

Ordinance

DC-O-0094-21

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:

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

LOT 1 IN FAIR OAKS ESTATES UNIT 1, BEING A SUBDIVISION OF PART OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 17, 1971 AS DOCUMENT R71-20610 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 increase the height of an existing fence in the corner side yard setback from 4.5' to approximately 6' and Variation to increase opacity of a fence from 50% to 100% privacy in corner side yard.
- B. That petitioner testified that the subject property is located at the northwest corner of Fair Oaks Road and Diversey Avenue, and due to the location on Fair Oaks Road, the subject property has an increased level of traffic, lights, and noise.
- C. That petitioner testified that due to locational safety concerns, privacy concerns, and noise abatement, a 6-foot privacy fence is required on the subject property's east corner side along Fair Oaks Road.
- D. That Hearing Officer finds that petitioner has demonstrated that a Variation to increase the height of an existing fence in the corner side yard setback from 4.5' to approximately 6' and Variation to increase opacity of a fence from 50% to 100% privacy in corner side yard, 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.

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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 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

<b>GENERAL ZONING CASE INFORMATION</b>	
<b>CASE #/PETITIONER</b>	<b>Z21-069 Kerill</b>
<b>ZONING REQUEST</b>	1. Variation to increase the height of an existing fence in the corner side yard setback from 4.5' to approximately 6'. 2. Variation to increase opacity of a fence from 50% to 100% privacy in corner side yard.
<b>OWNER</b>	CAROL KERILL, 28W416 DIVERSEY AVE., WEST CHICAGO, IL 60185
<b>ADDRESS/LOCATION</b>	28W416 DIVERSEY AVE., WEST CHICAGO, IL 60185
<b>PIN</b>	01-26-102-010
<b>TWSP./CTY. BD. DIST.</b>	Wayne District 6
<b>ZONING/LUP</b>	R-2 SF RES 0-5 DU AC
<b>AREA</b>	0.8 acres (34,848 sq. ft.)
<b>UTILITIES</b>	Well and Septic
<b>PUBLICATION DATE</b>	Daily Herald: August 17, 2021
<b>PUBLIC HEARING</b>	Wednesday, 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.
Stormwater:	No Objections.
Public Works:	Our office has no jurisdiction in this matter.
<b>EXTERNAL:</b>	
Village of Bartlett:	<i>No Comments Received.</i>
Village of Carol Stream:	<i>No Comments Received.</i>
City of West Chicago:	<i>No Comments Received.</i>

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Wayne Township:	<i>No Comments Received.</i>
Township Highway:	<i>No Comments Received.</i>
West Chicago Fire Dist.:	No Objections.
Sch. Dist. 25:	No Objections.
Forest Preserve:	The Forest Preserve District of DuPage County staff has reviewed the information 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:**

<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Height:	4.5 FT/ 50% Open	6 FT/ 100% Closed	6 FT/ 100% Closed

**LAND USE**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-2 SF RES	House	0-5 DU AC
North	R-2 SF RES	House	0-5 DU AC
South	Diversey Avenue and beyond R-21 SF RES	House	0-5 DU AC
East	Fair Oaks Road and beyond Village of Carol Stream	House	Village of Carol Stream
West	R-2 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 September 1, 2021, recommends to approve the following zoning relief:

1. Variation to increase the height of an existing fence in the corner side yard setback from 4.5' to approximately 6'.
2. Variation to increase opacity of a fence from 50% to 100% privacy in corner side yard.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-069 Kerill 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:

1. Variation to increase the height of an existing fence in the corner side yard setback from 4.5' to approximately 6'.
2. Variation to increase opacity of a fence from 50% to 100% privacy in corner side yard.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-069 Kerill 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.
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**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:

3. Variation to increase the height of an existing fence in the corner side yard setback from 4.5' to approximately 6'.
4. Variation to increase opacity of a fence from 50% to 100% privacy in corner side yard, on the property hereinafter described:

LOT 1 IN FAIR OAKS ESTATES UNIT 1, BEING A SUBDIVISION OF PART OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 17, 1971 AS DOCUMENT R71-20610 IN DUPAGE COUNTY, ILLINOIS; and

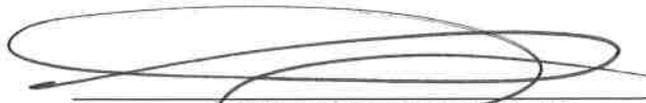
**The Zoning Relief is subject to the following conditions:**

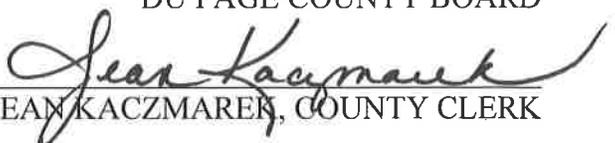
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2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That petitioner maintains the existing landscaping around the perimeter of the subject property.
4. That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

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; CAROL KERILL, 28W416 DIVERSEY AVE., WEST CHICAGO, IL 60185; and Township Assessor, Wayne Township, 27W031 North Avenue, West Chicago, IL 60185.

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 16  
NAYS 0  
ABSENT 2