



**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: November 7, 2023

RE: **ZONING-23-000062 Murphy (Downers Grove/ District 3)**

DuPage County Board: November 14, 2023:

Development Committee: November 7, 2023: The DuPage County Development Committee recommended to approve the following zoning relief:

Variation to allow a 6'6"/100% closed (privacy) fence within the 10' 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 # **ZONING-23-000062 Murphy** 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 27, 2023: The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to allow a 6'6"/100% closed (privacy) fence within the 10' 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 # **ZONING-23-000062 Murphy** 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 the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a Variation to allow a 6'6"/100% closed (privacy) fence within the 10' corner side yard setback.
- B. That petitioner testified that he requires a 6'6"/100% closed privacy fence within the 10' corner side yard setback for additional privacy and security due to increased noise, vehicle, and pedestrian traffic.
- C. That petitioner testified that Lakeside Drive now acts as a cut-through for 55th Street and becomes a "highway" during peak traffic times.
- D. That Hearing Officer finds that petitioner has demonstrated that a Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback will not have any impact on adjacent properties and roadways, will not impact on drainage, and will not impede ventilation and light to the subject property or adjacent properties.
- E. Furthermore, that Hearing Officer finds that petitioner has demonstrated evidence for a practical difficulty and particular hardship in relation to the location of the subject property, and that that the increase in noise, vehicle, and pedestrian traffic required petitioner to request a Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback.

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 privacy 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 privacy fence will not increase in the hazard from fire or other dangers and that he will receive a building permit for the proposed fence.
- c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed privacy fence will not diminish the value of land and buildings throughout the County and will be an added benefit to the neighborhood.
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed privacy fence will not unduly increase traffic congestion in the public streets and highways, and that it will not impact line-of-sight clearance for vehicles.
- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed privacy fence will not increase the potential for flood damages to adjacent properties.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that proposed privacy 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** the proposed privacy fence will be an added benefit to the neighborhood, 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-23-000062 MURPHY	
ZONING REQUEST	Variation to allow a 6'6"/100% closed (privacy) fence within the 10' corner side yard setback.	
OWNER	CHRISTOPHER MURPHY, 5644 S MONROE STREET, HINSDALE, IL 60521	
ADDRESS/LOCATION	5644 S MONROE STREET, HINSDALE, IL 60521	
PIN	09-14-206-011	
TWSP./CTY. BD. DIST.	DOWNERS GROVE	DISTRICT 3
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.31 ACRES (13,504 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.	
<u>EXTERNAL:</u>		
Village of Hinsdale:	<i>No Comments Received.</i>	
Village of Clarendon Hills:	<i>No Comments Received.</i>	
Village of Westmont:	<i>No Comments Received.</i>	
City of Darien:	No Objections.	
Village of Willowbrook:	<i>No Comments Received.</i>	
Village of Burr Ridge:	<i>No Comments Received.</i>	
Downers Grove Township:	<i>No Comments Received.</i>	
Township Highway:	<i>No Comments Received.</i>	
Golfview Hills Fire District/Westmont:	<i>No Comments Received.</i>	
Sch. Dist. 60:	<i>No Comments Received.</i>	

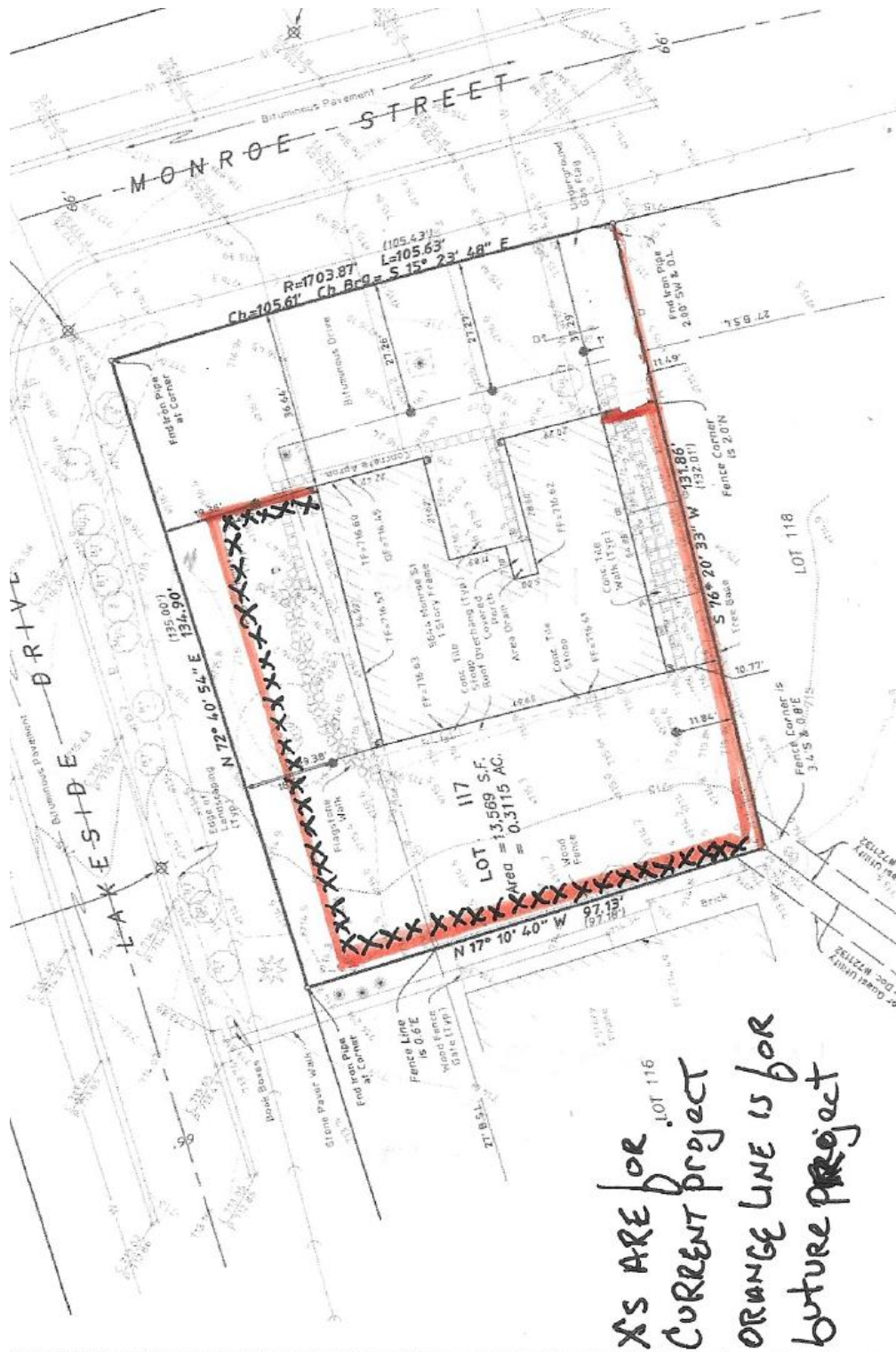
Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you.”
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GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Height:	4’6”	NA	6’6”

