



**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-23-000071 Gilman (Lisle/ District 2)**

DuPage County Board: November 14, 2023:

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

Conditional Use to allow the finished side of fence to face inward instead of outward toward the adjacent property.

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-23-000071 Gilman** dated October 4, 2023.
2. That the Conditional Use zoning relief shall expire after fifteen (15) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
 - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
 - b. The structure is voluntarily removed.
3. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

4. That petitioner maintains the existing landscaping around the perimeter of the subject property.
5. 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: October 4, 2023: The Zoning Hearing Officer recommended to approve the following zoning relief:

Conditional Use to allow the finished side of fence to face inward instead of outward toward the adjacent property.

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-23-000071 Gilman** dated October 4, 2023.
2. That the Conditional Use zoning relief shall expire after fifteen (15) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
 - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
 - b. The structure is voluntarily removed.
3. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
4. That petitioner maintains the existing landscaping around the perimeter of the subject property.
5. 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 the subject zoning relief is to allow the finished side of fence to face inward instead of outward toward the adjacent property.
- B. That petitioner originally applied for a Variation for the subject zoning relief, and that the request was converted to a Conditional Use at the public hearing, as a Conditional Use is lesser zoning relief than a Variation, and that conditions can therefore be placed on the subject fence to mitigate any future impacts on adjacent properties.

- C. That petitioner testified that they have requested the subject zoning relief as their fence contractor installed the subject fence incorrectly and that the wood fence that they ordered was supposed to be the same on both sides of the fence.
- D. That petitioner's adjacent neighbors testified that they do not have any objections to the subject fence.
- E. That Hearing Officer finds that petitioner has demonstrated that subject zoning relief to allow the finished side of fence to face inward instead of outward toward the adjacent property 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.

STANDARDS FOR CONDITIONAL USES:

- 1. That the Zoning Hearing Officer finds that petitioner **has 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 demonstrated** that the subject fence does not impact or impair the supply of light and air to adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they have received a building permit from the County for the subject fence.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the subject fence does not diminish the value of land and that the adjacent neighbors do not object to the fence.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the subject fence is located behind the front wall of the home and does not impact traffic.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the subject fence.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the subject fence.
 - g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the subject fence 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.

