
THE VILLAGE OF BLOOMINGDALE
DUPAGE COUNTY, ILLINOIS

ORDINANCE
NUMBER 2020 - 08

AN ORDINANCE
GRANTING A VARIANCE
FOR THE PROPERTY COMMONLY REFERRED TO AS
168 HINGHAM LANE, BLOOMINGDALE, ILLINOIS

Franco A. Coladipietro, Mayor
Jane E. Michelotti, Village Clerk

Vince Ackerman

William Belmonte

Bill Bolen

Frank Bucaro

Patrick Shannon

Judi Von Huben

Village Board

Published in pamphlet form by authority of the
President and the Board of Trustees of the Village of Bloomingdale
on this the 24th day of February 2020

ORDINANCE NO. 2020 - 08

**AN ORDINANCE
GRANTING A VARIANCE
FOR THE PROPERTY COMMONLY REFERRED TO AS
168 HINGHAM LANE, BLOOMINGDALE, ILLINOIS**

WHEREAS, the Village of Bloomingdale, DuPage County, Illinois (hereinafter referred to as the “Village”) is a home rule unit of local government, and as such may exercise any power and perform any function pertaining to its government and affairs, except as limited by Article VII, Section 6 of the 1970 Illinois Constitution;

WHEREAS, the Village is authorized by the Illinois Municipal Code, *65 ILCS 5/11-13-5*, to vary its zoning regulations where there are practical difficulties or particular hardship in observing those regulations for the use, construction or alteration of buildings or structures or the use of land;

WHEREAS, an application (“Application”) was made to the Village of Bloomingdale (“Village”) by Russel Franceschina of Redline Architects, on behalf of Albert Lucenti, the property owner (“Petitioner”) of a single-family residence at 168 Hingham Lane (“Subject Property”) for approval of a variation to Subsection 11-7G-1-F of the Village Code to allow variations for a side yard encroachment in an R-3 Single Family Residence District; and

WHEREAS, the Village Planning and Zoning Commission (hereinafter referred to as the “Commission”) conducted a public hearing identified as PC Case No. 2020-101 to consider the Petitioners’ request and to hear testimony on the proposal, and as a result of said hearing the Commission has issued a recommendation of Petitioner’s request as it pertains to this matter, all pursuant to proper notice and in compliance with the laws of the State of Illinois and Ordinances of the Village;

WHEREAS, the Commission after careful deliberation granted certain zoning relief altering the Petitioner’s initial request to achieve further compliance, subject to Petitioner’s consent, in that the granted zoning relief is acceptable under the standards adopted by the Village in Title 11: Zoning Regulations of the Village Code applicable to the Petitioner’s Application;

WHEREAS, the Commission with regard to the granted zoning relief made positive findings of fact dated January 21st, 2020 in support of said Application, with said changes;

WHEREAS, the Planning and Zoning Commission found the Application to be reasonable in that the requested zoning relief is appropriate under the standards adopted by the Village in 11-3-6-E of the Village Code; and

WHEREAS, the Board of Trustees find that the granting of the requested variation will have no detrimental impact on the health, safety or welfare of the public in general and further finds that the Petitioners have demonstrated practical difficulties or particular hardships in the application of the Zoning Regulations of the Village Code.

NOW, THEREFORE, BE IT ORDAINED, in open meeting assembled by the Village President and Board of Trustees of the Village of Bloomingdale, DuPage County, Illinois pursuant to its home rule powers as follows:

Section One: Recitals

The Board of Trustees hereby find that all of the recitals hereinbefore stated as contained in the preamble to this Ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this Ordinance as legislative findings.

Section Two: Adoption of Findings and Recommendations

The Board of Trustees hereby adopts the Findings and Recommendations of the Commission as if fully set forth herein, as **Exhibit A**, which is attached hereto and made a part hereof.

Section Three: Description of Property

The properties subject to the granting of the requested approvals is described in **Exhibit B**, which is attached hereto and made a part hereof.

Section Four: Grant of Variance

The Village Board of Trustees hereby grant a variance from the requirements of the Village of Bloomingdale Zoning Code as described in the recommendation of the Village of Bloomingdale Planning and Zoning Commission (Exhibit A) and substantially as follows:

- a) A variation to allow an (east) side yard setback of 6'- 3 ¼" in lieu of the 10'- 2 3/8" side yard setback to meet the required minimum of 20'-0" for combined side yards; and
- b) A variation to allow a single side yard setback to be less than the minimum 8'- 0" required.

Section Five: Compliance and Conformity with Plans and Specifications

The relief and approvals granted pursuant to Section Four of this Ordinance shall be further contingent upon the substantial conformance with the plans and documents, which were

submitted to the Commission and to the Board of Trustees, and which, are incorporated into and made a part of this Ordinance as **Exhibit C** (the “Approved Plans”), and shall govern except where they are inconsistent with the specific terms of this Ordinance.

