



Legislation Text

File #: DC-O-0018-23, **Version:** 1

ORDINANCE

Zoning Petition ZONING-23-000007 Mehmood

WHEREAS, a public hearing was held on March 1, 2023 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 required 30' to approximately 12.55 feet, for interior and exterior remodeling of a house on the existing foundation, on the property hereinafter described:

LOTS 1 AND LOT 2 BLOCK 9 IN GRAUE'S LAKE TERRACE, BEING A SUBDIVISION OF PART OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 8, 1925, AS DOCUMENT 192604, 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 March 1, 2023 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that he seeks the subject zoning relief to reduce the corner side setback from required 30' to approximately 12.55 feet, for interior and exterior remodeling of a house on the existing foundation.
- B. That petitioner testified that he has owned the property for approximately eight (8) weeks.
- C. That petitioner testified that the home was likely constructed in the 1970s and requires significant interior and exterior alterations that would consider the proposed construction a new home on existing foundation.
- D. That petitioner testified that the existing home and existing foundation was built approximately 12.55 feet from the corner side property line.
- E. That the Hearing Officer finds that petitioner demonstrated evidence for a practical difficulty and particular hardship as the existing home was originally built too close to the corner side property line and that any alterations to the subject home would require the subject zoning relief.

STANDARDS FOR VARIATIONS:

**Per Zoning Code Section 37-1411.3*

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 interior and exterior remodeling will be on the existing foundation 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 the proposed interior and exterior remodeling will be built pursuant to all current building codes.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed interior and exterior remodeling 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 interior and exterior remodeling will be on the existing foundation 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 interior and exterior remodeling will be on the existing foundation and 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 interior and exterior remodeling will be on the existing foundation and 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 interior and exterior remodeling will be on the existing foundation and will be an added benefit to the area and 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-23-000007 Mehmood |
| ZONING REQUEST | Variation to reduce the corner side setback from required 30' to approximately 12.55 feet, for interior and exterior remodeling of a house on the existing foundation. |
| OWNER | ALI MEHMOOD, 2S169 COLONIAL LANE, LOMBARD, IL 60148 |

| | | | |
|-------------------------|--|---|------------|
| ADDRESS/LOCATION | | 19W719 HOLTZ AVENUE, ADDISON, IL 60 | |
| PIN | | 03-20-308-002/ 03-20-308-003 | |
| TWSP./CTY. BD. DIST. | | ADDISON | DISTRICT 1 |
| ZONING/LUP | | R-4 SF RES | 0-5 DU AC |
| AREA | | 0.49 (21,344 SQ. FT.) | |
| UTILITIES | | WELL/ SEPTIC | |
| PUBLICATION DATE | | Daily Herald: FEBRUARY 14, 2023 | |
| PUBLIC HEARING | | WEDNESDAY, MARCH 1, 2023 | |
| ADDITIONAL INFORMATION: | | | |
| Building: | | No Objections. | |
| DUDOT: | | Our office has no jurisdiction in this matter. | |
| Health: | | No Objections with the concept of the petition. Additional information required at time of permit application. | |
| Stormwater: | | No Objections with the concept of the petition. Additional information required at time of permit application. | |
| Public Works: | | Our office has no jurisdiction in this matter. | |
| EXTERNAL: | | | |
| Village of Addison: | | No Comments Received. | |
| City of Wood Dale: | | No Comments Received. | |
| Village of Itasca | | Our office has no jurisdiction in this matter. | |
| Addison Township: | | No Comments Received. | |
| Township Highway: | | No Comments Received. | |
| Addison Fire Dist.: | | No Comments Received. | |
| Sch. Dist. 4: | | No Comments Received. | |
| 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 subject property and District property, we do not have any specific comments. Thank you.” | |

GENERAL BULK REQUIREMENTS:

| REQUIREMENTS: | REQUIRED | EXISTING | PROPOSED |
|----------------------|-----------------|-----------------|-----------------|
| Corner Side Yard: | 30 FT | 12.55 FT | 12.55 FT |

LAND USE

| Location | Zoning | Existing Use | LUP |
|-----------------|---------------|---------------------|------------|
| Subject | R-4 SF RES | House | 0-5 DU AC |

| | | | |
|-------|------------------------------------|-------------------|--------------------|
| North | Holtz Avenue and beyond R-4 SF RES | House | 0-5 DU AC |
| South | R-4 SF RES | House | 0-5 DU AC |
| East | R-4 SF RES | House | 0-5 DU AC |
| West | Village of Addison | Place of Assembly | Village of Addison |

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on March 1, 2023, recommends to approve the following zoning relief:

Variation to reduce the corner side setback from required 30' to approximately 12.55 feet, for interior and exterior remodeling of a house on the existing foundation.

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-23-000007 Mehmood dated March 1, 2023.
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 March 21, 2023, 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 required 30' to approximately 12.55 feet, for interior and exterior remodeling of a house on the existing foundation.

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-23-000007 Mehmood dated March 1, 2023.
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 (to Approve): 5 Ayes, 0 Nays, 1 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 required 30' to approximately 12.55 feet, for interior and exterior remodeling of a house on the existing foundation, on the property hereinafter described:

LOTS 1 AND LOT 2 BLOCK 9 IN GRAUE'S LAKE TERRACE, BEING A SUBDIVISION OF PART OF SECTION 20, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 8, 1925, AS DOCUMENT 192604, 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-23-000007 Mehmood** dated March 1, 2023.
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; ALI MEHMOOD, 2S169 COLONIAL LANE, LOMBARD, IL 60148 and Township Assessor, Addison Township, 401 North Addison Road, Addison, IL 60101.

Enacted and approved this 28th day of March 2023 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

ATTEST: _____

JEAN KACZMAREK, COUNTY CLERK