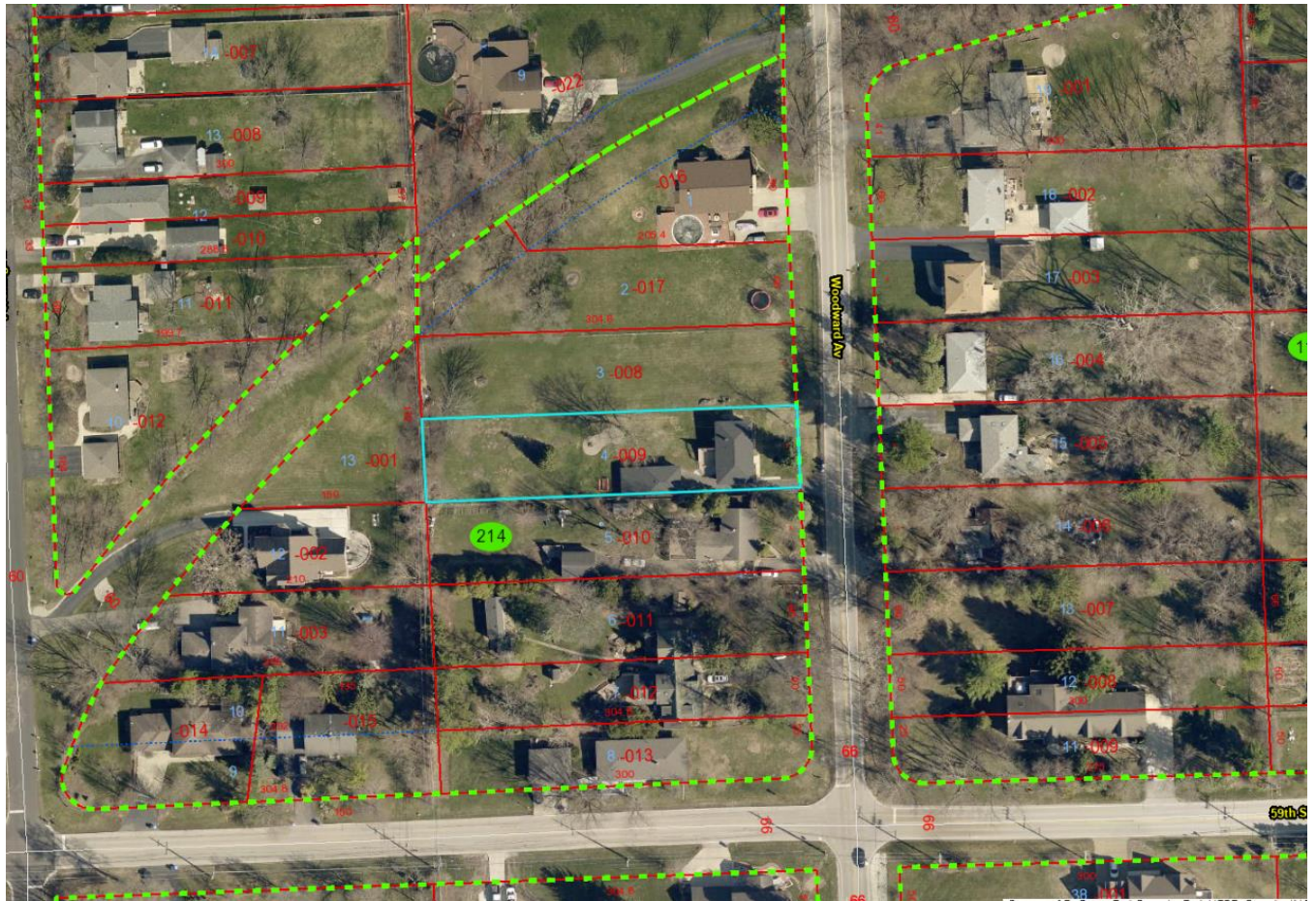
PETITIONER'S DEVELOPMENT FACT SHEET

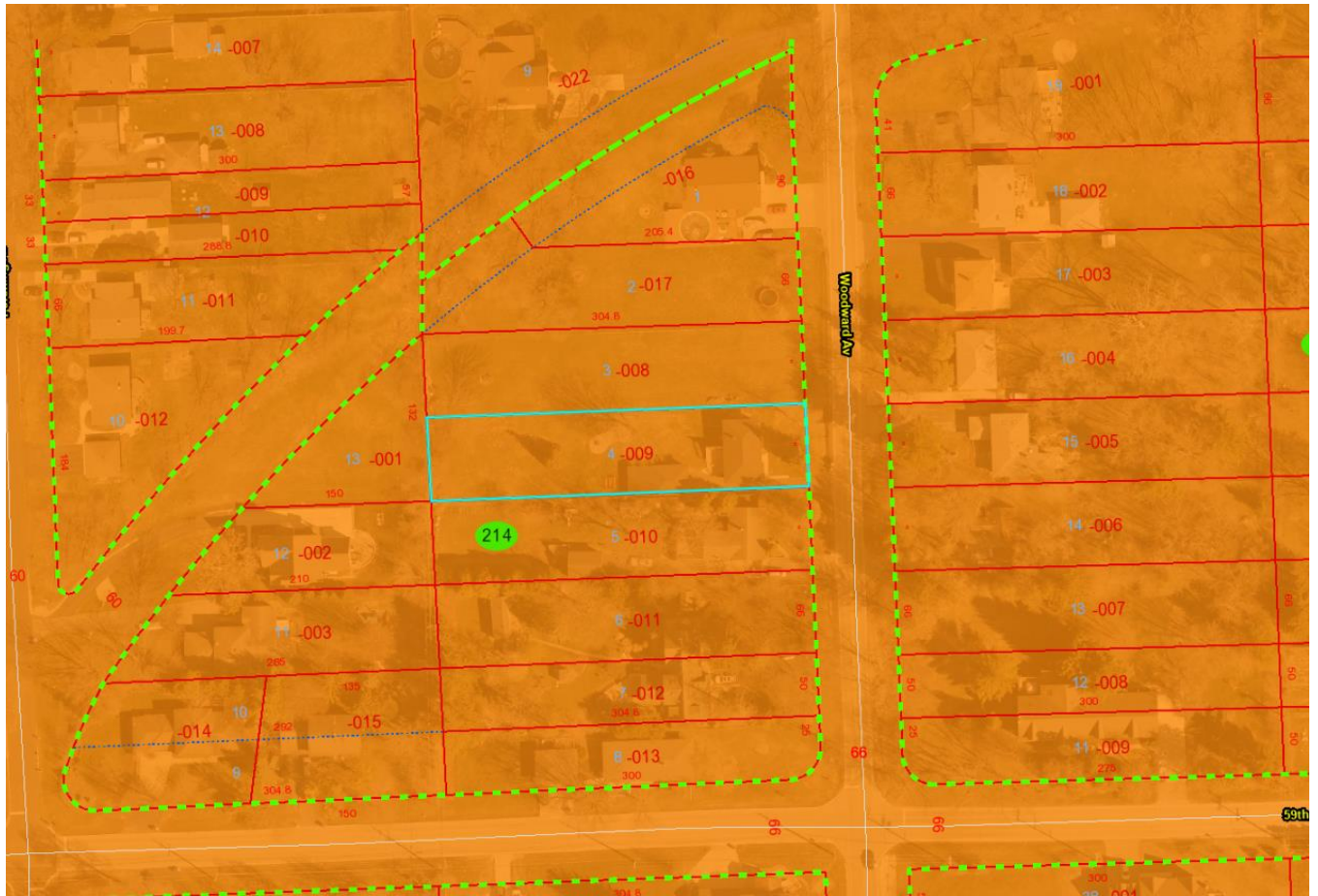
GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000071 Gilman	
ZONING REQUEST	Variation to allow the finished side of fence to face inward instead of outward toward the adjacent property.	
OWNER	KEVIN AND SARA GILMAN, 5820 WOODWARD AVENUE, DOWNERS GROVE, IL 60516	
ADDRESS/LOCATION	5820 WOODWARD AVENUE, DOWNERS GROVE, IL 60516	
PIN	08-13-214-009	
TWSP./CTY. BD. DIST.	LISLE	DISTRICT 2
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.45 (19,602 SQ. FT.)	
UTILITIES	WATER AND SEPTIC	
PUBLICATION DATE	Daily Herald: SEPTEMBER 19, 2023	
PUBLIC HEARING	WEDNESDAY, OCTOBER 4, 2023	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections.	
Stormwater:	Our office has no jurisdiction in this matter.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Woodridge:	Our office has no jurisdiction in this matter.	
Village of Downers Grove:	Objects.	
Village of Lisle:	Our office has no jurisdiction in this matter. "Subject property is not within the Village's Boundary Agreement."	
Lisle Township:	<i>No Comments Received.</i>	
Township Highway:	No Objections.	
Darien-Woodridge Fire Dist.:	<i>No Comments Received.</i>	
Sch. Dist. 58:	<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 the District property, we do not have any specific comments. Thank you."	