Section Six: Conditions to Zoning Relief and Conflict Clause

The Subject Property is subject to all terms and conditions of applicable ordinances and regulations of the Village, including, without limitation, zoning ordinances, building codes, subdivision regulations and regulations concerning the construction and design of antennas and satellite stations; provided, however, the specific terms and conditions of this Ordinance shall prevail against other existing ordinances of the Village to the extent that there may be any conflict. The grant of this sign request is limited to the specific business operation described herein.

Section Seven: Penalty

Any person violating the terms and conditions of this Ordinance shall, following prior notice thereof by the Village to such offending person and such opportunity to correct such violation(s) as the Village may determine appropriate, be subject to a penalty not exceeding \$1,000.00, with each and every day that such violation of this Ordinance is allowed to remain in effect being deemed a complete and separate offense. In addition, the appropriate authorities of the Village may take such other actions they deem proper to enforce the terms and conditions of this Ordinance, including, without limitation, an action in equity to compel compliance with its terms. Any person violating the terms of this Ordinance shall be subject, in addition to the foregoing penalties, to the payment of court costs and reasonable attorneys’ fees of the Village.

Section Eight: Effective Date

This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law; provided, however, this Ordinance shall not take effect until the Consent (a copy of which is attached hereto and made a part hereof as **Exhibit D**) is executed by the Petitioner and by the owner, thereby memorializing its agreement to be bound by the terms and conditions contained within this Ordinance. Such execution shall take place within forty-five (45) days after the passage and approval of this Ordinance or within such extension of time as may be granted by the Board of Trustees by motion prior to the expiration of said forty-five (45) day period. If the Consent is not executed within forty-five (45) days after passage and approval of this Ordinance or within an extension of time granted during said forty-five (45) day

period, this Ordinance shall be void and of no force or effect, and the request for relief identified herein shall be deemed abandoned.

Section Nine: Recording

This Ordinance shall be entered into the minutes and upon the journals of the Board of Trustees.

DECIDED pursuant to a roll call vote as follows:

	YES	NO	ABSENT	PRESENT
Vince Ackerman	X			X
William Belmonte	X			X
Bill Bolen			X	
Frank Bucaro	X			X
Patrick Shannon	X			X
Judi Von Huben	X			X
Franco A. Coladipietro (only if necessary)				X
TOTAL	5	0	1	6

PASSED AND APPROVED by the Village of Bloomingdale Board of Trustees on the 24th day of February 2020.


 Franco A. Coladipietro, Village President

ATTEST:


 Jane E. Michelotti, Village Clerk

Exhibit A
Findings of Fact



Village of Bloomingdale

Plan Commission

201 S. Bloomingdale Road

Bloomingdale, IL 60108

Tel: 630-671-5694

Fax: 630-893-1596

MEMORANDUM

To: President Coladipietro & Board of Trustees
James King, Vice Chairman

From: Bloomingdale Planning and Zoning Commission

Date: January 21, 2020
Planning and Zoning Commission ("Commission") Finding of Fact and Recommendation for Variation for Side Yard Setbacks
168 Hingham Lane ("Subject Property")

Subject: PZC Case No. 2020 - 101

Petitioner: Russel Franceschina of Redline Architects, representing Albert A. Lucenti II, Homeowner

- I. Issues:**
- Requested Relief ("Petition")**
1. A variation to allow an (east) side yard setback of 6'-3 1/4" in lieu of the 10'-2 3/8" side yard setback to meet the required minimum of 20'-0" for combined side yards;
 2. A variation to allow a single side yard setback to be less than the minimum 8'-0" required;
 3. Such other zoning permission or relief as discovered during the public hearing process that may be related to this application.

II. Analysis: Planning and Zoning Commission Findings With Respect to Requested Variations

1. Project Overview

Please refer to the Director of Community and Economic Development's report fully describing the proposed addition to the home at 168 Hingham Lane. The Planning and Zoning Commission deliberated the Petitioner's request to construct a two-story kitchen and living area addition of 443 square feet, extending an additional 11'-0" to the rear of the house and 21'-8 1/2" along the rear façade, to the west.

2. Findings Pertinent To Statutory Requirement for a Variation:

Pursuant to Section 11-3 of the Village Code, the Planning and Zoning Commission makes the following Findings and Determinations based upon their review of the Petitioner's submittal, written staff reports, and testimony at the public hearing conducted on January 21, 2020:

Three Threshold Standards:

a. That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zoning district.

