



Development Ordinance

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

File #: DC-O-0060-24

Agenda Date: 9/17/2024

Agenda #: 11.C.

Zoning Petition ZONING-24-000058 Mies

WHEREAS, a public hearing was held on August 14, 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:

Variation to reduce the corner side setback from required 30 feet to approximately 12.08 feet. for a one-story, three car garage addition and interior renovation project, on the property hereinafter described:

LOT 39 IN NAPERVILLE COUNTRY ESTATES, UNIT NUMBER 2, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1955 AS DOCUMENT 775120, 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 14, 2024 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is to reduce the corner side setback from required 30 feet to approximately 12.08 feet. for a one-story, three car garage addition and interior renovation project.
- B. That petitioner testified that the existing home is bilevel, with no main-level family room, and that the proposed zoning relief would allow for the expansion of the existing kitchen/dining and family room into the existing three (3) car garage area, by constructing a new three (car) garage onto the front of the existing home.
 - a. Furthermore, that petitioner testified that the new design would allow for a family room, powder room, and mudroom to be located on the main level of the existing house.
- C. That petitioner testified that the existing home was originally constructed 12.08 feet from the corner side property line.

- D. That petitioner testified that the proposed addition would not encroach further into the corner side yard setback than the existing attached garage/residence (which is located at 12.08 feet from the corner side property line) and will not go any further into the front yard than the existing residence does.
- E. That the Zoning Hearing Officer finds that petitioner has demonstrated sufficient evidence for a practical difficulty and particular hardship, as petitioner indicated that the existing home was originally constructed 12.08 feet from the corner side property line, and that in order to build an addition onto the existing bilevel home, the proposed addition would be less than 30 feet from the corner side property line (approximately 12.08 feet) due to the layout of the subject home on the property and would follow the existing home building lines and architectural integrity.

STANDARDS FOR VARIATIONS:

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 house addition will follow the existing house setbacks and therefore, 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 they will receive a building permit for the proposed house addition, and that it will be built pursuant to the current building codes.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed house addition will be an added benefit to the neighborhood and 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 house addition 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 house addition 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 house addition 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 house addition will not impair the public health, safety, comfort, morals, or general welfare and will be an added benefit to the neighborhood.

PETITIONER'S DEVELOPMENT FACT SHEET

| GENERAL ZONING CASE INFORMATION | | |
|---------------------------------------|---|------------|
| CASE #/PETITIONER | ZONING-24-000058 Mies | |
| ZONING REQUEST | Variation to reduce the corner side setback from require 30 feet to approximately 12.08 feet. for a one-story, three car garage addition and interior renovation project. | |
| OWNER | SCOTT AND BARBARA MIES, 25W151 LACEY AVENUE, NAPERVILLE, IL 60563 / AGENT: DAN ROBERTS, ROBERTS DESIGN & BUILD, 5105 DEWITT LANE, DOWNERS GROVE, IL 60515 | |
| ADDRESS/LOCATION | 25W151 LACEY AVENUE, NAPERVILLE, IL 60563 | |
| PIN | 08-05-408-012 | |
| TWSP./CTY. BD. DIST. | LISLE | DISTRICT 2 |
| ZONING/LUP | R-3 SF RES | 0-5 DU AC |
| AREA | 0.56 ACRES (24,394 SQ. FT.) | |
| UTILITIES | WELL/SEPTIC | |
| PUBLICATION DATE | Daily Herald: JULY 30, 2024 | |
| PUBLIC HEARING | WEDNESDAY, AUGUST 14, 2024 | |
| <u>ADDITIONAL INFORMATION:</u> | | |
| Building: | No Objections. | |
| DUDOT: | Our office has no jurisdiction in this matter. | |
| Health: | <i>No Comments Received.</i> | |
| Stormwater: | No Objections with the concept of the petition. Additional information may be required at time of permit application. | |
| Public Works: | "DPC PW doesn't own any sewer or water in the area." | |
| EXTERNAL: | | |
| City of Naperville: | <i>No Comments Received.</i> | |
| City of Wheaton: | <i>No Comments Received.</i> | |
| Village of Lisle: | <i>No Comments Received.</i> | |
| Lisle Township: | <i>No Comments Received.</i> | |
| Township Highway: | No Objections. | |
| Lisle-Woodridge Fire Dist.: | "N/A" | |
| Sch. Dist. 203: | <i>No Comments Received.</i> | |
| Forest Preserve: | "The Forest Preserve District of DuPage County staff have reviewed the information provided and we do not have any specific comments. Thank you." | |

GENERAL BULK REQUIREMENTS:

| REQUIREMENTS: | REQUIRED | EXISTING | PROPOSED |
|----------------------|-----------------|-----------------|-----------------|
| Corner Side Yard: | 30' | APPROX. 12.08' | APPROX. 11.64' |

LAND USE

| Location | Zoning | Existing Use | LUP |
|-----------------|---|---------------------|------------|
| Subject | R-3 SF RES | HOUSE | 0-5 DU AC |
| North | LACEY AVENUE AND BEYOND R-3 SF RES | HOUSE | 0-5 DU AC |
| South | R-3 SF RES | HOUSE | 0-5 DU AC |
| East | R-3 SF RES | HOUSE | 0-5 DU AC |
| West | HIGHVIEW DRIVE AND BEYOND 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 August 14, 2024, recommends to approve the following zoning relief:

Variation to reduce the corner side setback from required 30 feet to approximately 12.08 feet. for a one-story, three car garage addition and interior renovation project.

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-24-000058 Mies** dated August 14, 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 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 17, 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:

Variation to reduce the corner side setback from required 30 feet to approximately 12.08 feet. for a one-story, three car garage addition and interior renovation project.

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-24-000058 Mies** dated August 14, 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 the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 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 corner side setback from required 30 feet to approximately 12.08 feet. for a one-story, three car garage addition and interior renovation project, on the property hereinafter described:

LOT 39 IN NAPERVILLE COUNTRY ESTATES, UNIT NUMBER 2, BEING A SUBDIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 5, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 29, 1955 AS DOCUMENT 775120, IN DUPAGE COUNTY, ILLINOIS.

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-24-000058 Mies** dated August 14, 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 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; SCOTT AND BARBARA MIES, 25W151 LACEY AVENUE, NAPERVILLE, IL 60563 / AGENT: DAN ROBERTS, ROBERTS DESIGN & BUILD, 5105 DEWITT LANE, DOWNERS GROVE, IL 60515; and Township Assessor, Lisle Township, 4721 Indiana Avenue, Lisle, IL 60532

Enacted and approved this 24th day of September, 2024 at Wheaton, Illinois.



DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest:


JEAN KACZMAREK, COUNTY CLERK