



Development Ordinance

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

File #: DC-O-0053-23

Agenda Date: 10/17/2023

Agenda #: 12.C.

ORDINANCE

Zoning Petition ZONING-23-000058 McCann

WHEREAS, a public hearing was held on September 27, 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 reduce the interior side setback from 3" to approximately 0", for a proposed fence on the property line, on the property hereinafter described:

LOT 8 IN BLOCK 6 IN ARTHUR T. MCINTOSH AND CO'S VALLEY VIEW UNIT NUMBER 2, BEING A SUBDIVISION OF PART OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 25, 1957 AS DOCUMENT 833355 AND CERTIFICATE OF CORRECTION FILED OCTOBER 10, 1957 AS DOCUMENT 859356 AND MAY 5, 1958 AS DOCUMENT 878635, 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 September 27, 2023 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that he and his adjacent neighbor, Steven Taft, both requested the same Variation in order to share a fence on their shared interior side property line and that their neighbor's case number is ZONING-23-000060 Taft.
 - a. Further, that the Zoning Hearing Officer combined both cases (ZONING-23-000058 McCann and ZONING-23-000060 Taft) to be heard together for the public hearing.
- B. That petitioner testified that he requested the subject zoning relief in order to construct a proposed fence on the shared property line, and that due to the existing driveway location, petitioner is not able to meet the required 3" setback.
- C. That the Hearing Officer finds that petitioner demonstrated evidence for a practical difficulty and

particular hardship as the location of subject property's existing driveway does not allow petitioner to meet the required 3" setback requiring petitioner to request the subject zoning relief to construct a proposed fence on the interior 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.
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 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 fence will be built pursuant to all current building codes.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed fence will not diminish the value of land and buildings throughout the County.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed fence will be located behind the front wall of the house 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 proposed fence will not increase the potential for flood damages to adjacent property.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the proposed 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** that the proposed fence will be built in the rear of the property, will be an added benefit to the area, 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-23-000058 McCann
ZONING REQUEST	Variation to reduce the interior side setback from approximately 0", for a proposed fence on the pr
OWNER	JOSH D. MCCANN & ALEKSANDRA BARA BALSAM DRIVE, GLEN ELLYN, IL 60137
ADDRESS/LOCATION	22W531 BALSAM DRIVE, GLEN ELLYN, IL
PIN	05-35-112-005
TWSP./CTY. BD. DIST.	MILTON DISTRICT 4
ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	0.26 ACRES (11,326 SQ. FT.)
UTILITIES	WATER AND SEWER
PUBLICATION DATE	Daily Herald: SEPTEMBER 12, 2023
PUBLIC HEARING	WEDNESDAY, SEPTEMBER 27, 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 m time of permit application.
Public Works:	Our office has no jurisdiction in this matter.
EXTERNAL:	
City of Wheaton:	<i>No Comments Received.</i>
Village of Glen Ellyn:	<i>No Comments Received.</i>
Village of Lisle:	Our office has no jurisdiction in this matter. "Subject property is outside Boundary Agreement."
Village of Lombard:	"As the property is outside of our planning boundaries, we do not have ar the petition."
Village of Downers Gro	"The Village of Downers Grove has no comments on this."
Milton Township:	<i>No Comments Received.</i>
Township Highway:	No Objections with the concept of the petition. Additional information m time of permit application.
Lisle-Woodridge Fire D	"N/A"
Sch. Dist. 89:	<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 District property, we do not have any specific comments. Thank you."
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GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Int. Side Yard:	3"	NA	0"

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	HOUSE	0-5 DU AC
North	BALSMA DRIVE AND BEYOND 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	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 September 27, 2023, recommends to approve the following zoning relief:

Variation to reduce the interior side setback from 3" to approximately 0", for a proposed fence on the property line.

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-23-000058 McCann dated September 27, 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 October 17, 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 reduce the interior side setback from 3" to approximately 0", for a proposed fence on the property line.

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-23-000058 McCann dated September 27, 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 reduce the interior side setback from 3" to approximately 0", for a proposed fence on the property line, on the property hereinafter described:

LOT 8 IN BLOCK 6 IN ARTHUR T. MCINTOSH AND CO'S VALLEY VIEW UNIT NUMBER 2, BEING A SUBDIVISION OF PART OF SECTION 35, TOWNSHIP 39 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED FEBRUARY 25, 1957 AS DOCUMENT 833355 AND CERTIFICATE OF CORRECTION FILED OCTOBER 10, 1957 AS DOCUMENT 859356 AND MAY 5, 1958 AS DOCUMENT 878635, 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-23-000058 McCann dated September 27, 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; JOSH D. MCCANN & ALEKSANDRA BARAN, 22W531 BALSAM DRIVE, GLEN ELLYN, IL 60137; and Township Assessor, Milton Township, 1492 N. Main Street, Wheaton, IL 60187.

Enacted and approved this 24th day of October, 2023 at Wheaton, Illinois.



DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest:



JEAN KACZMAREK, COUNTY CLERK

AYES 18
NAYS 0
ABSENT 0