



## Development Ordinance

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

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**File #:** DC-O-0064-24

**Agenda Date:** 12/3/2024

**Agenda #:** 12.A.

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### **ORDINANCE**

#### **Zoning Petition ZONING-24-000070 Hajek**

WHEREAS, a public hearing was held on November 7, 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 yard setback for a new attached garage addition from required 30 feet to approximately 22 feet, on the property hereinafter described:

LOT 31 IN FAIRMEADOW UNIT NO. 2, A SUBDIVISION OF LOT 26 IN FAIRMEADOW AND PART OF LOT 17 IN MILTON AND LISLE TOWNSHIP SUPERVISOR'S ASSESSMENT PLAT NUMBER 7 AND 1 RESPECTIVELY, ALL IN SECTIONS 5, TOWNSHIP 38 NORTH, RANGE 10 EAST AND SECTION 32, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, 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 November 20, 2024 does find as follows:

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

- A. That petitioner testified that the subject zoning relief is to reduce the corner side yard setback for a new attached garage addition from required 30 feet to approximately 22 feet.
  - B. That petitioner testified that ~~only one (1) corner~~ of the proposed garage addition would encroach into the corner side setback, as the existing home and attached garage are located on an angle on the subject property.
  - C. That petitioner testified that due to the layout of the subject home on the subject property, the only location to place a garage addition is off of the existing garage, which would also utilize the existing driveway.
- Furthermore, that petitioner testified that the location of the septic tank and field behind the subject

home prevents petitioner from constructing a detached garage behind the home.

- D. That petitioner testified that the existing attached garage is a single car garage and that they would like to increase their garage space to store both of their vehicles indoors and also store household accessory equipment within their garage.
- 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 proposed garage addition would be located less than thirty (30) feet from the corner side property line (approximately 22 feet) due to the angled orientation of the subject home on the property and that only one corner of the proposed garage addition would encroach into the required setback.

#### **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 only one corner of the proposed garage addition will encroach the corner side setback 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 garage 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 garage 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 garage 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 garage 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 garage 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 garage 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-24-000070 Hajek	
ZONING REQUEST	Variation to reduce the corner side yard setback for a new attached garage addition from required 30 feet to approximately 22 feet.	
OWNER	DANIEL AND APRIL HAJEK, 3S732 DELLES ROAD, NAPERVILLE, IL 60563	
ADDRESS/LOCATION	3S732 DELLES ROAD, NAPERVILLE, IL 60563	
PIN	05-32-401-007	
TWSP./CTY. BD. DIST.	MILTON	DISTRICT 6
ZONING/LUP	R-3 SF RES	0-5 DU AC
AREA	0.53 ACRES (23,087 SQ. FT.)	
UTILITIES	WELL/SEPTIC	
PUBLICATION DATE	Daily Herald: OCTOBER 23, 2024	
PUBLIC HEARING	THURSDAY, NOVEMBER 7, 2024	

**GENERAL BULK REQUIREMENTS:**

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Corner Side Yard:	30 FT	APPROX. 35.31 FT	APPROX. 22 FT.

**LAND USE**

Location	Zoning	Existing Use	LUP
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	R-3 SF RES	HOUSE	0-5 DU AC
South	39 <sup>TH</sup> STREET AND BEYOND	HOUSE	0-5 DU AC
East	DELLES ROAD AND BEYOND	HOUSE	0-5 DU AC
West	CITY OF NAPERVILLE	PARKING LOT	CITY OF NAPERVILLE

**ADDITIONAL INFORMATION:**

Building:	No Objections.
DUDOT:	<i>No Comments Received.</i>
Health:	No Objection with the concept of the petition. Additional information may be required at time of permit application.
Stormwater:	No Objection with the concept of the petition. Additional information may be required at time of permit application.
Public Works:	"DPC Public Works has no sewer near this property, the water is owned by the City of Naperville."

<b>EXTERNAL:</b>	
City of Naperville:	<i>No Comments Received.</i>
City of Wheaton:	<i>No Comments Received.</i>
Village of Lisle:	Our office has no jurisdiction in this matter. "The subject property is outside the Village's boundary agreement."
City of Warrenville:	<i>No Comments Received.</i>
Milton Township:	<i>No Comments Received.</i>
Township Highway:	No Objection with the concept of the petition. Additional information may be required at time of permit application.
Warrenville Fire Dist.:	No Objections.
Sch. Dist. 200:	<i>No Comments Received.</i>
Forest Preserve:	"We do not have any comments."

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on November 20, 2024, recommends to approve the following zoning relief:

Variation to reduce the corner side yard setback for a new attached garage addition from required 30 feet to approximately 22 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-24-000070 Hajek** dated November 7, 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 December 3, 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 yard setback for a new attached garage addition from required 30 feet to approximately

22 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-24-000070 Hajek** dated November 7, 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 (Motion 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 corner side yard setback for a new attached garage addition from required 30 feet to approximately 22 feet, on the property hereinafter described:

LOT 31 IN FAIRMEADOW UNIT NO. 2, A SUBDIVISION OF LOT 26 IN FAIRMEADOW AND PART OF LOT 17 IN MILTON AND LISLE TOWNSHIP SUPERVISOR'S ASSESSMENT PLAT NUMBER 7 AND 1 RESPECTIVELY, ALL IN SECTIONS 5, TOWNSHIP 38 NORTH, RANGE 10 EAST AND SECTION 32, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, 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-24-000070 Hajek** dated November 7, 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; DANIEL AND APRIL HAJEK, 3S732 DELLES ROAD, NAPERVILLE, IL 60563; and Township Assessor, Milton Township, 1492 N. Main Street, Wheaton, IL 60187.

Enacted and approved this 10<sup>th</sup> of December, 2024 at Wheaton, Illinois.



DEBORAH A. CONROY, CHAIR  
DU PAGE COUNTY BOARD

Attest:

  
JEAN KACZMAREK, COUNTY CLERK