



Development Ordinance

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

File #: DC-O-0044-23

Agenda Date: 9/5/2023

Agenda #: 11.E.

ORDINANCE

Zoning Petition ZONING-23-000049 Leathers

WHEREAS, a public hearing was held on August 16, 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:

Conditional Use to allow the total detached accessory buildings area (approximately 2,120 sq. ft.) to be larger than the principal building on the subject property (approximately 1,804 sq. ft.), on the property hereinafter described:

LOT 8 IN OAKWOODS, A SUBDIVISION OF PART OF SECTION 19 AND 30, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 19, 1946, AS DOCUMENT 502453, 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 16, 2023 does find as follows:

FINDINGS OF FACT:

- A. That the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a Conditional Use to allow the total detached accessory buildings area (approximately 2,120 sq. ft.) to be larger than the principal building on the subject property (approximately 1,804 sq. ft.).
- B. That petitioner testified that they previously applied for ZONING-23-000041 Leathers and that petitioner's total area for the proposed detached accessory buildings in that case (detached garage and shed) will be larger than the existing home, creating a requirement for ZONING-23-000049 Leathers as a Conditional Use for a technical revision.
- C. That petitioner testified that he plans to build an addition to the home in the next few years, which will then negate the subject zoning relief for a Conditional Use to allow the total detached accessory buildings area (approximately 2,120 sq. ft.) to be larger than the principal building on the subject property (approximately 1,804 sq. ft.).
- D. That Hearing Officer finds that petitioner has demonstrated evidence for the subject zoning relief to be used as a technical revision to ZONING-23-000041 Leathers.
 - a. In addition, that petitioner testified that he plans to build an addition to the existing home and that once the addition is constructed, the subject zoning relief would no longer be required, as the home would then be larger than the detached garage and shed.

- b. Furthermore, that Hearing Officer finds that if petitioner does not construct the proposed addition, he would need to reappear in 10 years to reapply/continue the subject Conditional Use to allow the total detached accessory buildings area (approximately 2,120 sq. ft.) to be larger than the principal building on the subject property (approximately 1,804 sq. ft.).

STANDARDS FOR CONDITIONAL USES:

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** the proposed total detached accessory buildings area will not impact or impair the supply of light and air to adjacent properties.
 - 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 proposed detached garage and shed, and that they will be built pursuant to the current DuPage County building codes.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** the proposed total detached accessory buildings area will not diminish the value of land and that the adjacent neighbors do not object to proposed detached accessory buildings.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed total detached accessory buildings area 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 County's Stormwater Department has no objections to the proposed total detached accessory buildings area.
 - 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 proposed total detached accessory buildings area.
 - 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 total detached accessory buildings area 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.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000049 Leathers	
ZONING REQUEST	Conditional Use to allow the total detached accessory buildings area (approximately 2,120 sq. ft.) to be larger than the principal building on the subject property (approximately 1,804 sq. ft.).	
OWNER	MILDRED ANN KOEHLER, 26W371 WIESBROOK ROAD, WHEATON, IL 60189 AGENT: DAN LEATHERS, 28S521 RIVERVIEW DRIVE, WARRENVILLE, IL 60555	
ADDRESS/LOCATION	26W371 WIESBROOK ROAD, WHEATON, IL 60189	
PIN	05-30-200-001	
TWSP./CTY. BD. DIST.	MILTON	DISTRICT 6
ZONING/LUP	R-1 SF RES	0-5 DU AC
AREA	3.17 ACRES (138,085 SQ. FT.)	
UTILITIES	WELL/SEPTIC	
PUBLICATION DATE	Daily Herald: AUGUST 1, 2023	
PUBLIC HEARING	WEDNESDAY, AUGUST 16, 2023	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections with the concept of the petition. Additional information required at time of permit application.	
Stormwater:	No Objections with the concept of the petition. Additional information required at time of permit application.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
City of Wheaton:	No Comments Received.	
City of Warrenville:	No Comments Received.	
Village of Winfield:	No Comments Received.	
Milton Township:	No Comments Received.	
Township Highway:	No Objections with the concept of the petition. Additional information required at time of permit application.	
Warrenville Fire Dist.:	No Comments Received.	
Sch. Dist. 200:	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 subject property and District property, we do not have any specific comments. Thank you."
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GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Floor Area Ratio:	Total detached accessory buildings area to be smaller than the principal building.	1,804 SQ FT	2,120 SQ FT

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-1 SF RES	HOUSE	0-5 DU AC
North	WIESBROOK ROAD AND BEYOND	HOUSE	0-5 DU AC
South	PRAIRIE PATH AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
East	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 16, 2023, recommends to approve the following zoning relief:

Conditional Use to allow the total detached accessory buildings area (approximately 2,120 sq. ft.) to be larger than the principal building on the subject property (approximately 1,804 sq. ft.).

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-23-000049 Leathers** dated August 16, 2023.
2. That the Conditional Use zoning relief shall expire after ten (10) 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 the owner/developer is to apply for and receive a Building Permit for all construction and/or

excavation that occurs on the property.

4. That petitioner maintains the existing landscaping around the perimeter of the subject property.
5. 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:

Conditional Use to allow the total detached accessory buildings area (approximately 2,120 sq. ft.) to be larger than the principal building on the subject property (approximately 1,804 sq. ft.).

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-23-000049 Leathers** dated August 16, 2023.
2. That the Conditional Use zoning relief shall expire after ten (10) 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 the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
4. That petitioner maintains the existing landscaping around the perimeter of the subject property.
5. 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 the total detached accessory buildings area (approximately 2,120 sq. ft.) to be larger than the principal building on the subject property (approximately 1,804 sq. ft.), on the property hereinafter described:

LOT 8 IN OAKWOODS, A SUBDIVISION OF PART OF SECTION 19 AND 30, TOWNSHIP 39 NORTH, RANGE 10 EAST OF

THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 19, 1946, AS DOCUMENT 502453, 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-23-000049 Leathers** dated August 16, 2023.
2. That the Conditional Use zoning relief shall expire after ten (10) 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 the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
4. That petitioner maintains the existing landscaping around the perimeter of the subject property.
5. 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; MILDRED ANN KOEHLER, 26W371 WIESBROOK ROAD, WHEATON, IL 60189/ AGENT: DAN LEATHERS, 28S521 RIVERVIEW DRIVE, WARRENVILLE, IL 60555; and Township Assessor, Milton Township, 1492 N. Main Street, Wheaton, IL 60187.

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