



**DUPAGE
COUNTY**

BUILDING & ZONING DEPARTMENT

630-407-6700
fax: 630-407-6702

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Board of Appeals

DATE: May 7, 2026

RE: **ZONING-25-000064 Axiom Home Investments, LLC.
(Downers Grove / District 3)**

DuPage County Development Committee: May 19, 2026:

Zoning Board of Appeals Meeting: May 7, 2026: The Zoning Board of Appeals recommended to deny the following zoning relief:

1. Conditional Use for an accessory dwelling unit.
2. Conditional Use to allow an existing detached accessory building to remain less than 10 feet from the interior side setback (approximately 9.22 feet), where the detached accessory building has existed for at least 5 years.
3. Variation from Subsection 37-417.2(F) to increase the maximum number of permitted occupants on the property—from five (5) occupants to eight (8) occupants total—allocated as six (6) occupants in the existing principal single-family dwelling unit and two (2) occupants in the accessory dwelling unit.

ZBA VOTE (to Deny): 5 Ayes, 0 Nays, 0 Absent

FINDINGS OF FACT:

1. That petitioner testified that the subject zoning relief is for a Conditional Use an accessory dwelling unit, a Conditional Use to allow an existing detached accessory building to remain less than 10 feet from the interior side setback (approximately 9.22 feet), where the detached accessory building has existed for at least 5 years, and a Variation from Subsection 37-417.2(F) to increase the maximum number of permitted occupants on the property—from five (5) occupants to eight (8) occupants total—allocated as six (6) occupants in the existing principal single-family dwelling unit and two (2) occupants in the accessory dwelling unit.

2. That petitioner testified that the subject property is located on the east side of Lemont Road, approximately one-half mile north of Bluff Road, and approximately 270 feet south of Davey Road.
3. That petitioner testified that the existing detached garage would be converted into an accessory dwelling unit (“ADU”).
4. That petitioner testified that the existing home is a one-story, single-family residence with three (3) bedrooms and is approximately 1,236 sq. ft. in area.
 - a. That petitioner testified that the existing detached garage is approximately 719 sq. ft. in area and is located approximately 9.22 feet from the interior side property line.
5. That petitioner testified that the surrounding area and properties to the north, south, east, and west, are all located in unincorporated DuPage County and are zoned single-family residential.
6. That petitioner testified that the existing detached garage would be converted into an ADU containing a kitchen, bathroom, and bedroom, and that the ADU is intended to accommodate no more than two (2) occupants.
7. That petitioner testified that, because the existing home contains three (3) bedrooms, the permitted occupancy of the principal residence should be six (6) occupants and, with the addition of the proposed two (2) occupants within the ADU, the total occupancy of the subject property should be increased to eight (8) occupants.
 - a. That the petitioner testified that under the current Accessory Housing regulations limiting the total occupancy on the subject property to five (5) occupants, only three (3) occupants would be permitted within the principal residence, which the petitioner stated would render the subject property unmarketable.
8. That petitioner testified that one (1) of the occupants of the subject property would be one of the owners of Axiom Home Investments, LLC.
9. That petitioner testified that DuPage County policy supports affordable housing options, and that the proposed zoning relief would further the County’s initiatives to increase the availability of affordable housing within the County.
10. That the Zoning Board of Appeals finds that petitioner has not demonstrated or provided sufficient evidence for the Standards for Conditional Use or Variation, and has not presented a particular hardship or practical difficulty for a Variation.

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner has not demonstrated that the granting of the Conditional Use 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; and specifically that the granting of the Conditional Use will not:

- a. Impair an adequate supply of light and air to the adjacent property as petitioner has not demonstrated or provided sufficient evidence that the proposed accessory dwelling unit will not impair an adequate supply of light and air to the adjacent property.
- b. Increase the hazard from fire or other dangers to said property as petitioner has not demonstrated or provided sufficient evidence that the proposed accessory dwelling unit will not increase the hazard from fire or other dangers to said property.
- c. Diminish the value of land and buildings throughout the County as petitioner has not demonstrated or provided sufficient evidence that the proposed accessory dwelling unit 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 not demonstrated or provided sufficient evidence that the proposed accessory dwelling unit will not increase traffic congestion in the public streets and highways.
- e. Increase the potential for flood damages to adjacent property as petitioner has not demonstrated or provided sufficient evidence that the proposed accessory dwelling unit 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 not demonstrated or provided sufficient evidence that the proposed accessory dwelling unit 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 not demonstrated or provided sufficient evidence that the proposed accessory dwelling unit will not impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.

STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner has not 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 Board of Appeals finds that petitioner has not demonstrated the granting of the Variation will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner has not demonstrated or provided sufficient evidence that the proposed accessory dwelling unit will not impair an adequate supply of light and air to the adjacent property.
 - b. Increase the hazard from fire or other dangers to said property as petitioner has not demonstrated or provided sufficient evidence that the proposed accessory dwelling unit will not increase the hazard from fire or other dangers to said property.
 - c. Diminish the value of land and buildings throughout the County as petitioner has not demonstrated or provided sufficient evidence that the proposed accessory dwelling unit 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 not demonstrated or provided sufficient evidence that the proposed accessory dwelling unit will not increase traffic congestion in the public streets and highways.
- e. Increase the potential for flood damages to adjacent property as petitioner has not demonstrated or provided sufficient evidence that the proposed accessory dwelling unit 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 not demonstrated or provided sufficient evidence that the proposed accessory dwelling unit 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 not demonstrated or provided sufficient evidence that the proposed accessory dwelling unit will not impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.

GENERAL ZONING CASE INFORMATION

CASE #/PETITIONER:

- ZONING-25-000064 Axiom Home Investments, LLC.

ZONING REQUEST:

1. Conditional Use for an accessory dwelling unit.
2. Conditional Use to allow an existing detached accessory building to remain less than 10 feet from the interior side setback (approximately 9.22 feet), where the detached accessory building has existed for at least 5 years.
3. Variation from Subsection 37-417.2(F) to increase the maximum number of permitted occupants on the property—from five (5) occupants to eight (8) occupants total—allocated as six (6) occupants in the existing principal single-family dwelling unit and two (2) occupants in the accessory dwelling unit.

OWNER: AXIOM HOME INVESTMENTS, LLC., 12S240 LEMONT ROAD, LEMONT, IL 60439 /

AGENT: MICHAEL ROTH, ROTH LEGAL, LLC., 256 E. ADELIA STREET, ELMHURST, IL 60126

ADDRESS/LOCATION: 12S240 LEMONT ROAD, LEMONT, IL 60439

PIN: 10-17-302-002

TWSP./CTY. BD. DIST.: DOWNERS GROVE / DISTRICT 3

ZONING/LUP: R-4 SF RES / 0-5 DWELLING UNITS PER ACRE

AREA: 0.7 ACRES (30,492 SQ. FT.)

UTILITIES: WELL/SEPTIC

PUBLICATION DATE: DAILY HERALD: MARCH 23, 2026

PUBLIC HEARING: THURSDAY, APRIL 9, 2026

ADDITIONAL INFORMATION:

Building: No objection/concerns with the concept of the petition. Additional information may be required at time of permit application.

DUDOT: *No Comments Received.*

Health: *No Comments Received.*

Stormwater: No Objections.

Public Works: “DPC Public Works doesn’t own any sewer or water mains in this area.”

EXTERNAL:

Village of Woodridge: *No Comments Received.*

City of Lemont: *No Comments Received.*

City of Darien: *No Comments Received.*

Downers Grove Township: *No Comments Received.*

Township Highway: *No Comments Received.*

Lemont Fire Dist.: *No Comments Received.*

Sch. Dist. 113: *No Comments Received.*

Sch. Dist. 210: *No Comments Received.*

Forest Preserve: “Forest Preserve District of DuPage County staff have reviewed the Public Notice for Case ZONING-25-000064 Axiom Home Investments, LLC. And we don’t have any comments / concerns.”

GENERAL BULK REQUIREMENTS

- **Interior Side Yard**
 - Required: 10 FT
 - Existing: APPROX. 9.22 FT
 - Proposed: APPROX. 9.22 FT

LAND USE

Subject Property:

- **Zoning:** R-4 SF RES / **Existing Use:** HOUSE / **Land Use Plan (LUP):** 0-5 DU AC

North of Subject Property:

- **Zoning:** R-4 SF RES / **Existing Use:** HOUSE / **Land Use Plan (LUP):** 0-5 DU AC

South of Subject Property:

- **Zoning:** R-4 SF RES / **Existing Use:** HOUSE / **Land Use Plan (LUP):** 0-5 DU AC

East of Subject Property:

- **Zoning:** R-4 SF RES / **Existing Use:** HOUSE / **Land Use Plan (LUP):** 0-5 DU AC

West of Subject Property:

- **Zoning:** LEMONT ROAD AND BEYOND R-4 SF RES / **Existing Use:** HOUSE / **Land Use Plan (LUP):** 0-5 DU AC