

Ordinance

DC-O-0003-22

WHEREAS, a public hearing was held on December 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 allow a 6'/100% closed (privacy fence) within the 10' corner side yard setback, on the property hereinafter described:

LOT 504 IN ROBERT BARTLETT'S OAK MEADOW SUBDIVISION , UNIT NO. 3, BEING A SUBDIVISION IS SECTIONS 21 AND 28, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1953 AS DOCUMENT 695749, 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 December 1, 2021 does find as follows:

FINDINGS OF FACT:

- A. That the Hearing Officer finds that petitioner has demonstrated evidence for a Variation to allow a 6'/100% closed (privacy fence) within the 10' corner side yard setback.
- B. That petitioner testified that he has lived at the subject property since September 2018.
- C. That petitioner testified that due to the location of the existing septic lines on the subject property, the only place to put a 6'/100% closed (privacy fence) is within the 10' corner side yard setback, approximately 3" inside the property.
- D. That petitioner testified that the septic line locations were confirmed by the Health Department during the building permit application process.
- E. That the Hearing Officer finds that petitioner demonstrated a practical difficulty and particular hardship in relation to the subject property, as the location of the existing septic lines prohibit the petitioner from constructing a 6'/100% closed (privacy) fence in the required setbacks. Therefore, due to the location of the septic lines on the subject property, the only location to construct a fence is approximately 3" from 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 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 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 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 privacy fence will not unduly increase traffic congestion in the public streets and highways, and that it will not impact line-of-sight clearance for vehicles.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed 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 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 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	Z21-087 Struthers	
ZONING REQUEST	Variation to allow a 6'/100% closed (privacy fence) within the 10' corner side yard setback.	
OWNER	GREG STRUTHERS, 3N411 WOODLAND AVENUE, WEST CHICAGO, IL 60185	
ADDRESS/LOCATION	3N411 WOODLAND AVENUE, WEST CHICAGO, IL 60185	
PIN	01-28-107-017	
TWSP./CTY. BD. DIST.	Wayne	District 6
ZONING/LUP	R-3 SF RES	0-5 DU AC
AREA	0.41 acres (17,860 sq. ft.)	
UTILITIES	Well and Septic	
PUBLICATION DATE	Daily Herald: November 12, 2021	
PUBLIC HEARING	Wednesday, December 1, 2021	
<u>ADDITIONAL INFORMATION:</u>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	<i>No Comments Received.</i>	
Stormwater:	No Objections 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:		
City of West Chicago:	<i>No Comments Received.</i>	
Village of Wayne:	<i>No Comments Received.</i>	
Village of Bartlett:	Our office has no jurisdiction in this matter.	
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:	“The Forest Preserve District of DuPage County staff 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.”

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Corner Side Yard:	4’6”/ 50% Open	N/A	6’/100% Closed

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-3 SF RES	House	0-5 DU AC
North	R-3 SF RES	House	0-5 DU AC
South	Diversey Avenue and beyond R-3 SF RES	House	0-5 DU AC
East	R-3 SF RES	House	0-5 DU AC
West	Woodland Avenue 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 December 1, 2021, recommends to approve the following zoning relief:

Variation to allow a 6’/100% closed (privacy fence) within the 10’ corner side yard setback.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z21-087 Struthers dated December 1, 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 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 December 7, 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 allow a 6'/100% closed (privacy fence) within the 10' corner side yard setback.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-087 Struthers dated December 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 the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Variation to allow a 6'/100% closed (privacy fence) within the 10' corner side yard setback, on the property hereinafter described:

LOT 504 IN ROBERT BARTLETT'S OAK MEADOW SUBDIVISION , UNIT NO. 3, BEING A SUBDIVISION IS SECTIONS 21 AND 28, TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 22, 1953 AS DOCUMENT 695749, IN DUPAGE COUNTY, ILLINOIS; and

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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 #Z21-087 Struthers dated December 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 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; GREG STRUTHERS, 3N411 WOODLAND AVENUE, WEST CHICAGO, IL 60185; and Township Assessor, Wayne Township, 27W031 North Avenue, West Chicago, IL 60185.

Enacted and approved this 14th day of December, 2021 at Wheaton, Illinois.



DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest: 
JEAN KACZMAREK, COUNTY CLERK

AYES 14
NAYS 0
ABSENT 4