

Ordinance

DC-O-0056-21

WHEREAS, a public hearing was held on June 16, 2021 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:

Variation to reduce the corner side yard setback from the required 30 feet to approximately 15.5 feet, for a house addition, on the property hereinafter described:

LOTS 6 AND 7 IN BLOCK 4 IN TRI-STATE VILLAGE, BEING A SUBDIVISION OF PART OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 17, 1939, AS DOCUMENT 405534, 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 June 16, 2021 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that he seeks the subject zoning relief to build a house addition onto an existing home.
- B. That petitioner testified that the existing home is too small for petitioner's family, requiring petitioner to build a house addition.
- C. That petitioner testified that the subject home was built too close to the corner side property line, therefore any addition onto the house would encroach into the required corner side yard setback.
- D. That petitioner testified that the house cannot be expanded to the east (rear yard) or north (interior side yard) due to the location of the existing detached garage and driveway, and that the only reasonable location to add onto the existing home is on the south, corner side.
- E. That Hearing Officer finds that petitioner **has demonstrated** sufficient evidence and factual underpinnings to support the subject Variation due to the configuration of the lot and existing home, which was constructed too close to the corner side property line.

STANDARDS FOR VARIATIONS:

**Per Zoning Code Section 37-1411.3*

- 1. That the Zoning Hearing Officer 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.

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2. That the Zoning Hearing Officer 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 house addition will not obstruct light and air to adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the proposed house addition will be built pursuant to all current building codes.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed house addition be an added benefit to the neighborhood and 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 line-of-sight for motorists will not be obstructed and that the proposed house addition will not impact local roadways, and therefore will not unduly increase traffic congestion 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 house addition.
 - 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 house addition.
 - 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 house addition will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	Z21-044 Salazar
ZONING REQUEST	Variation to reduce the corner side yard setback from the required 30 feet to approximately 15.5 feet, for a house addition.
OWNER	JOSE SALAZAR & WENDY ZUNIGA, 100 SUNRISE AVENUE, WILLOWBROOK, IL 60527
ADDRESS/LOCATION	100 SUNRISE AVENUE, WILLOWBROOK, IL 60527
PIN	09-35-111-007 AND 09-35-111-006

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TWSP./CTY. BD. DIST.	Downers Grove	District 3
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.41 acres (17,860 sq. ft.)	
UTILITIES	Water and Sewer	
PUBLICATION DATE	Daily Herald: June 1, 2021	
PUBLIC HEARING	Wednesday, June 16, 2021	
<u>ADDITIONAL INFORMATION:</u>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
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 with the concept of the petition. Additional information may be required at time of permit application. “We are the sewer/water provider - depending on the size of the addition, sewer and water upgrades may be required.”	
EXTERNAL:		
Village of Burr Ridge:	<i>No Comments Received.</i>	
City of Darien:	<i>No Comments Received.</i>	
Village of Willowbrook:	Our office has no jurisdiction in this matter.	
Downers Grove Township:	<i>No Comments Received.</i>	
Township Highway:	<i>No Comments Received.</i>	
Tri-State Fire Dist.:	No Objections.	
Sch. Dist. 62:	<i>No Comments Received.</i>	
Forest Preserve:	“The Forest Preserve District of DuPage County 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.”	

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GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Front Yard:	30 FT	26.81 FT	APPROX. 26.8 FT
Corner Side Yard:	30 FT	28.67 FT	APPROX. 15.5 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	83 rd Street and beyond R-4 SF RES	House	0-5 DU AC
East	Sunrise Avenue and beyond R-4 SF RES	House	0-5 DU AC
West	R-4 SF RES	House	0-5 DU AC

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on June 16, 2021, recommends to approve the following zoning relief:

Variation to reduce the corner side yard setback from the required 30 feet to approximately 15.5 feet, for a house addition.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-044 Salazar dated June 16, 2021.
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.

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ZHO Recommendation to Approve

WHEREAS, the County Board Development Committee on July 6, 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:

Variation to reduce the corner side yard setback from the required 30 feet to approximately 15.5 feet, for a house addition.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #**Z21-044 Salazar** dated June 16, 2021.
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.

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:

Variation to reduce the corner side yard setback from the required 30 feet to approximately 15.5 feet, for a house addition, on the property hereinafter described:

LOTS 6 AND 7 IN BLOCK 4 IN TRI-STATE VILLAGE, BEING A SUBDIVISION OF PART OF THE EAST ½ OF THE NORTHWEST ¼ OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 17, 1939, AS DOCUMENT 405534, 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 #**Z21-044 Salazar** dated June 16, 2021.

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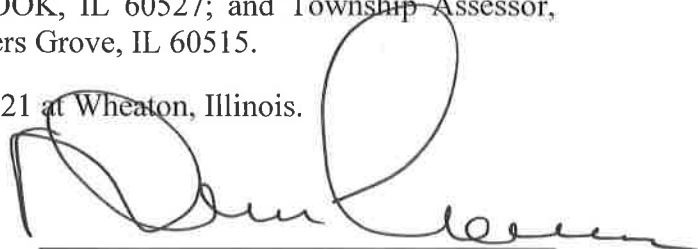
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2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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; JOSE SALAZAR & WENDY ZUNIGA, 100 SUNRISE AVENUE, WILLOWBROOK, IL 60527; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 13th day of July, 2021 at Wheaton, Illinois.



DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest:


JEAN KACZMAREK, COUNTY CLERK

AYES 18
NAYS 0
ABSENT 0