objections on the proposed detached garage and will review the building plans at the time of permit application.

f. Incur additional public expense for flood protection, rescue or relief as petitioner has demonstrated that the County’s Stormwater Department has no objections on the proposed detached garage and will review the building plans at the time of permit application.

g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner has demonstrated that the proposed detached garage will be located within the exact same footprint as the existing detached garage. As such, petitioner has demonstrated that the proposed detached garage will not impact adjacent property owners or the surrounding area.

- Furthermore, that petitioner has demonstrated that they have received a signed petition from the adjacent property to west stating their support for a
Variation to reduce the interior (west) side setback from 10 feet to approximately 3 feet for a new detached garage.

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**ADDITIONAL INFORMATION:**

- **Building:** No Objections.
- **DUDOT:** No Comment.
- **Health:** No Objections.
- **Stormwater:** No Objections.
- **Public Works:** No Objections. “We are not the provider of sewer or water to that area.”

**EXTERNAL:**

- **Village of Bensenville:** No Comment.
- **Addison Township:** No Comment.
- **Township Highway:** No Comment.
- **Wood Dale Fire Dist.:** No Comment.
- **Sch. Dist. 7:** No Comment.
- **City of Wood Dale:** No Comment.
- **Elk Grove Village:** No Comment.
- **Village of Itasca:** No Comment.
## GENERAL BULK REQUIREMENTS

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## LAND USE

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AFFIDAVIT:
CASE NAME AND NUMBER: Z18-049 MARTENS

Jennfier Martens, the owner of the property for which the attached survey has been submitted, do hereby certify that this survey is a correct representation of my property as of this 20 day of July 2018.

Petitioner’s Name: Jennifer Martens

Petitioner’s Address:
173081 North Street
Bensenville, IL 60106

NOTARY SEAL:
SUBSCRIBED AND SWORN TO BEFORE ME THIS:
30 DAY OF July 2018

NOTARY PUBLIC SIGNATURE

Jack T. Knuepfen Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187

July 17, 2018

Dear Mr. & Mrs. Olague,

We are requesting an Accessory Variation from DuPage County to allow us to build a new detached garage approximately 3 feet from the interior side property line. Please note that this is the same exact location and size as the current garage. Current DuPage County code would require us to build the garage 10 feet from the interior side property line. However, doing so would shift the garage 7 feet to the east, placing a good portion of it behind our house and making it difficult to drive vehicles in and out of it at that angle. In addition, we are not able to push the garage further back into the yard due to our septic field lines, which are already located the required 10 feet from the detached garage. Our garage is in need of major repairs, including the concrete slab that it sits on, which makes demolition and a brand new rebuild a necessity. We have considered all options, and the Accessory Variation is the most economical and feasible option for our garage. You are welcome to take a detailed look at our garage and view our plat of survey for details. Adjacent property owners will be notified by the county; but your approval here may help us with the hearing process.

Therefore, if you do not object to the Accessory Variation, please complete the following information and sign below:

I: ELEASAR and Sylvia Olague

Residing at: 17011 North St, Bensenville, IL 60106

Immediately adjacent to the subject property herein, do not object to an Accessory Variation as described above.

Print Neighboring Owner Name: Eleasar & Sylvia Olague

Signature of Neighboring Owner: Eleasar Olague

Address: 17011 North St, Bensenville, IL 60106

Phone: 630-247-1035

Thank you for your consideration,

Jason and Jennifer Martens

Property Owner Seeking Zoning Request Information:

Name: Jason and Jennifer Martens

Address: 17011 North Street, Bensenville, IL 60106

Phone: 630-936-3581

This petition was signed in my presence: Jennifer Martens

[Signature]
WHEREAS, a public hearing was held on August 23, 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:

A Variation to reduce the interior (west) side setback from 10 feet to approximately 3 feet for a new detached garage, on the property hereinafter described:

LOT 44 IN BRANIGAR’S MOHAWK MANOR, BEING A SUBDIVISION IN SECTION 3 AND 10, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 25, 1956 AS DOCUMENT 825111, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on September 6, 2018 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that she seeks the subject zoning relief to demolish the existing detached garage on the subject property and replace it with the proposed detached garage.
   
