

Ordinance

DC-O-0033-22

WHEREAS, a public hearing was held on April 27, 2022 and May 18, 2022 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 for a Planned Development for an Accessory Dwelling Unit (Accessory Housing) with:

1. Exception to allow for the building to be detached and
2. Exception to allow for the person living in the ADU to be less than 62 years old, on the property hereinafter described:

LOT 1 OF OWEN'S RESUBDIVISION OF LOTS 20 AND 21 IN E.W. ZANDER AND COMPANY'S ADDITION TO WEST CHICAGO, IN THE SOUTHEAST QUARTER OF SECTION 3 AND THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID OWEN'S RESUBDIVISION RECORDED JUNE 12, 1974 AS DOCUMENT 522830, 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 May 18, 2022 does find as follows:

FINDINGS OF FACT:

- A. That the Hearing Officer finds that petitioner demonstrated evidence for a Conditional Use for a Planned Development for an Accessory Dwelling Unit (Accessory Housing) with: Exception to allow for the building to be detached and Exception to allow for the person living in the ADU to be less than 62 years old.
- B. That petitioner testified that she has lived at the subject property since 2017.
- C. That petitioner testified that the subject property contains an existing detached accessory building that she would remodel into a Detached Accessory Dwelling Unit (Accessory Housing) for her son, thirty-three (33) years of age.
 - a. Furthermore, that petitioner testified that in the future, she would live in the Detached Accessory Dwelling Unit (Accessory Housing) and her son would move into the principal building (house).
 - b. That petitioner testified that she would not rent out the subject Detached Accessory Dwelling Unit (Accessory Housing) to any third parties.
- D. That petitioner testified that the existing detached accessory building that she would convert to the accessory dwelling unit would only be interiorly remodeled and would not require any changes/modifications in the footprint of the building.

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STANDARDS FOR CONDITIONAL USE:

1. That the Zoning Board of Appeals 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.
2. That the Zoning Board of Appeals finds that petitioner **has demonstrated** 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 proposed Detached Accessory Dwelling Unit (Accessory Housing) will be contained in an existing detached accessory building 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 they will comply with all building and fire codes, and that they will receive a building permit for all proposed construction.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed Detached Accessory Dwelling Unit (Accessory Housing) will not impact or affect property values throughout the County.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed Detached Accessory Dwelling Unit (Accessory Housing) is for the existing owner/ residents of the subject property 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 subject property will receive a building permit for all construction, and that it will comply with all DuPage County Stormwater Ordinances and floodplain regulations.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the subject property will receive a building permit for all construction, and that it will comply with all DuPage County Stormwater Ordinances and floodplain regulations.
 - g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that through the incorporation of conditions and the operation of the existing Conditional Use, the subject property 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	ZONING-22-000020 Rutledge	
ZONING REQUEST	Conditional Use for a Planned Development for an Accessory Dwelling Unit (Accessory Housing) with: 1. Exception to allow for the building to be detached and 2. Exception to allow for the person living in the ADU to be less than 62 years old.	
OWNER	SHEILA RUTLEDGE, 1N127 RIDGELAND AVENUE, WEST CHICAGO, IL 60185	
ADDRESS/LOCATION	1N127 RIDGELAND AVENUE, WEST CHICAGO, IL 60185	
PIN	04-03-408-002	
TWSP./CTY. BD. DIST.	Winfield	District 6
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.69 acres (30,056 sq. ft.)	
UTILITIES	Well and Septic	
PUBLICATION DATE	Daily Herald: May 3, 2022	
PUBLIC HEARING	Wednesday, May 18, 2022	
<u>ADDITIONAL INFORMATION:</u>		
Building:	No Objections with the concept of the petition. Additional information may be required at time of permit application. "8-211.D Residential Fire Sprinkler Systems: Applicant must supply a letter from the local fire department, prior to issuance of any new residential home or addition permit, indicating compliance with their fire codes or ordinances."	
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. "Health Department permit 0N0024995 was issued for an art studio. If this zoning petition creates changes to the use that permit may be modified."	
Stormwater:	No Objections with the concept of the petition. Additional	

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	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 Winfield:	<i>No Comments Received.</i>
Winfield Township:	<i>No Comments Received.</i>
Township Highway:	Our office has no jurisdiction in this matter.
West Chicago Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 33:	<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.”

