



# DU PAGE COUNTY

## Development Committee

### Final Summary

421 N. COUNTY FARM ROAD  
WHEATON, IL 60187  
[www.dupagecounty.gov](http://www.dupagecounty.gov)

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**Tuesday, September 19, 2023**

**10:30 AM**

**ROOM 3500B**

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**1. CALL TO ORDER**

**2. ROLL CALL**

<b>PRESENT</b>	Chaplin, Gustin, Rutledge, and Tornatore
<b>ABSENT</b>	Krajewski, and Ozog

**3. CHAIRMAN'S REMARKS- CHAIR TORNATORE**

Chair Tornatore was pleased to announce that the County will receive \$299,000 from the Illinois Housing Development Authority. The additional funding will go towards the Neighborhood Revitalization Program and possibly land banking for affordable housing.

**4. PUBLIC COMMENT**

Ron Niemer spoke on behalf of his Petition 23-000053. The Zoning Hearing Officer recommended to deny this request. He explained the drainage issues and flooding on his property. The pavers prevent flooding to his home and he would like to be able to keep the patio the way it is.

Mel Moneka spoke about a short term rental operating next door to him at 5530 Virginia Avenue, Clarendon Hills. He inquired about the rules concerning this and what is being done to stop it.

**5. MINUTES APPROVAL**

**5.A. [23-3063](#)**

Development Committee - Regular Meeting - Tuesday, September 5, 2023

**Attachments:**     [Summary12-Sep-2023-12-32-03.pdf](#)

<b>RESULT:</b>	APPROVED
<b>MOVER:</b>	Liz Chaplin
<b>SECONDER:</b>	Patty Gustin
<b>AYES:</b>	Chaplin, Gustin, Rutledge, and Tornatore
<b>ABSENT:</b>	Krajewski, and Ozog

**6. REGULATORY SERVICES**

**6.A. [23-3062](#)**

ZSE-23-000008 Montini Octoberfest Fall Fundraiser: To approve ZSE-23-000008 Montini Octoberfest Fall Fundraiser for a fundraiser held at Montini Catholic High

School on Saturday, October 21, 2023, between the hours of 7:00 P.M. and 10:30 P.M. (York/ District 2) (Generally located northwest of Meyers Road and 16th Street, on the north side of 16th Street)

**Attachments:** [ZSE-23-000008 Montini Octoberfest Fall Fundraiser \(09-19-2023\).pdf](#)

<b>RESULT:</b>	APPROVED
<b>MOVER:</b>	Liz Chaplin
<b>SECONDER:</b>	Patty Gustin
<b>AYES:</b>	Chaplin, Gustin, Rutledge, and Tornatore
<b>ABSENT:</b>	Krajewski, and Ozog

6.B. [DC-O-0045-23](#)

ZONING-23-000045 – Biegun: To approve the following zoning relief:  
Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback.  
(Downers Grove/ District 3)  
ZHO Recommendation to Approve  
Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

**Attachments:** [Z-23-000045 Biegun Cty. Bd. \(09-26-2023\)\\_Redacted.pdf](#)

<b>RESULT:</b>	APPROVED AT COMMITTEE
<b>MOVER:</b>	Sheila Rutledge
<b>SECONDER:</b>	Liz Chaplin
<b>AYES:</b>	Chaplin, Gustin, Rutledge, and Tornatore
<b>ABSENT:</b>	Krajewski, and Ozog

6.C. [DC-O-0046-23](#)

ZONING-23-000048 - Ongkiko: To approve the following zoning relief:  
Variation to reduce front yard setback from 30' to approximately 10' for an addition.  
(York/District 2)  
ZHO Recommendation to Approve  
Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

**Attachments:** [Z-23-000048 Ongkiko CTY BD \(09-26-2023\).pdf](#)

<b>RESULT:</b>	APPROVED AT COMMITTEE
<b>MOVER:</b>	Patty Gustin
<b>SECONDER:</b>	Liz Chaplin
<b>AYES:</b>	Chaplin, Gustin, Rutledge, and Tornatore

<b>ABSENT:</b> Krajewski, and Ozog
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6.D. [DC-O-0047-23](#)

ZONING-23-000050 – Juraga: To approve the following zoning relief:

Variation to increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing. (Downers Grove/ District 2)

ZHO Recommendation to Approve

Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

**Attachments:** [Z-23-000050 Juraga Cty. Bd. \(09-26-2023\)\\_Redacted.pdf](#)

<b>RESULT:</b> APPROVED AT COMMITTEE
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<b>MOVER:</b> Patty Gustin
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<b>SECONDER:</b> Sheila Rutledge
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<b>AYES:</b> Chaplin, Gustin, Rutledge, and Tornatore
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<b>ABSENT:</b> Krajewski, and Ozog
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6.E. [DC-O-0048-23](#)

ZONING-23-000052 – McHale: To approve the following zoning relief:

Variation to reduce the interior side setback from 3' to approximately 2', for an existing detached garage addition to match existing detached garage structure. (Lisle/ District 5)

ZHO Recommendation to Approve

Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

**Attachments:** [Z-23-000052 McHale Cty. Bd. \(09-26-2023\).pdf](#)

<b>RESULT:</b> APPROVED AT COMMITTEE
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<b>MOVER:</b> Patty Gustin
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<b>SECONDER:</b> Sheila Rutledge
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<b>AYES:</b> Chaplin, Gustin, Rutledge, and Tornatore
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<b>ABSENT:</b> Krajewski, and Ozog
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6.F. [DC-O-0049-23](#)

ZONING-23-000053 - Niemer: To approve the following zoning relief:

Variation to reduce the interior side setback for a paver patio from required 3' to approximately 0', as existing. (Downers Grove/ District 2) (If the County Board seeks to approve the zoning relief it will require a  $\frac{3}{4}$  majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)

ZHO Recommendation to Deny

Development Committee VOTE (Motion to Approve Failed): 1 Ayes, 3 Nays, 2 Absent

**Attachments:**     [Z-23-000053 Niemer Dev. Com. \(09-19-2023\) Redacted.pdf](#)

Paul Hoss explained, the Zoning Hearing Officer recommended to deny, due to the petitioner not presenting a hardship or practical difficulty required for a variation. An adjacent neighbor had an engineer present information on how the paver patio does create drainage issues on off site properties. There is an opportunity to remove some of the bricks to have the 3 foot setback and drainage easement, which would bring the patio into compliance.

<b>RESULT:</b>	WITHDRAWN
<b>MOVER:</b>	Liz Chaplin
<b>SECONDER:</b>	Sheila Rutledge
<b>AYES:</b>	Gustin
<b>NAY:</b>	Chaplin, Rutledge, and Tornatore
<b>ABSENT:</b>	Krajewski, and Ozog

6.G.     [DC-O-0050-23](#)

ZONING-23-000055 – Matthews: To approve the following bifurcated zoning relief:

1. Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback

2. Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback.

ZHO Recommendation to Approve

Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

3. Variation to increase the height of a fence within the required 25' line of sight/ vision clearance on a corner from 3' to approximately 6'. (Winfield/ District 6) (If the County Board seeks to approve the zoning relief it will require a  $\frac{3}{4}$  majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)

ZHO Recommendation to Deny

Development Committee VOTE (Motion to Approve Failed): 0 Ayes, 4 Nays, 2 Absent

**Attachments:**     [Z-23-000055 Matthews Cty. Bd. \(09-26-2023\) Redacted.pdf](#)



The Zoning Hearing Officer recommended to bifurcate the relief for this petition. He recommended to approve 1 and 2 and deny 3.

Paul Hoss offered that the Township Road Commissioner, who has jurisdiction over Purnell Road, did not object to the height of the fence, but had an objection to the line of sight easement.

Member Rutledge moved and Member Chaplin seconded 1.Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback 2.Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback.All ayes, motion carried.

Member Gustin moved and Member Chaplin seconded 3.Variation to increase the height of a fence within the required 25' line of sight/ vision clearance on a corner from 3' to approximately 6'. All nays, motion failed.

<b>RESULT:</b>	APPROVED AT COMMITTEE
<b>MOVER:</b>	Sheila Rutledge
<b>SECONDER:</b>	Liz Chaplin
<b>AYES:</b>	Chaplin, Gustin, Rutledge, and Tornatore
<b>ABSENT:</b>	Krajewski, and Ozog

**7. OLD BUSINESS**

No old business was discussed.

**8. NEW BUSINESS**

No new business was discussed.

**9. ADJOURNMENT**

With no further business, the meeting was adjourned at 10:54 a.m.



## Minutes

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
[www.dupagecounty.gov](http://www.dupagecounty.gov)

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**File #: 23-3063**

**Agenda Date: 9/19/2023**

**Agenda #: 5.A.**

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# DU PAGE COUNTY

## Development Committee

### Final Summary

421 N. COUNTY FARM ROAD  
WHEATON, IL 60187  
www.dupagecounty.gov

**Tuesday, September 5, 2023**

**10:30 AM**

**ROOM 3500B**

**1. CALL TO ORDER**

**2. ROLL CALL**

<b>PRESENT</b>	Chaplin, Krajewski, Ozog, Rutledge, and Tornatore
<b>ABSENT</b>	Gustin

**3. CHAIRMAN'S REMARKS- CHAIR TORNATORE**

No remarks were offered.

**4. PUBLIC COMMENT**

The online submission for public comment from Dana Al-Khaled, MD in opposition of the QuikTrip petition is included for the record in it's entirety. It can be found at the back of the minutes packet.

**5. MINUTES APPROVAL**

**5.A. [23-2923](#)**

Development Committee - Regular Meeting - Tuesday, August 15, 2023

**Attachments:** [Final Meeting Minutes 8-15-2023](#)

<b>RESULT:</b>	APPROVED
<b>MOVER:</b>	Sheila Rutledge
<b>SECONDER:</b>	Brian Krajewski
<b>AYES:</b>	Chaplin, Krajewski, Ozog, Rutledge, and Tornatore
<b>ABSENT:</b>	Gustin

**6. INFORMATIONAL**

**6.A. [23-2895](#)**

Request to direct staff to commence discussion with the Chicago Metropolitan Agency For Planning (CMAP) on a joint funding opportunity from the Department of Housing and Urban Development (HUD), and potential application for funding under the authority of the Consolidated Appropriations Act, 2023 (Public Law 117-328, approved December 29, 2022) (Appropriations Act), which appropriates \$85 million for competitive grant funding for the identification and removal of barriers to affordable housing production and preservation.

**Attachments:**     [CMAP-HUD Grant \(9-5-23\).pdf](#)

Paul Hoss told the Committee that he and Mary Keating, Director of Community Services met with CMAP last week about an opportunity through HUD to make application for a grant. There has been 85 million dollars set aside for HUD issues as well as affordable housing and sustainability. Potentially 10 million dollars could be allotted to the collar counties region. A brief discussion followed and there was a consensus by the Committee to move forward with the application.

**7. REGULATORY SERVICES****7.A. [FI-R-0200-23](#)**

Additional appropriation for the Building, Zoning & Planning Fund, Company 1100, Accounting Unit 2810, \$2,500,000. (Housing Solutions)

**Attachments:**     [Appropriation - BZ - FY2023 - \\$2,500,000.pdf](#)

<b>RESULT:</b>	APPROVED AND SENT TO FINANCE
<b>MOVER:</b>	Brian Krajewski
<b>SECONDER:</b>	Liz Chaplin
<b>AYES:</b>	Chaplin, Krajewski, Ozog, Rutledge, and Tornatore
<b>ABSENT:</b>	Gustin

**7.B. [FI-R-0201-23](#)**

Additional appropriation for the Housing Solutions Program Fund, Company 1100, Accounting Unit 2835, \$150,000. (Housing Solutions)

**Attachments:**     [Appropriation Housing Solutions.pdf](#)

<b>RESULT:</b>	APPROVED AND SENT TO FINANCE
<b>MOVER:</b>	Liz Chaplin
<b>SECONDER:</b>	Mary Ozog
<b>AYES:</b>	Chaplin, Krajewski, Ozog, Rutledge, and Tornatore
<b>ABSENT:</b>	Gustin

**7.C. [DC-O-0040-23](#)**

ZONING-23-000041 – ORDINANCE – Leathers: To approve the following zoning relief:

1. Variation to allow a proposed detached garage in front of the front wall of the house.
2. Variation to increase the fence height in the front yard from permitted 4'6" to approximately 5', for an aluminum picket fence. (Milton/ District 6)

ZHO Recommendation to Approve

Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

**Attachments:**     [Z-23-000041 Leathers Cty. Bd. \(09-12-2023\).pdf](#)

<b>RESULT:</b>	APPROVED AT COMMITTEE
<b>MOVER:</b>	Liz Chaplin
<b>SECONDER:</b>	Sheila Rutledge
<b>AYES:</b>	Chaplin, Krajewski, Ozog, Rutledge, and Tornatore
<b>ABSENT:</b>	Gustin

7.D.     [DC-O-0041-23](#)

ZONING-23-000042 – ORDINANCE – Ryan: To approve the following zoning relief: Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback. (Milton/ District 6)

ZHO Recommendation to Approve

Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

**Attachments:**     [Z-23-000042 Ryan Cty. Bd. \(09-12-2023\).pdf](#)

<b>RESULT:</b>	APPROVED AT COMMITTEE
<b>MOVER:</b>	Liz Chaplin
<b>SECONDER:</b>	Sheila Rutledge
<b>AYES:</b>	Chaplin, Krajewski, Ozog, Rutledge, and Tornatore
<b>ABSENT:</b>	Gustin

7.E.     [DC-O-0042-23](#)

ZONING-23-000044 – ORDINANCE – Jedrejek: To approve the following zoning relief: Variation to reduce the corner side setback from 30' to approximately 16.99' for a house addition. (Milton/ District 4)

ZHO Recommendation to Approve

Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

**Attachments:**     [Z-23-000044 Jedrejek Cty. Bd. \(09-12-2023\).pdf](#)

<b>RESULT:</b>	APPROVED AT COMMITTEE
<b>MOVER:</b>	Liz Chaplin
<b>SECONDER:</b>	Sheila Rutledge
<b>AYES:</b>	Chaplin, Krajewski, Ozog, Rutledge, and Tornatore
<b>ABSENT:</b>	Gustin

7.F.     [DC-O-0043-23](#)

ZONING-23-000047 – ORDINANCE – CTLTC 008002384419: To approve the following zoning relief:  
Variation to allow a 6' tall fence within the 40' front yard setback. (Lisle/ District 5)  
ZHO Recommendation to Approve  
Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

**Attachments:**     [Z-23-000047 CTLTC Cty. Bd. \(09-12-2023\) Redacted.pdf](#)

<b>RESULT:</b>	APPROVED AT COMMITTEE
<b>MOVER:</b>	Liz Chaplin
<b>SECONDER:</b>	Sheila Rutledge
<b>AYES:</b>	Chaplin, Krajewski, Ozog, Rutledge, and Tornatore
<b>ABSENT:</b>	Gustin

7.G.     [DC-O-0044-23](#)

ZONING-23-000049 – ORDINANCE – Leathers: To approve the following zoning relief:  
Conditional Use to allow the total detached accessory buildings area (approximately 2,120 sq. ft.) to be larger than the principal building on the subject property (approximately 1,804 sq. ft.).(Milton/ District 6)  
ZHO Recommendation to Approve  
Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

**Attachments:**     [Z-23-000049 Leathers Cty. Bd. \(09-12-2023\).pdf](#)

<b>RESULT:</b>	APPROVED AT COMMITTEE
<b>MOVER:</b>	Liz Chaplin
<b>SECONDER:</b>	Sheila Rutledge
<b>AYES:</b>	Chaplin, Krajewski, Ozog, Rutledge, and Tornatore
<b>ABSENT:</b>	Gustin

**8.     OLD BUSINESS**

No old business was discussed.