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	HOUSE	0-5 DU AC
North	R-4 SF RES	HOUSE	0-5 DU AC
South	R-4 SF RES	HOUSE	0-5 DU AC
East	WOODWARD AVENUE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
West	R-4 SF RES	HOUSE	0-5 DU AC







September 6, 2023

To Whom It May Concern:

My wife and I recently had a 90-foot strip of fencing erected on the interior side between our driveway and neighbor's yard to replace the aging fence that separates our yards. Our neighbor also contributed to the cost of the project. We are requesting a variation because we received a yellow inspection rejection sticker stating, "Finished side of fence must face neighboring property."

We chose a cedar horizontal fence believing it would look the same on both sides and adhere to the code. The boards for the horizontal fence should have been placed directly in the center of the posts, creating a mirror image. Unfortunately, we discovered after its completion that each side differs slightly, which was not what we intended.

This unforeseen discrepancy has put us in a very difficult position as altering the fence to comply with the county's requirements would be both financially burdensome and technically challenging as there is no easy way to make this change. Although the fence does not have the "finished" side facing the adjacent property, our neighbor is very happy with it, and we believe the fence will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

We humbly request that the County please allow this variation to keep our fence as is.

Thank you for your time and consideration.

Kevin and Sara Gilman
5820 Woodward Ave
Downers Grove, IL 60516









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DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-23-000071 Gilman

Please review the information herein and return with your comments to:
Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm
Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupageco.org or via facsimile
at 630-407-6702 by **OCTOBER 3, 2023**.

COMMENT SECTION:

☐ : OUR OFFICE HAS NO JURISDICTION IN THIS MATTER

☐ : NO OBJECTION/CONCERNS WITH THE PETITION

☐ : NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION.

☐ : ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION

☒ : I OBJECT/ HAVE CONCERNS WITH THE PETITION.

COMMENTS:

SIGNATURE: [REDACTED] DATE: 9/28/2023
MUNICIPALITY: [REDACTED] DOWNERS GROVE

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PUBLICATION DATE	Daily Herald: SEPTEMBER 19, 2023	
PUBLIC HEARING	WEDNESDAY, OCTOBER 4, 2023	

PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.