   • That petitioner testified that the existing detached garage has foundation problems, including large cracks and exposed rebar.

2. That petitioner testified that she has lived at the property for approximately 15 years.

3. That petitioner testified that the proposed detached garage will be located within the exact footprint of the existing detached garage.

4. That petitioner testified that the subject property’s septic field is located directly behind the existing detached garage. As such, that petitioner testified that the only location she can build a new detached garage is within the exact footprint of the existing detached garage.
   
   • Furthermore, that petitioner testified that building the proposed detached garage directly behind the house and within the buildable area, would create difficulties pulling vehicles in and out of the garage due to the location of the principal building, driveway, and septic field on the subject property.
5. That petitioner testified that she nor will anyone at the subject property run a business out of the proposed detached garage.

6. That petitioner testified that the proposed detached garage will not have any heat nor running water and will only have basic electrical outlets typically found in a residential garage.

7. That petitioner testified that the proposed detached garage will maintain general lighting typically found on a residential garage.

8. That petitioner testified that the adjacent neighbor to the west of the proposed detached garage signed a letter of support for the development and does not have any objections.

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. The Zoning Board of Appeals finds that due to the location of petitioner’s septic field on the subject property, the only location to place the proposed detached garage is within the exact footprint of the existing detached garage, which is located approximately 3 feet from the interior (west) side setback.

3. 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 detached garage will be located within the exact footprint of the existing garage.

   b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that they will receive a building permit from the County for the proposed detached garage and that it will be built pursuant to the current building codes.

   c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that they will tear down the existing detached garage and will replace it with the proposed detached garage, which will be an added benefit to the neighborhood.

   d. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the proposed detached garage will store the same number of vehicles as the existing, two-car garage.
Furthermore, that traffic will not be increased on the subject property, as petitioner **has demonstrated** that the proposed detached garage will be located at the same location of the existing garage, which is set back behind the rear the principal building and will not affect traffic.

e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed detached garage will be located within the same footprint as the existing garage.

- As such, that the County’s Stormwater Department has no objections on the proposed detached garage and will review the building plans at the time of permit application.

f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the County’s Stormwater Department has no objections on the proposed detached garage and will review the building plans at the time of permit application.

g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the proposed detached garage will be located within the exact same footprint as the existing detached garage. As such, petitioner **has demonstrated** that the proposed detached garage will not impact adjacent property owners or the surrounding area.

- Furthermore, that petitioner **has demonstrated** that they have received a signed petition from the adjacent property to west stating their support for a Variation to reduce the interior (west) side setback from 10 feet to approximately 3 feet for a new detached garage.

**PETITIONER’S DEVELOPMENT FACT SHEET**

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ADDITIONAL INFORMATION:

| Building: | No Objections. |
| DUDOT: | No Comment. |
| Health: | No Objections. |
| Stormwater: | No Objections. |
| Public Works: | No Objections. “We are not the provider of sewer or water to that area.” |

EXTERNAL:

| Village of Bensenville: | No Comment. |
| Addison Township: | No Comment. |
| Township Highway: | No Comment. |
| Wood Dale Fire Dist.: | No Comment. |
| Sch. Dist. 7: | No Comment. |
| City of Wood Dale: | No Comment. |
| Elk Grove Village: | No Comment. |
| Village of Itasca: | No Comment. |

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WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on September 6, 2018 recommends to approve the following zoning relief:

A Variation to reduce the interior (west) side setback from 10 feet to approximately 3 feet for a new detached garage.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-049 Martens dated August 23, 2018.
2. That petitioner is not permitted to operate a business out of the subject detached garage.

3. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.

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 partial landscape screens around the perimeter of the development.

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

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

WHEREAS, the County Board Development Committee on September 18, 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:

A Variation to reduce the interior (west) side setback from 10 feet to approximately 3 feet for a new detached garage.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-049 Martens dated August 23, 2018.

2. That petitioner is not permitted to operate a business out of the subject detached garage.

3. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.

