



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
Fax: 630-407-6702

www.dupageco.org/building

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: October 17, 2023

RE: **ZONING-23-000058 McCann (Milton/District 4)**

DuPage County Board: October 24, 2023:

Development Committee: October 17, 2023: The DuPage County Development Committee recommended to approve the following zoning relief:

Variation to reduce the interior side setback from 3" to approximately 0", for a proposed fence on the property line.

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-23-000058 McCann** dated September 27, 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

Zoning Hearing Officer: September 17, 2023: The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to reduce the interior side setback from 3" to approximately 0", for a proposed fence on the property line.

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-23-000058 McCann** dated September 27, 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

FINDINGS OF FACT:

- A. That petitioner testified that he and his adjacent neighbor, Steven Taft, both requested the same Variation in order to share a fence on their shared interior side property line and that their neighbor's case number is ZONING-23-000060 Taft.
 - a. Further, that the Zoning Hearing Officer combined both cases (ZONING-23-000058 McCann and ZONING-23-000060 Taft) to be heard together for the public hearing.
- B. That petitioner testified that he requested the subject zoning relief in order to construct a proposed fence on the shared property line, and that due to the existing driveway location, petitioner is not able to meet the required 3" setback.
- C. That the Hearing Officer finds that petitioner demonstrated evidence for a practical difficulty and particular hardship as the location of subject property's existing driveway does not allow petitioner to meet the required 3" setback requiring petitioner to request the subject zoning relief to construct a proposed fence on the interior side property line.

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 fence 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 fence 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 fence 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 fence will be located behind the front wall of the house 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 fence 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 fence 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 fence will be built in the rear of the property, 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-23-000058 McCann	
ZONING REQUEST	Variation to reduce the interior side setback from 3" to approximately 0", for a proposed fence on the property line.	
OWNER	JOSH D. MCCANN & ALEKSANDRA BARAN, 22W531 BALSAM DRIVE, GLEN ELLYN, IL 60137	
ADDRESS/LOCATION	22W531 BALSAM DRIVE, GLEN ELLYN, IL 60137	
PIN	05-35-112-005	
TWSP./CTY. BD. DIST.	MILTON	DISTRICT 4
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.26 ACRES (11,326 SQ. FT.)	
UTILITIES	WATER AND SEWER	
PUBLICATION DATE	Daily Herald: SEPTEMBER 12, 2023	
PUBLIC HEARING	WEDNESDAY, SEPTEMBER 27, 2023	
<u>ADDITIONAL INFORMATION:</u>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	Our office has no jurisdiction in this matter.	
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
City of Wheaton:	<i>No Comments Received.</i>	
Village of Glen Ellyn:	<i>No Comments Received.</i>	
Village of Lisle:	Our office has no jurisdiction in this matter. “Subject property is outside of the Village’s Boundary Agreement.”	
Village of Lombard:	“As the property is outside of our planning boundaries, we do not have any comments on the petition.”	
Village of Downers Grove:	“The Village of Downers Grove has no comments on this.”	
Milton Township:	<i>No Comments Received.</i>	
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
Lisle-Woodridge Fire Dist.:	“N/A”	
Sch. Dist. 89:	<i>No Comments Received.</i>	
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
Int. Side Yard:	3''	NA	0''

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	HOUSE	0-5 DU AC
North	BALSMA DRIVE 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	R-4 SF RES	HOUSE	0-5 DU AC

variance requested to encroach 3' setback in order
to connect fence to Lot 14 neighbor's fence