**9.     NEW BUSINESS**

No new business was discussed.

**10.    ADJOURNMENT**

With no further business, the meeting was adjourned at 10:39 a.m.





## Action Item

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
[www.dupagecounty.gov](http://www.dupagecounty.gov)

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**File #:** 23-3062

**Agenda Date:** 9/19/2023

**Agenda #:** 6.A.

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**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

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

[www.dupageco.org/building](http://www.dupageco.org/building)

### MEMORANDUM

**TO:** DuPage County Development Committee

**FROM:** Staff

**DATE:** September 19, 2023

**RE:** **ZSE-23-000008 Montini Oktoberfest Fall Fundraiser**  
**(PIN: 06-20-202-024) (York/ District 2)**

**Action:** To approve ZSE-23-000008 Montini Oktoberfest Fall Fundraiser for a fundraiser held at Montini Catholic High School on Saturday, October 21, 2023, between the hours of 7:00 P.M. and 10:30 P.M.

The fundraiser will be located on the grounds of MONTINI CATHOLIC HIGH SCHOOL, 19W070 16<sup>th</sup> STREET, LOMBARD, IL 60148, which is located within York Township and the York Center Fire Protection District. The fundraiser will consist of live music, food, and a cash bar. It is expected that approximately 250-300 attendees will be in attendance, mainly consisting of alumni, alumni parents, and current parents – the event is not open to the general public. In the event of inclement weather, the event will be held in the Main Gym.

The Special Event will consist of the following and the applicant has provided the following pursuant to the special event requirements of the Zoning Ordinance:

<b>Date</b>	Saturday, October 21, 2023
<b>Hours</b>	Approximately between the hours of 7:00 – 10:30 PM
<b>Activities</b>	Fundraiser
<b>Location</b>	MONTINI CATHOLIC HIGH SCHOOL, 19W070 16 <sup>th</sup> STREET, LOMBARD, IL 60148
<b>Traffic/Parking</b>	All parking will occur in existing Montini Catholic High School parking lot.
<b>Insurance</b>	



**DUPAGE  
COUNTY**

Building  
Division

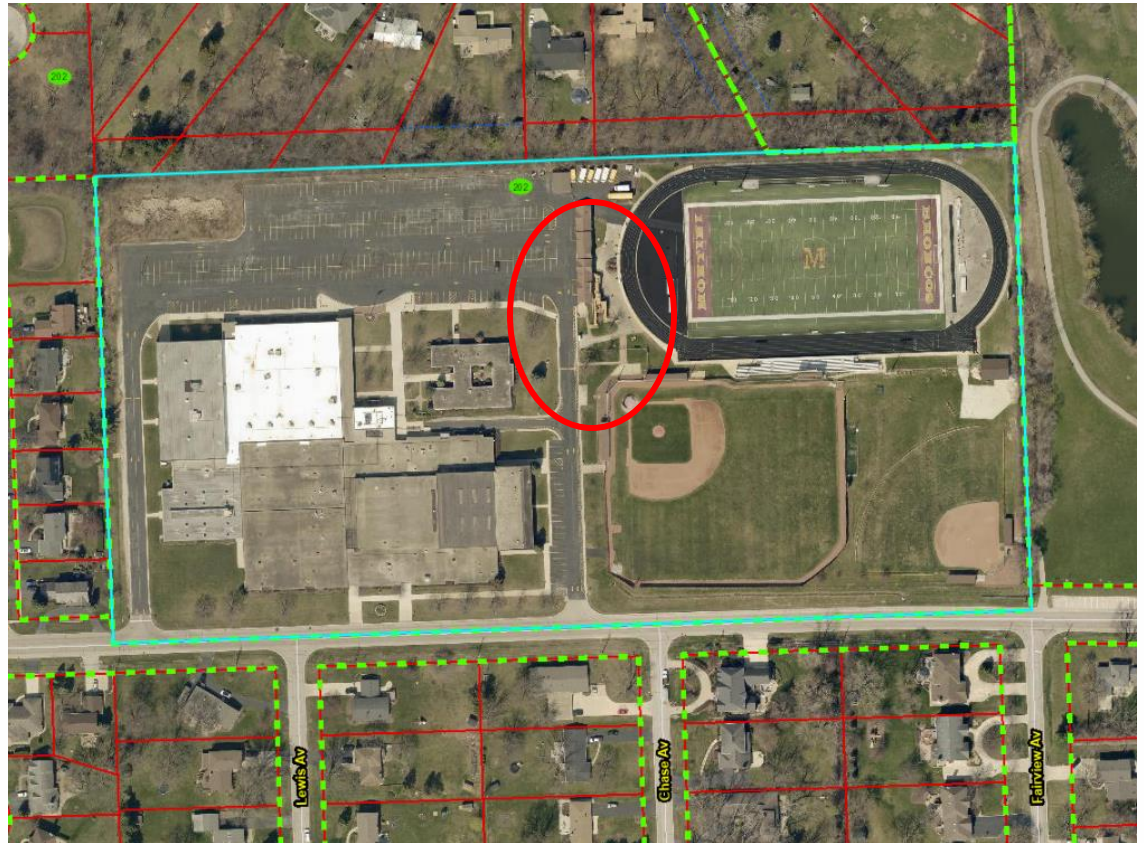
Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

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

[www.dupageco.org/building](http://www.dupageco.org/building)





## Development Ordinance

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
www.dupagecounty.gov

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**File #: DC-O-0045-23**

**Agenda Date: 9/19/2023**

**Agenda #: 11.A.**

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### **ORDINANCE**

Zoning Petition ZONING-23-000045 Biegun

WHEREAS, a public hearing was held on August 16, 2023 and August 23, 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 allow a 6'/100% closed (privacy) fence within the 30' front yard setback, on the property hereinafter described:

LOT 2 IN 99<sup>TH</sup> STREET PLAT OF SURVEY OF THE NORTH 270 FEET OF THE EAST 840 FEET OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 8, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 1, 1954 AS DOCUMENT 735605, IN DUAPGE 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 August 23, 2023, does find as follows:

### **FINDINGS OF FACT:**

- A. That the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback.
- B. That petitioner testified that the fence is existing and that it was installed prior to when he purchased the subject property.
- C. That petitioner testified that he requires a 6'/100% closed privacy fence within the 30' front yard setback due to increased noise and vehicle traffic on Lemont Road.
  - a. Furthermore, that petitioner testified that his property is lower in elevation/grade compared to Lemont Road and that the fence does not impair the line-of-sight on Lemont Road or neighboring streets and properties.
- D. That Hearing Officer finds that petitioner has demonstrated that a Variation to allow a 6'/100% closed (privacy)

fence within the within the 30' front 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 on Lemont Road, and that that the increase in noise and vehicle traffic, in addition to grade/elevation change on the subject property, required petitioner to request a Variation to allow a 6'/100% closed (privacy) fence within the within the 30' front 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 existing privacy fence does not impair an adequate supply of light and air to the adjacent properties, as the subject property is lower in elevation compared to Lemont Road.
  - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the existing privacy fence does not increase the hazard from fire or other dangers and that he will receive a building permit for the existing fence.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing privacy fence does not diminish the value of land and buildings throughout the County and is an added benefit to the neighborhood.
  - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing privacy fence does not unduly increase traffic congestion in the public streets and highways, as the subject fence does not impact line-of-sight clearance for vehicles due to the subject property's lower elevation/grade change compared to Lemont Road.
  - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the existing privacy fence does 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 existing privacy fence does 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 existing privacy fence is an added benefit to the neighborhood, and does 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-23-000045 Biegun	
ZONING REQUEST	Variation to allow a 6'/100% closed (privacy) fence for the 30' front yard setback.	
OWNER	ROBERT BIEGUN, 11S420 LEMONT ROAD, LEMONT, IL 60439-9606	
ADDRESS/LOCATION	11S420 LEMONT ROAD, LEMONT, IL 60439-9606	
PIN	10-08-302-008	
TWSP./CTY. BD. DIST.	DOWNERS GROVE	DISTRICT 3
ZONING/LUP	R-3 SF RES	0-5 DU AC
AREA	0.31 ACRES (13,504 SQ. FT.)	
UTILITIES	WELL AND SEPTIC	
PUBLICATION DATE	Daily Herald: AUGUST 1, 2023	
PUBLIC HEARING	WEDNESDAY, AUGUST 16, 2023; CONTINUATION OF AUGUST 23, 2023	
<b>ADDITIONAL INFORMATION:</b>		
Building:	No Objections.	
DUDOT:	No Comments Received.	
Health:	No Objections.	
Stormwater:	No Objections.	
Public Works:	Our office has no jurisdiction in this matter.	
<b>EXTERNAL:</b>		
Village of Lemont:	No Comments Received.	
City of Darien:	No Objections.	
Village of Woodridge:	Objects.	
Downers Grove Township:	No Comments Received.	
Township Highway:	No Comments Received.	
Lemont Fire Dist.:	No Comments Received.	
Sch. Dist. 113:	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 the subject property and the Forest Preserve District property, we do not have any specific comments. Thank you."	

**GENERAL BULK REQUIREMENTS:**

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Height:	4'6"/50% OPEN	6'/100% CLOSED	6'/100% CLOSED

**LAND USE**

Location	Zoning	Existing Use	LUP
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	R-3 SF RES	HOUSE	0-5 DU AC
South	R-3 SF RES	HOUSE	0-5 DU AC
East	LEMONT ROAD AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
West	R-3 SF RES	HOUSE	0-5 DU AC

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on August 23, 2023, recommends to approve the following zoning relief:

Variation to allow a 6'/100% closed (privacy) fence within the 30' front 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-23-000045 Biegun dated August 23, 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 September 19, 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 allow a 6'/100% closed (privacy) fence within the 30' front 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-23-000045 Biegun dated August 23, 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): 4 Ayes, 0 Nays, 2 Absent**

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback, on the property hereinafter described:

LOT 2 IN 99<sup>TH</sup> STREET PLAT OF SURVEY OF THE NORTH 270 FEET OF THE EAST 840 FEET OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 8, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 1, 1954 AS DOCUMENT 735605, IN DUAPGE 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-23-000045 Biegun dated August 23, 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; ROBERT BIEGUN, 11S420 LEMONT ROAD, LEMONT, IL 60439-9606; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

WHEREAS, ... ;  
and

WHEREAS, ....

NOW, THEREFORE, BE IT RESOLVED,

Enacted and approved this 26<sup>th</sup> day of September 2023 at Wheaton, Illinois.

---

DEBORAH A. CONROY, CHAIR  
DU PAGE COUNTY BOARD

Attest: \_\_\_\_\_

JEAN KACZMAREK, COUNTY CLERK





**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

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

[www.dupageco.org/building](http://www.dupageco.org/building)

### MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: September 19, 2023

RE: **ZONING-23-000045 Biegun (Downers Grove/ District 3)**

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**DuPage County Board: September 26, 2023:**

**Development Committee: September 19, 2023:** The DuPage County Development Committee recommended to approve the following zoning relief:

Variation to allow a 6'/100% closed (privacy) fence within the 30' front 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-23-000045 Biegun** dated August 23, 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): 4 Ayes, 0 Nays, 2 Absent**

**Zoning Hearing Officer: August 23, 2023:** The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to allow a 6'/100% closed (privacy) fence within the 30' front 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-23-000045 Biegun dated August 23, 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'/100% closed (privacy) fence within the 30' front yard setback.
- B. That petitioner testified that the fence is existing and that it was installed prior to when he purchased the subject property.
- C. That petitioner testified that he requires a 6'/100% closed privacy fence within the 30' front yard setback due to increased noise and vehicle traffic on Lemont Road.
  - a. Furthermore, that petitioner testified that his property is lower in elevation/grade compared to Lemont Road and that the fence does not impair the line-of-sight on Lemont Road or neighboring streets and properties.
- D. That Hearing Officer finds that petitioner has demonstrated that a Variation to allow a 6'/100% closed (privacy) fence within the within the 30' front 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 on Lemont Road, and that that the increase in noise and vehicle traffic, in addition to grade/elevation change on the subject property, required petitioner to request a Variation to allow a 6'/100% closed (privacy) fence within the within the 30' front 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 existing privacy fence does not impair an adequate supply of light and air to the adjacent properties, as the subject property is lower in elevation compared to Lemont Road.
  - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the existing privacy fence does not increase the hazard from fire or other dangers and that he will receive a building permit for the existing fence.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing privacy fence does not diminish the value of land and buildings throughout the County and is an added benefit to the neighborhood.
  - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing privacy fence does not unduly increase traffic congestion in the public streets and highways, as the subject fence does not impact line-of-sight clearance for vehicles due to the subject property's lower elevation/grade change compared to Lemont Road.
  - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the existing privacy fence does 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 existing privacy fence does 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 existing privacy fence is an added benefit to the neighborhood, and does not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

**PETITIONER'S DEVELOPMENT FACT SHEET**

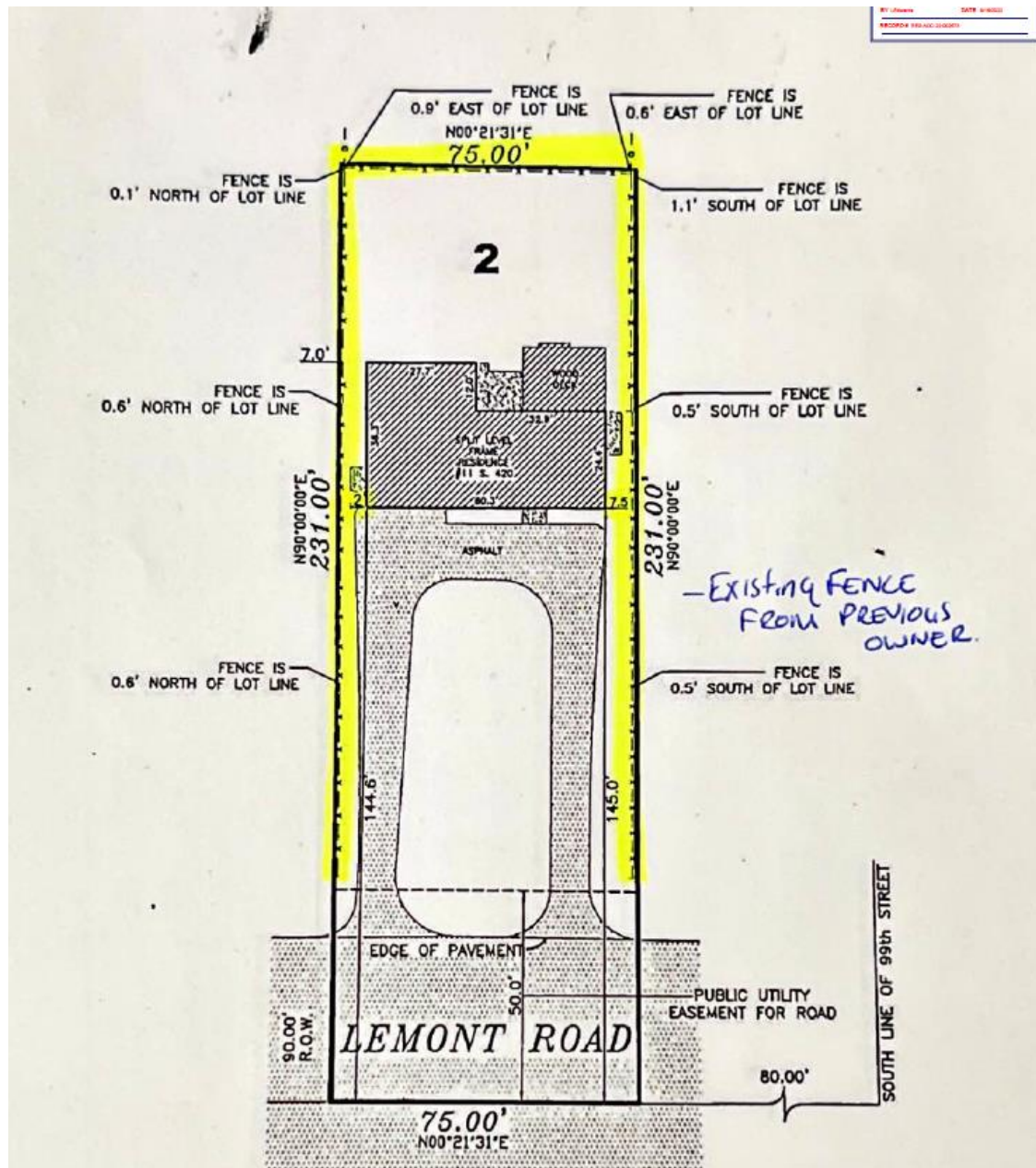
GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000045 Biegun	
ZONING REQUEST	Variation to allow a 6’/100% closed (privacy) fence within the 30' front yard setback.	
OWNER	ROBERT BIEGUN, 11S420 LEMONT ROAD, LEMONT, IL 60439-9606	
ADDRESS/LOCATION	11S420 LEMONT ROAD, LEMONT, IL 60439-9606	
PIN	10-08-302-008	
TWSP./CTY. BD. DIST.	DOWNERS GROVE	DISTRICT 3
ZONING/LUP	R-3 SF RES	0-5 DU AC
AREA	0.31 ACRES (13,504 SQ. FT.)	
UTILITIES	WELL AND SEPTIC	
PUBLICATION DATE	Daily Herald: AUGUST 1, 2023	
PUBLIC HEARING	WEDNESDAY, AUGUST 16, 2023; CONTINUED TO AUGUST 23, 2023	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	No Comments Received.	
Health:	No Objections.	
Stormwater:	No Objections.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Lemont:	No Comments Received.	
City of Darien:	No Objections.	
Village of Woodridge:	Objects.	
Downers Grove Township:	No Comments Received.	
Township Highway:	No Comments Received.	
Lemont Fire Dist.:	No Comments Received.	
Sch. Dist. 113:	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 the subject property and District property, we do not have any specific comments. Thank you.”	