The PZC found that the Petitioner has addressed this standard in that the proposed home remodeling was the minimum relief requested in order to accomplish the objective, given the

existing location of the kitchen that was to be expanded and the unique geometry of the lot. They acknowledged that the Petitioner desired a larger kitchen area and to place it anywhere else, would demand a significantly larger investment and scope of renovation. Certain Commissioners expressed appreciation that the homeowner and the architect made a concerted effort to design the addition in a manner that minimized its impact to the neighbors, as well as reducing the degree of encroachment into the side yard setback, all while keeping within the architecture and materials of the existing structure. The Commission agreed that the requested relief was not only the minimum necessary, but also acknowledged that it was only a very small area of the home/addition, projecting into that setback. The Petitioner found that without the addition the dwelling might have difficulty competing with other older and newer homes on the market that have larger kitchens, comparatively.

b. That the plight of the owner is due to unique circumstances.

The Commission agreed that it was unique in that the house is situated on a lot that is geometrically challenging, with the lot narrowing as it continued towards the rear of the property, where the addition was proposed. In order to satisfy the side yard setback in the proposed location, the addition would have to "step back" away from the lot line, which would not only make it visually unappealing, it would also disrupt the entire floor plan of the internal space.

c. That the variation, if granted, will not alter the essential character of the locality.

The Commission reviewed photos of the Subject dwelling as it exists, as well as elevations of the proposed addition. They found that because all of the work will occur at the rear of the property and will not be visible from Hingham Lane, there was no real impact to the surrounding neighborhood. Furthermore, the rear of the property was adjacent to the lake serving the subdivision and the Petitioner had acquired letters of support from both of the adjacent properties, as well as the Homeowners Association for the subdivision, expressing their encouragement for the addition. The Commission further determined that the addition is articulated and will blend seamlessly with the existing residence, while not altering the essential character of the area. As the addition will be constructed on an area that is already impervious, there should be no issues with drainage and no need for a separate report. Nonetheless, the Petitioner should work with the Village Engineer to determine any requirements.

Supplemental Standards:

- a. Whether the physical surroundings, shape, or topographical conditions of the property would bring a specific hardship as opposed to an inconvenience if the regulations were enforced.*
- b. That the conditions upon which the petition for variation is based would not be applicable generally to other property within the same zoning classification.*
- c. Whether the intent of the variation is to make more money out of the property.*
- d. Whether the alleged difficulty or hardship has or has not been created by any person presently having an interest in the property.*

- e. That the variation, if granted, should not be injurious to the public welfare or injurious to property in the neighborhood.
- f. That the variation should not result in an impairment of light and air to adjacent property, or increase the danger of fire or diminish property values.

The Commission found that the Petition adequately addressed the supplemental standards in their narrative and presentation at the hearing.

III. Recommendation of the Planning and Zoning Commission #2020-101:

On a motion made by Commissioner Flood and seconded by Commissioner Coleman, the Planning and Zoning Commission recommended in favor of variations to allow an (east) side yard setback of 6'-3 1/4" in lieu of the 10'-2 3/8" side yard setback, to meet the required minimum of 20'-0" for combined side yards, as well as a single side yard setback to be less than the minimum 8'-0" required, to allow a kitchen and living area addition to the single-family residence at 168 Hingham Lane.

The Roll Call Vote for #2020-101:

Ayes: Commissioners Flood, Coleman, Troiola, Damato and Vice Chairman King

Nays: None

Absent: Commissioner Vitacco and Chairman Jaster

Motion Declared Carried

Other Considerations: None

Minority Report: None

Respectfully submitted,

/s/ James King, Vice Chairman
Planning and Zoning Commission
January 21, 2020

IV. Procedural Requirements:

Date of Meeting: January 21, 2020

Petition No.: PZC Case #: 2020-101

Date Petition Filed with Village Clerk: December 18, 2019

Supporting Data: See list of exhibits and staff reports, **Attachments "A"**

Yes Statement of compliance and evidence demonstrating that the proposed amendment will conform to the standards established for zoning amendments

Affidavits:

Yes Publication

Yes Compliance

Yes Disclosure

Yes Posting

Notice:

- Yes Fire Protection District
- Yes Notice sent to the persons to whom the current real estate tax bills are sent, if any, as shown on the record of the local real estate tax assessor for all lots lying within 250 feet of the property lines of the lot for which variations are sought.
- Yes Publication of a notice of the time, place and purpose of the public hearing on the proposed variations by the Village Clerk in a newspaper of general circulation within the Village of Bloomingdale not more than 30 days nor less than 15 days in advance of such hearing – **Published December 30, 2019, Daily Herald**
- Yes Posting by the applicant, for a period of not less than 10 days prior to the public hearing, of the Notice as furnished by the Village Clerk.

Written Protest: - None

Hearing/Meeting:

- Yes Public hearing/meeting on the proposed variation. Date(s) of hearing/meeting or continuation thereof: **January 21, 2020**
Date Hearing/Meeting Closed: **January 21, 2020**
- Yes A concurring vote of a majority of Planning and Zoning Commission members present (with a minimum of four concurring votes) recommending granting or denying an application for the proposed amendment was had at the meeting held on the following date: **January 21, 2020**
- Yes Report to the Village Board containing the number of Planning and Zoning Commission members present and the names of those voting for or against the motion
- Yes Written findings of fact and recommendations submitted to the Village President and Board of Trustees by the Planning and Zoning Commission within 45 days after the close of the hearing on the proposed amendment.

