

Ordinance

DC-O-0073-21

WHEREAS, a public hearing was held on July 21, 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:

1. Variation to increase the height of a fence in a corner side yard from 4.5 feet to approximately 6 feet.
2. Variation to increase the opacity of a fence in a corner side yard from 50% to 100% (privacy) fence, on the property hereinafter described:

LOT 31 IN ROBERT BARTLETT'S OAK MEADOWS SUBDIVISION UNIT 2, BEING A SUBDIVISION OF PART OF LOT 1 IN WIAINT AND WHITNEY'S SURVEY, LYING NORTH OF THE CHICAGO, AURORA AND ELGIN RAILROAD IN SECTIONS 21 AND 28, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ROBERT BARTLETT'S OAK MEADOWS SUBDIVISION UNIT 2 RECORDED APRIL 14, 1953, AS DOCUMENT 679310, 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 July 21, 2021 does find as follows:

**FINDINGS OF FACT:**

- A. The Hearing Officer finds that petitioner has demonstrated evidence for a Variation to increase the height of a fence in a corner side yard from 4.5 feet to approximately 6 feet and a Variation to increase the opacity of a fence in a corner side yard from 50% to 100% (privacy) fence.
- B. The Hearing Officer consolidated the public hearings for Z21-052 Anderson and Z21-054 Pullia, as petitioners are adjacent neighbors, requesting the same zoning relief for a privacy fence on their corner side along Smith Road.
- C. That petitioner testified that the subject property is located at the southeast corner of Smith Road and Wiant Road.
  - Furthermore, that petitioner testified that due to the location on Smith Road, the subject property has an increased level of traffic, lights, and noise.
- D. That petitioner testified due to locational safety concerns, privacy concerns, and noise abatement, a 6-foot privacy fence is required on the subject property's north corner side along Smith Road.
- E. That Hearing Officer finds that petitioner has demonstrated that a Variation to increase the height of a fence in a corner side yard from 4.5 feet to approximately 6 feet and a Variation to increase the opacity of a fence in a corner side yard from 50% to 100% (privacy) fence, 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.

**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.
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 6-foot privacy fence will not impair an adequate supply of light and air to the adjacent properties.
  - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the proposed 6-foot privacy fence will not increase in the hazard from fire or other dangers.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed 6-foot privacy fence will not diminish the value of land and buildings throughout the County and will be as added benefit to the neighborhood.
  - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed 6-foot privacy fence 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 proposed 6-foot privacy fence will not increase the potential for flood damages to adjacent properties.
  - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that proposed 6-foot privacy fence will not incur additional public expense for flood protection, rescue, or relief.
  - g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** the proposed 6-foot privacy fence will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

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PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	Z21-052 Anderson	
ZONING REQUEST	1. Variation to increase the height of a fence in a corner side yard from 4.5 feet to approximately 6 feet. 2. Variation to increase the opacity of a fence in a corner side yard from 50% to 100% (privacy) fence.	
OWNER	RYAN ANDERSON, 4N339 WIAINT ROAD, WEST CHICAGO, IL 60185	
ADDRESS/LOCATION	4N339 WIAINT ROAD, WEST CHICAGO, IL 60185	
PIN	01-21-303-001	
TWSP./CTY. BD. DIST.	Wayne	District 6
ZONING/LUP	R-3 SF RES	0-5 DU AC
AREA	0.43 acres (18,731 sq. ft.)	
UTILITIES	Well and Septic	
PUBLICATION DATE	Daily Herald: July 6, 2021	
PUBLIC HEARING	Wednesday, July 21, 2021 via Zoom	
<b><u>ADDITIONAL INFORMATION:</u></b>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections.	
Stormwater:	No Objections.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Wayne:	<i>No Comments Received.</i>	
City of West Chicago:	<i>No Comments Received.</i>	
Village of Bartlett:	<i>No Comments Received.</i>	
Wayne Township:	<i>No Comments Received.</i>	

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Township Highway:	<i>No Comments Received.</i>
West Chicago Fire Dist.:	No Objections.
Sch. Dist. U-46:	<i>No Comments Received.</i>
Forest Preserve:	<i>No Comments Received.</i>

**GENERAL BULK REQUIREMENTS:**

<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Corner Side Yard:	4.5 FT/ 50% Open	N/A	6 FT/ 100% Closed

**LAND USE**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-3 SF RES	House	0-5 DU AC
North	Smith Road and beyond R-3 SF RES	House	0-5 DU AC
South	R-3 SF RES	House	0-5 DU AC
East	R-3 SF RES	House	0-5 DU AC
West	Wiant Road and beyond R-3 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 July 21, 2021, recommends to approve the following zoning relief:

1. Variation to increase the height of a fence in a corner side yard from 4.5 feet to approximately 6 feet.
2. Variation to increase the opacity of a fence in a corner side yard from 50% to 100% (privacy) fence.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-052 Anderson dated July 21, 2021.

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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 petitioner maintains the existing landscaping around the perimeter of the subject property.
4. 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 August 3, 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:

1. Variation to increase the height of a fence in a corner side yard from 4.5 feet to approximately 6 feet.
2. Variation to increase the opacity of a fence in a corner side yard from 50% to 100% (privacy) fence.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-052 Anderson dated July 21, 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 petitioner maintains the existing landscaping around the perimeter of the subject property.
4. 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:

1. Variation to increase the height of a fence in a corner side yard from 4.5 feet to approximately 6 feet.
2. Variation to increase the opacity of a fence in a corner side yard from 50% to 100% (privacy) fence, on the property hereinafter described:

LOT 31 IN ROBERT BARTLETT'S OAK MEADOWS SUBDIVISION UNIT 2, BEING A SUBDIVISION OF PART OF LOT 1 IN WIANT AND WHITNEY'S SURVEY, LYING NORTH OF THE CHICAGO, AURORA AND ELGIN RAILROAD IN SECTIONS 21 AND 28, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE

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THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID ROBERT BARTLETT'S OAK MEADOWS SUBDIVISION UNIT 2 RECORDED APRIL 14, 1953, AS DOCUMENT 679310, IN DUPAGE COUNTY, ILLINOIS; and

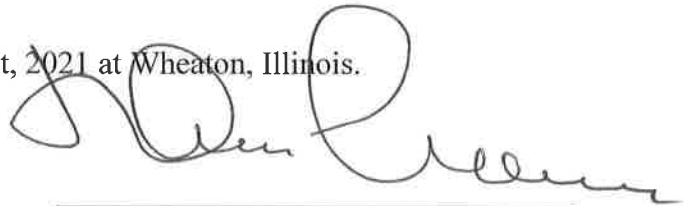
**The Zoning Relief is subject to the following conditions:**

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #**Z21-052 Anderson** dated July 21, 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 petitioner maintains the existing landscaping around the perimeter of the subject property.
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; RYAN ANDERSON, 4N339 WIA NT ROAD, WEST CHICAGO, IL 60185; and Township Assessor, Wayne Township, 27W031 North Avenue, West Chicago, IL 60185.

Enacted and approved this 10th day of August, 2021 at Wheaton, Illinois.



DANIEL J. CRONIN, CHAIRMAN  
DU PAGE COUNTY BOARD

Attest:



JEAN KACZMAREK, COUNTY CLERK

AYES 17  
NAYS 0  
ABSENT 1