**GENERAL BULK REQUIREMENTS:**

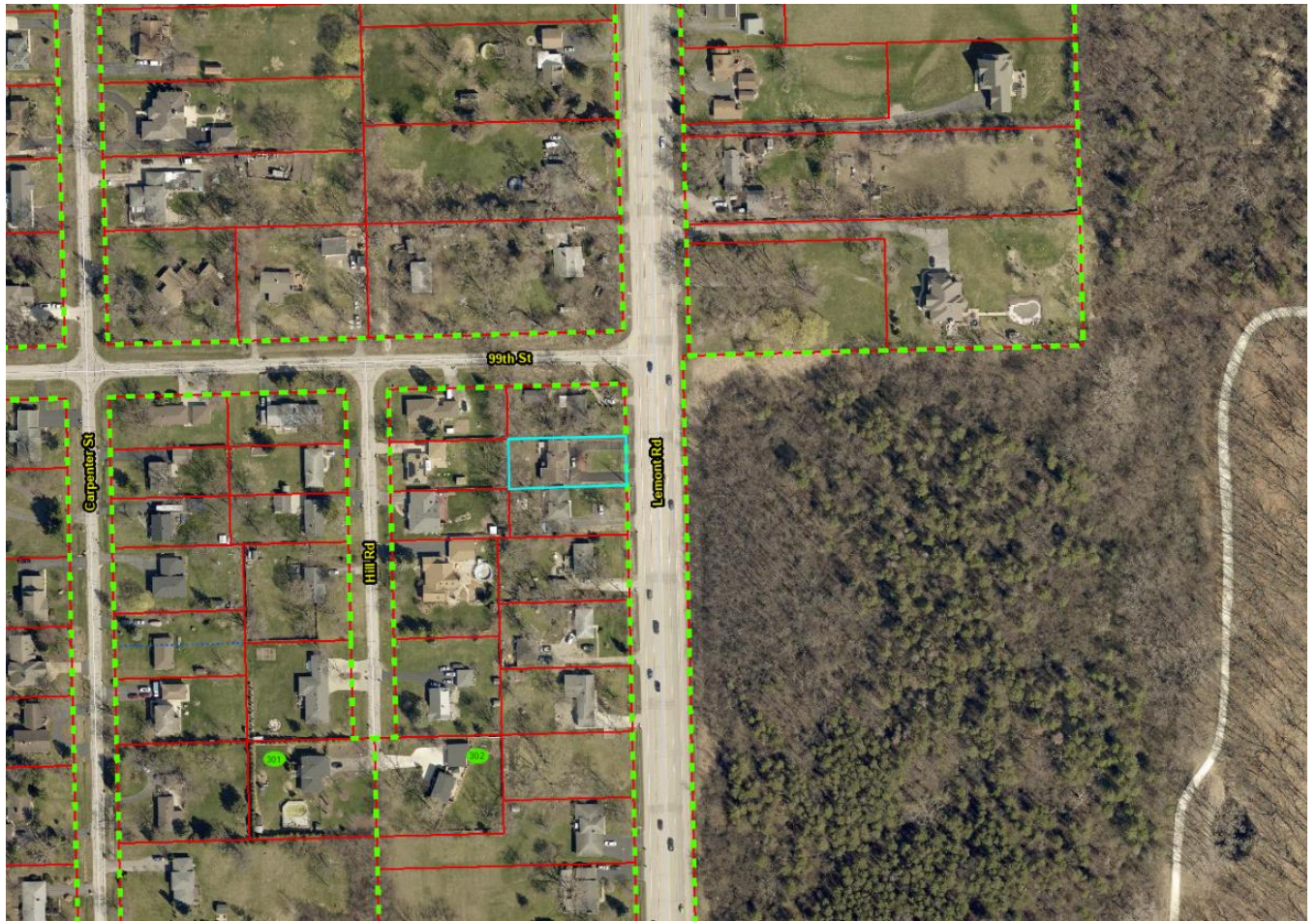
<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Height:	4'6"/50% OPEN	6'/100% CLOSED	6'/100% CLOSED

### LAND USE

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	R-3 SF RES	HOUSE	0-5 DU AC
South	R-3 SF RES	HOUSE	0-5 DU AC
East	LEMONT ROAD AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
West	R-3 SF RES	HOUSE	0-5 DU AC

























**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

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

[www.dupageco.org/building](http://www.dupageco.org/building)

### DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-23-000045 Biegun

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](mailto:Jessica.Infelise@dupageco.org) or via facsimile  
at 630-407-6702 by **August 15, 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: This property would fall in the future jurisdiction of Woodridge. We object to a  
privacy fence as there is no physical hardship on the property supporting the variance. There are  
similar properties along this stretch of road that if this is approved may ask for a similar fence.  
Extending the fence within the front yard reduces the ability for adjacent properties to exit their  
driveways onto a Lemont Road.

SIGNATURE: [REDACTED]

8/03/23

MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: Village of Woodridge, Community  
Development Department

#### GENERAL ZONING CASE INFORMATION

CASE #/PETITIONER	ZONING-23-000045 Biegun	
ZONING REQUEST	Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback.	
OWNER	ROBERT BIEGUN, 11S420 LEMONT ROAD, LEMONT, IL 60439-9606	
ADDRESS/LOCATION	11S420 LEMONT ROAD, LEMONT, IL 60439-9606	
PIN	10-08-302-008	
TWSP./CTY. BD. DIST.	DOWNERS GROVE	DISTRICT 3
ZONING/LUP	R-3 SF RES	0-5 DU AC
AREA	0.31 ACRES (13,504 SQ. FT.)	
UTILITIES	WELL AND SEPTIC	
PUBLICATION DATE	Daily Herald: AUGUST 1, 2023	
PUBLIC HEARING	WEDNESDAY, AUGUST 16, 2023	

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

1

Jack T. Knuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187



## Development Ordinance

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
www.dupagecounty.gov

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**File #:** DC-O-0046-23

**Agenda Date:** 9/19/2023

**Agenda #:** 11.B.

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### **ORDINANCE**

Zoning Petition ZONING-23-000048 Ongkiko

WHEREAS, a public hearing was held on August 16, 2023 and August 23, 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 front yard setback from 30' to approximately 10' for an addition, on the property hereinafter described:

LOT 12 OF MCKENNA SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 18, 1992 AS DOCUMENT R92-92485, IN THE OFFICE OF THE RECORDER OF DEEDS OF 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 August 23, 2023 does find as follows:

### **FINDINGS OF FACT:**

- A. That the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a Variation to reduce front yard setback from 30' to approximately 10' for an addition.
- B. That petitioner testified that the subject property includes a twenty-five (25) foot drainage easement on the south side of the property, requiring any future building/ addition on the subject property to occur on the northern half, and towards to the front property line.
- C. That petitioner testified that although the proposed addition will be ten (10) feet from the front property line, the addition will actually be more than fifty (50) feet from Linden Avenue, due to the large right-of-way in front of the subject property.
- D. That Hearing Officer finds that petitioner has demonstrated evidence for a practical difficulty and particular hardship for a Variation to reduce front yard setback from 30' to approximately 10' for an addition, as the subject property is unique with an unbuildable twenty-five (25) foot drainage easement, rendering the southern quarter of the property unusable, requiring petitioner to build towards the front property line but still remaining more than fifty (50) feet from Linden Avenue.



**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 home addition will maintain the interior side setbacks and rear setback, will be located more than fifty (50) feet from Linden Avenue, and therefore 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 home addition will not increase in the hazard from fire or other dangers and that he will receive a building permit for the proposed addition.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed home addition 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 home addition will be located more than fifty (50) feet from Linden Avenue 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 home addition 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 the proposed home addition 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 home addition 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**

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GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000048 Ongkiko	
ZONING REQUEST	Variation to reduce front yard setback from 30' to approximately 10' for an addition.	
OWNER	CHRISTOPHER ONGKIKO, 0S748 LINDEN AVE ELMHURST, IL 60126	
ADDRESS/LOCATION	0S748 LINDEN AVENUE, ELMHURST, IL 60126	
PIN	06-13-408-034	
TWSP./CTY. BD. DIST.	YORK	DISTRICT 2
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.33 ACRES (14,375 SQ. FT.)	
UTILITIES	WATER AND SEWER	
PUBLICATION DATE	Daily Herald: AUGUST 1, 2023	
PUBLIC HEARING	WEDNESDAY, AUGUST 16, 2023, CONTINUED AUGUST 23, 2023	
<b>ADDITIONAL INFORMATION:</b>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	Our office has no jurisdiction in this matter.	
Stormwater:	No Objection with the concept of the petition. Additional information may be re time of permit application.	
Public Works:	Our office has no jurisdiction in this matter.	
<b>EXTERNAL:</b>		
City of Elmhurst:	<i>No Comments Received.</i>	
Village of Oak Brook:	<i>No Comments Received.</i>	
City of Oakbrook Terrace:	<i>No Comments Received.</i>	
York Township:	<i>No Comments Received.</i>	
Township Highway:	No Objections.	
Elmhurst Fire Dist.:	<i>No Comments Received.</i>	
Sch. Dist. 205:	<i>No Comments Received.</i>	
Forest Preserve:	"The Forest Preserve District of DuPage County staff has reviewed the informa provided in this notice and due to the sizable distance between the subject prop District property, we do not have any specific comments. Thank you."	

**GENERAL BULK REQUIREMENTS:**

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Front Yard:	30'	APPROX. 29.20'	APPROX. 10'
Int. Side Yard:	10'	APPROX. 10.26'	APPROX. 10.5'
Int. Side Yard:	10'	APPROX. 30'	APPROX. 25'
Rear Yard:	25'	APPROX. 80'	APPROX. 25'

**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-5 SF RES	VACANT	0-5 DU AC
East	LINDEN AVENUE AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
West	R-4 SF RES	HOUSE	0-5 DU AC

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on August 23, 2023, recommends to approve the following zoning relief:

Variation to reduce front yard setback from 30' to approximately 10' for an addition.

**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-23-000048 Ongkiko dated August 23, 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 September 19, 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 front yard setback from 30' to approximately 10' for an addition.

**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-23-000048 Ongkiko dated August 23, 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): 4 Ayes, 0 Nays, 2 Absent**

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Variation to reduce front yard setback from 30' to approximately 10' for an addition.

LOT 12 OF MCKENNA SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTION 13, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 18, 1992 AS DOCUMENT R92-92485, IN THE OFFICE OF THE RECORDER OF DEEDS OF 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-23-000048 Ongkiko dated August 23, 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; CHRISTOPHER ONGKIKO, 0S748 LINDEN AVENUE, ELMHURST, IL 60126; and Township Assessor, York Township, 1502 S. Meyers Road, Lombard, IL 60148.

Enacted and approved this 26<sup>th</sup> day of September, 2023 at Wheaton, Illinois.

---

DEBORAH A. CONROY, CHAIR  
DU PAGE COUNTY BOARD

Attest: \_\_\_\_\_

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

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

[www.dupageco.org/building](http://www.dupageco.org/building)

### MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: September 19, 2023

RE: **ZONING-23-000048 Ongkiko (York/District 2)**

---

**DuPage County Board: September 26, 2023:**

**Development Committee: September 19, 2023:** The DuPage County Development Committee recommended to approve the following zoning relief:

Variation to reduce front yard setback from 30' to approximately 10' for an addition.

**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-23-000048 Ongkiko** dated August 23, 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): 4 Ayes, 0 Nays, 2 Absent**

**Zoning Hearing Officer: August 23, 2023:** The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to reduce front yard setback from 30' to approximately 10' for an addition.

**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-23-000048 Ongkiko dated August 23, 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 reduce front yard setback from 30' to approximately 10' for an addition.
- B. That petitioner testified that the subject property includes a twenty-five (25) foot drainage easement on the south side of the property, requiring any future building/ addition on the subject property to occur on the northern half, and towards to the front property line.
- C. That petitioner testified that although the proposed addition will be ten (10) feet from the front property line, the addition will actually be more than fifty (50) feet from Linden Avenue, due to the large right-of-way in front of the subject property.
- D. That Hearing Officer finds that petitioner has demonstrated evidence for a practical difficulty and particular hardship for a Variation to reduce front yard setback from 30' to approximately 10' for an addition, as the subject property is unique with an unbuildable twenty-five (25) foot drainage easement, rendering the southern quarter of the property unusable, requiring petitioner to build towards the front property line but still remaining more than fifty (50) feet from Linden Avenue.

