

Ordinance

DC-O-0023-19

Zoning Petition Z19-016 Hudmon

WHEREAS, a public hearing was held on April 18, 2019 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. Variation to reduce the Front Setback from 50' to approx. 30'; and
2. Variation to reduce the Side Yard setback from 20' to approx. 10', all for a new Morton storage building, on the property hereinafter described:

PART OF THE NORTH HALF OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE NORTHWEST CORNER OF LOT 5 IN SHEFFLERS' ASSESSMENT PLAT OF PART OF THE NORTH QUARTER IF (OF) SAID SECTION 5, (RECORDED AS DOCUMENT NO. 414222 ON AUGUST 23, 1940) AND PROCEEDING THENCE WESTERLY ALONG THE SOUTH RIGHT-OF-WAY OF GARY AVENUE 599.92 FEET; THENCE IN A NORTHERLY DIRECTION ALONG THE WEST RIGHT-OF-WAY ALONG SAID RAILROAD RIGHT-OF-WAY LINE 211.50 FEET TO THE POINT OF BEGINNING, ALL 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 April 18, 2019 does find as follows:

FINDINGS OF FACT:

- A. The Hearing Officer finds that petitioner has demonstrated evidence for a Variation to reduce the Front Setback from 50' to approx. 30'; and a Variation to reduce the Side Yard setback from 20' to approx. 10', all for a new Morton storage building.
- B. That petitioner testified that the subject property is known as the Barn Owl Garden Center.
- C. That petitioner testified that the subject zoning relief is for a proposed Morton storage building to store seasonal products for sale, such as plants and flowers.

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- D. That petitioner testified that the proposed storage building will be approximately 2,520 square feet in size (42 feet by 60 feet).
- E. That petitioner testified that the proposed storage building will replace an existing wood frame canopy structure in essentially the same location as the old dilapidated structure.
- F. That petitioner testified that the proposed storage building will have doors that open during business hours to display plants and flowers, and that the building will be locked at night to prevent any theft or vandalism.
- G. That petitioner testified that the subject property is located on a “pie-shaped” lot and that due to the lot size, the northern half of the property is obtuse, compared to the southern half, which is acute.
- a. Furthermore, that petitioner testified that due to the subject lot size, location of existing building, parking lot, and stormwater detention area, that the only location to place a proposed storage building is on the northern section of the subject property.
- H. That petitioner has demonstrated that the proposed development will not have an impact on adjacent properties and roadways, as the property is adjacent to Commonwealth Edison ROW and power lines to the west and south, the Prairie Path to the north and Gary Avenue to the east.

PETITIONER’S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	Z19-016 Hudmon
ZONING REQUEST	1. A Variation to reduce the Front Setback from 50' to approx. 30'; and 2. A Variation to reduce the Side Yard setback from 20' to approx. 10', all for a new Morton storage building
OWNER	JACQUELINE HUDMON, 27W651 HOLLY CT., WEST CHICAGO, IL 60185 / AGENT: CLARK HUDMON, 621 W FRONT ST., WHEATON, IL 60187

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ADDRESS/LOCATION	1N583 GARY AVENUE, CAROL STREAM, IL 60188	
PIN	05-05-102-004 & 05-05-202-002	
TWSP./CTY. BD. DIST.	Milton	District 4
ZONING/LUP	I-1 Industrial	Industrial Low
AREA	2.52 acres (109,771 sq. ft.)	
UTILITIES	Well and Septic	
PUBLICATION DATE	Daily Herald: April 3, 2019	
PUBLIC HEARING	April 18, 2019	
<u>ADDITIONAL INFORMATION:</u>		
Building:	No Objections.	
DUDOT:	No Comment.	
Health:	No Objections.	
Stormwater:	No Objections.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Carol Stream:	Objects. (See attached documentation)	
Village of Winfield:	No Comment.	
City of Wheaton:	Our office has no jurisdiction in this matter.	
City of West Chicago:	No Comment.	
Village of Glendale Heights:	No Comment.	
Milton Township:	No Comment.	
Township Highway:	Our office has no jurisdiction in this matter.	
Carol Stream Fire Dist.:	No Comment.	
Sch. Dist. 200:	No Comment.	
Forest Preserve:	“The Forest Preserve District of DuPage County has reviewed the information provided in this notice and due to	

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	the sizeable distance between the subject property and District property, we do not have any specific concerns.”
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GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
East Front Yard:	50 FT	APPROX. 35 FT	APPROX. 30 FT
North Int. Side Yard:	20 FT	APPROX. 11.88 FT	APPROX. 10 FT
SW Rear Yard:	20 FT	APPROX. 53 FT	APPROX. 53 FT

LAND USE

Location	Zoning	Existing Use	LUP
Subject	I-1 Light Industrial	Garden Center	Industrial Low
North	I-1 Light Industrial	Prairie Path	Unclassified
South	Village of Carol Stream	ComEd	Village of Carol Stream
East	Gary Ave and beyond Village of Carol Stream	Office	Village of Carol Stream
West	Village of Carol Stream	ComEd	Village of Carol Stream

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on April 18, 2019 recommends to approve following zoning relief:

1. Variation to reduce the Front Setback from 50' to approx. 30'; and
2. Variation to reduce the Side Yard setback from 20' to approx. 10', all for a new Morton storage building.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z19-016 Hudmon dated April 18, 2019.

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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 in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

WHEREAS, it is at the request of the DuPage County Board to discharge the Development Committee for Z19-016 Hudmon.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

1. Variation to reduce the Front Setback from 50' to approx. 30'; and
2. Variation to reduce the Side Yard setback from 20' to approx. 10', all for a new Morton storage building, on the property hereinafter described:

PART OF THE NORTH HALF OF SECTION 4, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED BY BEGINNING AT THE NORTHWEST CORNER OF LOT 5 IN SHEFFLERS' ASSESSMENT PLAT OF PART OF THE NORTH QUARTER IF (OF) SAID SECTION 5, (RECORDED AS DOCUMENT NO. 414222 ON AUGUST 23, 1940) AND PROCEEDING THENCE WESTERLY ALONG THE SOUTH RIGHT-OF-WAY OF GARY AVENUE 599.92 FEET; THENCE IN A NORTHERLY DIRECTION ALONG THE WEST RIGHT-OF-WAY ALONG SAID RAILROAD RIGHT-OF-WAY LINE 211.50 FEET TO THE POINT OF BEGINNING, ALL 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 #Z19-016 Hudmon dated April 18, 2019.
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.

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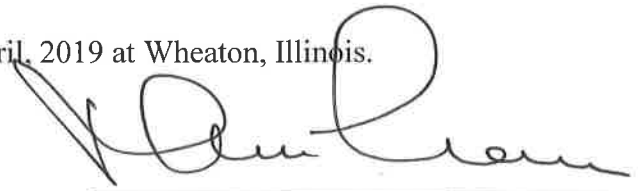
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3. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
4. That the property be developed in accordance with all other codes and 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; JACQUELINE HUDMON, 27W651 HOLLY CT., WEST CHICAGO, IL 60185; and Township Assessor, Milton Township, 1492 N. Main Street, Wheaton, IL 60187.

Enacted and approved this 23rd day of April, 2019 at Wheaton, Illinois.



DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest: 
JEAN KACZMAREK, COUNTY CLERK

Ayes 17
Absent 1