

Ordinance

DC-O-0091-21

WHEREAS, a public hearing was held on September 1, 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 required front yard setback from 30 feet (per 37-704.4) to approximately 20.58 feet, in order to erect a second story addition to the existing residence, on the property hereinafter described:

LOTS 17 AND 18, IN BLOCK 9, IN WOODCREST, BEING A SUBDIVISION OF PART OF SECTION 22, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF, RECORDED JUNE 8, 1927 AS DOCUMENT 237268, 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 September 1, 2021 does find as follows:

**FINDINGS OF FACT:**

- A. The Hearing Officer finds that petitioner has demonstrated evidence for a Variation to reduce the required front yard setback from 30 feet (per 37-704.4) to approximately 20.58 feet, in order to erect a second story addition to the existing residence.
- B. That petitioner testified that he requested the subject zoning relief to build a second-story addition, as the existing home is located approximately 20.58 feet from the front property line and therefore will not meet the required 30 feet front yard setback.
- C. That petitioner testified that he has lived at the subject property for approximately one (1) year.
- D. That Hearing Officer finds that petitioner presented evidence to support a practical difficulty and particular hardship as the existing home does not meet the required 30 feet front yard setback, therefore requiring petitioner to request zoning relief in order to build a second-story addition on top of the existing home.
- E. That Hearing Officer finds that petitioner has demonstrated that Variation to reduce the required front yard setback from 30 feet (per 37-704.4) to approximately 20.58 feet, in order to erect a second story addition to the existing residence, 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.

Ordinance

DC-O-0091-21

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 second-story addition will be located directly above the existing house and 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 second-story addition will be receive all required building permits and 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 second-story addition 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 second-story addition will be located directly above the existing house and 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 second-story addition 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 second-story addition 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 second-story addition will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

Ordinance

DC-O-0091-21

PETITIONER'S DEVELOPMENT FACT SHEET

<b>GENERAL ZONING CASE INFORMATION</b>		
<b>CASE #/PETITIONER</b>	<b>Z21-058 Khaja</b>	
<b>ZONING REQUEST</b>	Variation to reduce the required front yard setback from 30 feet (per 37-704.4) to approximately 20.58 feet, in order to erect a second story addition to the existing residence.	
<b>OWNER</b>	MAHEJABEEN KHAJA, 4N460 CENTRAL AVENUE, ADDISON, IL 60601/ AGENT: ANEESUDDIN KHAJA, 4N460 CENTRAL AVENUE, ADDISON, IL 60601	
<b>ADDRESS/LOCATION</b>	4N460 CENTRAL AVENUE, ADDISON, IL 60601	
<b>PIN</b>	03-22-105-015	
<b>TWSP./CTY. BD. DIST.</b>	ADDISON	District 1
<b>ZONING/LUP</b>	R-4 SF RES	0-5 DU AC
<b>AREA</b>	0.35 acres (15,246 sq. ft.)	
<b>UTILITIES</b>	Well and Septic	
<b>PUBLICATION DATE</b>	Daily Herald: July 20, 2021	
<b>PUBLIC HEARING</b>	Wednesday, August 4, 2021 via Zoom, Continued to September 1, 2021 via Zoom	
<b><u>ADDITIONAL INFORMATION:</u></b>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections with the concept of the petition. Additional information may be required at time of permit application. "With the proposed second floor addition, the home must remain 3 bedrooms per Health Department Permit H940336."	
Stormwater:	No Objections.	
Public Works:	Our office has no jurisdiction in this matter.	
<b>EXTERNAL:</b>		
Village of Bensenville:	No Objections.	

Ordinance

DC-O-0091-21

Village of Addison:	No Objections.
City of Elmhurst:	<i>No Comments Received.</i>
City of Wood Dale:	<i>No Comments Received.</i>
Addison Township:	<i>No Comments Received.</i>
Township Highway:	<i>No Comments Received.</i>
Addison Fire Dist.:	“Thank you for the opportunity to provide input for the proposed second story addition to the home located at 4N460 Central Ave, Addison. At this time the Addison Fire Protection District does not have any issues or special requirements for this project.”
Sch. Dist. 2:	<i>No Comments Received.</i>
Forest Preserve:	“No Concerns/Comments.”

**GENERAL BULK REQUIREMENTS:**

<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Front Yard:	30 FT	APPROX. 20.58	APPROX. 20.58
Int. Side Yard:	10 FT	APPROX. 16 FT	APPROX. 16 FT
Corner Side Yard:	30 FT	APPROX. 43.75 FT	APPROX. 43.75 FT
Rear Yard:	25 FT	APPROX. 57 FT	APPROX. 57 FT

**LAND USE**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-4 SF RES	House	0-5 DU AC
North	Village of Addison	House	Village of Addison
South	Red Oak Street and beyond Village of Addison	House	Village of Addison
East	Central Avenue and beyond Village of Addison	House	Village of Addison
West	R-4 SF RES	House	0-5 DU AC

Ordinance

DC-O-0091-21

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on September 1, 2021, recommends to approve the following zoning relief:

Variation to reduce the required front yard setback from 30 feet (per 37-704.4) to approximately 20.58 feet, in order to erect a second story addition to the existing residence.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-058 Khaja dated September 1, 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.

**ZHO Recommendation to Approve**

WHEREAS, the County Board Development Committee on October 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:

Variation to reduce the required front yard setback from 30 feet (per 37-704.4) to approximately 20.58 feet, in order to erect a second story addition to the existing residence.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-058 Khaja dated September 1, 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): 6 Ayes, 0 Nays, 0 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 required front yard setback from 30 feet (per 37-704.4) to approximately 20.58 feet, in order to erect a second story addition to the existing residence, 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 #Z21-058 Khaja dated September 1, 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; MAHEJABEEN KHAJA, 4N460 CENTRAL AVENUE, ADDISON, IL 60601/ AGENT: ANEESUDDIN KHAJA, 4N460 CENTRAL AVENUE, ADDISON, IL 60601; and Township Assessor, Addison Township, 401 North Addison Road, Addison, IL 60101.

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



ASHLEY J. SELMON, VICE-CHAIRWOMAN  
DU PAGE COUNTY BOARD

Attest:   
JEAN KACZMAREK, COUNTY CLERK

AYES 17  
NAYS 0  
ABSENT 1