V. Findings of Fact and Recommendations, #2020-101 – Statutory Requirements

Adjacent Zoning and Land Uses

- North: R-3 - Single Family Residence District – single family homes
- South: R-3 - Single Family Residence District – single family homes
- East: R-3 - Single Family Residence District – single family homes
- West: R-3 - Single Family Residence District – single family homes

Comprehensive Plan Designation

The Comprehensive Plan for the Village of Bloomingdale, updated in 2010, shows the area designated for single-family residential use.

Attachment "A" List of Petitioner's Exhibits and Submittals for #2020-101:

No.	Item	Prepared By	Date
1	Site Plan (S-1)	Redline Architects	12/5/2019
2	Floor Plan (A-1)	Redline Architects	12/5/2019

3	Exterior Elevations (A-2)	Redline Architects	12/5/2019
4	Exterior Finishes (A-3)	Redline Architects	12/5/2019
5	Plat of Survey	Exacta Surveyors	2/17/2015

Attachments "B"

1. Staff report from the Director of Community and Economic Development dated January 6, 2020

Exhibit B

Legal Description of Property

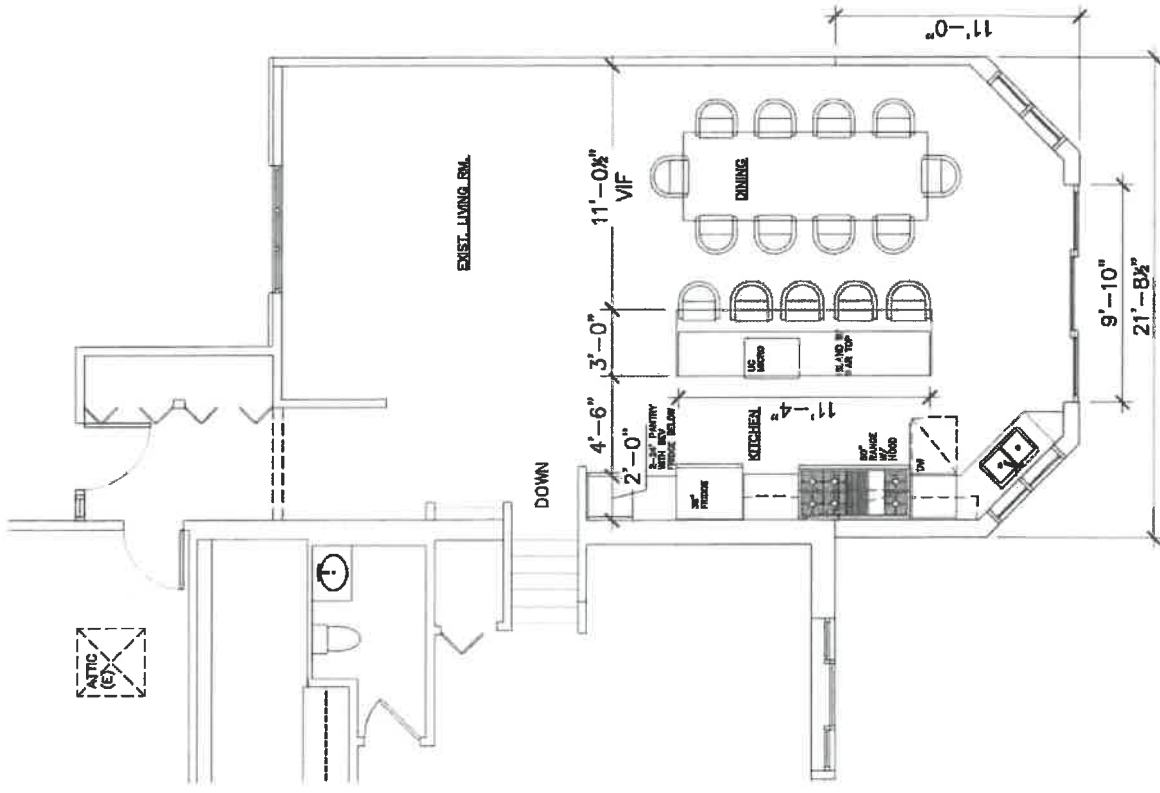
LOT 157 IN FAIRFIELD SUBDIVISION FIRST ADDITION, BEING A RESUBDIVISION OF PART OF LOT 70 IN FAIRFIELD SUBDIVISION, BEING A SUBDIVISION IN SECTION 15, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID 1ST ADDITION RECORDED NOVEMBER 8, 1976 AS DOCUMENT R76-80868 IN DUPAGE COUNTY, ILLINOIS

