



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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

www.dupageco.org/building

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: November 7, 2023

RE: **ZONING-23-000054 Blacha (Downers Grove/ District 3)**

DuPage County Board: November 14, 2023:

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

1. Conditional Use to increase the height of an existing shed from permitted 15' to approximately 16', where it has existed for at least 5 years.
2. Conditional Use to reduce the interior side setback for an existing covered patio/gazebo from permitted 6.7' to approximately 4', where it has existed for at least 5 years.
3. Conditional Use to reduce the interior side setback for an existing spiral staircase from permitted 6.7' to approximately 4.5', where it 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-23-000054 Blacha** dated September 20, 2023.
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 the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
4. That petitioner maintains the existing landscaping around the perimeter of the subject property.
5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

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

Zoning Hearing Officer: September 20, 2023: The Zoning Hearing Officer recommended to approve the following zoning relief:

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 - b. The structure is voluntarily removed.
3. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
4. That petitioner maintains the existing landscaping around the perimeter of the subject property.
5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZHO Recommendation to Approve

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is to allow an existing shed, covered patio/gazebo, and spiral staircase to remain where they have existed on the subject property for at least five (5) years.
- B. That petitioner testified that they have lived at the subject property since 2007.
- C. That petitioner testified that the subject shed was built in 2009, the covered patio/gazebo was constructed in 2018, and spiral staircase was constructed in 2017.
- D. That petitioner testified that the subject shed, covered patio/gazebo, and spiral staircase, are all in excellent condition
- E. That Hearing Officer finds that petitioner has demonstrated that subject zoning relief for the existing shed, covered patio/gazebo, and spiral staircase do not have any impact on adjacent properties and roadways, do not impact drainage, and do not impede ventilation and light to the subject property or adjacent properties.

STANDARDS FOR CONDITIONAL USES:

- 1. That the Zoning Hearing Officer finds that petitioner **has demonstrated** that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County’s comprehensive plan for development; and specifically, that the granting of the Conditional Use will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has demonstrated** that the existing shed, covered patio/gazebo, and spiral staircase do 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 shed, covered patio/gazebo, and spiral staircase and that they were built pursuant to the current DuPage County building codes.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing shed, covered patio/gazebo, and spiral staircase do 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 shed, covered patio/gazebo, and spiral staircase are located behind the front wall of the home and do not impact traffic in the public streets and highways.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the County’s Stormwater Department has no objections to the existing shed, covered patio/gazebo, and spiral staircase

- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the existing shed, covered patio/gazebo, and spiral staircase

- 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 shed, covered patio/gazebo, and spiral staircase do not have any impact on adjacent properties and roadways, do not impact on drainage, and do not impede ventilation and light to the subject property or adjacent properties.

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-23-000054 Blacha
ZONING REQUEST	<ol style="list-style-type: none"> 1. Conditional Use to increase the height of an existing shed from permitted 15' to approximately 16', where it has existed for at least 5 years. 2. Conditional Use to reduce the interior side setback for an existing covered patio/gazebo from permitted 6.7' to approximately 4', where it has existed for at least 5 years. 3. Conditional Use to reduce the interior side setback for an existing spiral staircase from permitted 6.7' to approximately 4.5', where it has existed for at least 5 years.
OWNER	STANISLAW AND MONIKA BLACHA, 6050 SHERMAN AVENUE, DOWNERS GROVE, IL 60516 / AGENT: PAWEL OZGA, NEW SPACE ARCHITECTS, LLC., 623 MELROSE AVE, KENILWORTH, IL, 60043
ADDRESS/LOCATION	6050 SHERMAN AVENUE, DOWNERS GROVE, IL 60516
PIN	09-18-300-037
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	0.45 ACRES (19,602 SQ. FT.)
UTILITIES	WATER AND SEWER
PUBLICATION DATE	Daily Herald: AUGUST 15, 2023
PUBLIC HEARING	WEDNESDAY, AUGUST 30, 2023; CONTINUED SEPTEMBER 20, 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:	
Village of Woodridge:	<i>No Comments Received.</i>
Village of Downers Grove:	Objects. (See attached documentation)
Downers Grove Township:	<i>No Comments Received.</i>
Township Highway:	Our office has no jurisdiction in this matter.
Darien-Woodridge Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 58:	<i>No Comments Received.</i>

