



**DUPAGE  
COUNTY**

## BUILDING & ZONING DEPARTMENT

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

[www.dupagecounty.gov/building](http://www.dupagecounty.gov/building)

### MEMORANDUM

TO: DuPage County Development Committee  
FROM: DuPage County Zoning Hearing Officer  
DATE: March 4, 2026  
RE: **ZONING-25-000070 Forty (Addison/District 1)**

---

**Development Committee: April 7, 2026:**

**Zoning Hearing Officer: March 4, 2026:** The Zoning Hearing Officer recommended to approve the following zoning relief:

Conditional Use for an existing pond to be located less than 10 feet from the rear property line (approximately 2 feet), where the pond has existed for at least 5 years.

**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-25-000070 Forty** dated January 21, 2026.
2. That the Conditional Use zoning relief shall expire after ten (10) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
  - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
  - b. The structure is voluntarily removed.
3. That petitioner maintains the existing landscaping around the perimeter of the subject property.
4. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

**ZHO Recommendation to Approve**

### **FINDINGS OF FACT:**

- A. That petitioner testified that the subject zoning relief is for a Conditional Use for an existing pond to be located less than 10 feet from the rear property line (approximately 2 feet), where the pond has existed for at least 5 years.
- B. That petitioner testified that the subject pond has existed on the subject property for approximately thirty (30) years.
- C. That petitioner testified that the pond is approximately two (2) feet in depth and includes a small bridge, as well as electrical service to operate an aerator and filtration system for water circulation.
- D. That petitioner testified that the rear yard is enclosed by a six (6) foot tall fence with a locked gate, restricting access to the pond area.
- E. That petitioner testified that generalized flooding has occurred in rear yards throughout the neighborhood in recent years; however, because the pond has existed for over twenty-five (25) years, it is not the cause of the reported flooding.
- F. That the Zoning Hearing Officer finds that the Petitioner has presented sufficient evidence to satisfy the Standards for a Conditional Use to allow the existing pond to remain located less than ten (10) feet from the rear property line (approximately two (2) feet). The Zoning Hearing Officer further finds that the pond does not adversely impact adjacent properties or roadways, does not negatively affect drainage patterns in the area, and does not impede adequate light or ventilation to the subject property or neighboring properties.

### **STANDARDS FOR CONDITIONAL USES:**

1. That the Zoning Hearing Officer finds that petitioner **has demonstrated** that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development; and specifically, that the granting of the Conditional Use will not:
  - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the existing pond is located at ground level and does not impact or impair the supply of light and air to adjacent properties.
  - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that they will receive a building permit from the County for the existing pond.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing pond does not diminish the value of land throughout the County.
  - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing pond is located behind the front wall of the home and does not impact traffic congestion in the public streets and highways.
  - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the existing pond has not increased the potential for flood damages to the adjacent property.

- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the existing pond 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 pond does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

**GENERAL ZONING CASE INFORMATION**

**CASE #/PETITIONER:** ZONING-25-000070 Forty

**ZONING REQUEST:** Conditional Use for an existing pond to be located less than 10 feet from the rear property line (approximately 2 feet), where the pond has existed for at least 5 years.

**OWNER:**RICHARD FORTY, 4N242 6<sup>TH</sup> AVENUE, ADDISON, IL 60101

**ADDRESS/LOCATION:** 4N242 6<sup>TH</sup> AVENUE, ADDISON, IL 60101

**PIN:** 03-20-311-013

**TWSP./CTY. BD. DIST.:** Addison/District 1

**ZONING/LUP:** R-4 SF RES / 0-5 DU AC

**AREA:** 0.26 ACRES (11,326 SQ. FT.)

**UTILITIES:** WELL / SEPTIC

**PUBLICATION DATE:** DAILY HERALD: JANUARY 6, 2026

**PUBLIC HEARING:** WEDNESDAY, JANUARY 21, 2026, CONTINUED TO FEBRUARY 18, 2026

**ADDITIONAL INFORMATION:**

**Building:** No Objections.

**DUDOT:** Our office has no jurisdiction in this matter.

**Health:** No Objections with the concept of the petition. Additional information may be required at time of permit application.

**Stormwater:** No Objections.

**Public Works:** DPC Public Works doesn't own any sewer or water mains in this area.

**EXTERNAL:**

**Village of Addison:** No Objections.

**City of Wood Dale:** *No Comments Received.*

**Village of Itasca:** *No Comments Received.*

**Addison Township:** *No Comments Received.*

**Township Highway:** *No Comments Received.*

**Addison Fire Dist.:** *No Comments Received.*

**Sch. Dist. 4:** *No Comments Received.*

**Sch. Dist. 88:** *No Comments Received.*

**Forest Preserve:** *No Comments Received.*

**GENERAL BULK REQUIREMENTS**

- **Rear Yard**
  - Required: 10 FEET
  - Existing: APPROXIMATELY 2 FEET
  - Proposed: APPROXIMATELY 2 FEET

## **LAND USE**

### **Subject Property:**

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

### **North of Subject Property:**

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

### **South of Subject Property:**

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

### **East of Subject Property:**

- **Zoning:** 6<sup>TH</sup> AVENUE AND BEYOND R-4 SF RES / **Existing Use:** HOUSE / **Land Use Plan (LUP):** 0-5 DU/AC

### **West of Subject Property:**

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