Common Address: 168 Hingham Lane, Bloomingdale, IL 60108

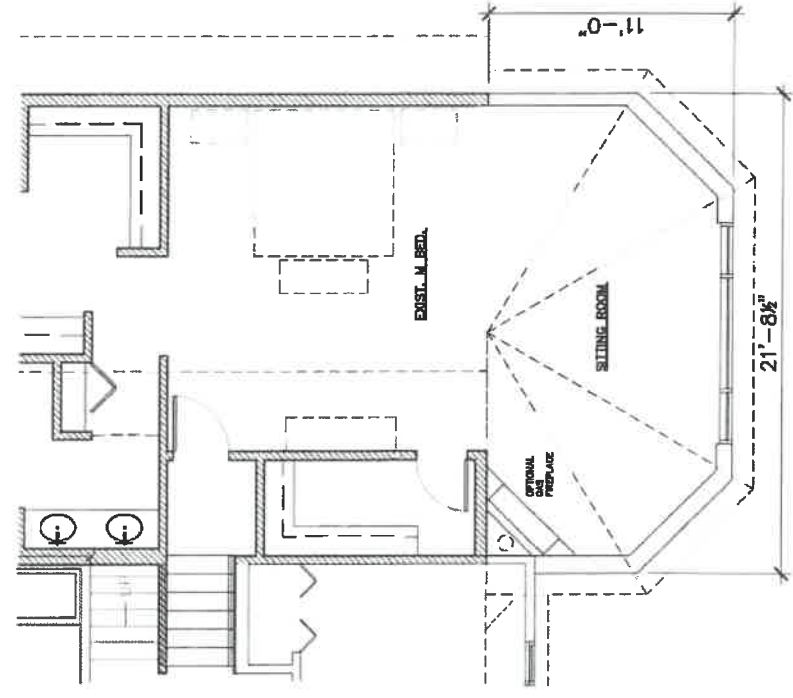
Property Index Number (PIN): 02-15-411-005

