

Ordinance

DC-O-0008-21

WHEREAS, a public hearing was held on November 23, 2020 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

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

Conditional Use to increase the total size of detached accessory buildings from permitted 650 sq. ft. to approximately 1,021 sq. ft. (existing 749 sq. ft. detached garage and existing 112 sq. ft. shed) to allow an additional 160 sq. ft. shed on the property, on the property hereinafter described:

THE NORTH 125 FEET OF THE WEST 250 FEET OF THE SOUTH ½ (EXCEPT THE SOUTH 33 FEET THEREOF) OF THE WEST ½ OF LOT 6 IN HALL'S SUBDIVISION, BEING A SUBDIVISION SITUATED IN THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP 38 NORTH, RANGE 11 EAST, OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 24, 1875 AS DOCUMENT 18632, EXCEPT THE NORTH 33.0 FEET AND EXCEPT WEST 22.0 FEET DEDICATED FOR HIGHWAY PURPOSES, 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 November 23, 2020 does find as follows:

FINDINGS OF FACT:

- A. The Hearing Officer finds that petitioner **has demonstrated** evidence for a Conditional Use to increase the total size of detached accessory buildings from permitted 650 sq. ft. to approximately 1,021 sq. ft. (existing 749 sq. ft. detached garage and existing 112 sq. ft. shed) to allow an additional 160 sq. ft. shed on the property.
- B. That petitioner testified that he seeks to subject zoning relief to build a new shed to store lawn equipment and household accessory equipment, including a John Deere lawn mower.
- C. That petitioner testified that he purchased the subject property in May 2020.
- D. That petitioner testified that he is unable to store his three (3) vehicles inside the existing detached garage due to the lack of storage space on the subject property. Furthermore, that petitioner testified that the inclusion of an additional shed on his property will increase the amount of storage on the subject property, and will allow petitioner to store all of his vehicles in the detached garage and household accessory and lawn equipment in the two (2) sheds.
- E. That Hearing Officer finds that petitioner **has demonstrated** that a Conditional Use to increase the total size of detached accessory buildings from permitted 650 sq. ft. to approximately 1,021 sq. ft. (existing 749 sq. ft. detached garage and existing 112 sq. ft. shed) to allow an additional 160 sq. ft. shed on the property 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.

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STANDARDS FOR CONDITIONAL USES:

(Per Section 37-1413.5)

1. That the Zoning Hearing Officer 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 shed will not impact or impair the supply of light and air to adjacent properties as petitioner will maintain all required setbacks for a shed.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** he will receive a building permit from the County for the proposed shed 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 proposed shed will be an added benefit to the neighborhood and that the shed will be built pursuant to all DuPage County codes.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed shed will be located within the buildable area of the subject property, behind the front wall of the house, and will not impact or increase traffic congestions in the public streets and highways.
 - 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 shed but will require additional information at 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 to the proposed shed but will require additional information at 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 shed will 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.

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PETITIONER'S DEVELOPMENT FACT SHEET

<u>GENERAL ZONING CASE INFORMATION</u>	
CASE #/PETITIONER	Z20-086 Wavak
ZONING REQUEST	Conditional Use to increase the total size of detached accessory buildings from permitted 650 sq. ft. to approximately 1,021 sq. ft. (existing 749 sq. ft. detached garage and existing 112 sq. ft. shed) to allow an additional 160 sq. ft. shed on the property.
OWNER	EDWARD W. WAVAK, 5729 CLARENDON HILLS ROAD, CLARENDON HILLS, IL 60514
ADDRESS/LOCATION	5729 CLARENDON HILLS ROAD, CLARENDON HILLS, IL 60514
PIN	09-14-103-007
TWSP./CTY. BD. DIST.	Downers Grove District 3
ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	0.72 acres (31,363 sq. ft.)
UTILITIES	Water and Sewer
PUBLICATION DATE	Daily Herald: November 7, 2020
PUBLIC HEARING	Monday, November 23, 2020 via Zoom Conference Call
<u>ADDITIONAL INFORMATION:</u>	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	Our office has no jurisdiction in this matter.
Stormwater:	No Objection with the concept of the petition. Additional information may be required at time of permit application.
Public Works:	Our office has no jurisdiction in this matter.
EXTERNAL:	
Village of Clarendon Hills:	No Comments Received.
Village of Hinsdale:	No Comments Received.
Village of Burr Ridge:	No Comments Received.

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Village of Willowbrook:	No Objections.
Village of Westmont:	Our office has no jurisdiction in this matter.
City of Darien:	
Downers Grove Township:	Objects. "No compelling hardship for variance."
Township Highway:	Our office has no jurisdiction in this matter.
Tri-State Fire Dist.:	No Objections.
Sch. Dist. 60 :	No Comments Received.
Forest Preserve:	"The Forest Preserve District of DuPage County staff has reviewed 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
Floor Area Ratio:	650 SQ. FT.	861 SQ. FT.	1,021 SQ. FT.

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	House	0-5 DU AC
North	R-4 SF RES	House	0-5 DU AC
South	R-4 SF RES	House	0-5 DU AC
East	R-4 SF RES	House	0-5 DU AC
West	Clarendon Hills Road and beyond R-4 SF RES	House	0-5 DU AC

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WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on November 23, 2020, recommends to approve the following zoning relief:

Conditional Use to increase the total size of detached accessory buildings from permitted 650 sq. ft. to approximately 1,021 sq. ft. (existing 749 sq. ft. detached garage and existing 112 sq. ft. shed) to allow an additional 160 sq. ft. shed on the property.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z20-086 Wavak dated November 23, 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.
3. That owner/developer is not permitted to operate a business on the subject property.
4. That owner/ developer is not permitted to store commercial vehicles on the subject property.
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 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 January 5, 2021, 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 increase the total size of detached accessory buildings from permitted 650 sq. ft. to approximately 1,021 sq. ft. (existing 749 sq. ft. detached garage and existing 112 sq. ft. shed) to allow an additional 160 sq. ft. shed on the property.

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 - b. The structure is voluntarily removed.
3. That owner/developer is not permitted to operate a business on the subject property.
4. That owner/ developer is not permitted to store commercial vehicles on the subject property.
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 the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 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 total size of detached accessory buildings from permitted 650 sq. ft. to approximately 1,021 sq. ft. (existing 749 sq. ft. detached garage and existing 112 sq. ft. shed) to allow an additional 160 sq. ft. shed on the property, on the property hereinafter described:

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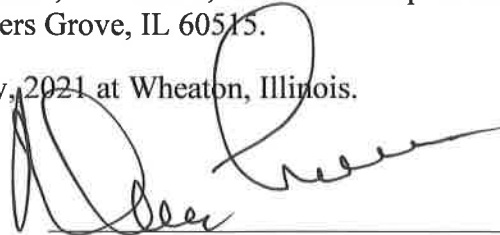
The Zoning Relief is subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z20-086 Wavak dated November 23, 2020.
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 - 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.
3. That owner/developer is not permitted to operate a business on the subject property.
4. That owner/ developer is not permitted to store commercial vehicles on the subject property.
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 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; EDWARD W. WAVAK, 5729 CLARENDON HILLS ROAD, CLARENDON HILLS, IL 60514; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 12th day of January, 2021 at Wheaton, Illinois.



DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest:



JEAN KACZMAREK, COUNTY CLERK