

Ordinance

DC-O-0028-20

WHEREAS, a public hearing was held on March 4, 2020 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 3:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

Conditional use to allow existing deck to remain closer than 3 feet from the side property line (approx. 0.6 ft), where it has existed for at least 5 years, on the property hereinafter described:

LOT 11 IN BLOCK 6 IN PURNELL GARDENS, A SUBDIVISION OF PART OF THE EAST ½ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 7, 1925 AS DOCUMENT 197513, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on March 4, 2020 does find as follows:

FINDINGS OF FACT:

- A. The Hearing Officer finds that petitioner has demonstrated evidence for a Conditional use to allow existing deck to remain closer than 3 feet from the side property line (approx. .6 ft), where it has existed for at least 5 years.
- B. The Hearing Officer finds that petitioner has demonstrated that the existing deck has been in existence prior to when petitioner purchased the subject property in 2015.
- C. That petitioner testified that the existing deck is used for recreational purposes.
- D. That Hearing Officer finds that petitioner has demonstrated that a Conditional use to allow existing deck to remain closer than 3 feet from the side property line (approx. .6 ft), where it has existed for at least 5 years, does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	Z20-008 Scott
ZONING REQUEST	Conditional use to allow existing deck to remain closer than 3 feet from the side property line (approx. .6 ft), where it has existed for at least 5 years.
OWNER	JESSE AND AUBREY SCOTT, 1440 STODDARD AVENUE, WHEATON, IL 60519

Ordinance

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ADDRESS/LOCATION	0N445 FANCHON STREET, WHEATON, IL 60187	
PIN	05-08-212-013	
TWSP./CTY. BD. DIST.	Milton	District 4
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.17 acres (7,405.2 sq. ft)	
UTILITIES	Well and Sewer	
PUBLICATION DATE	Daily Herald: February 4, 2020	
PUBLIC HEARING	March 4, 2020	
ADDITIONAL INFORMATION:		
Building:	No Objection.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objection.	
Stormwater:	No Objection.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
City of Wheaton:	No Comment.	
Village of Winfield:	No Comment.	
Village of Carol Stream:	Our office has no jurisdiction in this matter.	
Milton Township:	No Comment.	
Township Highway:	Our office has no jurisdiction in this matter.	
Winfield Fire Dist.:	No Comment.	
Sch. Dist. 200:	No Comment.	
Forest Preserve:	"The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you"	

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Front Yard:	30 FT	APPROX. 39 FT	APPROX. 39 FT
Int. Side Yard:	3 FT	APPROX. 0.6 FT	APPROX. 0.6 FT
Int. Side Yard:	3 FT	APPROX. 39 FT	APPROX. 39 FT
Rear Yard:	15 FT	APPROX. 74 FT	APPROX. 74 FT

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	Residential	0-5 DU AC
North	R-4 SF RES	Residential	0-5 DU AC
South	R-4 SF RES	Residential	0-5 DU AC
East	R-4 SF RES	R-4 SF RES	Residential
West	Fanchon Street and beyond R-4 SF RES	R-4 SF RES	Residential

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WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on March 4, 2020, recommends to approve the following zoning relief:

Conditional use to allow existing deck to remain closer than 3 feet from the side property line (approx. 0.6 ft), where it has existed for at least 5 years.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z20-008 Scott dated March 4, 2020.
2. That the Conditional Use zoning relief shall expire after ten (10) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
 - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
 - b. The structure is voluntarily removed.
 - c. The property is conveyed to new ownership.
3. That the petitioner maintains the existing landscaping and fencing around the perimeter of the subject property.
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 the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZHO Recommendation to Approve

WHEREAS, the County Board Development Committee on March 17, 2020, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to approve the following zoning relief:

Conditional use to allow existing deck to remain closer than 3 feet from the side property line (approx. 0.6 ft), where it has existed for at least 5 years.

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Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z20-008 Scott dated March 4, 2020.
2. That the Conditional Use zoning relief shall expire after ten (10) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
 - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
 - b. The structure is voluntarily removed.
 - c. The property is conveyed to new ownership.
3. That the petitioner maintains the existing landscaping and fencing around the perimeter of the subject property.
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 the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

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

Conditional use to allow existing deck to remain closer than 3 feet from the side property line (approx. 0.6 ft), where it has existed for at least 5 years, on the property hereinafter described:

LOT 11 IN BLOCK 6 IN PURNELL GARDENS, A SUBDIVISION OF PART OF THE EAST ½ OF SECTION 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 7, 1925 AS DOCUMENT 197513, 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 #Z20-008 Scott dated March 4, 2020.
2. That the Conditional Use zoning relief shall expire after ten (10) years from the date of

Ordinance

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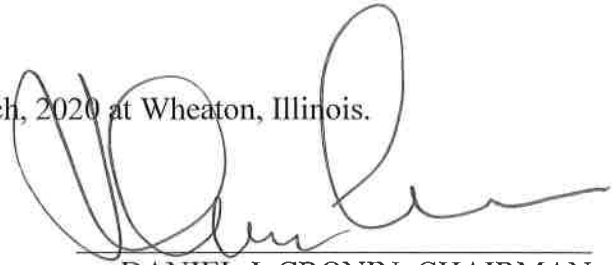
approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:

- a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
 - b. The structure is voluntarily removed.
 - c. The property is conveyed to new ownership.
3. That the petitioner maintains the existing landscaping and fencing around the perimeter of the subject property.
 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 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; JESSE AND AUBREY SCOTT, 1440 STODDARD AVENUE, WHEATON, IL 60519; and Township Assessor, Milton Township, 1492 N. Main Street, Wheaton, IL 60187.

Enacted and approved this 24th day of March, 2020 at Wheaton, Illinois.



DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest:



JEAN KACZMAREK, COUNTY CLERK

AYES 17
NAYS 0
ABSENT 1