



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: August 6, 2024

RE: **ZONING-24-000024 Rektorski (Lisle/District 2)**

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

DuPage County Development Committee: August 6, 2024: The Motion to Approve failed relative to the following zoning relief:

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

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

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

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

ZHO Recommendation to Deny

FINDINGS OF FACT:

A. That petitioner testified that the subject zoning relief is for a Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback.

- B. That the original zoning request included a Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback, and that this request was removed from the petition at the public hearing, as a 6'/100% closed fence within the corner side yard is now permitted as of right due to recently approved Text Amendment T-1-24.
- C. That petitioner testified that they require a fence within the front yard for privacy and safety reasons, due to three (3) young children and two (2) dogs on the subject property.
- D. That the Zoning Hearing Officer finds that petitioner has not demonstrated or provided sufficient evidence to support the proposed Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback and that petitioner has not demonstrated or provided sufficient evidence in relation to a practical difficulty or particular hardship in order to support a Variation.

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** that the proposed 6'/100% closed fence in the 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 not demonstrated** that the proposed 6'/100% closed fence in the front yard will 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** that the proposed 6'/100% closed fence in the front yard 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** that the proposed 6'/100% closed fence in the 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 not demonstrated** that the proposed 6'/100% closed fence in the 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 not demonstrated** that the proposed 6'/100% closed fence in the 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 not demonstrated** that the proposed 6'/100% closed fence in the front yard will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

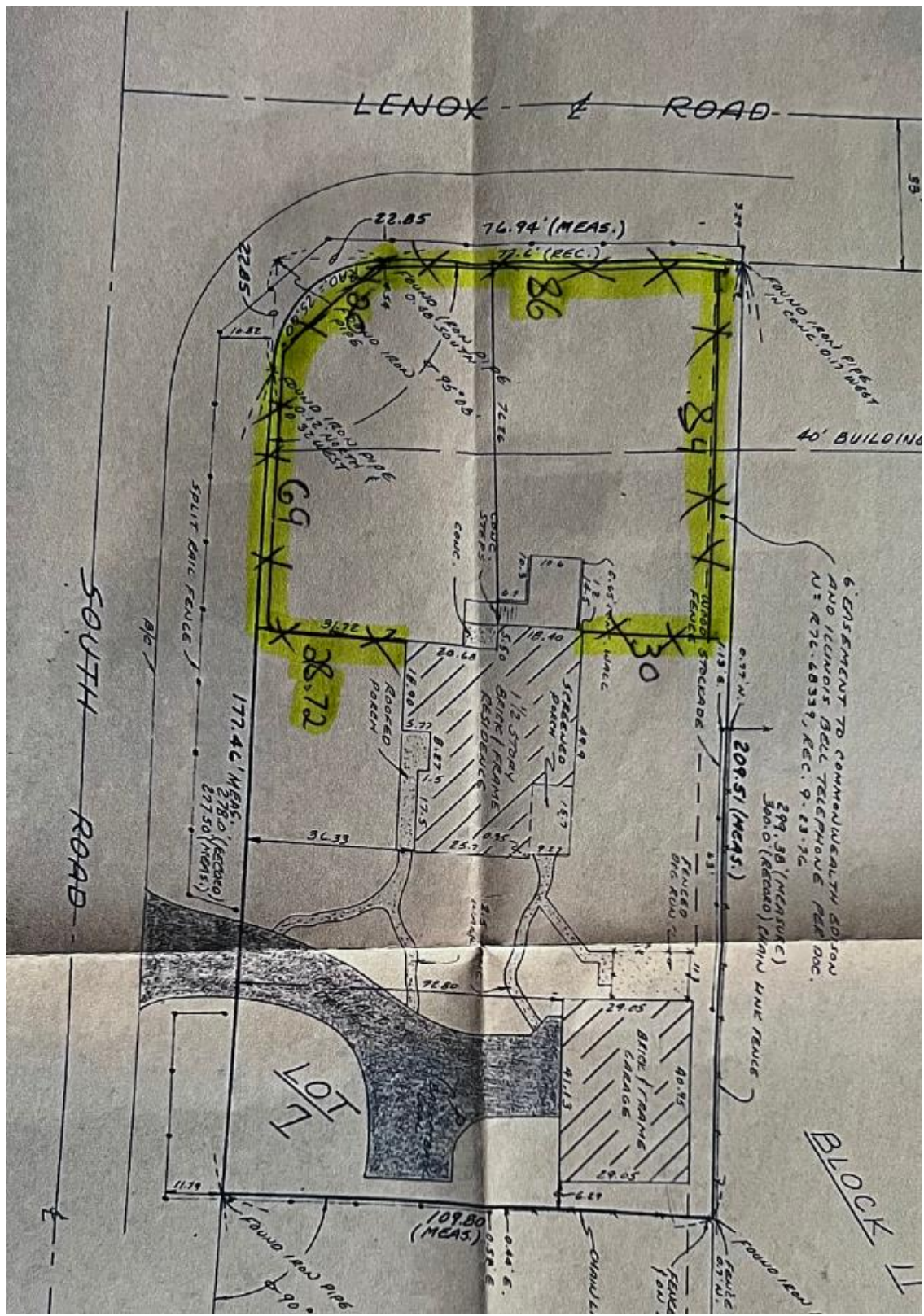
GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-24-000024 Rektorski	
ZONING REQUEST	1. Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback. 2. Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback.	
OWNER	RYAN AND KELSEY REKTORSKI, 940 SOUTH ROAD, LISLE, IL 60532	
ADDRESS/LOCATION	940 SOUTH ROAD, LISLE, IL 60532	
PIN	08-14-110-014	
TWSP./CTY. BD. DIST.	LISLE	DISTRICT 2
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.47 ACRES (20,473 SQ. FT.)	
UTILITIES	WATER AND SEWER	
PUBLICATION DATE	Daily Herald: APRIL 30, 2024	
PUBLIC HEARING	WEDNESDAY, MAY 15, 2024, CONTINUED TO JUNE 5, 2024, CONTINUED TO JULY 10, 2024	
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 Objections.	
Public Works:	No Objections. "We are the water provider."	
EXTERNAL:		
Village of Lisle:	<i>No Comments Received.</i>	
Village of Woodridge:	"This is outside of our boundary agreements, no comment."	
Village of Downers Grove:	"The Village of Downers Grove has no comments."	
Lisle Township:	<i>No Comments Received.</i>	
Township Highway:	"With the revised plans Lisle Township Road District no longer has any objections to the fence planned for 940 South Road."	
Lisle-Woodridge Fire Dist.:	"N/A"	
Sch. Dist. 202:	<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:

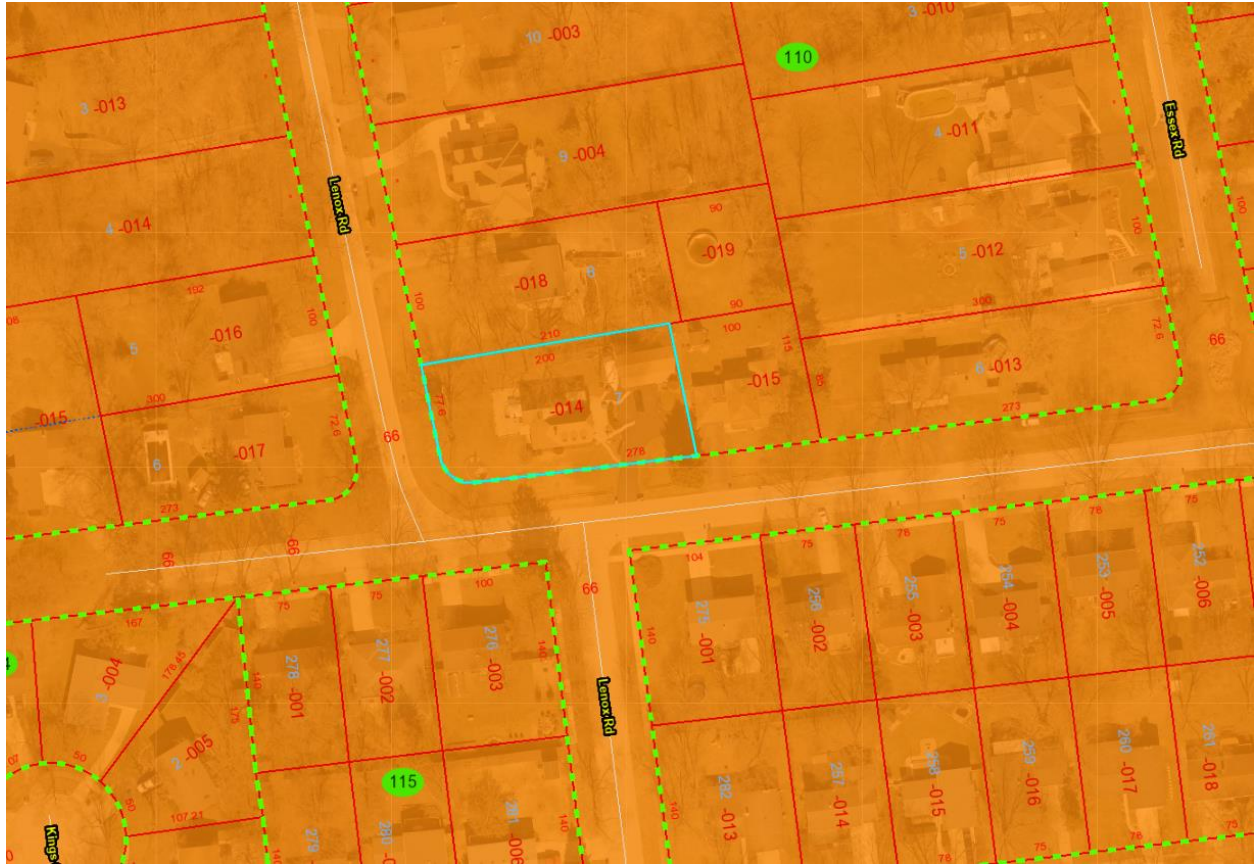
REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Front Yard:	4'6" / 50% OPEN	N/A	6' / 100% CLOSED