**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 home addition will maintain the interior side setbacks and rear setback, will be

located more than fifty (50) feet from Linden Avenue, and therefore 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 home addition will not increase in the hazard from fire or other dangers and that he will receive a building permit for the proposed addition.
- c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed home addition 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 home addition will be located more than fifty (50) feet from Linden Avenue 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 home addition 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 the proposed home addition 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 home addition 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**

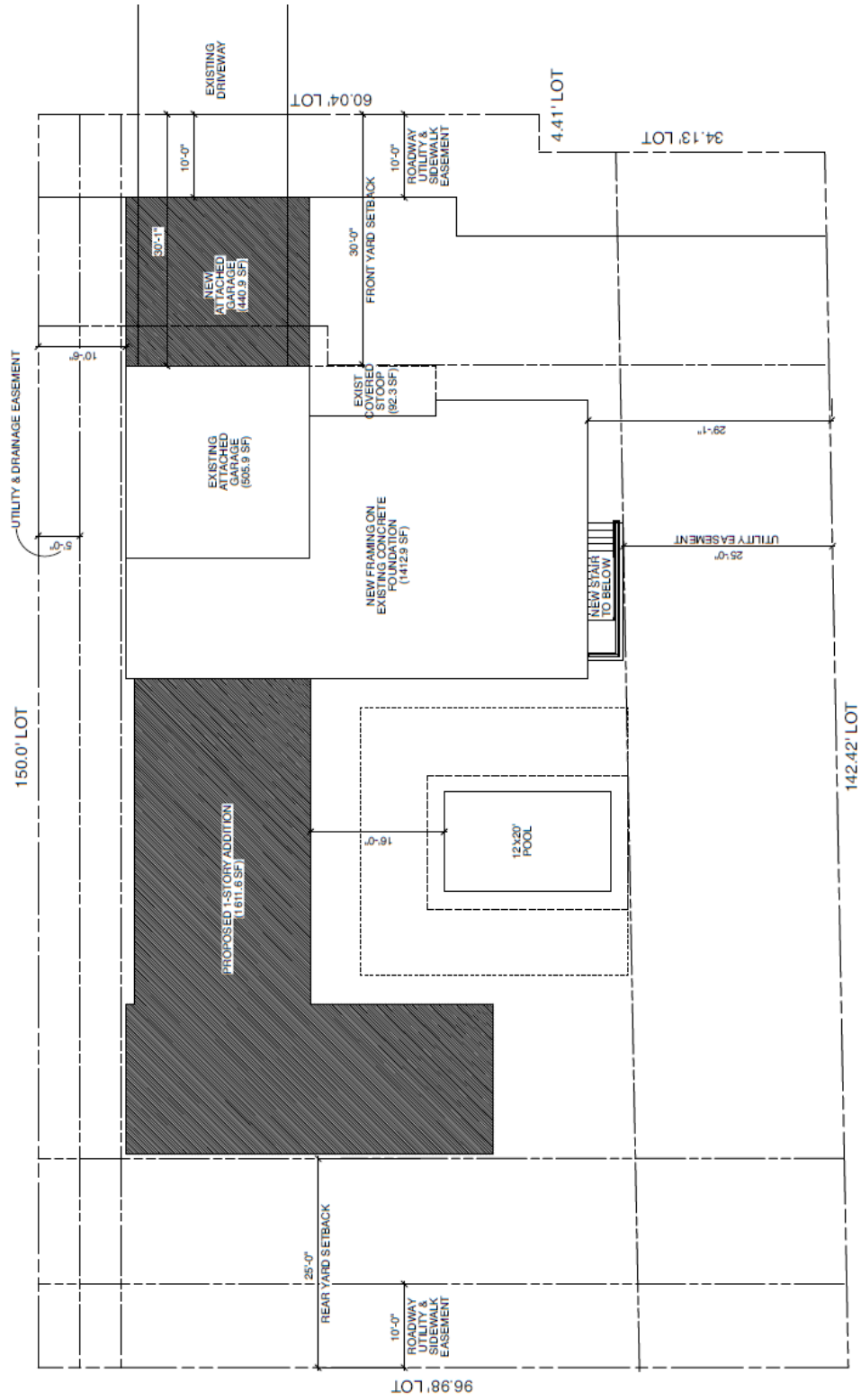
GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000048 Ongkiko	
ZONING REQUEST	Variation to reduce front yard setback from 30' to approximately 10' for an addition.	
OWNER	CHRISTOPHER ONGKIKO, 0S748 LINDEN AVENUE, ELMHURST, IL 60126	
ADDRESS/LOCATION	0S748 LINDEN AVENUE, ELMHURST, IL 60126	
PIN	06-13-408-034	
TWSP./CTY. BD. DIST.	YORK	DISTRICT 2
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.33 ACRES (14,375 SQ. FT.)	
UTILITIES	WATER AND SEWER	
PUBLICATION DATE	Daily Herald: AUGUST 1, 2023	
PUBLIC HEARING	WEDNESDAY, AUGUST 16, 2023, CONTINUED TO AUGUST 23, 2023	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	Our office has no jurisdiction in this matter.	
Stormwater:	No Objection 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 Elmhurst:	No Comments Received.	
Village of Oak Brook:	No Comments Received.	
City of Oakbrook Terrace:	No Comments Received.	
York Township:	No Comments Received.	
Township Highway:	No Objections.	
Elmhurst Fire Dist.:	No Comments Received.	
Sch. Dist. 205:	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 the subject property and District property, we do not have any specific comments. Thank you.”	

**GENERAL BULK REQUIREMENTS:**

<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Front Yard:	30'	APPROX. 29.20'	APPROX. 10'
Int. Side Yard:	10'	APPROX. 10.26'	APPROX. 10.5'
Int. Side Yard:	10'	APPROX. 30'	APPROX. 25'
Rear Yard:	25'	APPROX. 80'	APPROX. 25'

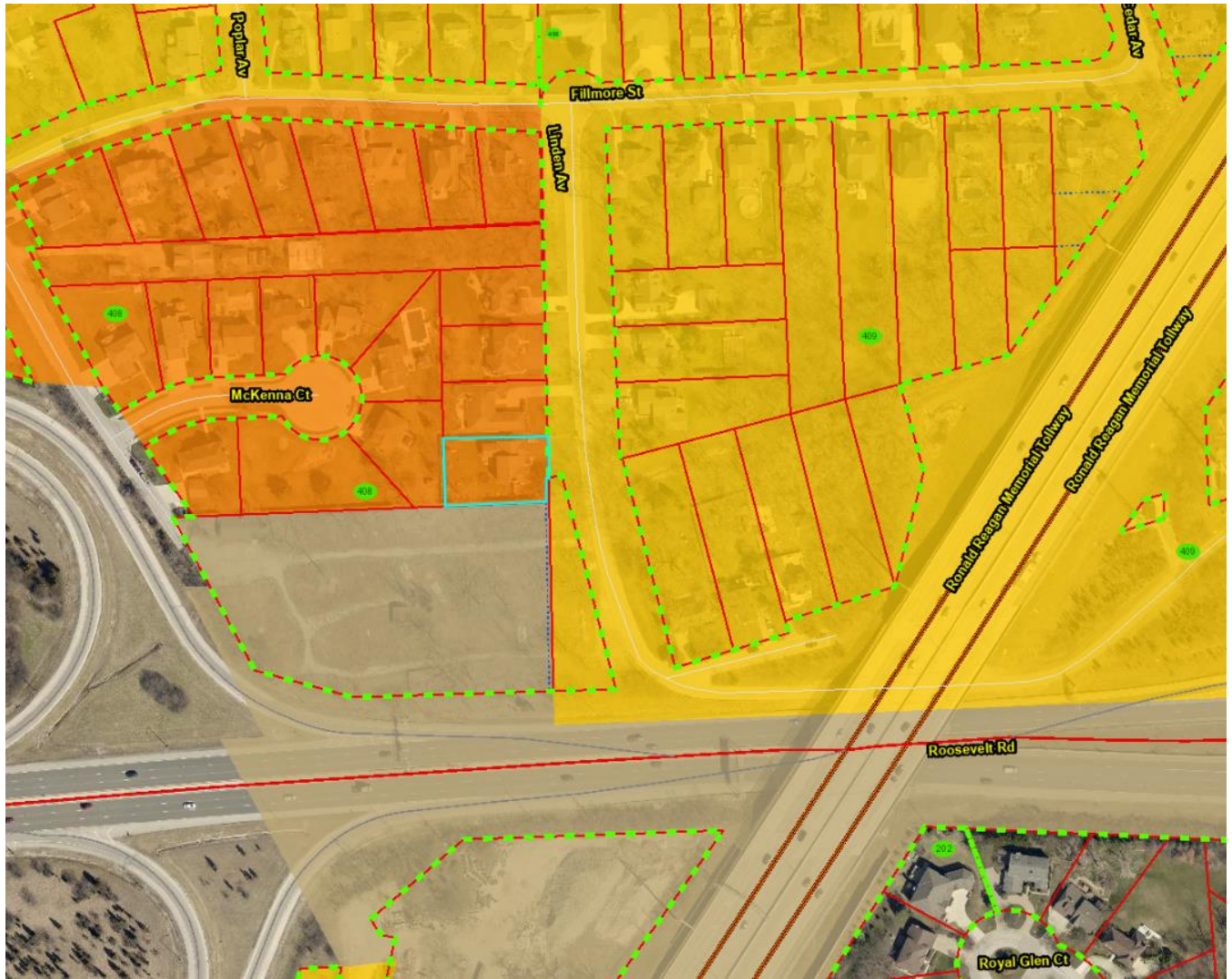
**LAND USE**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-4 SF RES	HOUSE	0-5 DU AC
North	R-4 SF RES	HOUSE	0-5 DU AC
South	R-5 SF RES	VACANT	0-5 DU AC
East	LINDEN AVENUE AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
West	R-4 SF RES	HOUSE	0-5 DU AC



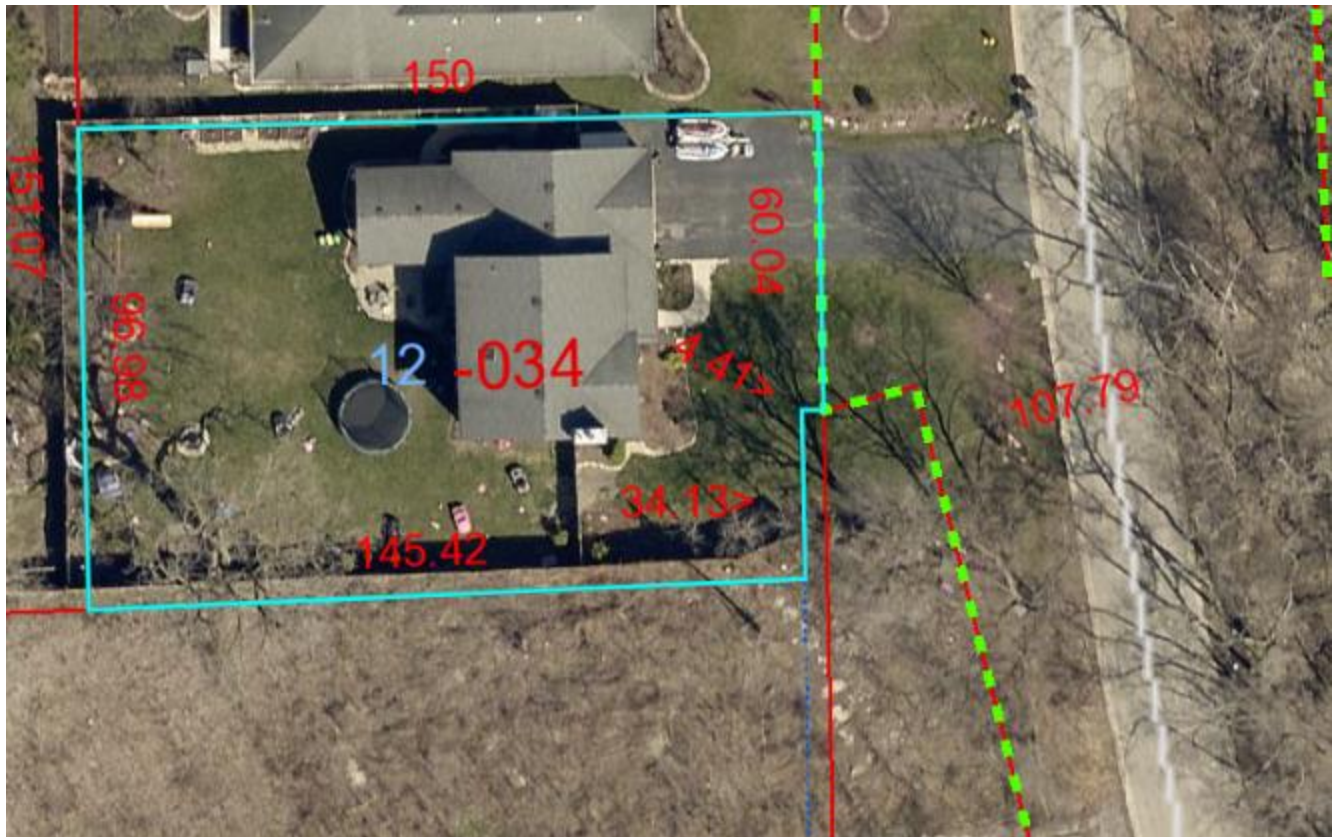
















## Development Ordinance

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
www.dupagecounty.gov

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**File #:** DC-O-0047-23

**Agenda Date:** 9/19/2023

**Agenda #:** 11.C.

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### **ORDINANCE**

Zoning Petition ZONING-23-000050 Juraga

WHEREAS, a public hearing was held on August 16, 2023 and August 23, 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 increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing, on the property hereinafter described:

LOT 1 IN BLOCK 88 IN LIBERTY PARK SUBDIVISION, BEING A SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER AND PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 16, 1924 AS DOCUMENT 182542, 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 August 23, 2023 does find as follows:

### **FINDINGS OF FACT:**

- A. That the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a Variation to increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing.
- B. That petitioner testified that the subject 9'1" fence is only located on the north side of the subject property, alongside the attached garage.
- C. That petitioner testified that she installed the extension on top of the existing fence due to privacy and safety issues with neighboring/adjacent properties.
- D. That petitioner testified that the fence extension now holds vines and honeysuckle flowers.

- E. That petitioner testified that due to the elevation/grade change, the area the subject fence is located on is lower in elevation compared to the rest of her property and adjacent properties.
- F. That Hearing Officer finds that petitioner has demonstrated that a Variation to increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing, 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.
- G. Furthermore, that Hearing Officer finds that petitioner has demonstrated evidence for a practical difficulty and unique circumstance in relation to privacy and safety issues with adjacent properties, in addition to grade/elevation change on the subject property, which required petitioner to request a Variation to increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing.

**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 existing 9'1" fence does not impair an adequate supply of light and air to the adjacent properties, as the subject property is lower in elevation compared to the rest of the subject property and surrounding area.
  - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the existing 9'1" fence does not increase the hazard from fire or other dangers and that she will receive a building permit for the existing fence.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing privacy fence does not diminish the value of land and buildings throughout the County and is an added benefit to the neighborhood.
  - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing 9'1" fence does not unduly increase traffic congestion in the public streets and highways, as it is located in the interior side setback and does not impact traffic.
  - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the existing 9'1" fence does 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 existing 9'1" fence does 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 existing 9'1" fence is an added benefit to the neighborhood, and does not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on August 23, 2023, recommends to approve the following zoning relief:

Variation to increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing.

**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-23-000050 Juraga** dated August 23, 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 September 19, 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 increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing.

**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-23-000050 Juraga** dated August 23, 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): 4 Ayes, 0 Nays, 2 Absent**

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Variation to increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing, on the property hereinafter described:

LOT 1 IN BLOCK 88 IN LIBERTY PARK SUBDIVISION, BEING A SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER AND PART OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 33, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 16, 1924 AS DOCUMENT 182542, 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-23-000050 Juraga** dated August 23, 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; DUBRAVKA JURAGA, 4012 PARK STREET, WESTMONT, IL 60559; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 26<sup>th</sup> day of September, 2023 at Wheaton, Illinois.