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	HOUSE	0-5 DU AC
North	LAKESIDE DRIVE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
South	R-4 SF RES	HOUSE	0-5 DU AC
East	MONROE STREET AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
West	R-4 SF RES	HOUSE	0-5 DU AC









Sent: Monday, September 25, 2023 9:23 PM
To: Infelise, Jessica
Subject: Opposition to Zoning Petition ZONING-23-000062 MURPHY for Fence Construction

Follow Up Flag: Follow up
Flag Status: Flagged

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BUILDING & ZONING DEPARTMENT
JACK T. KNUEPFER ADMINISTRATION BUILDING
421 NORTH COUNTY FARM ROAD WHEATON, ILLINOIS 60187

Re: Opposition to Zoning Petition ZONING-23-000062 MURPHY for Fence Construction at 5644 S MONROE STREET, HINSDALE, IL 60521

Dear Chairman Robert J. Kartholl and Members of the DuPage County Zoning Board of Appeals,

I am writing to formally express my concerns and opposition to the proposed construction of a 6'6" closed privacy fence within the 10' corner side yard setback at 5644 S Monroe Street, Hinsdale, IL 60521, as outlined in Zoning Petition ZONING-23-000062 MURPHY.

1. **Safety Hazard:** The construction of such a fence, particularly at the specified height and opacity, would severely restrict visibility around the corner. This poses a significant safety risk to motorists, pedestrians, and especially children. A clear line of sight is essential for safe navigation and to prevent potential accidents.
2. **Inconsistency with Neighborhood Aesthetic:** To the best of my knowledge and observation, there are currently no fences of similar nature in our neighborhood. Approving such a fence would not only be out of character but may also set a precedent for further deviations from the established neighborhood aesthetic.
3. **Traffic Implications:** Given that the house in question is located on a corner, it is imperative to ensure that any modifications to the property do not negatively impact traffic. The proposed fence would obstruct views for drivers, increasing the risk of vehicular collisions.
4. **Child Safety Concerns:** Many children in the area use the sidewalks and roads for play and commute. A restricted view due to the proposed fence increases the vulnerability of these children to potential accidents.

In light of the above concerns, I earnestly request the DuPage County Zoning Board of Appeals to reconsider the approval of this petition. As a member of this community, I believe it is crucial to prioritize the safety and well-being of its residents.

I will be unable to attend the public hearing scheduled for September 27, 2023, at 2:30 p.m. and would like you to voice these concerns for me. I also urge fellow neighbors and property owners to critically evaluate the implications of such a fence construction and its long-term repercussions for our community.

Thank you for your attention to this matter. I trust that the Board will consider the concerns of the community members and make a decision that ensures the safety and well-being of all residents.

Sincerely,

Parry Singh

Sent: Sunday, October 1, 2023 3:24 PM
To: Building and Zoning Department <BuildingandZoning@dupageco.org>
Subject: Soning Petition ZONING-23-000062 MURPHY

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Dear Mr. Stram,

We were away from our primary residence and out of the country when your office sent us a notice of a public hearing on the above referenced matter. As a consequence, we were not able to respond and appear in person or via Zoom. We would like to make our thoughts known via this email. We are property owners within 300 feet of the subject property. We live at 601 Lakeside Drive, Hinsdale, directly across the street from 5644 S. Monroe St.

It is our understanding that:

- this matter was not submitted nor approved by the Golfview Hills Homes Association as Article Two, Section 1 of its Protective Covenants require.
- as a corner lot, the requested set-back lines on both streets would be violated.
- the proposed height exceeds the six foot maximum and constitutes a height that would obstruct traffic vision or constitute a traffic hazard at an already dangerous intersection which serves as a school bus loading and unloading point.
- such a fence is not in keeping with the esthetics of the community. There is no such structure at any corner lot; in deed no fencing facing any property lot in Golfview Hills

Please consider these facts and opinions in you investigation into this zoning petition and your decision regarding it.

Respectfully submitted,

Alan and Joan Berger