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 partial landscape screens around the perimeter of the development.
6. 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, 0 Absent**

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

A Variation to reduce the interior (west) side setback from 10 feet to approximately 3 feet for a new detached garage, on the property hereinafter described:

LOT 44 IN BRANIGAR’S MOHAWK MANOR, BEING A SUBDIVISION IN SECTION 3 AND 10, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 25, 1956 AS DOCUMENT 825111, 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 #Z18-049 Martens dated August 23, 2018.

2. That petitioner is not permitted to operate a business out of the subject detached garage.

3. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.

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 partial landscape screens around the perimeter of the development.

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; MARTENS, JASON & JENNIFER, 17W081 NORTH STREET, BENSENVILLE, IL 60106; and Township Assessor, Addison Township, 401 North Addison Road, Addison, IL 60101.

Enacted and approved this ______ day of ____________ 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: September 18, 2018
RE: Z18-050 Foss (Bloomingdale/ District 4)

DuPage County Board: September 25, 2018:

Development Committee: September 18, 2018: The DuPage County Development Committee recommended to approve the following zoning relief:

Conditional Use to increase the square footage of all detached structures (1 new detached garage of 960 sq. ft. and 1 existing shed of 144 sq. ft.) from 850 sq. ft. to approximately 1,104 sq. ft.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-050 Foss dated August 16, 2018.

2. That petitioner is not permitted to operate a business out of the subject detached garage.

3. That the subject detached garage remains as a garage.

4. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.

5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

6. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
7. 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, 0 Absent

Zoning Board of Appeals Meeting: September 6, 2018: The Zoning Board of Appeals recommended to approve the following zoning relief:

Conditional Use to increase the square footage of all detached structures (1 new detached garage of 960 sq. ft. and 1 existing shed of 144 sq. ft.) from 850 sq. ft. to approximately 1,104 sq. ft.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-050 Foss dated August 16, 2018.

2. That petitioner is not permitted to operate a business out of the subject detached garage.

3. That the subject detached garage remains as a garage.

4. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.

5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

6. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.

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

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

FINDINGS OF FACT:

1. That petitioner testified that he seeks the subject zoning relief to construct a new detached garage of approximately 960 sq. ft. and intends to keep an existing shed of 144 sq. ft on the subject property.
2. That petitioner testified that the principal building on the subject property does not have a basement, causing limited storage.

- Furthermore, that petitioner testified that the proposed detached garage would store the petitioner’s three vehicles, one motorcycle, riding lawnmower, and household equipment.

3. That petitioner testified that they will remove the smaller (approximately 64 sq. ft.) of the two existing sheds and keep the shed that is approximately 12 feet by 12 feet.

- That petitioner testified that the existing shed is used to store household equipment.

4. That petitioner testified that the proposed detached garage will be built pursuant to the site plan made part of Zoning Petition #Z18-050 Foss dated August 16, 2018.

- That petitioner testified that the proposed detached garage will be a tandem-style garage, allowing for storage of vehicles and storage of household equipment.

5. That petitioner testified that they will not operate a business out of the proposed detached garage.

6. That petitioner testified that the garage will maintain lighting typically found on a residential garage.

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County’s comprehensive plan for development; and specifically, that the granting of the Conditional Use will not:

   a. Impair an adequate supply of light and air to the adjacent property as petitioner has demonstrated that the proposed detached garage will be built where the existing garage is currently located and that the proposed detached garage will be larger, extending only in the rear to include additional storage space.

   b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that they will receive a building permit from the County for the
proposed detached garage and that it will be built pursuant to the current building codes.

c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that he will tear down the existing garage and will replace it with the proposed detached garage, which will be an added benefit to the neighborhood.

d. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the proposed detached garage will be set back behind the rear of the principal building and will not affect traffic.

e. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the County’s Stormwater Department has no objections on the proposed detached garage and will review the building plans at the time of permit application.

f. Incur additional public expense for flood protection, rescue or relief as petitioner has demonstrated that the County’s Stormwater Department has no objections on the proposed detached garage and will review the building plans at the time of permit application.

g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner has demonstrated that adjacent neighbors have signed a petition in support of the development and do not object to a Conditional Use to increase the square footage of all detached structures (1 new detached garage of 960 sq. ft. and 1 existing shed of 144 sq. ft.) from 850 sq. ft. to approximately 1,104 sq. ft.
PETITIONER’S DEVELOPMENT FACT SHEET

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<td>OWNER</td>
<td>MICHAEL FOSS, 2N316 VIRGINIA AVENUE, GLEN ELLYN, IL 60137</td>
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ADDITIONAL INFORMATION:

Building: No Objections.