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**File #:** DC-O-0047-23

**Agenda Date:** 9/19/2023

**Agenda #:** 11.C.

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DEBORAH A. CONROY, CHAIR  
DU PAGE COUNTY BOARD

Attest: \_\_\_\_\_

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

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

[www.dupageco.org/building](http://www.dupageco.org/building)

### MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: September 19, 2023

RE: **ZONING-23-000050 Juraga (Downers Grove/ District 2)**

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**DuPage County Board: September 26, 2023:**

**Development Committee: September 19, 2023:** The DuPage County Development Committee recommended to approve the following zoning relief:

Variation to increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing.

**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-23-000050 Juraga** dated August 23, 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): 4 Ayes, 0 Nays, 2 Absent**

**Zoning Hearing Officer: August 23, 2023:** The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing.

**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-23-000050 **Juraga** dated August 23, 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 increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing.
- B. That petitioner testified that the subject 9'1" fence is only located on the north side of the subject property, alongside the attached garage.
- C. That petitioner testified that she installed the extension on top of the existing fence due to privacy and safety issues with neighboring/adjacent properties.
- D. That petitioner testified that the fence extension now holds vines and honeysuckle flowers.
- E. That petitioner testified that due to the elevation/grade change, the area the subject fence is located on is lower in elevation compared to the rest of her property and adjacent properties.
- F. That Hearing Officer finds that petitioner has demonstrated that a Variation to increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing, 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.
- G. Furthermore, that Hearing Officer finds that petitioner has demonstrated evidence for a practical difficulty and unique circumstance in relation to privacy and safety issues with adjacent properties, in addition to grade/elevation change on the subject property, which required petitioner to request a Variation to increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing.

## **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 existing 9'1" fence does not impair an adequate supply of light and air to the adjacent properties, as the subject property is lower in elevation compared to the rest of the subject property and surrounding area.
  - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the existing 9'1" fence does not increase the hazard from fire or other dangers and that she will receive a building permit for the existing fence.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing privacy fence does not diminish the value of land and buildings throughout the County and is an added benefit to the neighborhood.
  - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing 9'1" fence does not unduly increase traffic congestion in the public streets and highways, as it is located in the interior side setback and does not impact traffic.
  - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the existing 9'1" fence does 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 existing 9'1" fence does 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 existing 9'1" fence is an added benefit to the neighborhood, and does not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.



**PETITIONER'S DEVELOPMENT FACT SHEET**

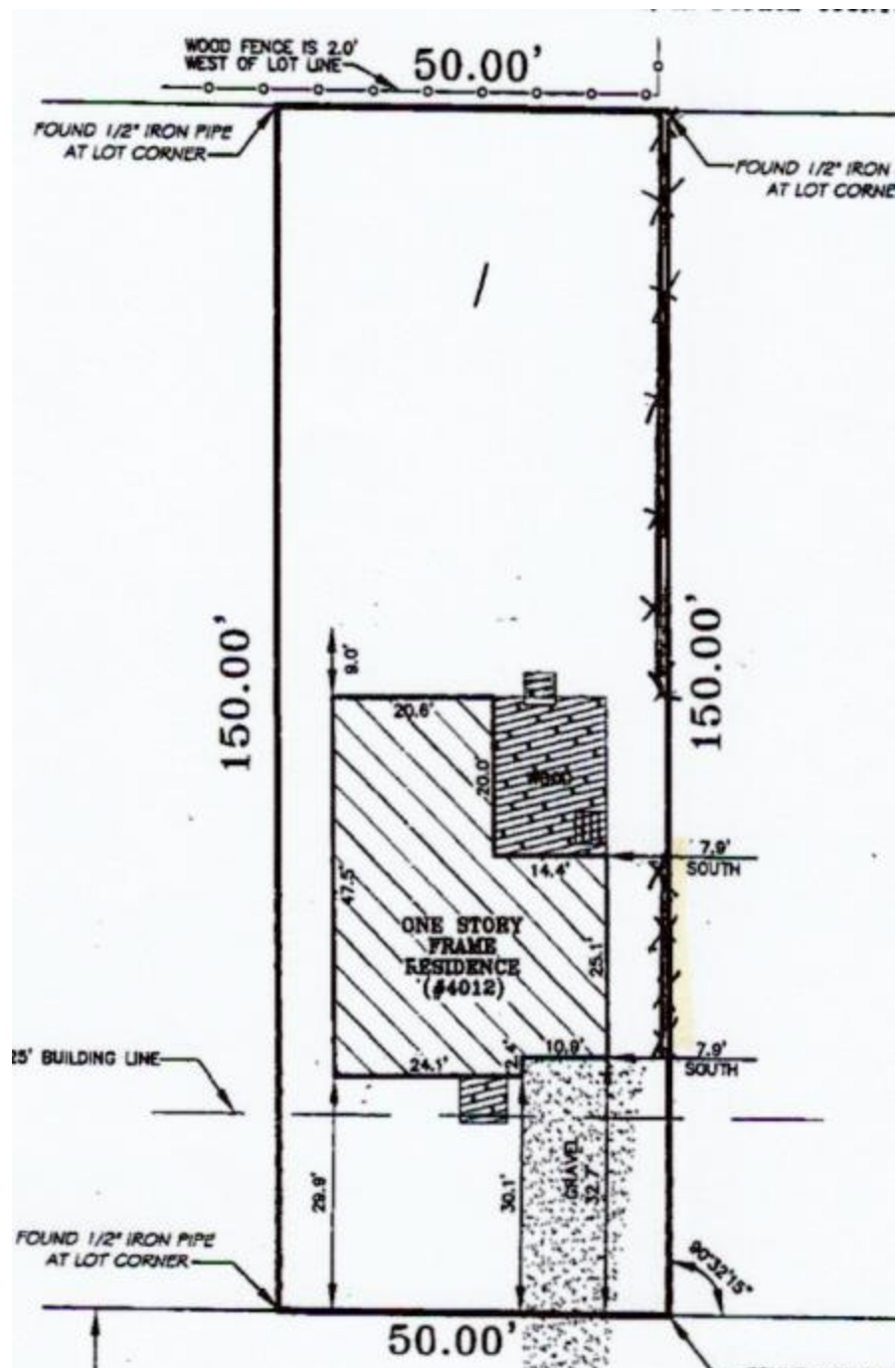
<b>GENERAL ZONING CASE INFORMATION</b>		
<b>CASE #/PETITIONER</b>	<b>ZONING-23-000050 Juraga</b>	
<b>ZONING REQUEST</b>	Variation to increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing.	
<b>OWNER</b>	DUBRAVKA JURAGA, 4012 PARK STREET, WESTMONT, IL 60559	
<b>ADDRESS/LOCATION</b>	4012 PARK STREET, WESTMONT, IL 60559	
<b>PIN</b>	09-04-207-024	
<b>TWSP./CTY. BD. DIST.</b>	DOWNERS GROVE	DISTRICT 2
<b>ZONING/LUP</b>	R-4 SF RES	0-5 DU AC
<b>AREA</b>	0.17 ACRES (7,405 SQ. FT.)	
<b>UTILITIES</b>	WATER AND SEWER	
<b>PUBLICATION DATE</b>	Daily Herald: AUGUST 1, 2023	
<b>PUBLIC HEARING</b>	WEDNESDAY, AUGUST 16, 2023, CONTINUED TO AUGUST 23, 2023	
<b><u>ADDITIONAL INFORMATION:</u></b>		
Building:	Objects.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	Our office has no jurisdiction in this matter.	
Stormwater:	Our office has no jurisdiction in this matter.	
Public Works:	Our office has no jurisdiction in this matter.	
<b>EXTERNAL:</b>		
Village of Downers Grove:	<i>No Comments Received.</i>	
Village of Westmont:	<i>No Comments Received.</i>	
Village of Oak Brook:	<i>No Comments Received.</i>	
Village of Clarendon Hills:	<i>No Comments Received.</i>	
Downers Grove Township:	<i>No Comments Received.</i>	
Township Highway:	No Objection with the concept of the petition. Additional information may be required at time of permit application.	
Westmont Fire Dist.:	<i>No Comments Received.</i>	
Sch. Dist. 201:	<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."	

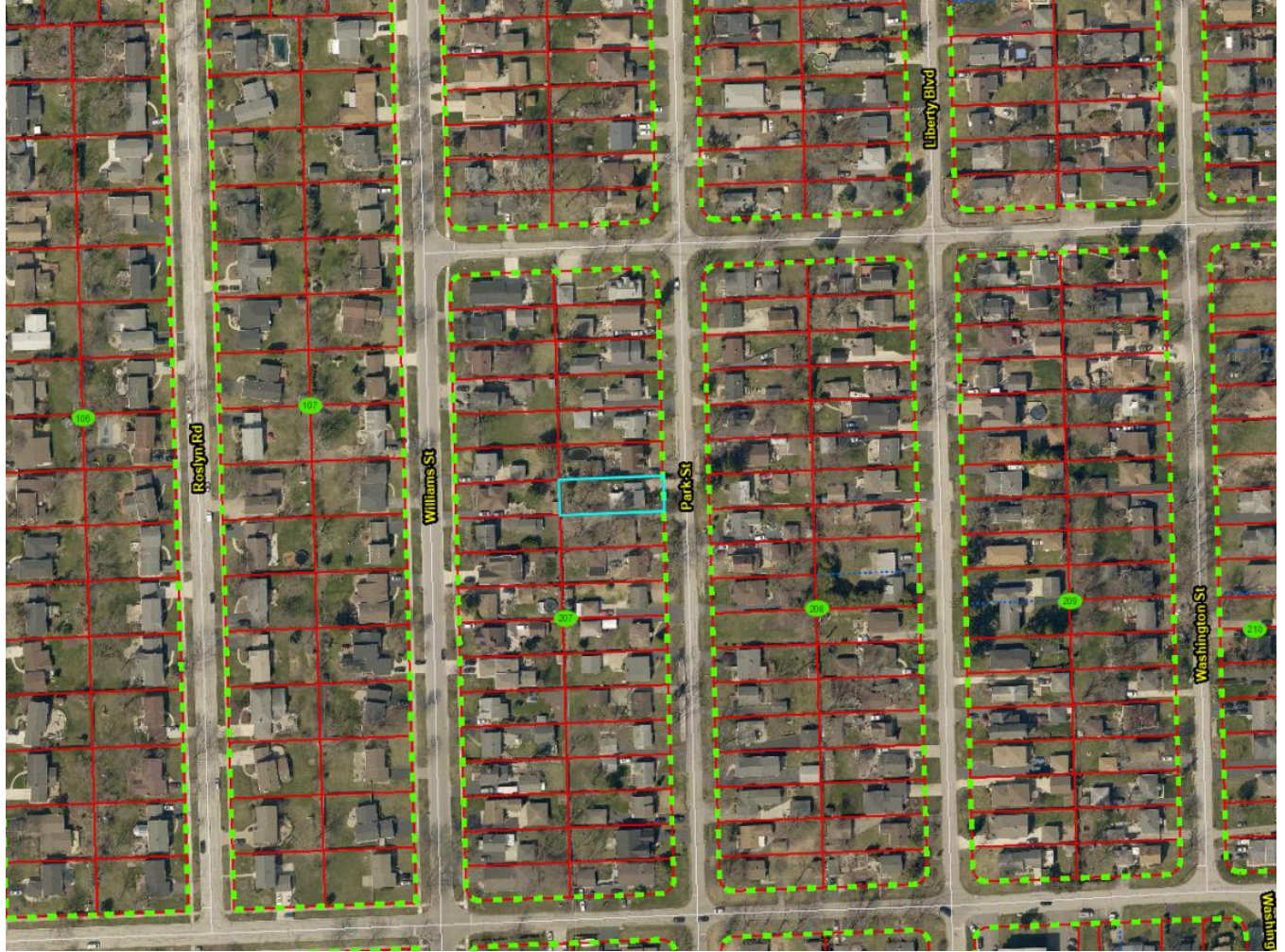
**GENERAL BULK REQUIREMENTS:**

<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Height:	6'6"	APPROX. 9'1"	APPROX. 9'1"

**LAND USE**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
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	PARK BOULEVARD AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
West	VILLAGE OF DOWNERS GROVE	HOUSE	VILLAGE OF DOWNERS GROVE











































**Sent:** Wednesday, August 23, 2023 7:52 AM  
**To:** paul.hoff@dupageco.org; Infelise, Jessica  
**Subject:** Re: Safety Request for review of trees and plantings in the street easement

[Caution: This email originated outside Dupageco.org. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Sending a second time. Files too large caused not to send.

To Paul Hoff for county review

Thank you for meeting with us briefly after the hearing for Juraga 4012 N Park Street Westmont was rescheduled for Wednesday 8/23.

We had mentioned a safety concern with county easement tree and high bush plantings that do not meet county guidelines. Attached are photos for your review regarding the solid arborvitae tree line and bush that has been intentionally planted on our shared property line at 4010/4012 N Park. Park street is approximately less than 5 feet from the last tall bush and trees.

We cannot see pulling out of our driveway onto Park Street. There have been multiple near misses with pedestrians, children on bikes and other vehicles. Multiple neighbors have approached us requesting removal of this barrier that inhibits clear sight of the roadway for safety.

The plantings were done by the property owner Juraga at 4012 N Park Street and extend well into the county easement and near the street. We and other neighbors have approached the property owner without resolution of the safety concern. All other properties near our residence are well maintained without trees in the easement and have good visibility for safety.

Can the county please review and address as needed for resolution of a clear visibility of the street for safety of our neighborhood and our family.

Thank you  
Dawn & Ron Johnson

4010 N Park Street  
Westmont





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Sent from AT&T Yahoo Mail for iPhone

**Sent:** Wednesday, August 23, 2023 7:48 AM  
**To:** paul.hoff@dupage.co.org; Infelise, Jessica  
**Subject:** Request to not approve variance - hearing Wednesday August 23 Juraga 4012 N Park St Westmont

[Caution: This email originated outside Dupageco.org. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Sending our request again. Images were too large for it to send. I removed some. Thanks.

On Tuesday, August 22, 2023, 4:06 PM, Ron & Dawn Johnson <rondawnjohnson@sbcglobal.net> wrote:

We, Dawn Johnson and Ronald Johnson at 4010 N Park Street, are requesting NO APPROVAL for the fence variance on our shared property line with Dubravka Juraga at 4012 N Park Street.

The non permitted addition to the existing permitted fence of a current total of over 9 feet has previously completely fallen on our driveway. This extension holds extensive growth from a vine planting that is extremely heavy and hangs over our driveway at 4010. This is a safety hazard for our family and our vehicles. The fallen fence was rebuilt by Juraga with added perpendicular bracing at the base of the fence. This bracing is encroaching over 1.5 feet over the property line onto our property. We never gave permission for building over the property line onto our property.

We are requesting removal of the almost 3 ft extension added to the top of the 6.5 ft fence that now totals over 9 feet tall. We are also requesting removal of the non permitted bracing that is encroaching onto our property.

We have attached photos of the fence and bracing for your reference. Due to work and illness we cannot attend in person to the rescheduled date of 4/23 at 2:30pm. We are requesting zoom meeting info invitation so we may attempt to attend remotely. If we are not in attendance please use this request as evidence on our behalf.

Can you please respond that you have received this request and photos.

