

Ordinance

DC-O-0014-20

WHEREAS, a public hearing was held on December 4, 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:

Variation to allow a 6'6" / 100% closed (opacity) fence within the corner side yard setback, on the property hereinafter described:

LOT 6 IN BLOCK 3 IN BRANIGAR'S MEDINAH HILLS UNIT THREE, BEING A SUBDIVISION OF PART OF SECTIONS 2 AND 11, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 16, 1953, AS DOCUMENT 701129 AND CERTIFICATE OF CORRECTION FILED NOVEMBER 25, 1953 AS DOCUMENT 701985 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, 2019 does find as follows:

FINDINGS OF FACT:

- A. The Hearing Officer finds that petitioner has demonstrated evidence for a Variation to allow a 6'6" / 100% closed (opacity) fence within the corner side yard setback.
- B. That petitioner testified that the DuPage County Health Department rejected petitioner's previous building permit application for a 6'6" / 100% closed fence that complied with the DuPage County Zoning Ordinance, as the fence was located between two septic field lines on the western portion of the property.
 - Furthermore, that petitioner testified that the Health Department stated that in order to build a fence on the subject property, the fence would need to be constructed outside of the septic field, closer to the west/ corner side property line.
- C. That petitioner testified that the subject property is located approximately 300 feet south of Irving Park Road at the northeast corner of Temple Drive and Harvey Road, and that due to the close proximity to Irving Park Road, petitioner requires additional screening for noise control and privacy on the subject property.
 - In addition, that petitioner testified that the topography of Harvey Road is higher than the subject property, requiring additional screening on the corner side property line.
- D. That Hearing Officer finds that petitioner has demonstrated that a Variation to allow a 6'6" / 100% closed (opacity) fence within the corner side yard setback, 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.
- E. That Hearing Officer finds that petitioner has demonstrated a unique circumstance and particular hardship on the subject property, as the DuPage County Health Department rejected petitioner's previous permit application for a 6'6" / 100% closed fence that complied

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with the DuPage County Zoning Ordinance, as it would be built on top of the subject property's septic field. As such, in order to construct a fence on the subject property, petitioner would be required to build outside of the septic field, closer to the western/ corner side property line.

- In addition, that Hearing Officer finds that the subject property is located in close proximity to Irving Park Road, and that the subject property is located at the northeast corner of Harvey Road and Temple Drive, in which the topography of Harvey Road is higher than the subject property, requiring additional screening for noise control and privacy on the subject property.

PETITIONER'S DEVELOPMENT FACT SHEET

<u>GENERAL ZONING CASE INFORMATION</u>		
CASE #/PETITIONER	Z19-084 Rushing	
ZONING REQUEST	Variation to allow a 6'6" / 100% closed (opacity) fence within the corner side yard setback.	
OWNER	JASON RUSHING, 22W156 TEMPLE DRIVE, MEDINAH, IL 60157	
ADDRESS/LOCATION	22W156 TEMPLE DRIVE, MEDINAH, IL 60157	
PIN	02-11-202-001	
TWSP./CTY. BD. DIST.	Bloomingtondale	District 1
ZONING/LUP	R-3 SF RES	0-5 DU AC
AREA	0.45 acres (19,602 sq. ft.)	
UTILITIES	Well and Septic	
PUBLICATION DATE	Daily Herald: November 20, 2019	
PUBLIC HEARING	Wednesday, December 4, 2019	
<u>ADDITIONAL INFORMATION:</u>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections.	
Stormwater:	No Comment.	

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Public Works:	Our office has no jurisdiction in this matter.
EXTERNAL:	
Village of Roselle:	No Comment.
Village of Itasca:	No Comment.
Village of Bloomingdale:	No Comment.
Bloomingdale Township:	No Comment.
Township Highway:	No Objection with the concept of the petition. Additional information may be required at time of permit application. (See attached documentation)
Roselle Fire Dist.:	No Objections. (See attached documentation)
Sch. Dist. 11:	No Comment.
Forest Preserve:	No Comment.

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Height:	4'6" / 50% Open	NA	6'6" / 100% Closed

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-2 SF RES	House	0-5 DU AC
North	R-2 SF RES	House	0-5 DU AC
South	Temple Drive and beyond R-2 SF RES	House	0-5 DU AC
East	R-2 SF RES	House	0-5 DU AC
West	Harvey Road and beyond R-2 SF RES	House	0-5 DU AC

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WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on December 4, 2019 recommends to approve the following zoning relief:

Variation to allow a 6'6" / 100% closed (opacity) fence within the corner side yard setback.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z19-084 Rushing dated December 4, 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.
3. That petitioner maintains the existing landscaping around the perimeter of the subject property.
4. 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 7, 2020, 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 allow a 6'6" / 100% closed (opacity) fence within the corner side yard setback.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z19-084 Rushing dated December 4, 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.
3. That petitioner maintains the existing landscaping around the perimeter of the subject property.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent

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

Variation to allow a 6'6" 100% closed (opacity) fence within the corner side yard setback, on the property hereinafter described:

LOT 6 IN BLOCK 3 IN BRANIGAR'S MEDINAH HILLS UNIT THREE, BEING A SUBDIVISION OF PART OF SECTIONS 2 AND 11, TOWNSHIP 40 NORTH, RANGE 10, EAST OF THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 16, 1953, AS DOCUMENT 701129 AND CERTIFICATE OF CORRECTION FILED NOVEMBER 25, 1953 AS DOCUMENT 701985 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 #Z19-084 **Rushing** dated December 4, 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.
3. That petitioner maintains the existing landscaping around the perimeter of the subject property.
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; JASON RUSHING, 22W156 TEMPLE DRIVE, MEDINAH, IL 60157; and Township Assessor, Bloomingdale Township, 123 N. Rosedale, Bloomingdale, IL 60108.

Enacted and approved this 14th day of January, 2020 at Wheaton, Illinois.



DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest:


JEAN KACZMAREK, COUNTY CLERK

AYES 18
NAYS 0
ABSENT 0