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	House	0-5 DU AC
North	R-4 SF RES	House	0-5 DU AC
South	R-4 SF RES	House	0-5 DU AC
East	R-4 SF RES	House	0-5 DU AC
West	Ridgeland and beyond R-4 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 May 18, 2022, recommends to approve the following zoning relief:

Conditional Use for a Planned Development for an Accessory Dwelling Unit (Accessory Housing) with:

1. Exception to allow for the building to be detached and

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2. Exception to allow for the person living in the ADU to be less than 62 years old.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #**ZONING-22-000020 Rutledge** dated April 27, 2022.
2. That the Conditional Use shall expire after seven (7) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one 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.
 - c. The property is conveyed to new ownership.
3. That the living quarters within the Detached Accessory Dwelling Unit (Accessory Housing) be reconverted to a detached accessory building (non-dwelling) within ninety (90) days after the expiration of the Conditional Use, unless the subject zoning relief is amended/extended as a Detached Accessory Dwelling Unit (Accessory Housing) past seven (7) years from the date of approval of the subject zoning relief by the DuPage County Board.
4. That the Conditional Use shall inure only to the owner, **SHEILA RUTLEDGE and/or ANY DIRECT DESCENDENT OF SHEILA RUTLEDGE** and shall terminate in the event that the owner, or any entity owned or controlled by **SHEILA RUTLEDGE and/or ANY DIRECT DESCENDENT OF SHEILA RUTLEDGE** discontinues the subject Conditional Use on the subject property.
5. That the property owner shall provide an affidavit by January 31st of each year after the occupancy permit is issued, certifying that the property is in compliance with all conditions of the Ordinance herein and all other County codes and ordinances.
6. That the subject accessory dwelling unit shall not be rented out by a third party or anyone other than **SHEILA RUTLEDGE and/or ANY DIRECT DESCENDENT OF SHEILA RUTLEDGE**.
7. That the subject accessory dwelling unit shall only be occupied by **SHEILA RUTLEDGE and/or ANY DIRECT DESCENDENT OF SHEILA RUTLEDGE**, with no age restriction.
8. That the owner/developer is not permitted to operate a business on the subject property.

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9. 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 June 7, 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 for a Planned Development for an Accessory Dwelling Unit (Accessory Housing) with:

1. Exception to allow for the building to be detached and
2. Exception to allow for the person living in the ADU to be less than 62 years old.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #**ZONING-22-000020 Rutledge** dated April 27, 2022.
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5. That the property owner shall provide an affidavit by January 31st of each year after the occupancy permit is issued, certifying that the property is in compliance with all conditions of the Ordinance herein and all other County codes and ordinances.
6. That the subject accessory dwelling unit shall not be rented out by a third party or anyone other than **SHEILA RUTLEDGE and/or ANY DIRECT DESCENDENT OF SHEILA RUTLEDGE**.
7. That the subject accessory dwelling unit shall only be occupied by **SHEILA RUTLEDGE and/or ANY DIRECT DESCENDENT OF SHEILA RUTLEDGE**, with no age restriction.
8. That the owner/developer is not permitted to operate a business on the subject property.
9. 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 for a Planned Development for an Accessory Dwelling Unit (Accessory Housing) with:

1. Exception to allow for the building to be detached and
2. Exception to allow for the person living in the ADU to be less than 62 years old, on the property hereinafter described:

LOT 1 OF OWEN'S RESUBDIVISION OF LOTS 20 AND 21 IN E.W. ZANDER AND COMPANY'S ADDITION TO WEST CHICAGO, IN THE SOUTHEAST QUARTER OF SECTION 3 AND THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID OWEN'S RESUBDIVISION RECORDED JUNE 12, 1974 AS DOCUMENT 522830, 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 #**ZONING-22-000020 Rutledge** dated April 27, 2022.
2. That the Conditional Use shall expire after seven (7) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one the following circumstances, whichever shall come first:
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8. That the owner/developer is not permitted to operate a business on the subject property.
9. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

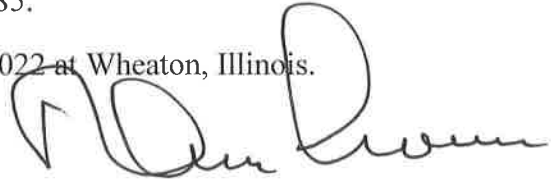
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BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the 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; SHEILA RUTLEDGE, 1N127 RIDGELAND AVENUE, WEST CHICAGO, IL 60185; and Township Assessor, Winfield Township, 130 Arbor Avenue, West Chicago, IL 60185.

Enacted and approved this 14th day of June, 2022 at Wheaton, Illinois.



DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest:



JEAN KACZMAREK, COUNTY CLERK

AYES 13
NAYS 0
ABSENT 5