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 Objections.

Stormwater: No Objections. Additional information may be required at time of permit application.

Public Works: No Objections.

EXTERNAL:

Village of Glen Ellyn: No Comment.

Village of Glendale Heights: No Comment.

Village of Carol Stream: No Objections. “Outside of Carol Stream’s planning area.”

Bloomingdale Township: No Comment.

Bloomingdale Township Highway: No Objections.

Glenside Fire Dist.: No Comment.

Sch. Dist. 16: No Comment.
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**Floor Area Ratio:**
- 850 sq. ft. for all detached accessory buildings
- APPROX. 782 sq. ft. for all detached accessory buildings
- APPROX. 1,104 sq. ft. for all detached accessory buildings

### LAND USE

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AFFIDAVIT:

CASE NAME AND NUMBER:  Z18-050 FOSS

Michael Foss, the owner of the property for which the attached survey has been submitted, do hereby certify that this survey is a correct representation of my property as of this __________ day of __________, __________.

Petitioner’s Name:  Michael Foss  Michael Foss

Petitioner’s Address:  21314 Virginia Ave, Glen Ellyn, IL 60137

NOTARY SEAL:

SUBSCRIBED AND SWORN TO BEFORE ME THIS:

20 of July, 2018

OFFICIAL SEAL

Arlene L. Musaros
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires 02/22/21.

NOTARY PUBLIC SIGNATURE
Additional Information Submitted by Petitioner:
Petition Letter to Neighbors

For the home at:
2N304 Virginia Ave.
Glen Ellyn, IL 60137

We are requesting a conditional use variance from DuPage County to allow us to build a new detached garage with square footage of 060SF. The current code allows for 860 square feet of detached structures. We need 1104 SF to cover the new garage and our existing shed.

As this zoning request is over the current DuPage County Zoning Code requirements, we are required to circulate this petition and have our immediate neighbors approve of the proposed variation request. As such, if you do not object to the variation, please sign below.

MARIBEL SALAZAR
Name

TRISTA PARADISE
Name

2N304 Virginia Ave
Address

2N336 Virginia Ave
Address

Jared Salazar
Signature

Bryan Park
Signature

Jared Celebi
Name

Mike Foss
Homeowners Name

2N221 Drive
Address

2N316 Virginia
Address

Signature

Signature

I attest these signatures are true and accurate.

Subscribed and sworn to before me this:

12 Day of August, 2018

Notary Public:

[Signature]

[Seal]
ORDINANCE
Zoning Petition Z18-050 Foss

WHEREAS, a public hearing was held on August 16, 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:

Conditional Use to increase the square footage of all detached structures (1 new detached garage of 960 sq. ft. and 1 existing shed of 144 sq. ft.) from 850 sq. ft. to approximately 1,104 sq. ft., on the property hereinafter described:

LOT 270 IN ROBERT BARTLETT’S GLEN ELLYN COUNTRYSIDE UNIT NUMBER 3, BEING A SUBDIVISION OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SUBDIVISION RECORDED JULY 12, 1951, AS DOCUMENT 628332, IN DUPAGE COUNTY, ILLINOIS.; and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on September 6, 2018 does find as follows:

FINDINGS OF FACT:
1. That petitioner testified that he seeks the subject zoning relief to construct a new detached garage of approximately 960 sq. ft. and intends to keep an existing shed of 144 sq. ft. on the subject property.

2. That petitioner testified that the principal building on the subject property does not have a basement, causing limited storage.
   • Furthermore, that petitioner testified that the proposed detached garage would store the petitioner’s three vehicles, one motorcycle, riding lawnmower, and household equipment.

3. That petitioner testified that they will remove the smaller (approximately 64 sq. ft.) of the two existing sheds and keep the shed that is approximately 12 feet by 12 feet.
   • That petitioner testified that the existing shed is used to store household equipment.

