



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: November 1, 2023

RE: **ZONING-23-000080 Adams**

Development Committee: November 21, 2023:

Zoning Hearing Officer: November 1, 2023: The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to reduce the interior side setback from required 3' to approximately 0' for repaving driveway with asphalt parking space.

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-23-000080 Adams** dated November 1, 2023.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZHO Recommendation to Approve

FINDINGS OF FACT:

- A. That petitioner testified that the proposed zoning relief is to reduce the interior side setback from required 3' to approximately 0' for repaving an existing driveway with asphalt parking space.
- B. That petitioner testified that he is replacing his existing driveway with a new asphalt driveway and that the last fifteen (15) feet of the driveway is considered a parking space which is required to be at least three (3) feet from the interior side property line.

- C. That petitioner testified that the subject driveway is pre-existing and that no new parking areas are proposed.
- D. That the Zoning Hearing Officer finds that petitioner has demonstrated sufficient evidence for a practical difficulty and unique circumstance for the proposed driveway, as the subject driveway is pre-existing and requires repairs, and that in order to repave the existing driveway, petitioner requires the subject zoning relief.

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 repaving driveway with asphalt parking space 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 repaving driveway with asphalt parking space will not increase in the hazard from fire or other dangers and that they will receive a building permit for the driveway and parking space.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the repaving driveway with asphalt parking space 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 repaving driveway with asphalt parking space will not unduly increase traffic congestion in the public streets and highways, and that it will not impact line-of-sight clearance for vehicles.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the repaving driveway with asphalt parking space 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 repaving driveway with asphalt parking space 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 repaving driveway with asphalt parking

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Int. Side Yard:	3'	APPROX. 0'	APPROX. 0'

LAND USE

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



