

Ordinance

DC-O-0008-22

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:

Conditional Use to allow an existing shed to remain less than 3 feet (approximately 1 foot) from the rear property line, where the shed has existed for at least 5 years, on the property hereinafter described:

LOT 24 IN BLOCK 7 IN BUTTERFIELD UNIT 2 SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST ¼ OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 975091, 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. The Hearing Officer finds that petitioner has demonstrated evidence for a Conditional Use to allow an existing shed to remain less than 3 feet (approximately 1 foot) from the rear property line, where the shed has existed for at least 5 years.
- B. That petitioner testified that he has lived at the subject property for approximately fifteen (15) years and that the subject shed existed prior to his purchase of the subject property.
- C. That petitioner testified that the subject shed is made of wood and located on a concrete slab and is in good condition.
- D. That petitioner testified that the subject shed is used to store household accessory equipment.

**STANDARDS FOR CONDITIONAL USES:**

*(Per Section 37-1413.5)*

- 1. That the Zoning Hearing Officer finds that petitioner **has demonstrated** that the granting of the Conditional Use 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; and specifically that the granting of the Conditional Use will not:
  - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the existing shed does not impact or impair the supply of light and air to adjacent properties.

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- b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they will receive a building permit from the County for the existing shed and that the shed is built pursuant to the current DuPage County building codes.
- c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing shed is an added benefit to the neighborhood and is built pursuant to the current DuPage County building codes.
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing shed is located behind the front wall of the house and will not impact traffic.
- 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 existing shed.
- 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 existing shed.
- g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the existing shed 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.

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PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	Z21-086 Vallely	
ZONING REQUEST	Conditional Use to allow an existing shed to remain less than 3 feet (approximately 1 foot) from the rear property line, where the shed has existed for at least 5 years.	
OWNER	JAMES VALLELY, 21W187 FLAMINGO LANE, LOMBARD, IL 60148	
ADDRESS/LOCATION	21W187 FLAMINGO LANE, LOMBARD, IL 60148	
PIN	05-25-407-001	
TWSP./CTY. BD. DIST.	Milton	District 4
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.27 acres (11,761 sq. ft.)	
UTILITIES	Water and Sewer	
PUBLICATION DATE	Daily Herald: November 12, 2021	
PUBLIC HEARING	Wednesday, December 1, 2021	
<b><u>ADDITIONAL INFORMATION:</u></b>		
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:		
Village of Lombard:	"21W187 FLAMINGO LANE is in our planning area. However, we have no comments at this time regarding their shed."	
Village of Downers	"The Village of Downers Grove has no comments."	

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Grove:	
Village of Glen Ellyn:	<i>No Comments Received.</i>
Milton Township:	<i>No Comments Received.</i>
Township Highway:	No Objections.
Glenbard Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 44:	<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:**

<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Front Yard:	30 FT	APPROX. 108 FT	APPROX. 108 FT
Int. Side Yard:	3 FT	APPROX. 5 FT	APPROX. 5 FT
Corner Side Yard:	30 FT	APPROX. 100 FT	APPROX. 100 FT
Rear Yard:	3 FT	APPROX. 1 FT	APPROX. 1 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	Glen Park Road and beyond R-4 SF RES	House	0-5 DU AC
South	R-4 SF RES	House	0-5 DU AC
East	Flamingo Lane and beyond R-4 SF RES	House	0-5 DU AC
West	R-4 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 December 1, 2021, recommends to approve the following zoning relief:

Conditional Use to allow an existing shed to remain less than 3 feet (approximately 1 foot) from the rear property line, where the shed has existed for at least 5 years.

**Subject to the following conditions:**

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-086 Vallely dated December 1, 2021.
2. That the Conditional Use zoning relief shall expire after seven (7) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
  - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
  - b. The structure is voluntarily removed.
3. That owner/developer is not permitted to operate a business on the subject property.
4. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
5. That petitioner maintains the existing landscaping around the perimeter of the subject property.
6. 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 January 18, 2022, 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:

Conditional Use to allow an existing shed to remain less than 3 feet (approximately 1 foot) from the rear property line, where the shed has existed for at least 5 years.

**Subject to the following conditions:**

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1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-086 Vallely dated December 1, 2021.
2. That the Conditional Use zoning relief shall expire after seven (7) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
  - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
  - b. The structure is voluntarily removed.
3. That owner/developer is not permitted to operate a business on the subject property.
4. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
5. That petitioner maintains the existing landscaping around the perimeter of the subject property.
6. 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:

Conditional Use to allow an existing shed to remain less than 3 feet (approximately 1 foot) from the rear property line, where the shed has existed for at least 5 years, on the property hereinafter described:

LOT 24 IN BLOCK 7 IN BUTTERFIELD UNIT 2 SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHEAST ¼ OF SECTION 25, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 975091, IN DUPAGE COUNT, 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 #Z21-086 Vallely dated December 1, 2021.

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2. That the Conditional Use zoning relief shall expire after seven (7) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
  - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
  - b. The structure is voluntarily removed.
3. That owner/developer is not permitted to operate a business on the subject property.
4. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
5. That petitioner maintains the existing landscaping around the perimeter of the subject property.
6. 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; JAMES VALLELY, 21W187 FLAMINGO LANE, LOMBARD, IL 60148; and Township Assessor, Milton Township, 1492 N. Main Street, Wheaton, IL 60187.

Enacted and approved this 25th day of January, 2022 at Wheaton, Illinois.

  
ASHLEY SELMON, VICE CHAIR  
DU PAGE COUNTY BOARD

Attest:   
JEAN KACZMAREK, COUNTY CLERK

AYES 16  
NAYS 0  
ABSENT 2