4. That petitioner testified that the proposed detached garage will be built pursuant to the site plan made part of Zoning Petition #Z18-050 Foss dated August 16, 2018.
• That petitioner testified that the proposed detached garage will be a tandem-style garage, allowing for storage of vehicles and storage of household equipment.

5. That petitioner testified that they will not operate a business out of the proposed detached garage.

6. That petitioner testified that the garage will maintain lighting typically found on a residential garage.

**STANDARDS FOR CONDITIONAL USES:**

1. That the Zoning Board of Appeals finds that petitioner has demonstrated that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County’s comprehensive plan for development; and specifically, that the granting of the Conditional Use will not:

   a. Impair an adequate supply of light and air to the adjacent property as petitioner has demonstrated that the proposed detached garage will be built where the existing garage is currently located and that the proposed detached garage will be larger, extending only in the rear to include additional storage space.

   b. Increase the hazard from fire or other dangers to said property as petitioner has demonstrated that they will receive a building permit from the County for the proposed detached garage and that it will be built pursuant to the current building codes.

   c. Diminish the value of land and buildings throughout the County as petitioner has demonstrated that he will tear down the existing garage and will replace it with the proposed detached garage, which will be an added benefit to the neighborhood.

   d. Unduly increase traffic congestion in the public streets and highways as petitioner has demonstrated that the proposed detached garage will be set back behind the rear of the principal building and will not affect traffic.

   e. Increase the potential for flood damages to adjacent property as petitioner has demonstrated that the County’s Stormwater Department has no objections on the proposed detached garage and will review the building plans at the time of permit application.

   f. Incur additional public expense for flood protection, rescue or relief as petitioner has demonstrated that the County’s Stormwater Department has no objections on the proposed detached garage and will review the building plans at the time of permit application.
g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner has demonstrated that adjacent neighbors have signed a petition in support of the development and do not object to a Conditional Use to increase the square footage of all detached structures (1 new detached garage of 960 sq. ft. and 1 existing shed of 144 sq. ft.) from 850 sq. ft. to approximately 1,104 sq. ft.

PETITIONER’S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION

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WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on September 6, 2018 recommends to approve the following zoning relief:

Conditional Use to increase the square footage of all detached structures (1 new detached garage of 960 sq. ft. and 1 existing shed of 144 sq. ft.) from 850 sq. ft. to approximately 1,104 sq. ft.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-050 Foss dated August 16, 2018.
2. That petitioner is not permitted to operate a business out of the subject detached garage.
3. That the subject detached garage remains as a garage.
4. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.
5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
6. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.

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

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

WHEREAS, the County Board Development Committee on September 18, 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:

Conditional Use to increase the square footage of all detached structures (1 new detached garage of 960 sq. ft. and 1 existing shed of 144 sq. ft.) from 850 sq. ft. to approximately 1,104 sq. ft.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-050 Foss dated August 16, 2018.

2. That petitioner is not permitted to operate a business out of the subject detached garage.

3. That the subject detached garage remains as a garage.

4. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.

5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

6. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.

7. 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, 0 Absent**
NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Conditional Use to increase the square footage of all detached structures (1 new detached garage of 960 sq. ft. and 1 existing shed of 144 sq. ft.) from 850 sq. ft. to approximately 1,104 sq. ft., on the property hereinafter described:

LOT 270 IN ROBERT BARTLETT’S GLEN ELLYN COUNTRYSIDE UNIT NUMBER 3, BEING A SUBDIVISION OF THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID SUBDIVISION RECORDED JULY 12, 1951, AS DOCUMENT 628332, 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 #Z18-050 Foss dated August 16, 2018.

2. That petitioner is not permitted to operate a business out of the subject detached garage.

3. That the subject detached garage remains as a garage.

4. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.

5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

6. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.

7. 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; MICHAEL FOSS, 2N316 VIRGINIA AVENUE, GLEN ELLYN, IL 60137; and Township Assessor, Bloomingdale Township, 123 N. Rosedale, Bloomingdale, IL 60108.

Enacted and approved this ______ day of ____________ 2018, A.D.

_______________________
DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

ATTEST: ______________________
PAUL HINDS, COUNTY CLERK