Exhibit C

Approved Plans

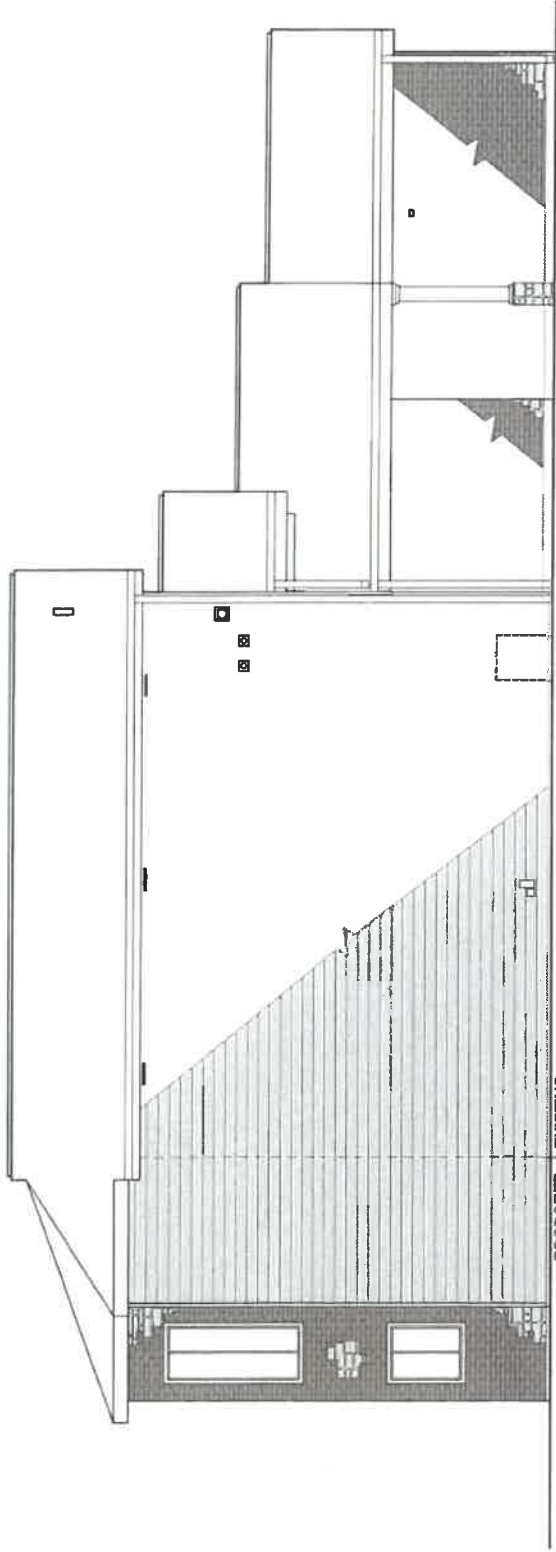


FIRST FLOOR



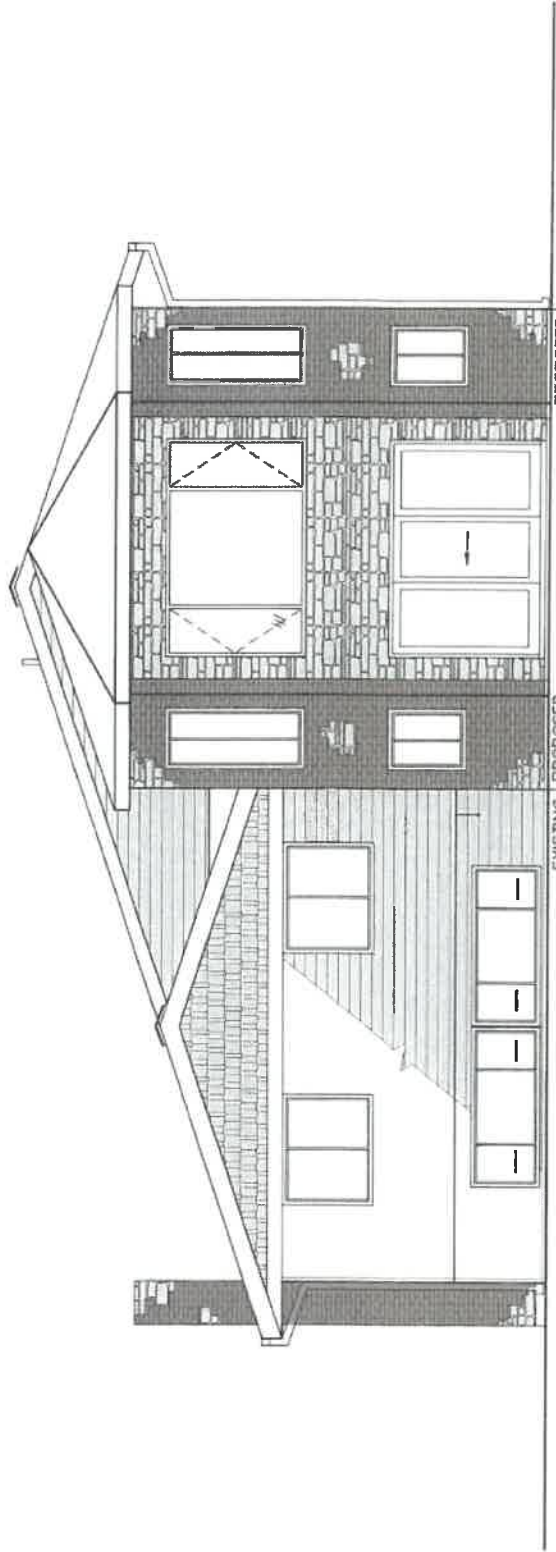
SECOND FLOOR

A-1 LUCENTI RESIDENCE
 Bloomingdale, IL
 PROPOSED 2 STORY ADDITION
 Floor Plan
 SCALE: 1/8" = 1'-0"



PROPOSED ADDITION | EXISTING RESIDENCE

EAST ELEVATION



EXISTING RESIDENCE | PROPOSED ADDITION

SOUTH ELEVATION

A-2

LUCENTI RESIDENCE
Bloomington, IL

PROPOSED 2 STORY ADDITION
Exterior Elevation
SCALE: 1/8" = 1'-0"



