



## Development Ordinance

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

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**File #:** DC-O-0008-25

**Agenda Date:** 2/4/2025

**Agenda #:** 12.C.

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### **ORDINANCE**

Zoning Petition ZONING-24-000082 Wallace

WHEREAS, a public hearing was held on December 4, 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 permitted 30 feet to approximately 10 feet, for a new greenhouse, on the property hereinafter described:

LOT 81 IN VOLK BROS - SECOND ADDITION TO EDGEWOOD, BEING A SUBDIVISION IN THE NORTHEAST  $\frac{1}{4}$  OF SECTION 22 AND IN THE NORTHEAST  $\frac{1}{4}$  OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1926 AS DOCUMENT 213086, 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 January 15, 2025 does find as follows:

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

- A. That petitioner testified that the subject zoning relief is to reduce the corner side setback from permitted 30 feet to approximately 10 feet, for a new greenhouse.
- B. That petitioner testified that the existing house on the subject property was built in the far northeast corner, creating a large front yard and corner side yard, and a very limited rear yard.
- C. That petitioner testified that the only location to put a greenhouse on the subject property would be within the corner side yard, approximately ten (10) feet from the corner side property line.
- D. That petitioner testified that a greenhouse would allow his family to grow four (4) seasons of vegetables and flowers for personal use.

E. That the Zoning Hearing Officer finds that petitioner has demonstrated sufficient evidence for a practical difficulty and particular hardship, as petitioner testified that due to the layout of the subject property and location of the existing home, the only location to put a greenhouse on the subject property would be in the corner side yard, approximately ten (10) feet from the corner side property line.

**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 green house will meet all required height and size regulations and 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 greenhouse 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 greenhouse 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 greenhouse will be located behind a tall privacy fence and 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 greenhouse 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 greenhouse 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 greenhouse 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-24-000082 Wallace
ZONING REQUEST	Variation to reduce the corner side setback from permitted 30 feet to approximately 10 feet, for a new greenhouse.
OWNER	OWEN AND KELLY WALLACE, 4N575 BRIAR LANE, BENSENVILLE, IL 60106
ADDRESS/LOCATION	4N575 BRIAR LANE, BENSENVILLE, IL 60106
PIN	03-23-109-006
TWSP./CTY. BD. DIST.	ADDISON DISTRICT 1
ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	0.44 ACRES (19,166 SQ. FT.)
UTILITIES	WATER AND SEWER
PUBLICATION DATE	Daily Herald: NOVEMBER 19, 2024
PUBLIC HEARING	WEDNESDAY, DECEMBER 4, 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 Objection with the concept of the petition. Additional information may be required at time of permit application.
Public Works:	"DPC PW doesn't own any sanitary sewer or water mains in the area."
<b>EXTERNAL:</b>	
Village of Bensenville:	No Objections. (See attached documentation)
City of Wood Dale:	<i>No Comments Received.</i>
Village of Addison:	"Based on the location of this property, the Village of Addison has no objection to the proposed variation request (Zoning-24-000082 Wallace)."
City of Elmhurst:	<i>No Comments Received.</i>
Addison Township:	<i>No Comments Received.</i>
Township Highway:	<i>No Comments Received.</i>
Bensenville Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 2:	<i>No Comments Received.</i>

Sch. Dist. 100:	<i>No Comments Received.</i>
Forest Preserve:	"We do not have any comments."

**GENERAL BULK REQUIREMENTS:**

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Corner Side Yard:	30 FT	NA	APPROX. 10 FT.

**LAND USE**

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	HOUSE	0-5 DU AC
North	R-4 SF RES	HOUSE	0-5 DU AC
South	3 <sup>RD</sup> AVENUE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
East	R-4 SF RES	HOUSE	0-5 DU AC
West	BRIAR LANE AND BEYOND R-4 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 January 15, 2025, recommends to approve the following zoning relief:

Variation to reduce the corner side setback from permitted 30 feet to approximately 10 feet, for a new greenhouse.

**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-24-00082 Wallace dated December 4, 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 February 4, 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:

Variation to reduce the corner side setback from permitted 30 feet to approximately 10 feet. for a new greenhouse.

**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-24-000082 Wallace** dated December 4, 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): 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 permitted 30 feet to approximately 10 feet, for a new greenhouse, on the property hereinafter described:

LOT 81 IN VOLK BROS - SECOND ADDITION TO EDGEWOOD, BEING A SUBDIVISION IN THE NORTHEAST ¼ OF SECTION 22 AND IN THE NORTHEAST ¼ OF SECTION 23, TOWNSHIP 40 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1926 AS DOCUMENT 213086, 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-24-000082 Wallace** dated December 4, 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; OWEN AND KELLY WALLACE, 4N575 BRIAR LANE, BENSENVILLE, IL 60106; and Township Assessor, Addison Township, 401 North Addison Road, Addison, IL 60101.

Enacted and approved this 11<sup>th</sup> day of February, 2025 at Wheaton, Illinois.



DEBORAH A. CONROY, CHAIR  
DU PAGE COUNTY BOARD

Attest:



JEAN KACZMAREK, COUNTY CLERK