



Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0043-23

Agenda Date: 9/5/2023

Agenda #: 11.D.

ORDINANCE

Zoning Petition ZONING-23-000047 CTLTC 008002384419

WHEREAS, a public hearing was held on August 9, 2023, 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' tall fence within the 40' front yard setback, on the property hereinafter described:

LOT 25 (EXCEPT THE SOUTH 305 FEET THEREOF MEASURED FROM THE NORTH LINE OF HOBSON ROAD) AND THE EAST 61 FEET OF LOT 26 (EXCEPT THE SOUTH 305 FEET THEREOF AS MEASURED FROM THE NORTH LINE OF HOBSON ROAD) IN GROVE HILLS, BEING A SUBDIVISION OF PART OF SECTION 21 AND 22, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 19, 1945, AS DOCUMENT 473853, 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 August 9, 2023 does find as follows:

FINDINGS OF FACT:

- A. That the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a Variation to allow a 6' tall fence within the 40' front yard setback.
- B. That petitioner testified that due to frequent security issues/ breaches on Donwood Drive in the last 6-12 months, petitioner requires a 6' tall fence within the 40' front yard setback to act as a deterrent.
- C. That petitioner testified that due to the elevation of the higher elevation of the subject house compared to Donwood Drive, petitioner requires a 6' tall fence within the 40' front yard setback.
- D. That petitioner testified that the proposed 6' tall fence within the 40' front yard setback will not impact line-of-sight on Donwood Drive, as the subject fence will be at least 50% open.
- E. That petitioner testified that the proposed 6' tall fence within the 40' front yard setback will be an added benefit to

the neighborhood and will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

- F. That Hearing Officer finds that petitioner has demonstrated that a Variation to allow a 6' tall fence within the 40' front yard setback will not have any impact on adjacent properties and roadways, will not impact on drainage, and will not impede ventilation and light to the subject property or adjacent properties.
- G. Furthermore, that Hearing Officer finds that petitioner has demonstrated evidence for a practical difficulty and unique circumstance in relation to the subject property as there has been an increase in security issues/breaches on Donwood Drive, in addition to elevation changes on the subject property and Donwood Drive, causing petitioner to request a Variation to allow a 6' tall fence within the 40' front yard setback.

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.
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' tall fence within the 40' front yard setback will be 50% open 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 6' tall fence within the 40' front yard setback will not increase in the hazard from fire or other dangers and that he will receive a building permit for the proposed fence.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed 6' tall fence within the 40' front yard setback will not diminish the value of land and buildings throughout the County and will be an added benefit to the neighborhood.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed 6' tall fence within the 40' front yard setback will not unduly increase traffic congestion in the public streets and highways, and that it will not impact line-of-sight clearance for vehicles as it will be 50% open.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed 6' tall fence within the 40' front yard setback 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 the proposed 6' tall fence within the 40' front yard setback 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** that the proposed 6' tall fence within the 40' front yard setback will be an added benefit to the neighborhood, and will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000047 CTLTC 008002384419	
ZONING REQUEST	Variation to allow a 6' tall fence within the 40' front setback.	
OWNER	CTLTC 008002384419, 1415 W. 55 TH STREET AP COUNTRYSIDE, IL 60525/ CTLTC 008002384419 DONWOOD DRIVE W, NAPERVILLE, IL 60540- AGENT: ADAM VANSOMEREN, CHARLESTON BUILDING AND DEVELOPMENT, 933 3. OGDE AVENUE, NAPERVILLE, IL 60563	
ADDRESS/LOCATION	7S710 DONWOOD DRIVE W, NAPERVILLE, IL 9443	
PIN	08-21-404-009	
TWSP./CTY. BD. DIST.	LISLE	DISTRICT 5
ZONING/LUP	R-1 SF RES	0-5 DU AC
AREA	2.51 ACRES (109,336 SQ. FT.)	
UTILITIES	WATER AND SEWER	
PUBLICATION DATE	Daily Herald: JULY 25, 2023	
PUBLIC HEARING	WEDNESDAY, AUGUST 9, 2023	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	Our office has no jurisdiction in this matter.	
Stormwater:	No Objections with the concept of the petition. Additional information may be time of permit application.	
Public Works:	Our office has no jurisdiction in this matter. "We are the sanitary sewer and wa for this area."	
EXTERNAL:		
City of Naperville:	No Comments Received.	
Village of Lisle:	No Objections. (See attached documentation)	
Village of Woodridge:	No Comments Received.	
Lisle Township:	No Comments Received.	
Township Highway:	No Comments Received.	
Lisle-Woodridge Fire Dis	"N/A"	
Sch. Dist. 203:	No Comments Received.	

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
Height:	4'6"	NA	APPROX. 6'

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-1 SF RES	HOUSE	0-5 DU AC
North	R-1 SF RES	HOUSE	0-5 DU AC
South	R-1 SF RES	HOUSE	0-5 DU AC
East	DONWOOD DRIVE AND BEYOND R-1 SF RES	HOUSE	0-5 DU AC
West	R-1 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 August 9, 2023, recommends to approve the following zoning relief:

Variation to allow a 6' tall fence within the 40' front 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 #ZONING-23-000047 CTLTC 008002384419 dated August 9, 2023.
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 September 5, 2023, 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' tall fence within the 40' front 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 #ZONING-23-000047 CTLTC 008002384419 dated August 9, 2023.
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): 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:

Variation to allow a 6' tall fence within the 40' front yard setback, on the property hereinafter described:

LOT 25 (EXCEPT THE SOUTH 305 FEET THEREOF MEASURED FROM THE NORTH LINE OF HOBSON ROAD) AND THE EAST 61 FEET OF LOT 26 (EXCEPT THE SOUTH 305 FEET THEREOF AS MEASURED FROM THE NORTH LINE OF HOBSON ROAD) IN GROVE HILLS, BEING A SUBDIVISION OF PART OF SECTION 21 AND 22, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 19, 1945, AS DOCUMENT 473853, IN DUPAGE COUNTY, 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 #ZONING-23-000047 CTLTC 008002384419 dated August 9, 2023.
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; CTLTC 008002384419, 1415 W. 55TH STREET APT. 101, COUNTRYSIDE, IL 60525/ CTLTC 008002384419, 7S710 DONWOOD DRIVE W, NAPERVILLE, IL 60540-9443 / AGENT: ADAM VANSOMEREN, CHARLESTON BUILDING AND DEVELOPMENT, 933 3. OGDEN AVENUE, NAPERVILLE, IL 60563; and Township Assessor, Lisle Township, 4721 Indiana Avenue, Lisle, IL 60532

Enacted and approved this 12th day of September, 2023 at Wheaton, Illinois.



DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest:



JEAN KACZMAREK, COUNTY CLERK

AYES 15
NAYS 0
ABSENT 3