Thank you

Dawn & Ronald Johnson  
4010 N Park Street  
Westmont

















## Development Ordinance

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
www.dupagecounty.gov

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**File #: DC-O-0048-23**

**Agenda Date: 9/19/2023**

**Agenda #: 11.D.**

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### **ORDINANCE**

Zoning Petition ZONING-23-000052 McHale

WHEREAS, a public hearing was held on August 30, 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 interior side setback from 3' to approximately 2', for an existing detached garage addition to match existing detached garage structure, on the property hereinafter described:

LOT 15 IN BLOCK 9 IN ARTHUR T. MCINTOSH'S OGDEN HIGHLANDS, BEING A SUBDIVISION IN THE WEST HALF OF SECTION 7 AND THE WEST HALF OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 9, 1925, AS DOCUMENT 195889, 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 August 30, 2023 does find as follows:

### **FINDINGS OF FACT:**

- A. That the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a Variation to reduce the interior side setback from 3' to approximately 2', for an existing detached garage addition to match existing detached garage structure.
- B. That petitioner testified that they have no attached garage and that they constructed an addition to their original detached garage as they required additional storage space on the subject property.
- C. That petitioner testified that they required the subject zoning relief in order to preserve the architectural integrity and building lines of the original detached garage.
- D. That petitioner testified that the detached garage is only serviced with electric.
- E. That Hearing Officer finds that petitioner has demonstrated evidence for a practical difficulty or particular

hardship for a Variation to reduce the interior side setback from 3' to approximately 2', for an existing detached garage addition to match existing detached garage structure, as the original detached garage was built approximately 2 feet from the interior side property line and petitioner was required to match the original building lines of the detached garage for the architectural integrity of the accessory building.

#### **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 existing detached garage addition follows/matches the existing building lines of the original detached garage and does 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 existing detached garage addition does not increase in the hazard from fire or other dangers and that they will receive a building permit for the proposed addition.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing detached garage addition does not diminish the value of land and buildings throughout the County and is an added benefit to the neighborhood.
  - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing detached garage addition is located behind the front wall of the subject house and in the rear yard and therefore does not impact traffic.
  - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the existing detached garage addition does 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 the existing detached garage addition does 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 existing detached garage addition is an added benefit to the neighborhood, and does impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

#### **PETITIONER'S DEVELOPMENT FACT SHEET**

<b>GENERAL ZONING CASE INFORMATION</b>
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<b>CASE #/PETITIONER</b>	<b>Zoning Petition ZONING-23-000052 McHale</b>	
<b>ZONING REQUEST</b>	Variation to reduce the interior side setback from 3' approximately 2', for an existing detached garage ad to match existing detached garage structure.	
<b>OWNER</b>	KAREN MCHALE, 5S473 VEST AVENUE, NAPERVILLE, IL 60563 / AGENT: KEVIN CUNNINGHAM, K.C. MECHANICAL, INC., 5S47 VEST AVENUE, NAPERVILLE, IL 60563	
<b>ADDRESS/LOCATION</b>	5S473 VEST AVENUE, NAPERVILLE, IL 60563	
<b>PIN</b>	08-07-403-004	
<b>TWSP./CTY. BD. DIST.</b>	LISLE	DISTRICT 5
<b>ZONING/LUP</b>	R-4 SF RES	0-5 DU AC
<b>AREA</b>	0.25 ACRES (10,890 SQ. FT.)	
<b>UTILITIES</b>	WELL AND SEWER	
<b>PUBLICATION DATE</b>	Daily Herald: AUGUST 15, 2023	
<b>PUBLIC HEARING</b>	WEDNESDAY, AUGUST 30, 2023	
<b>ADDITIONAL INFORMATION:</b>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections.	
Stormwater:	No Objections.	
Public Works:	Our office has no jurisdiction in this matter.	
<b>EXTERNAL:</b>		
City of Naperville:	<i>No Comments Received.</i>	
City of Warrenville:	<i>No Comments Received.</i>	
Village of Lisle:	Our office has no jurisdiction in this matter. "The subject property is located on Village's boundary agreement."	
Lisle Township:	<i>No Comments Received.</i>	
Township Highway:	No Objections.	
Naperville Fire Dist.:	<i>No Comments Received.</i>	
Sch. Dist. 203:	<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."	

**GENERAL BULK REQUIREMENTS:**

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Int. Side Yard:	3 FT	APPROX. 2 FT	APPROX. 2 FT



**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	CITY OF NAPERVILLE	COMMERCIAL	CITY OF NAPERVILLE
East	CITY OF NAPERVILLE	COMMERCIAL	CITY OF NAPERVILLE
West	VEST AVENUE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on August 30, 2023, recommends to approve the following zoning relief:

Variation to reduce the interior side setback from 3' to approximately 2', for an existing detached garage addition to match existing detached garage structure.

**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-23-000052 McHale dated August 30, 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 September 19, 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 interior side setback from 3' to approximately 2', for an existing detached garage addition to match existing detached garage structure.

**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-23-000052 McHale** dated August 30, 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): 4 Ayes, 0 Nays, 2 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 interior side setback from 3' to approximately 2', for an existing detached garage addition to match existing detached garage structure, on the property hereinafter described:

LOT 15 IN BLOCK 9 IN ARTHUR T. MCINTOSH'S OGDEN HIGHLANDS, BEING A SUBDIVISION IN THE WEST HALF OF SECTION 7 AND THE WEST HALF OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JULY 9, 1925, AS DOCUMENT 195889, 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-23-000052 McHale** dated August 30, 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; KAREN MCHALE, 5S473 VEST AVENUE, NAPERVILLE, IL 60563 / AGENT: KEVIN CUNNINGHAM, K.C. MECHANICAL, INC., 5S473 VEST AVENUE, NAPERVILLE, IL 60563; and Township Assessor, Lisle Township, 4721 Indiana Avenue, Lisle, IL 60532

Enacted and approved this 26<sup>th</sup> day of September, 2023 at Wheaton, Illinois.

---

DEBORAH A. CONROY, CHAIR  
DU PAGE COUNTY BOARD

Attest: \_\_\_\_\_

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

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

[www.dupageco.org/building](http://www.dupageco.org/building)

### MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: September 19, 2023

RE: **ZONING-23-000052 McHale (Lisle/District 5)**

---

**DuPage County Board: September 26, 2023:**

**Development Committee: September 19, 2023:** The DuPage County Development Committee recommended to approve the following zoning relief:

Variation to reduce the interior side setback from 3' to approximately 2', for an existing detached garage addition to match existing detached garage structure.

**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-23-000052 McHale** dated August 30, 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): 4 Ayes, 0 Nays, 2 Absent**



**Zoning Hearing Officer: August 30, 2023:** The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to reduce the interior side setback from 3' to approximately 2', for an existing detached garage addition to match existing detached garage structure.

**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-23-000052 McHale** dated August 30, 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 reduce the interior side setback from 3' to approximately 2', for an existing detached garage addition to match existing detached garage structure.
- B. That petitioner testified that they have no attached garage and that they constructed an addition to their original detached garage as they required additional storage space on the subject property.
- C. That petitioner testified that they required the subject zoning relief in order to preserve the architectural integrity and building lines of the original detached garage.
- D. That petitioner testified that the detached garage is only serviced with electric.
- E. That Hearing Officer finds that petitioner has demonstrated evidence for a practical difficulty or particular hardship for a Variation to reduce the interior side setback from 3' to approximately 2', for an existing detached garage addition to match existing detached garage structure, as the original detached garage was built approximately 2 feet from the interior side property line and petitioner was required to match the original building lines of the detached garage for the architectural integrity of the accessory building.

**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 existing detached garage addition follows/matches the existing building lines of the original detached garage and does 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 existing detached garage addition does not increase in the hazard from fire or other dangers and that they will receive a building permit for the proposed addition.
- c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing detached garage addition does not diminish the value of land and buildings throughout the County and is an added benefit to the neighborhood.
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing detached garage addition is located behind the front wall of the subject house and in the rear yard and therefore does not impact traffic.
- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the existing detached garage addition does 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 the existing detached garage addition does 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 existing detached garage addition is an added benefit to the neighborhood, and does impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

**PETITIONER'S DEVELOPMENT FACT SHEET**

<b>GENERAL ZONING CASE INFORMATION</b>			
<b>CASE #/PETITIONER</b>	<b>Zoning Petition ZONING-23-000052 McHale</b>		
<b>ZONING REQUEST</b>	Variation to reduce the interior side setback from 3' to approximately 2', for an existing detached garage addition to match existing detached garage structure.		
<b>OWNER</b>	KAREN MCHALE, 5S473 VEST AVENUE, NAPERVILLE, IL 60563 / AGENT: KEVIN CUNNINGHAM, K.C. MECHANICAL, INC., 5S473 VEST AVENUE, NAPERVILLE, IL 60563		
<b>ADDRESS/LOCATION</b>	5S473 VEST AVENUE, NAPERVILLE, IL 60563		
<b>PIN</b>	08-07-403-004		
<b>TWSP./CTY. BD. DIST.</b>	LISLE	DISTRICT 5	
<b>ZONING/LUP</b>	R-4 SF RES	0-5 DU AC	
<b>AREA</b>	0.25 ACRES (10,890 SQ. FT.)		
<b>UTILITIES</b>	WELL AND SEWER		
<b>PUBLICATION DATE</b>	Daily Herald: AUGUST 15, 2023		
<b>PUBLIC HEARING</b>	WEDNESDAY, AUGUST 30, 2023		
<b>ADDITIONAL INFORMATION:</b>			
Building:	No Objections.		
DUDOT:	Our office has no jurisdiction in this matter.		
Health:	No Objections.		
Stormwater:	No Objections.		
Public Works:	Our office has no jurisdiction in this matter.		
<b>EXTERNAL:</b>			
City of Naperville:	<i>No Comments Received.</i>		
City of Warrenville:	<i>No Comments Received.</i>		
Village of Lisle:	Our office has no jurisdiction in this matter. "The subject property is located outside of the Village's boundary agreement."		
Lisle Township:	<i>No Comments Received.</i>		
Township Highway:	No Objections.		
Naperville Fire Dist.:	<i>No Comments Received.</i>		
Sch. Dist. 203:	<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 nay specific comments. Thank you."		
<b>GENERAL BULK REQUIREMENTS:</b>			
<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Int. Side Yard:	3 FT	APPROX. 2 FT	APPROX. 2 FT

### LAND USE

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-4 SF RES	HOUSE	0-5 DU AC
North	R-4 SF RES	HOUSE	0-5 DU AC
South	CITY OF NAPERVILLE	COMMERCIAL	CITY OF NAPERVILLE
East	CITY OF NAPERVILLE	COMMERCIAL	CITY OF NAPERVILLE
West	VEST AVENUE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC

















## Development Ordinance

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
[www.dupagecounty.gov](http://www.dupagecounty.gov)

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**File #:** DC-O-0049-23

**Agenda Date:** 9/19/2023

**Agenda #:** 6.F.

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**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

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

[www.dupageco.org/building](http://www.dupageco.org/building)

### MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: August 30, 2023

RE: **ZONING-23-000053 Niemer (Downers Grove/ District 2)**

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**Development Committee: September 19, 2023:**

**Zoning Hearing Officer: August 30, 2023:** The Zoning Hearing Officer recommended to deny the following zoning relief:

Variation to reduce the interior side setback for a paver patio from required 3' to approximately 0', as existing.

**ZHO Recommendation to Deny**

**FINDINGS OF FACT:**

- A. That petitioner testified that he seeks the subject zoning relief for a Variation to reduce the interior side setback for a paver patio from required 3' to approximately 0', as existing.
- B. That petitioner testified that he has lived at the subject property for approximately twenty-five (25) years.
- C. That petitioner testified that he constructed the paver patio himself and did not know the three (3) foot setback was required for paver patios.
- D. That petitioner testified that due to the subject swimming pool and deck, the only location to place a paver patio is in the subject location, on the interior side property line.
- E. That Hearing Officer finds that petitioner has not demonstrated sufficient evidence or factual underpinnings to support the proposed Variation.

- Furthermore, that in order to establish a hardship, unique circumstance or practical difficulty for the requested Variation, petitioner suggested anecdotal evidence regarding drainage and stormwater runoff.
- That the Hearing Officer does not find that testimony to be credible, and that a paver patio that meets the required three (3) foot setback would allow for proper drainage and stormwater runoff, compared to a paver patio located up to the property line, which could possibly impact drainage and stormwater runoff for adjacent properties.

F. Additionally, that the Zoning Hearing Officer finds that petitioner could slightly reduce the size of the paver patio by removing approximately three (3) feet of paver stones to meet the required interior side setback.

### **STANDARDS FOR VARIATIONS:**

*\*Per Zoning Code Section 37-1411.3*

1. That the Zoning Hearing Officer 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 Hearing Officer 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 evidence that the existing paver patio does 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 not demonstrated** or provided evidence that the existing paver patio does not increase in the hazard from fire or other dangers.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** or provided evidence that the existing paver patio does 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 evidence that the existing paver patio does not unduly 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 evidence that the existing paver patio does not increase the potential for flood damages to adjacent properties.

- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated** or provided evidence that the existing paver patio does 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 evidence that the existing paver patio does not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.



**PETITIONER'S DEVELOPMENT FACT SHEET**

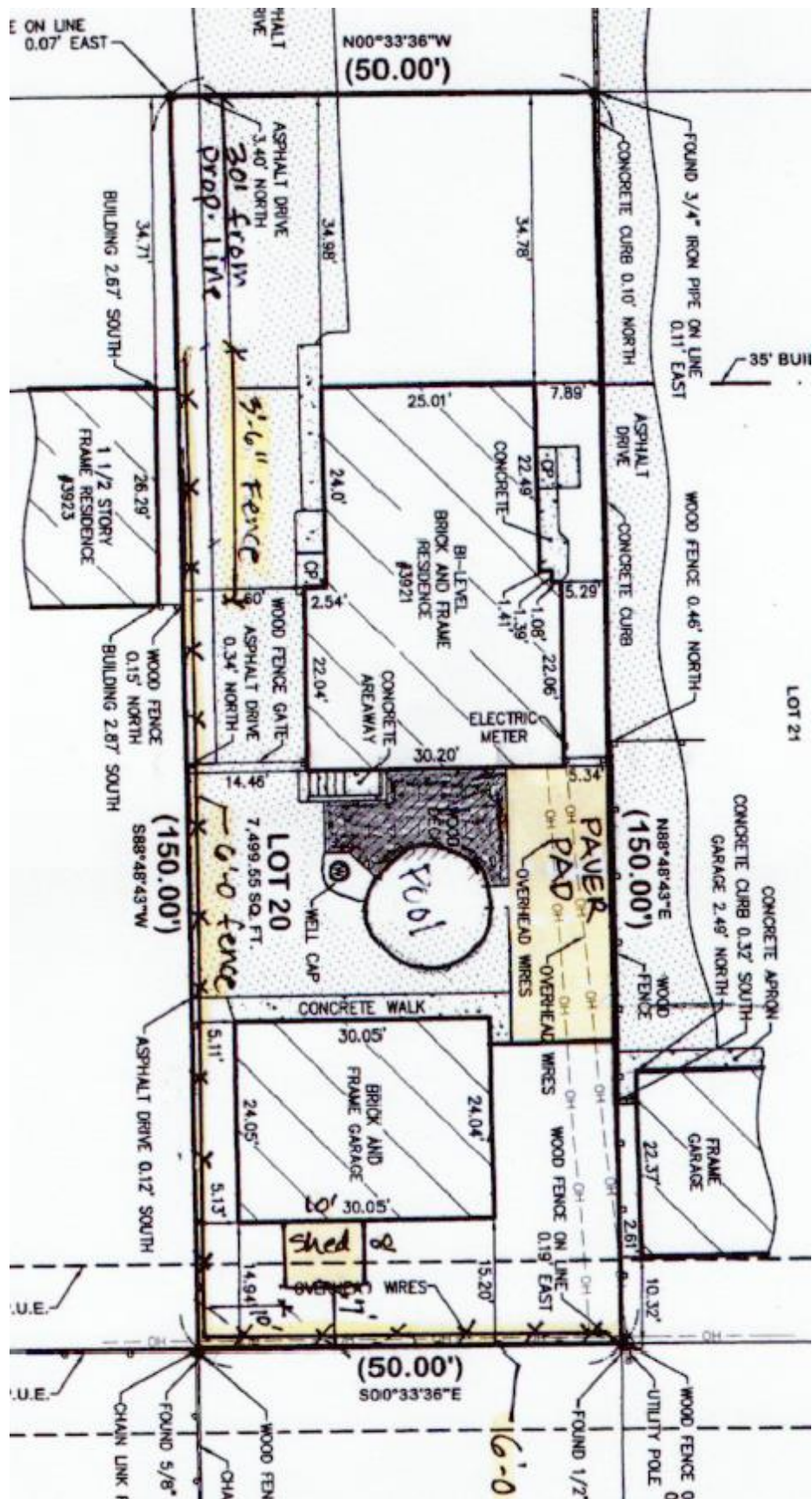
GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000053 Niemer	
ZONING REQUEST	Variation to reduce the interior side setback for a paver patio from required 3' to approximately 0', as existing.	
OWNER	RONALD AND ANNMARIE NIEMER, 3921 N. LINCOLN STREET, WESTMONT, IL 60559	
ADDRESS/LOCATION	3921 N. LINCOLN STREET, WESTMONT, IL 60559	
PIN	09-04-206-011	
TWSP./CTY. BD. DIST.	DOWNERS GROVE	DISTRICT 2
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.17 ACRES (7,405 SQ. FT.)	
UTILITIES	WELL AND SEWER	
PUBLICATION DATE	Daily Herald: AUGUST 15, 2023	
PUBLIC HEARING	WEDNESDAY, AUGUST 30, 2023	
ADDITIONAL INFORMATION:		
Building:	No Objection with the concept of the petition. Additional information may be required at time of permit application.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections.	
Stormwater:	No Objections.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Westmont:	No Comments Received.	
Village of Oak Brook:	No Objections.	
Village of Hinsdale:	No Comments Received.	
Village of Clarendon Hills:	No Objections.	
Village of Downers Grove:	“The Village of Downers Grove has no comments.”	
Downers Grove Township:	No Comments Received.	
Township Highway:	Our office has no jurisdiction in this matter.	
Westmont Fire Dist.:	No Comments Received.	
Sch. Dist. 201:	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 the subject property and the District property, we do not have any specific comments. Thank you.”	