EXISTING RESIDENCE



BRICK: GLEN-GERY BRICK - ABERDEEN



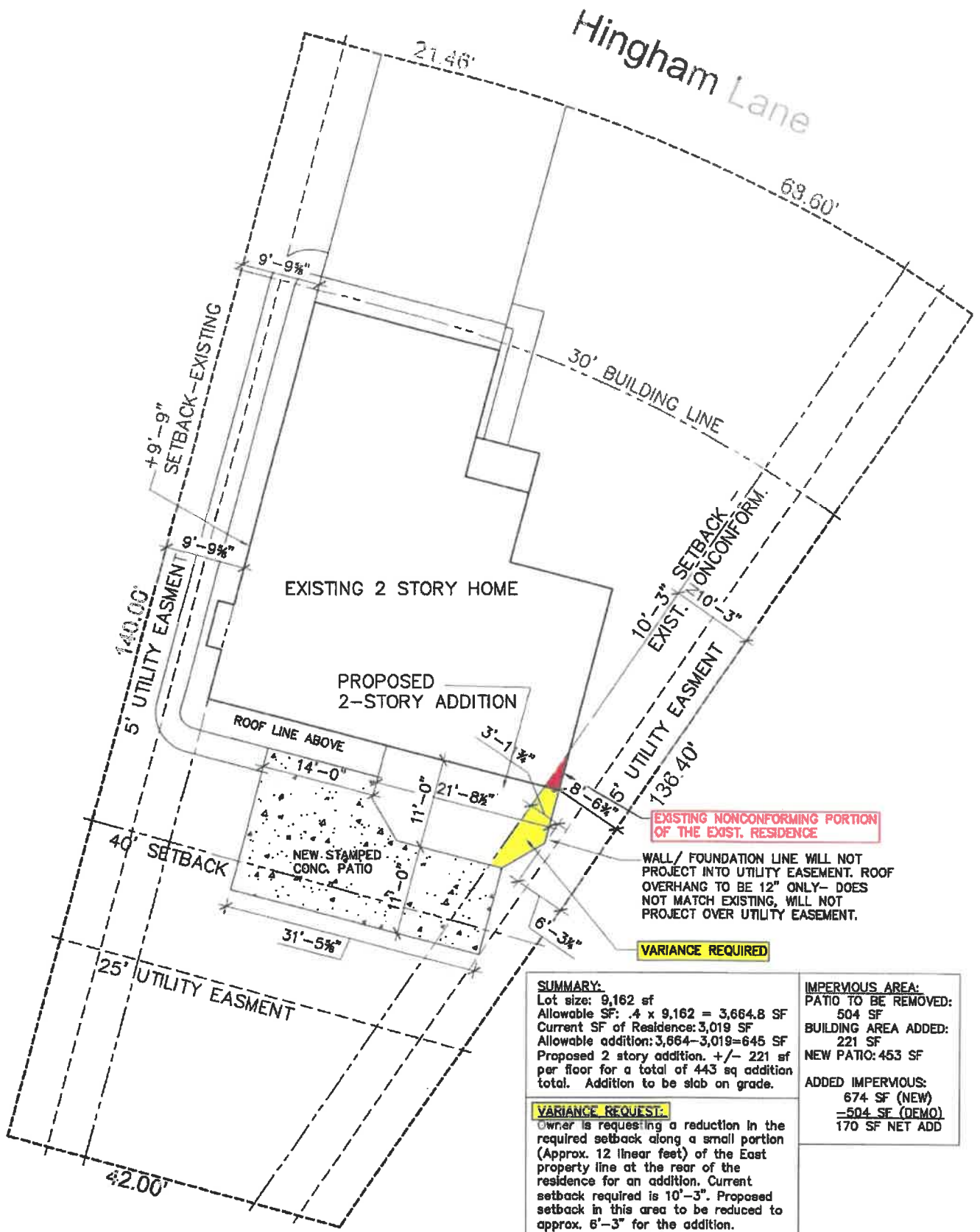
STONE ACCENT: BUECHEL STONE - INDIANA SPLITFACE

NOTE: VINYL SIDING, SOFFITS, FASCIA, SHINGLES TO MATCH EXISTING

A-3

LUCENTI RESIDENCE
Bloomington, IL

PROPOSED 2 STORY ADDITION
Exterior Finishes



SUMMARY:
 Lot size: 9,162 sf
 Allowable SF: .4 x 9,162 = 3,664.8 SF
 Current SF of Residence: 3,019 SF
 Allowable addition: 3,664 - 3,019 = 645 SF
 Proposed 2 story addition. +/- 221 sf per floor for a total of 443 sq addition total. Addition to be slab on grade.

IMPERVIOUS AREA:
 PATIO TO BE REMOVED: 504 SF
 BUILDING AREA ADDED: 221 SF
 NEW PATIO: 453 SF
ADDED IMPERVIOUS:
 674 SF (NEW)
 -504 SF (DEMO)
 170 SF NET ADD

VARIANCE REQUEST:
 Owner is requesting a reduction in the required setback along a small portion (Approx. 12 linear feet) of the East property line at the rear of the residence for an addition. Current setback required is 10'-3". Proposed setback in this area to be reduced to approx. 6'-3" for the addition.