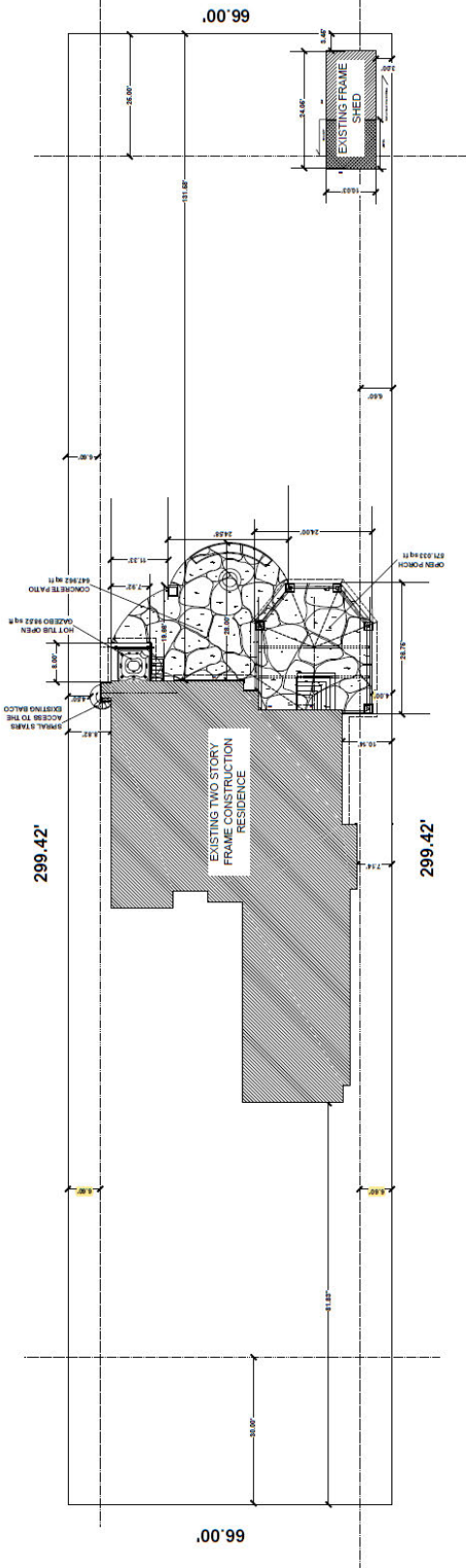
Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and the District property, we do not have any specific comments. Thank you.”
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GENERAL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

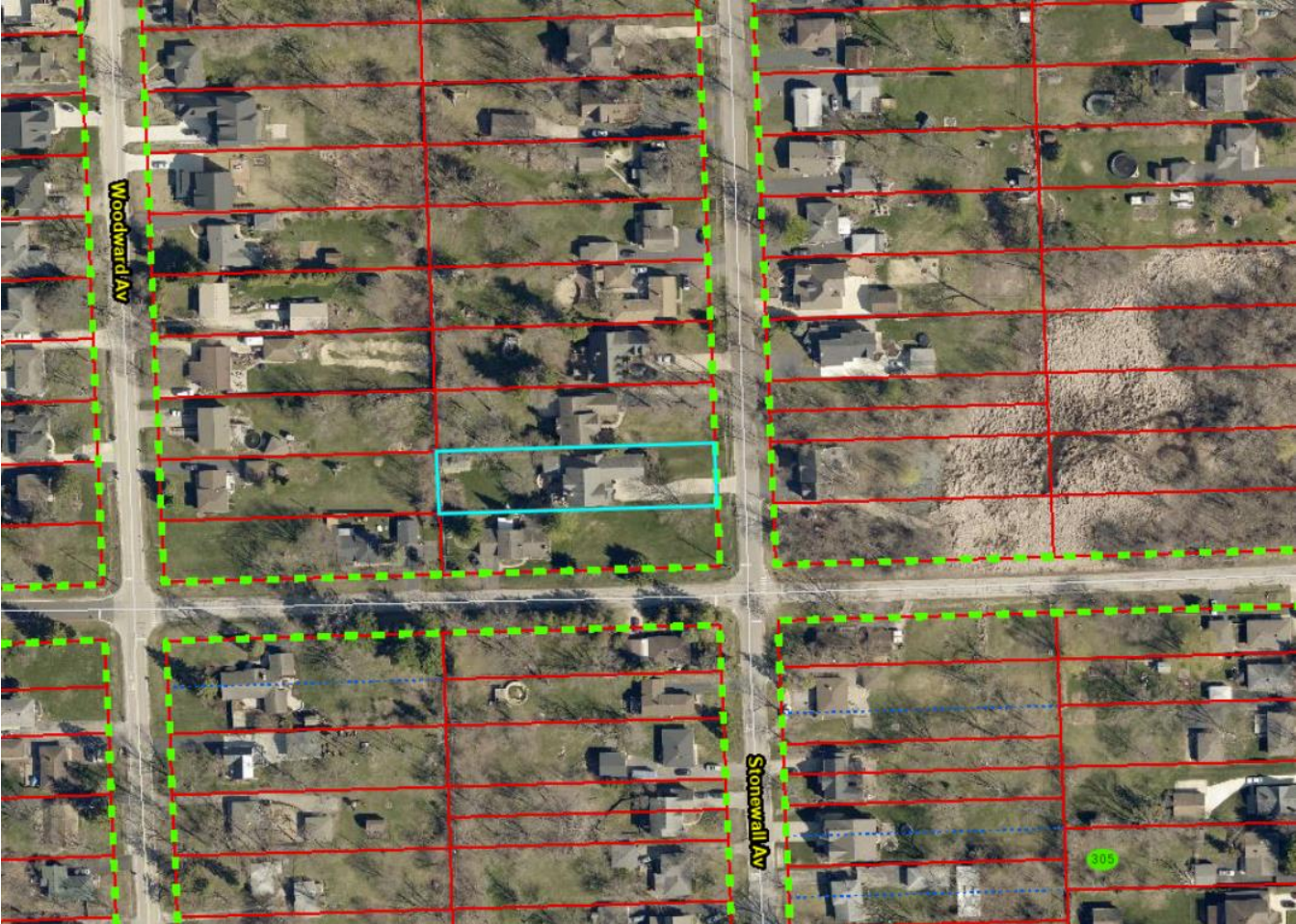
REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Int. Side Yard:	6.7'	APPROX. 4'	APPROX. 4'
Int. Side Yard:	6.7'	APPROX. 4.5'	APPROX. 4.5'