**GENERAL BULK REQUIREMENTS:**

<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Int. Side Yard:	3 FT	APPROX. 0 FT	APPROX. 0 FT.

**LAND USE**

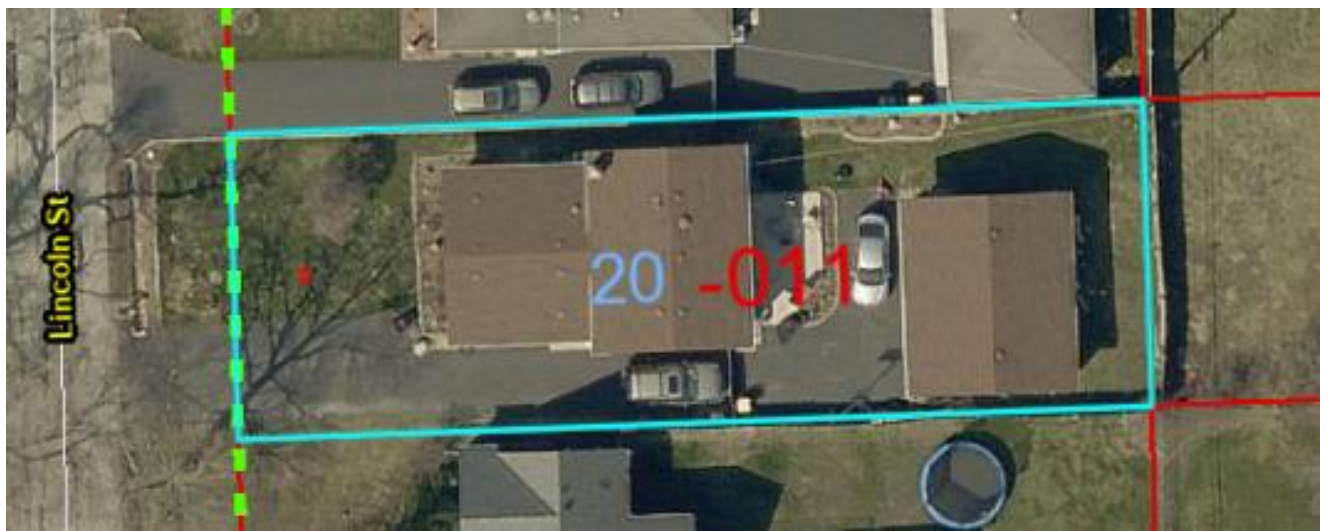
<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-4 SF RES	HOUSE	0-5 DU AC
North	R-4 SF RES	HOUSE	0-5 DU AC
South	R-4 SF RES	HOUSE	0-5 DU AC
East	VILLAGE OF WESTMONT	HOUSE	VILLAGE OF WESTMONT
West	LINCOLN STREET AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC













Civil Engineers Land Surveyors Site Planners

August 30, 2023

Members of the Building and Zoning Board of Appeals:

RE: Zoning Petition 23-000053 Niemer 3921 Lincoln Street, Westmont IL

We represent the owners of 3920 Cass Avenue, Westmont, IL, JPA ENTERPRISE LLC Series A, an adjacent property to the subject address and object to the construction of work within the setback and easement adjacent to our property.

While our property, 3920 Cass Avenue, is currently vacant, we

- 1) Wish to preserve our right to utilize any easements along the common property line and
- 2) Object to the increase in impervious area within the setback as the subject property drains toward our property.

We are concerned that the work done on the subject property will create an adverse impact to our property and hereby request that you deny the petition or any part thereof that would impact our current and future property owner rights.

Sincerely,



Kevin C. Lewis, PE, PLS  
President  
**IG Consulting, Inc.**  
300 Marquardt Drive  
Wheeling, IL 60090

300 Marquardt Dr., Wheeling, IL 60090  
847.215.1133

ig@igconsulting.net

1129 Main St., Union Grove, WI 53182  
262.878.6200



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**File #: DC-O-0050-23**

**Agenda Date: 9/19/2023**

**Agenda #: 11.E.**

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**ORDINANCE**

Zoning Petition ZONING-23-000055 Matthews

WHEREAS, a public hearing was held on August 30, 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:

1. Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback
2. Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback.
3. Variation to increase the height of a fence within the required 25' line of sight/ vision clearance on a corner from 3' to approximately 6', on the property hereinafter described:

LOT 35 IN WOODS OF CANTIGNY UNIT FOUR, BEING A SUBDIVISION OF PART OF LOT 1 IN WOODS OF CANTIGNY ASSESSMENT PLAT IN SECTION 20, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID WOODS OF CANTIGNY - UNIT FOUR RECORDED FEBRUARY 4, 1987 AS DOCUMENT R87-16685 AND CERTIFICATE OF CORRECTION RECORDED NOVEMBER 25, 1987 AS DOCUMENT NUMBER R87-167633, 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 August 30, 2023 does find as follows:

**FINDINGS OF FACT:**

- A. That petitioner testified that he seeks the subject zoning relief to replace his existing fence with a 6'/100% closed privacy fence within the corner side yard setback, that extends into the front yard and line-of-sight/vision clearance on a corner.
- B. That petitioner testified that due to increased traffic from a new residential development to the north on Purnell Road, he requires the subject fence to protect his property and family from vehicular traffic and noise.
  - a. Furthermore, that petitioner testified that a car has driven through his existing fence and that a fence within the corner side yard, front yard, and line-of-sign clearance acts as a blockade against vehicles hitting his residence.
- C. That petitioner testified that there would be no line-of-sight issues caused by the proposed fence.
- D. That the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a particular hardship and practical difficulty for a Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback and a Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback, due to increased traffic on Purnell Road and safety issues caused by vehicles on Purnell Road.

- E. That the Zoning Hearing Officer finds that petitioner has not demonstrated evidence for a Variation to increase the height of a fence within the required 25' line of sight/ vision clearance on a corner from 3' to approximately 6', and that the Winfield Township Road District objects to the subject Variation due to line-of-sight issues that could potentially be caused by the proposed fence.

**STANDARDS FOR VARIATIONS (CORNER SIDE AND FRONT YARD):**

*\*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 within the corner side yard and front yard 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 within the corner side yard and front yard 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 within the corner side yard and front yard 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 within the corner side yard and front yard 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 privacy fence within the corner side yard and front yard 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 within the corner side yard and front yard 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 within the corner side yard and front yard 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.

**STANDARDS FOR VARIATIONS (LINE-OF-SIGHT/VISION CLEARANCE):**

*\*Per Zoning Code Section 37-1411.3*

1. That the Zoning Hearing Officer 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 Hearing Officer finds that petitioner **has not demonstrated** the granting of the Variation will not:
- Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** or provided evidence that the proposed privacy fence within the line-of-sign/vision clearance of a corner will not impair an adequate supply of light and air to the adjacent properties.
  - Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated** or provided evidence that the proposed privacy fence within the line-of-sign/vision clearance of a corner will not increase the hazard from fire or other dangers.
  - Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** or provided evidence that the proposed privacy fence within the line-of-sign/vision clearance of a corner will not diminish the value of land and buildings throughout the County.
  - Unduly increase traffic congestion in the public streets and highways as petitioner **has not demonstrated** or provided evidence that the proposed privacy fence within the line-of-sign/vision clearance of a corner will not unduly increase traffic congestion in the public streets and highways.
  - Increase the potential for flood damages to adjacent property as petitioner **has not demonstrated** or provided evidence that the proposed privacy fence within the line-of-sign/vision clearance of a corner will not increase the potential for flood damages to adjacent properties.
  - Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated** or provided evidence that the proposed privacy fence within the line-of-sign/vision clearance of a corner will not incur additional public expense for flood protection, rescue, or relief.
  - Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has not demonstrated** or provided evidence that the proposed privacy fence within the line-of-sign/vision clearance of a corner 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-23-000055 Matthews
ZONING REQUEST	1. Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback 2. Variation to allow a 6'/100% closed (privacy) fence within the 10' front yard setback. 3. Variation to increase the height of a fence within the required 25' line of sight clearance on a corner from 3' to approximately 6'.

OWNER		KEITH AND RITA MATTHEWS, 1S551 V DRIVE, WINFIELD, IL 60190-1746	
ADDRESS/LOCATION		1S551 VERDUN DRIVE, WINFIELD, IL 6 1746	
PIN		04-23-401-018	
TWSP./CTY. BD. DIST.		WINFIELD	DISTRICT 6
ZONING/LUP		R-2 SF RES	0-5 DU AC
AREA		1.05 ACRES (45,738 SQ. FT.)	
UTILITIES		WELL AND SEPTIC	
PUBLICATION DATE		Daily Herald: AUGUST 15, 2023	
PUBLIC HEARING		WEDNESDAY, AUGUST 30. 2023	
ADDITIONAL INFORMATION:			
Building:	No Objections.		
DUDOT:	Our office has no jurisdiction in this matter.		
Health:	No Objections.		
Stormwater:	No Objections.		
Public Works:	Our office has no jurisdiction in this matter.		
EXTERNAL:			
City of Warrenville:	No Comments Received.		
City of West Chicago:	No Comments Received.		
Village of Winfield:	No Comments Received.		
City of Wheaton:	No Comments Received.		
Winfield Township:	No Comments Received.		
Township Highway:	Objects. (See attached documentation)		
Fire Dist. 33:	No Comments Received.		
Sch. Dist.:	No Comments Received.		
Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed information provided in this notice and due to the sizable distance b subject property and the District property, we do not have any speci comments. Thank you.”		

**LAND USE**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-2 SF RES	HOUSE	0-5 DU AC
North	VERDUN DRIVE AND BEYOND R-2 SF RES	HOUSE	0-5 DU AC

South	R-2 SF RES	HOUSE	0-5 DU AC
East	PURNELL ROAD AND BEYOND R-2 SF RES	PLACE OF ASSEMBLY	0-5 DU AC
West	R-2 SF RES	HOUSE	0-5 DU AC

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on August 30, 2023, recommends to bifurcate the following zoning relief:

1. Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback
2. Variation to allow a 6'/100% closed (privacy) fence within the 30' front 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-23-000055 Matthews** dated August 30, 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**

The Zoning Hearing Officer recommended as follows:

3. Variation to increase the height of a fence within the required 25' line of sight/ vision clearance on a corner from 3' to approximately 6'.

**ZHO Recommendation to Deny**

WHEREAS, the County Board Development Committee on September 19, 2023, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to bifurcate the following zoning relief:

1. Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback
2. Variation to allow a 6'/100% closed (privacy) fence within the 30' front 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-23-000055 Matthews** dated August 30, 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): 4 Ayes, 0 Nays, 2 Absent**

The DuPage County Development Committee recommended as follows:

3. Variation to increase the height of a fence within the required 25' line of sight/ vision clearance on a corner

from 3' to approximately 6'.

**Development Committee VOTE (Motion to Approve Failed): 0 Ayes, 4 Nays, 2 Absent**

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

1. Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback
2. Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback, on the property hereinafter described:

LOT 35 IN WOODS OF CANTIGNY UNIT FOUR, BEING A SUBDIVISION OF PART OF LOT 1 IN WOODS OF CANTIGNY ASSESSMENT PLAT IN SECTION 20, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID WOODS OF CANTIGNY - UNIT FOUR RECORDED FEBRUARY 4, 1987 AS DOCUMENT R87-16685 AND CERTIFICATE OF CORRECTION RECORDED NOVEMBER 25, 1987 AS DOCUMENT NUMBER R87-167633, 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-23-000055 Matthews** dated August 30, 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; KEITH AND RITA MATTHEWS, 1S551 VERDUN DRIVE, WINFIELD, IL 60190-1746; and Township Assessor, Winfield Township, 130 Arbor Avenue, West Chicago, IL 60185.

Enacted and approved this 26<sup>th</sup> day of September, 2023 at Wheaton, Illinois.

---

DEBORAH A. CONROY, CHAIR  
DU PAGE COUNTY BOARD



Attest: \_\_\_\_\_

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

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

[www.dupageco.org/building](http://www.dupageco.org/building)

### MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: September 19, 2023

RE: **ZONING-23-000055 Matthews (Winfield/District 6)**

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**DuPage County Board: September 26, 2023:** *(If the County Board seeks to approve the zoning relief it will require a  $\frac{3}{4}$  majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)*

**Development Committee: September 19, 2023:** The DuPage County Development Committee recommended the following bifurcated zoning relief:

1. Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback
2. Variation to allow a 6'/100% closed (privacy) fence within the 30' front 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-23-000055 Matthews** dated August 30, 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): 4 Ayes, 0 Nays, 2 Absent**

The DuPage County Development Committee recommended as follows:

3. Variation to increase the height of a fence within the required 25' line of sight/ vision clearance on a corner from 3' to approximately 6'.