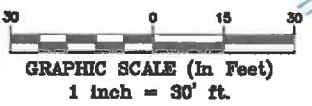
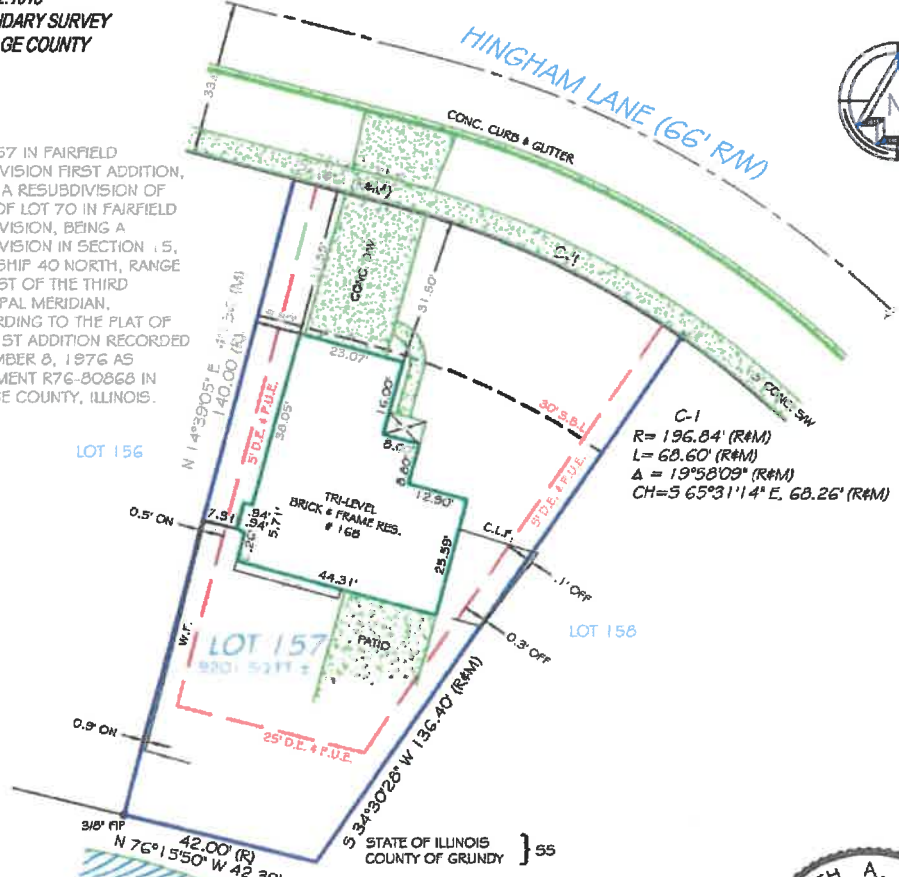
PROPERTY ADDRESS: 168 HINGHAM LANE BLOOMINGDALE, ILLINOIS 60108

SURVEY NUMBER: IL1502.1615

FIELD WORK DATE: 2/16/2015
IL1502.1615
BOUNDARY SURVEY
DUPAGE COUNTY

REVISION DATE(S): (REV.0 2/17/2015)

LOT 157 IN FAIRFIELD SUBDIVISION FIRST ADDITION, BEING A RESUBDIVISION OF PART OF LOT 70 IN FAIRFIELD SUBDIVISION, BEING A SUBDIVISION IN SECTION 15, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID 1ST ADDITION RECORDED NOVEMBER 8, 1976 AS DOCUMENT R76-80868 IN DUPAGE COUNTY, ILLINOIS.



STATE OF ILLINOIS }
 COUNTY OF GRUNDY } 55

THIS IS TO CERTIFY THAT THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. GIVEN UNDER MY HAND AND SEAL THIS 17th DAY OF FEBRUARY, 2015 AT 316 E. JACKSON STREET IN MORRIS, IL 60450.

Kenneth Kennedy

ILLINOIS PROFESSIONAL LAND SURVEYOR No. 3403
 LICENSE EXPIRES 11/30/2016
 EXACTA LAND SURVEYORS LB# 5763



THE ABOVE SURVEY IS A PROFESSIONAL SERVICE IN COMPLIANCE WITH THE MINIMUM STANDARDS OF THE STATE OF ILLINOIS. NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. PLEASE REFER ALSO TO YOUR DEED, TITLE POLICY AND LOCAL ORDINANCES. COPYRIGHT BY EXACTA ILLINOIS SURVEYORS. THIS DOCUMENT MAY ONLY BE USED BY THE PARTIES TO WHICH IT IS CERTIFIED. PLEASE DIRECT QUESTIONS OR COMMENTS TO EXACTA ILLINOIS SURVEYORS, INC. AT THE NUMBER IN THE BOTTOM RIGHT CORNER.

POINTS OF INTEREST
 NONE VISIBLE

CLIENT NUMBER: 10593	DATE: 2/17/2015
BUYER: MAGDALENA LUKAWSKI	
SELLER: STEVEN SULLI	
CERTIFIED TO: MAGDALENA LUKAWSKI; FIRST AMERICAN TITLE	

Exacta Illinois Surveyors, Inc. is a full service, bonded land survey firm registered with the state of Illinois.



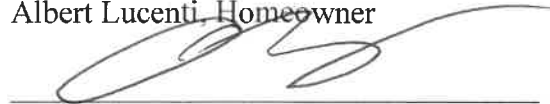
Exhibit D

Consent

The undersigned, Albert Lucenti, as the Petitioner for and Owner of the Subject Property described in the foregoing Ordinance 2020-08 ("Ordinance"), having read a copy of the Ordinance, do hereby accept, concur, and agree to develop, use and maintain the Subject Property in accordance with the terms and conditions stated in the Ordinance, to the extent that the Petitioner has use and control over the Subject Property as of the date of the approval of the Ordinance. This consent shall be binding upon all parties in interest and all successors and assigns to the Subject Property.

DATED this 24th day of February, 2020.

Albert Lucenti, Homeowner



SUBSCRIBED AND SWORN to before me

this 26th day of February, 2020.



Notary Public

(SEAL)

