



**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

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

### MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: August 6, 2024

RE: **ZONING-24-000039 Tucker (Milton/District 4)**

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**DuPage County Board: August 13, 2024:**

**DuPage County Development Committee: August 6, 2024:** The DuPage County Development Committee recommended to approve the following zoning relief:

Variation to reduce the required setback for a new fence from required 3” to approximately 0”.

**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-24-000039 Tucker** dated July 10, 2024.
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): 5 Ayes, 0 Nays, 1 Absent**

**Zoning Hearing Officer: July 10, 2024:** The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to reduce the required setback for a new fence from required 3” to approximately 0”.

**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-24-000039 Tucker** dated July 10, 2024.
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 subject zoning relief is to reduce the required setback for a new fence from required 3” to approximately 0”.
- B. That petitioner testified that he received a permit for new fence to be located at least 3” from the rear property line, and that the utility companies will not allow him to place a fence post 3” from the rear property due to the northwest corner of the subject property being a major underground hub for twenty-four (24) runs of cabling.
- C. That petitioner testified that due to the underground utilities, the only way to fully enclose his rear yard is to connect his fence panel to his neighbor’s existing fence post at the property line.
- D. That petitioner testified that all other fencing on the subject property will be located at least 3” inside the property lines, and that the only location requested with the subject Variation is at the northwest corner of the subject property.
- E. That the Zoning Hearing Officer finds that petitioner has demonstrated sufficient evidence for a practical difficulty to approve the subject zoning relief to allow a fence to be located 0” from the property line and that due to existing underground cabling, he is unable to construct a fence post 3” from the property line.
  - a. Furthermore, in order to enclose the subject property with fencing, petitioner would need to connect his fence to an existing neighboring fence post at the property line.

**STANDARDS FOR VARIATIONS:**

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 Board of Appeals 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 fence 0” from the property line will only be located in the rear northwest corner and will not impair an adequate supply of light and air to the adjacent property.
  - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that he will obtain an amended permit for the proposed fence 0” from the property line and that the proposed fence will not increase the hazard from fire or other dangers to said property.
  - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed fence 0” from the property line 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 demonstrated** that the proposed fence 0” from the property line will only be located in the rear northwest corner of the property and will not 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 fence 0” from the property line will not increase the potential for flood damages to adjacent property.
  - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the proposed fence 0” from the property line 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 fence 0” from the property line will not impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County and will be an added benefit to the surrounding area.

**PETITIONER'S DEVELOPMENT FACT SHEET**

<b>GENERAL ZONING CASE INFORMATION</b>	
<b>CASE #/PETITIONER</b>	<b>ZONING-24-000039 Tucker</b>
<b>ZONING REQUEST</b>	Variation to reduce the required setback for a new fence from required 3" to approximately 0".
<b>OWNER</b>	MARK AND KATHLEEN TUCKER, 26W070 PHEASANT COURT, WHEATON, IL 60188
<b>ADDRESS/LOCATION</b>	26W070 PHEASANT COURT, WHEATON, IL 60188
<b>PIN</b>	05-06-411-011
<b>TWSP./CTY. BD. DIST.</b>	MILTON DISTRICT 4
<b>ZONING/LUP</b>	R-4 SF RES 0-5 DU AC
<b>AREA</b>	0.29 ACRES (12,632 SQ. FT.)
<b>UTILITIES</b>	Water and Sewer
<b>PUBLICATION DATE</b>	Daily Herald: June 25, 2024
<b>PUBLIC HEARING</b>	Wednesday, July 10, 2024
<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 Objections.
Public Works:	"This property is located in the Wheaton Sanitary district and there are IL American Water mains on both streets. Not DPC PW sewer or water."
<b>EXTERNAL:</b>	
Village of Winfield:	<i>No Comments Received.</i>
Village of Carol Stream:	<i>No Comments Received.</i>
City of Wheaton:	<i>No Comments Received.</i>
Milton Township:	<i>No Comments Received.</i>
Township Highway:	<i>No Comments Received.</i>
Winfield Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 200:	<i>No Comments Received.</i>
Forest Preserve:	"The Forest Preserve District of DuPage County staff have reviewed the information provided in this notice and 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-4 SF RES	HOUSE	0-5 DU AC
North	R-4 SF RES	HOUSE	0-5 DU AC
South	PHEASANT COURT AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
East	PARTRIDGE DRIVE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
West	R-4 SF RES	HOUSE	0-5 DU AC









