



## Development Ordinance

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

---

**File #:** DC-O-0056-23

**Agenda Date:** 10/17/2023

**Agenda #:** 12.F.

---

### **ORDINANCE**

Zoning Petition ZONING-23-000064 Szul

WHEREAS, a public hearing was held on September 13, 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 for a new generator from 9 feet to approximately 6 feet, on the property hereinafter described:

OF LOT 11 IN BLOCK 4 IN BRANIGAR'S LAKEWOOD, A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF SECTION 27, AND PART OF THE EAST HALF OF THE NORHTWEST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 19, 1952 AS DOCUMENT 687966, 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 13, 2023 does find as follows:

#### **FINDINGS OF FACT:**

- A. That the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a Variation to reduce the interior side setback for a new generator from 9 feet to approximately 6 feet.
- B. That petitioner testified that they require a home generator to protect their property, as their sump pump has failed multiple times due to power outages.
- C. That petitioner testified that the only location to place the proposed generator is approximately 6 feet from the interior side property line, which is in line with the existing A/C condenser.
  - a. Furthermore, that petitioner testified that they attempted to place the generator in the rear of the subject property, however due to the close proximity of the subject home's windows, a generator could not be located on that side of the house.

- D. That the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a Variation to reduce the interior side setback for a new generator from 9 feet to approximately 6 feet, as the only location to place the proposed generator is on the side of the subject home, approximately 6 feet from 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 generator 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 generator will not increase in the hazard from fire or other dangers and that they will receive a building permit for the proposed generator.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed generator will not diminish the value of land and buildings throughout the County and is an added benefit to the neighborhood.
  - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed generator will be located behind the front wall of the subject house and therefore will not impact traffic.
  - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed generator 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 generator 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 generator will be an added benefit to the neighborhood, and will 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-23-000064 Szul
ZONING REQUEST	Variation to reduce the interior side setback for a generator from 9 feet to approximately 6 feet.
OWNER	DALE AND MARY SZUL, 3N188 TIMBERLINE WEST CHICAGO, IL 60185
ADDRESS/LOCATION	3N188 TIMBERLINE DRIVE, WEST CHICAGO 60185
PIN	01-27-303-023
TWSP./CTY. BD. DIST.	WAYNE DISTRICT 6
ZONING/LUP	R-3 SF RES 0-5 DU AC
AREA	0.73 ACRES (31,799 SQ. FT.)
UTILITIES	WELL AND SEPTIC
PUBLICATION DATE	Daily Herald: AUGUST 29, 2023
PUBLIC HEARING	WEDNESDAY, SEPTEMBER 13, 2023
<b>ADDITIONAL INFORMATION:</b>	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	No Objections.
Stormwater:	No Objections with the concept of the petition. Additional information may be provided at the time of permit application.
Public Works:	Our office has no jurisdiction in this matter.
<b>EXTERNAL:</b>	
City of West Chicago:	<i>No Comments Received.</i>
Village of Wayne:	<i>No Comments Received.</i>
Village of Carol Stream:	"No Comments"
Wayne Township:	<i>No Comments Received.</i>
Township Highway:	<i>No Comments Received.</i>
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 the Forest Preserve District property, we do not have specific comments. Thank you."

**GENERAL BULK REQUIREMENTS:**

<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Int. Side Yard:	9 FT	NA	6 FT

**LAND USE**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	R-3 SF RES	HOUSE	0-5 DU AC
South	R-3 SF RES	HOUSE	0-5 DU AC
East	TIMBERLINE DRIVE AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
West	R-3 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 13, 2023, recommends to approve the following zoning relief:

Variation to reduce the interior side setback for a new generator from 9 feet to approximately 6 feet.

**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-23-000064 Szul dated September 13, 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 for a new generator from 9 feet to approximately 6 feet.

**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-23-000064 Szul dated September 13, 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 for a new generator from 9 feet to approximately 6 feet, on the property hereinafter described:

OF LOT 11 IN BLOCK 4 IN BRANIGAR'S LAKEWOOD, A SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTH-WEST QUARTER OF SECTION 27, AND PART OF THE EAST HALF OF THE NORHTWEST QUARTER OF SECTION 34, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 19, 1952 AS DOCUMENT 687966, 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-23-000064 Szul dated September 13, 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; DALE AND MARY SZUL, 3N188 TIMBERLINE DRIVE, WEST CHICAGO, IL 60185; and Township Assessor, Wayne Township, 27W031 North Avenue, West Chicago, IL 60185.

Enacted and approved this 24<sup>th</sup> day of October, 2023 at Wheaton, Illinois.



DEBORAH A. CONROY, CHAIR  
DU PAGE COUNTY BOARD

Attest:   
JEAN KACZMAREK, COUNTY CLERK

AYES 17  
NAYS 0  
ABSENT 1