**Development Committee VOTE (Motion to Approve Failed): 0 Ayes, 4 Nays, 2 Absent**

**Zoning Hearing Officer: August 30, 2023:** The Zoning Hearing Officer **recommended as follows:**

On August 30, 2023, the Hearing Officer **recommended to approve** the following request:

1. Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback
2. Variation to allow a 6'/100% closed (privacy) fence within the 30' front 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-23-000055 Matthews** dated August 30, 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**

On August 30, 2023, the Hearing Officer **recommended to deny** the following request:

3. Variation to increase the height of a fence within the required 25' line of sight/ vision clearance on a corner from 3' to approximately 6'.

**ZHO Recommendation to Deny**

**FINDINGS OF FACT:**

- A. That petitioner testified that he seeks the subject zoning relief to replace his existing fence with a 6'/100% closed privacy fence within the corner side yard setback, that extends into the front yard and line-of-sight/vision clearance on a corner.
- B. That petitioner testified that due to increased traffic from a new residential development to the north on Purnell Road, he requires the subject fence to protect his property and family from vehicular traffic and noise.
  - a. Furthermore, that petitioner testified that a car has driven through his existing fence and that a fence within the corner side yard, front yard, and line-of-sign clearance acts as a blockade against vehicles hitting his residence.
- C. That petitioner testified that there would be no line-of-sight issues caused by the proposed fence.
- D. That the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a particular hardship and practical difficulty for a Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback and a Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback, due to increased traffic on Purnell Road and safety issues caused by vehicles on Purnell Road.
- E. That the Zoning Hearing Officer finds that petitioner has not demonstrated evidence for a Variation to increase the height of a fence within the required 25' line of sight/ vision clearance on a corner from 3' to approximately 6', and that the Winfield Township Road District objects to the subject Variation due to line-of-sight issues that could potentially be caused by the proposed fence.

### **STANDARDS FOR VARIATIONS (CORNER SIDE AND FRONT YARD):**

*\*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 within the corner side yard and front yard 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 within the corner side yard and front yard 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 within the corner side yard and front yard 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 within the corner side yard and front yard 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 privacy fence within the corner side yard and front yard 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 within the corner side yard and front yard 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 within the corner side yard and front yard 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.

### **STANDARDS FOR VARIATIONS (LINE-OF-SIGHT/VISION CLEARANCE):**

*\*Per Zoning Code Section 37-1411.3*

1. That the Zoning Hearing Officer 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 Hearing Officer 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 evidence that the proposed privacy fence within the line-of-sign/vision clearance of a corner 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 not demonstrated** or provided evidence that the proposed privacy fence within the line-of-sign/vision clearance of a corner will not increase the hazard from fire or other dangers.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** or provided evidence that the proposed privacy fence within the line-of-sign/vision clearance of a corner 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 evidence that the proposed privacy fence within the line-of-sign/vision clearance of a corner 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 not demonstrated** or provided evidence that the proposed privacy fence within the line-of-sign/vision clearance of a corner 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 not demonstrated** or provided evidence that the proposed privacy fence within the line-of-sign/vision clearance of a corner 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 evidence that the proposed privacy fence within the line-of-sign/vision clearance of a corner will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

**PETITIONER'S DEVELOPMENT FACT SHEET**

<b>GENERAL ZONING CASE INFORMATION</b>		
<b>CASE #/PETITIONER</b>	<b>ZONING-23-000055 Matthews</b>	
<b>ZONING REQUEST</b>	1. Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback 2. Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback. 3. Variation to increase the height of a fence within the required 25' line of sight/ vision clearance on a corner from 3' to approximately 6'.	
<b>OWNER</b>	KEITH AND RITA MATTHEWS, 1S551 VERDUN DRIVE, WINFIELD, IL 60190-1746	
<b>ADDRESS/LOCATION</b>	1S551 VERDUN DRIVE, WINFIELD, IL 60190-1746	
<b>PIN</b>	04-23-401-018	
<b>TWSP./CTY. BD. DIST.</b>	WINFIELD	DISTRICT 6
<b>ZONING/LUP</b>	R-2 SF RES	0-5 DU AC
<b>AREA</b>	1.05 ACRES (45,738 SQ. FT.)	
<b>UTILITIES</b>	WELL AND SEPTIC	
<b>PUBLICATION DATE</b>	Daily Herald: AUGUST 15, 2023	
<b>PUBLIC HEARING</b>	WEDNESDAY, AUGUST 30, 2023	
<b>ADDITIONAL INFORMATION:</b>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	No Objections.	
Stormwater:	No Objections.	
Public Works:	Our office has no jurisdiction in this matter.	
<b>EXTERNAL:</b>		
City of Warrenville:	<i>No Comments Received.</i>	
City of West Chicago:	<i>No Comments Received.</i>	
Village of Winfield:	<i>No Comments Received.</i>	
City of Wheaton:	<i>No Comments Received.</i>	
Winfield Township:	<i>No Comments Received.</i>	
Township Highway:	Objects. (See attached documentation)	
Fire Dist. 33:	<i>No Comments Received.</i>	
Sch. Dist.:	<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."	

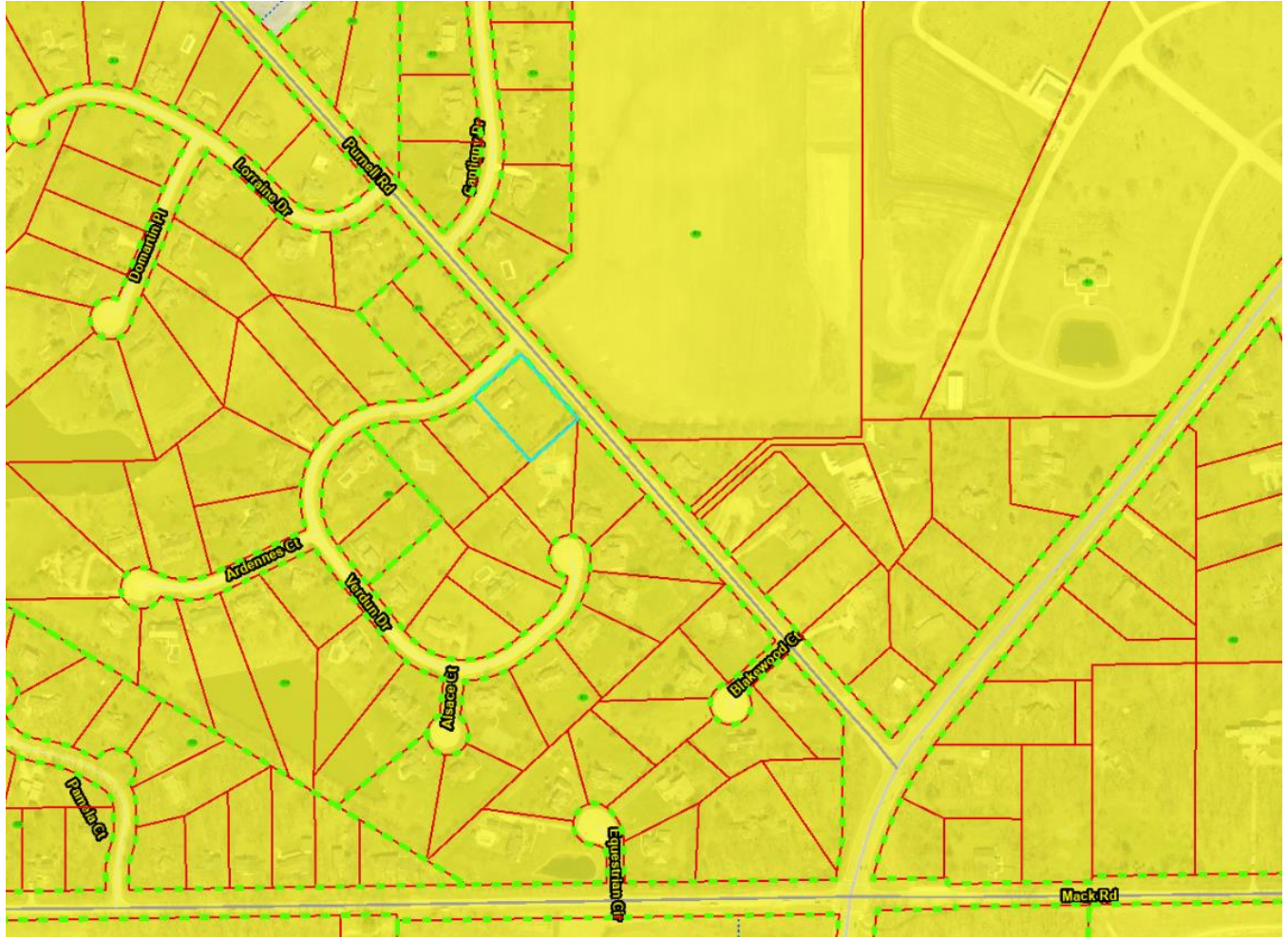
**LAND USE**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-2 SF RES	HOUSE	0-5 DU AC
North	VERDUN DRIVE AND BEYOND R-2 SF RES	HOUSE	0-5 DU AC
South	R-2 SF RES	HOUSE	0-5 DU AC
East	PURNELL ROAD AND BEYOND R-2 SF RES	PLACE OF ASSEMBLY	0-5 DU AC
West	R-2 SF RES	HOUSE	0-5 DU AC

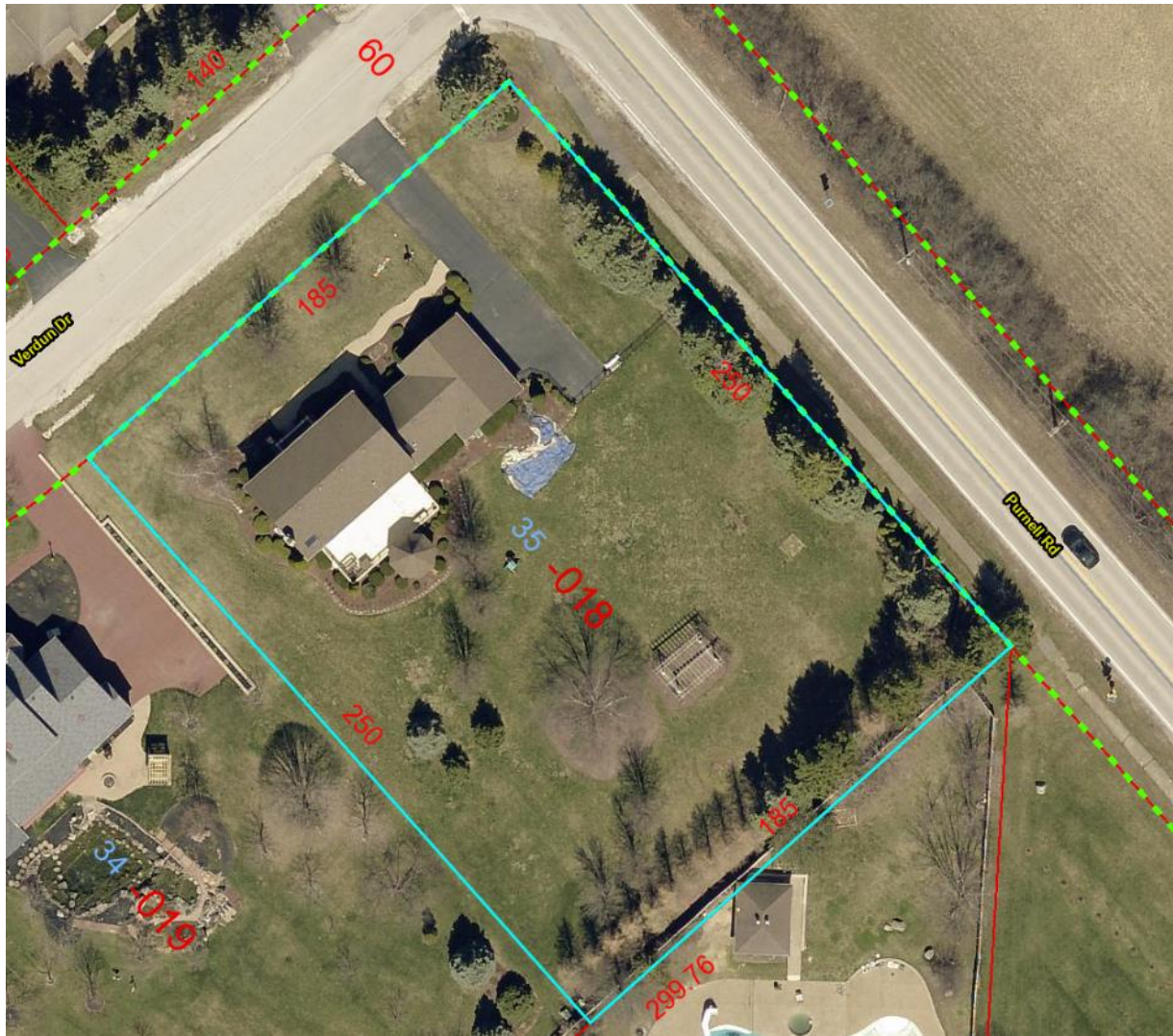














**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division


## BUILDING & ZONING DEPARTMENT

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

[www.dupageco.org/building](http://www.dupageco.org/building)

### DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-23-000055 Matthews

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](mailto:Jessica.Infelise@dupageco.org) or via facsimile  
at 630-407-6702 by **August 29, 2023**.

<b>COMMENT SECTION:</b>	
: 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	
<input checked="" type="checkbox"/> : I OBJECT/ HAVE CONCERNS WITH THE PETITION.	
<b>COMMENTS:</b>	
SIGNATURE  DATE: 8-17-23	
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:	
<b>GENERAL ZONING CASE INFORMATION</b>	
CASE #/PETITIONER	ZONING-23-000055 Matthews
ZONING REQUEST	1. Variation to allow a 6"/100% closed (privacy) fence within the 10' corner side yard setback 2. Variation to allow a 6"/100% closed (privacy) fence within the 30' front yard setback. 3. Variation to increase the height of a fence within the required 25' line of sight/ vision clearance on a corner from 3' to approximately 6'.
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AREA	1.05 ACRES (45,738 SQ. FT.)
UTILITIES	WELL AND SEPTIC
PUBLICATION DATE	Daily Herald: AUGUST 15, 2023
PUBLIC HEARING	WEDNESDAY, AUGUST 30, 2023

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

1

Jack T. Knuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187



**Sent:** Monday, July 31, 2023 3:23 PM

**To:** Road District <[Road@WinfieldTownship.com](mailto:Road@WinfieldTownship.com)>

**Cc:** Kevin VanDeWoestyne <[kevinv@thomas-engineering.com](mailto:kevinv@thomas-engineering.com)>

**Subject:** RE: DuPage County Zoning Notification - ZONING-23-000046 Matthews

Good afternoon Nicole,

Using Google Earth images and following the provisions of Chapter 28 "Sight Distance", Section 28-3.03 – CASE B "Intersection with Stop Control on the Minor Road" of IDOT's Bureau of Local Roads and Streets (BLRS) Manual for 35 MPH and an ISD of 390 feet, it appears that an extension of the current 6' fence will not impede the line of sight of a car approaching from the south when stopped at the existing stop bar. However, the Plat of Survey included with the application clearly shows an existing 25' Line of Sight Easement which the proposed new 6' fence would be located within. I strongly suggest that the Road District NOT ALLOW the proposed new 6' fence to be installed within the existing 25' Line of Sight Easement. I recommend requiring the petitioner to revise its request to show the proposed 6' fence being installed on private property out of the existing 25' Line of Sight Easement before granting support of the zoning variance.

Thanks,

**robert e. flatter, p.e.**

senior project manager

**thomas engineering group, llc**

main: 855.533.1700 | mobile: 630.768.8877

oak brook | oak park | aurora

**thomas**  
engineering group

[www.thomas-engineering.com](http://www.thomas-engineering.com)

a certified Small Business Enterprise