



## Development Ordinance

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

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**File #:** DC-O-0003-25

**Agenda Date:** 1/21/2025

**Agenda #:** 12.B.

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### **Zoning Petition ZONING-24-000061 Phillips**

WHEREAS, a public hearing was held on November 20, 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:

Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake, on the property hereinafter described:

LOT 27 IN BRUCE LAKE COUNTRY ESTATES UNIT ONE, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 32, AND PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 24, 1955 AS DOCUMENT 758198, AS AMENDED BY INSTRUMENT RECORDED AS DOCUMENT 760085, 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 December 4, 2024 does find as follows:

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

- A. That petitioner testified that the subject zoning relief is to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake.
- B. That petitioner testified that they purchased the subject property in 2015 and have had a pier on the property since 2016.
- C. That petitioner testified that they would remove the existing pier and build the proposed pier as indicated in the requested zoning relief.
- D. That petitioner testified that a portion of the lake is on the southwest corner of the subject property and that the proposed pier would be stationary/ constructed at ground level in the portion of the lake that is on the subject property.
- E. That petitioner testified that the proposed small pier would be built completely on the subject property and would

not be built over the rear property line.

- F. That at the public hearing, adjacent neighbors testified that they object to the requested zoning relief due to a setback concern and a potential encroachment concern of the proposed pier onto their property over the rear property line of the subject property.
- G. That the Zoning Hearing Officer finds that petitioner has demonstrated that the subject relief for a Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake, would be 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.
- Furthermore, that the Zoning Hearing Officer finds that nothing in this order is intended to permit any intrusion on any neighboring property, either by virtue of the construction, maintenance, or use of the pier to be constructed.

**STANDARDS FOR CONDITIONAL USES:**

1. That the Zoning Hearing Officer finds that petitioner **has demonstrated** that the granting of the Conditional Use 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 will not:
- a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the proposed pier will not impact or impair the supply of light and air to 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 from the County for the proposed pier and that it will be built pursuant to the current DuPage County Building Code.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed pier will be completely located on the subject property 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 pier will be located behind the front wall of the home and will not impact traffic.
  - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the proposed pier.
  - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the proposed pier.

- 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 pier 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-24-000061 Phillips
ZONING REQUEST	Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake.
OWNER	DAVID AND SANDRA PHILLIPS, 721 81 <sup>ST</sup> STREET, DOWNERS GROVE, IL 60516
ADDRESS/LOCATION	721 81 <sup>ST</sup> STREET, DOWNERS GROVE, IL 60516
PIN	09-32-202-003
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	R-3 SF RES 0-5 DU AC
AREA	0.51 ACRES (22,216 SQ. FT.)
UTILITIES	WATER/SEWER
PUBLICATION DATE	Daily Herald: November 5, 2024
PUBLIC HEARING	WEDNESDAY, NOVEMBER 20, 2024
<b>ADDITIONAL INFORMATION:</b>	
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 owns the sewer main in the ROW of 81 <sup>st</sup> street, this project will not affect our sewer. Water is owned by Darien.
<b>EXTERNAL:</b>	
City of Darien:	<i>No Comments Received.</i>
Village of Woodridge:	<i>No Comments Received.</i>
Village of Downers Grove:	“The Village of Downers Grove has no comments.”
Downers Grove Township:	<i>No Comments Received.</i>
Township Highway:	Our office has no jurisdiction in this matter.
Darien-Woodridge Fire Dis	<i>No Comments Received.</i>
Sch. Dist. 66:	<i>No Comments Received.</i>
Sch. Dist. 99:	“D99 has no opinions on this.”
Forest Preserve:	<i>No Comments Received.</i>

**LAND USE**

Location	Zoning	Existing Use	LUP
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	81 <sup>ST</sup> STREET 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	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 December 4, 2024, recommends to approve the following zoning relief:

Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake.

**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-24-000061 Phillips dated November 20, 2024.

2. That the Conditional Use zoning relief shall expire after ten (10) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
  - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
  - b. The structure is voluntarily removed.
3. That the property owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
4. That petitioner maintains the existing landscaping 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 January 21, 2025, 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:

Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake.

**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-24-000061 Phillips dated November 20, 2024.
2. That the Conditional Use zoning relief shall expire after ten (10) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
  - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
  - b. The structure is voluntarily removed.
3. That the property owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

4. That petitioner maintains the existing landscaping 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 (Motion 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:

Conditional Use to allow a small pier approximately one (1) inch from the interior side property line due to the location of the lake, on the property hereinafter described:

LOT 27 IN BRUCE LAKE COUNTRY ESTATES UNIT ONE, BEING A SUBDIVISION OF PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 32, AND PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 24, 1955 AS DOCUMENT 758198, AS AMENDED BY INSTRUMENT RECORDED AS DOCUMENT 760085, 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-24-000061 Phillips** dated November 20, 2024.
2. That the Conditional Use zoning relief shall expire after ten (10) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
  - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
  - b. The structure is voluntarily removed.
3. That the property owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
4. That petitioner maintains the existing landscaping 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; DAVID AND SANDRA PHILLIPS, 721 81<sup>ST</sup> STREET, DOWNERS GROVE, IL 60516; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 28<sup>th</sup> day of January, 2025 at Wheaton, Illinois.



DEBORAH A. CONROY, CHAIR  
DU PAGE COUNTY BOARD

Attest:   
JEAN KACZMAREK, COUNTY CLERK