

Ordinance

DC-O-0056-19

WHEREAS, a public hearing was held on August 21, 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:

Conditional Use to reduce the side yard setback from 3 feet to approximately 1 foot for a shed that has been on the property for at least 5 years, on the property hereinafter described:

OF THE SOUTHEASTERLY 14 FEET OF LOT 82 (AS MEASURED ON THE NORTHEASTERLY AND SOUTHWESTERLY LINES THEREOF) AND ALL OF LOT 83 (EXCEPT THE SOUTHEASTERLY 10 FEET AS MEASURED ON THE NORTHEASTERLY AND SOUTHWESTERLY LINES THEREOF) IN FIRST ADDITION TO GIBONS AND NEPIL'S JEWELL ROAD SUBDIVISION, BEING A SUBDIVISION IN SECTION 7 AND 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182394, IN DU PAGE COUNTY, ILLINOIS. THIS PROPERTY IS KNOWN AS 0N305 COTTONWOOD DRIVE, WHEATON, 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 21, 2019 does find as follows:

FINDINGS OF FACT:

- A. The Hearing Officer finds that petitioner has demonstrated evidence for Conditional Use to reduce the side yard setback from 3 feet to approximately 1 foot for a shed that has been on the property for at least 5 years.
- B. The Hearing Officer finds that petitioner has demonstrated that the existing shed has been in existence prior to when the petitioner purchased the subject property. The petitioner purchased the subject property approximately five (5) years ago.
- C. That petitioner testified the existing shed is used to store yard equipment, household accessory equipment, and children's toys such as bicycles.
- D. That petitioner testified that the existing shed is not serviced with utilities.
- E. That Hearing Officer finds that petitioner has demonstrated that a Conditional use to allow a shed to remain less than 3' from the property line (approximately 1.3' from interior side property line and approximately 1.82' from rear property line), where shed has existed for more than 5 years does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

Ordinance

DC-O-0056-19

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	Z19-049 Havens	
ZONING REQUEST	Conditional Use to reduce the side yard setback from 3 feet to approximately 1 foot for a shed that has been on the property for at least 5 years.	
OWNER	JOSEPH NEILE HAVENS, 0N305 COTTONWOOD DRIVE, WHEATON, IL 60187	
ADDRESS/LOCATION	0N305 COTTONWOOD DRIVE, WHEATON, IL 60187	
PIN	05-07-405-036	
TWSP./CTY. BD. DIST.	Milton	District 4
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.19 acres (8,276 sq. ft.)	
UTILITIES	Well and Sewer	
PUBLICATION DATE	Daily Herald: August 7, 2019	
PUBLIC HEARING	August 21, 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:		
City of Wheaton:	No Comment.	
Village of Winfield:	No Comment.	
Village of Carol Stream:	No Comment.	
Milton Township:	No Comment.	
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	

Ordinance

DC-O-0056-19

Winfield Fire Dist.:	No Comment.
Sch. Dist. 200:	No Comment.
Forest Preserve:	"The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you."

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
South Front Yard:	30 FT and behind front wall	APPROX. 121 FT	APPROX. 121 FT
East Int. Side Yard:	3 FT	APPROX. 1.3 FT	APPROX. 1.3 FT
West Int. Side Yard:	3 FT	APPROX. 44 FT	APPROX. 44 FT
North Rear Yard:	3 FT	APPROX. 18 FT	APPROX. 18 FT

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	House	0-5 DU AC
North	R-4 SF RES	DuDOT/ Prairie Path	0-5 DU AC
South	Cottonwood Drive and beyond R-4 SF RES	House	0-5 DU AC
East	R-4 SF RES	House	0-5 DU AC
West	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 August 21, 2019 recommends to approve the following zoning relief:

Conditional Use to reduce the side yard setback from 3 feet to approximately 1 foot for a shed that has been on the property for at least 5 years.

Ordinance

DC-O-0056-19

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z19-049 Havens dated August 21, 2019.
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 owner/developer is not permitted to operate a business out of the subject shed.
4. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
5. That petitioner maintains the existing landscaping around the perimeter of the subject property.
6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

WHEREAS, the County Board Development Committee on October 1, 2019, 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 reduce the side yard setback from 3 feet to approximately 1 foot for a shed that has been on the property for at least 5 years.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z19-049 Havens dated August 21, 2019.
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.

Ordinance

DC-O-0056-19

- b. The structure is voluntarily removed.
3. That owner/developer is not permitted to operate a business out of the subject shed.
4. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
5. That petitioner maintains the existing landscaping around the perimeter of the subject property.
6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

DuPage County Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

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

Conditional Use to reduce the side yard setback from 3 feet to approximately 1 foot for a shed that has been on the property for at least 5 years, on the property hereinafter described:

OF THE SOUTHEASTERLY 14 FEET OF LOT 82 (AS MEASURED ON THE NORTHEASTERLY AND SOUTHWESTERLY LINES THEREOF) AND ALL OF LOT 83 (EXCEPT THE SOUTHEASTERLY 10 FEET AS MEASURED ON THE NORTHEASTERLY AND SOUTHWESTERLY LINES THEREOF) IN FIRST ADDITION TO GIBONS AND NEPIL'S JEWELL ROAD SUBDIVISION, BEING A SUBDIVISION IN SECTION 7 AND 8, TOWNSHIP 39 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 12, 1924 AS DOCUMENT 182394, IN DU PAGE COUNTY, ILLINOIS. THIS PROPERTY IS KNOWN AS 0N305 COTTONWOOD DRIVE, WHEATON, 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 #Z19-049 Havens dated August 21, 2019.
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.

Ordinance

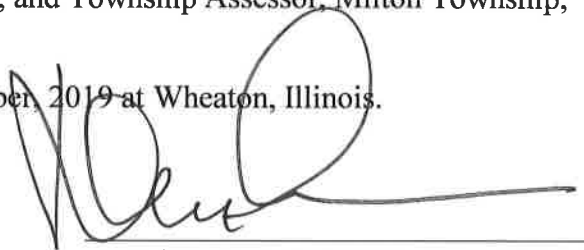
DC-O-0056-19

3. That owner/developer is not permitted to operate a business out of the subject shed.
4. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
5. That petitioner maintains the existing landscaping around the perimeter of the subject property.
6. 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; JOSEPH NEILE HAVENS, 0N305 COTTONWOOD DRIVE, WHEATON, IL 60187; and Township Assessor, Milton Township, 1492 N. Main Street, Wheaton, IL 60187.

Enacted and approved this 8th day of October, 2019 at Wheaton, Illinois.



DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest:



JEAN KACZMAREK, COUNTY CLERK

Ayes 17
Absent 1