



Development Ordinance

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

File #: DC-O-0048-24

Agenda Date: 8/6/2024

Agenda #: 12.D.

ORDINANCE

Zoning Petition ZONING-24-000043 Clark

WHEREAS, a public hearing was held on July 10, 2024 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:

1. Conditional Use to increase the total area of detached accessory buildings from permitted 1,200 sq. ft. to approximately 1,440 sq. ft. for a new 48'x30' detached garage.
2. Variation to increase the total height 15' to approximately 25' for a new detached garage.
3. Variation to reduce the interior side setback from required 10' to approximately 5' for a new detached garage, on the property hereinafter described:

LOT 13 IN BLOCK 3 IN H.M. CORNELL AND CO'S GLEN ELLYN ACRES, BEING A SUBDIVISION OF PART OF THE SOUTH HALF OF THE SOUTH HALF OF SECTION 26, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1940 AS DOCUMENT 414897, 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 July 10, 2024 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is to allow petitioner to build a 1,440 sq. ft. detached garage, approximately twenty-five (25) feet in height, and approximately five (5) feet from the interior side property line.
- B. That petitioner testified that he has owned the subject property for approximately seven (7) years.
- C. That petitioner testified that he demolished the previous detached garage due to its dilapidated state, and that the proposed detached garage would be constructed in the same location as the previous detached garage, adjacent to a commercial gas station south of the subject property.
- D. That petitioner testified that he requires additional storage space on the subject property as the existing two (2) bedroom/ (1) bathroom house does not have adequate storage or a garage, and that he cannot easily

access the existing basement.

- a. Furthermore, that petitioner testified that he is permitted to store his forty (40) foot recreational vehicle (RV) and up to six (6) passenger vehicles on the subject property, and that in order to safely store his property indoors, petitioner requires additional detached accessory area on the property.
 - b. That petitioner testified that in order to store his recreational vehicle indoors, he requires additional height on the detached garage with a taller garage door, therefore requiring a height of twenty-five (25) feet.
 - c. In addition, that petitioner testified that the subject property is located on Swift Road, just north of North Avenue, and located directly adjacent a commercial property (namely a gas station), and that he further requires indoor storage of his personal property due to the location of the subject property in close proximity to commercial properties with constant traffic and customers.
- E. That petitioner testified that the previous detached garage was constructed approximately five (5) feet from the interior side property line, and that in order to make use of the existing driveway location, petitioner requires a Variation on the interior side setback to build in the same footprint of the previous detached garage.
- F. That petitioner testified that the subject detached garage would be used for personal use only and that he would not run a business out of the subject property and detached garage.
- G. That the Zoning Hearing Officer finds that petitioner has demonstrated and provided sufficient evidence to allow the subject zoning relief for a detached garage on the subject property, and that due to petitioner's location adjacent to a commercial gas station and just north of North Avenue, petitioner requires additional enclosed storage space on the property to safely store his personal property, which is permitted on the subject property.

STANDARDS FOR CONDITIONAL USES AND VARIATIONS:

- 1. That the Zoning Hearing Officer finds that petitioner **has demonstrated** that the granting of the Conditional Use and 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; and specifically, that the granting of the Conditional Use and Variation will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the proposed detached garage will be located adjacent to a commercial gas station and will not impair an adequate supply of light and air to the adjacent property.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they will obtain a permit for the proposed detached garage and that it will be built pursuant to all building codes, which will not increase the hazard from fire or other dangers to said property.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed detached garage will not diminish the value of land and buildings throughout the County and will be an

added benefit to the surrounding area.

- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed detached garage will not unduly increase traffic as the proposed detached garage will be located behind the front wall of the house and used only for personal use
- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** the proposed detached garage 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 detached garage 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 detached garage will not impair the public health, safety, comfort, morals, or general welfare.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-24-000043 Clark	
ZONING REQUEST	1. Conditional Use to increase the total area of d accessory buildings from permitted 1,200 sq. ft. approximately 1,440 sq. ft. for a new 48'x30' det garage. 2. Variation to increase the total height l approximately 25' for a new detached garage. 3. reduce the interior side setback from required 10 approximately 5' for a new detached garage.	
OWNER	JAMES S. CLARK, 2N055 SWIFT ROAD, LO IL 60148/ AGENT: CARL HOKENSON, 960 A LANE, WEST CHICAGO, IL 60185	
ADDRESS/LOCATION	2N055 SWIFT ROAD, LOMBARD, IL 60148	
PIN	02-36-411-003	
TWSP./CTY. BD. DIST.	BLOOMINGDALE	DISTRICT 1
ZONING/LUP	R-4 SF RES	LOCAL COMMERCIA
AREA	0.73 ACRES (31,799 SQ. FT.)	
UTILITIES	WELL/SEPTIC	
PUBLICATION DATE	Daily Herald: June 25, 2024	
PUBLIC HEARING	Wednesday, July 10, 2024	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	No Objections.	
Health:	No Objections.	

Stormwater:	No Objections with the concept of the petition. Additional information n time of permit application.
Public Works:	"This property is located in the Glendale Hts Facility Planning Area. No or water."
EXTERNAL:	
Village of Glendale Heights:	<i>No Comments Received.</i>
Village of Addison:	<i>No Comments Received.</i>
Village of Lombard:	"We received your email and as it is outside our extraterritorial jurisdicti comments on the petition."
Village of Glen Ellyn:	<i>No Comments Received.</i>
Bloomington Township:	<i>No Comments Received.</i>
Township Highway:	<i>No Comments Received.</i>
Bloomington Fire Dist.	No Objections with the concept of the petition. Additional information n time of permit application. (See attached documentation)
Sch. Dist. 15:	<i>No Comments Received.</i>
Sch. Dist. 97:	<i>No Comments Received.</i>
Forest Preserve:	The Forest Preserve District of DuPage County staff have reviewed the i provided in this notice and do not have any specific comments. Thank yo

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Int. Side Yard:	10'	NA	APPROX. 5'
Height:	15'	NA	APPROX. 24'
Floor Area Ratio:	1,200 SQ. FT.	NA	1,440 SQ. FT.

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	HOUSE	LOCAL COMMERCIAL
North	R-4 SF RES	HOUSE	LOCAL COMMERCIAL
South	B-2 GENERAL BUSINESS	GAS STATION	LOCAL COMMERCIAL
East	R-4 SF RES	HOUSE	LOCAL COMMERCIAL
West	SWIFT ROAD AND BEYOND B-1 LOCAL BUSINESS	NA	LOCAL COMMERCIAL

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on July 10, 2024, recommends to approve the following zoning relief:

1. Conditional Use to increase the total area of detached accessory buildings from permitted 1,200 sq. ft. to approximately 1,440 sq. ft. for a new 48'x30' detached garage.
2. Variation to increase the total height 15' to approximately 25' for a new detached garage.
3. Variation to reduce the interior side setback from required 10' to approximately 5' for a new detached garage.

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-24-000043 Clark** dated July 10, 2024
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 owner/developer is not permitted to operate a business out of the subject detached garage.
4. That the petitioner maintains the existing landscaping and fencing 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 August 6, 2024, 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:

1. Conditional Use to increase the total area of detached accessory buildings from permitted 1,200 sq. ft. to approximately 1,440 sq. ft. for a new 48'x30' detached garage.
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3. That owner/developer is not permitted to operate a business out of the subject detached garage.
4. That the petitioner maintains the existing landscaping and fencing 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:

1. Conditional Use to increase the total area of detached accessory buildings from permitted 1,200 sq. ft. to approximately 1,440 sq. ft. for a new 48'x30' detached garage.
2. Variation to increase the total height 15' to approximately 25' for a new detached garage.
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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-24-000043 Clark** dated July 10, 2024
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 owner/developer is not permitted to operate a business out of the subject detached garage.
4. That the petitioner maintains the existing landscaping and fencing 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; JAMES S. CLARK, 2N055 SWIFT ROAD, LOMBARD, IL 60148/ AGENT: CARL HOKENSON, 960 ASTER LANE, WEST CHICAGO, IL 60185; and Township Assessor, Bloomingdale Township, 123 N. Rosedale, Bloomingdale, IL 60108.

Enacted and approved this 13th day of August, 2024 at Wheaton, Illinois.



DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: 
JEAN KACZMAREK, COUNTY CLERK