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	STONEWALL AVENUE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
West	R-4 SF RES	HOUSE	0-5 DU AC



N
SITE PLAN
 1" = 25.00'







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DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-23-000054 Blacha

Please review the information herein and return with your comments to:
Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm
Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupageco.org or via facsimile
at 630-407-6702 by **August 29, 2023**.

COMMENT SECTION:	
<input type="checkbox"/> : OUR OFFICE HAS NO JURISDICTION IN THIS MATTER	
<input type="checkbox"/> : NO OBJECTION/CONCERNS WITH THE PETITION	
<input type="checkbox"/> : 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.	
COMMENTS: PLEASE SEE THE ATTACHED	
SIGNATURE: [REDACTED]	DATE: 8/24/23
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-23-000054 Blacha
ZONING REQUEST	<ol style="list-style-type: none"> 1. Conditional Use to increase the height of an existing shed from permitted 15' to approximately 16', where it has existed for at least 5 years. 2. Conditional Use to reduce the interior side setback for an existing covered patio/gazebo from permitted 6.7' to approximately 4', where it has existed for at least 5 years. 3. Conditional Use to reduce the interior side setback for an existing spiral staircase from permitted 6.7' to approximately 4.5', where it has existed for at least 5 years.
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ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	0.45 ACRES (19,602 SQ. FT.)
UTILITIES	WATER AND SEWER
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.



www.downers.il.us

August 24, 2023

Jessica Infelise
DuPage County Department of Building and Zoning
421 North County Farm Road
Wheaton, IL 60187

Re: ZONING-23-000054 Blacha
PIN 09-18-300-037, Address 6050 Sherman Avenue

**COMMUNITY RESPONSE
CENTER**

630.434.CALL (2255)

CIVIC CENTER

801 Burlington Avenue
Downers Grove
Illinois 60515-4782
630.434.5500
TDD 630.434.5511
FAX 630.434.5571

**FIRE DEPARTMENT
ADMINISTRATION**

5420 Main Street
Downers Grove
Illinois 60515-4834
630.434.5980
FAX 630.434.5998

POLICE DEPARTMENT

825 Burlington Avenue
Downers Grove
Illinois 60515-4783
630.434.5600
FAX 630.434.5690

**PUBLIC WORKS
DEPARTMENT**

5101 Walnut Avenue
Downers Grove
Illinois 60515-4046
630.434.5460
FAX 630.434.5495

Staff has had the opportunity to review the case for the property located at 6050 Sherman Avenue. The Village of Downers Grove has an opinion in this matter because of the subject property's close proximity to the municipal boundary, and location within the Village's planning area.

The site is in unincorporated DuPage County and is classified as R-4 Single Family Residence District by the County's zoning ordinance. The petitioner is proposing conditional uses in order to:

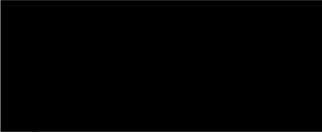
1. Increase the height of an existing shed from permitted 15' to approximately 16', where it has existed for at least 5 years.
2. Reduce the interior side setback for an existing covered patio/gazebo from the permitted 6.7' to approximately 4', where it has existed for at least 5 years.
3. Reduce the interior side setback for an existing spiral staircase from the permitted 6.7' to approximately 4.5', where it has existed for at least 5 years.

No summary was provided to determine the specifics of the proposed project, beyond the proposed site plan. If a conditional use is being requested for this case, no evidence of meeting the required standards was provided. Staff has the following comments and concerns:

1. Village Ordinance Sec 28.11.040 Nonconforming Structures states that any nonconforming residential accessory structure such as a garage, shed, deck or porch may be razed and replaced in its entirety, provided that it is replaced in the same location, and for the same purpose, with no footprint expansion and no more than an increase of fifteen percent (15%) or the original height. Village Ordinance does not allow the footprint expansion of nonconforming structures.
2. Village Ordinance Sec 28.2.030 requires an interior setback of 10% of lot width or 6 feet, whichever is greater, which the proposed spiral stair case would be required to meet.
3. Village Ordinance Sec 28.14.100(b) requires an interior setback of 5 feet for patios, porches and gazebos, which the open porch and patio would be required to meet.

The Village of Downers Grove does not recommend approval of the improvements as they would not meet the Village requirements as stated above. The Village of Downers Grove asks DuPage County to deny the request since the improvements would vary from the existing characteristics of the immediate neighborhood and zoning districts. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Jason Zawila, AICP
Planning Manager
Community Development Department

Cc: Stan Popovich, Community Development Director