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	SOUTH ROAD AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
East	R-4 SF RES	HOUSE	0-5 DU AC
West	LENOX ROAD AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC









Sent: Tuesday, May 14, 2024 10:40 PM
To: Infelise, Jessica
Subject: RE: ZONING-24-000024 Rektorski Hearing Wednesday May 15th @ 2:30PM

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

Hi Jessica,

Unfortunately, I will not be able to attend the hearing this Wednesday at 2:30PM as I have a conflict. I would appreciate it if this email could be provided to the board at the meeting in order to raise safety concerns with the proposed variance.

I am sending this email to express safety concerns with the petition requesting a variance to allow a 6' 100% closed (privacy) fence within the 10' corner side yard setback and also within the 30' front yard setback.

I am concerned about the impact to safety at this corner if the proposed 6' privacy fence is constructed. I live 2 houses down from this property and I see many kids and older people walking and biking down these streets at various times of the day and after dark (we are 6 blocks from Lisle Elementary School).

The proposed privacy fence will obstruct vision around this corner (at South Road and Lenox). This creates safety concern due to;

1. There are no sidewalks on Lenox Road and only 1 sidewalk on the south side of South Road, so people walk in the road at that corner and in the road down Lenox Road.
2. There are no streetlights on Lenox Road or at that corner (Lenox Road and South Road) so it gets very dark there at night.
3. There is no stop sign on South Road when you approach Lenox. Cars do not stop, so they are continuously moving around the corner and the proposed fence would obstruct the visibility of people walking or biking down Lenox Road (due to no sidewalks).

I am attaching 2 photo's taken in front of 940 South Street (on right side of photo) looking East towards Lenox Road. The 2nd provides an idea of approximately how much visibility will be lost (of Lenox Road) when drivers approach the corner (of South Road and Lenox) without a stop sign.

I am also concerned that if this variance is granted, it will establish a new precedence in the neighborhood that could lead to others requesting the same which will create more safety concerns.

I appreciate your consideration in this matter.

Regards,

Chris & Carollee Buechner

Photo in front of 940 South Street (on right side of photo) looking East towards Lenox Road.



Photo in front of 940 South Street before split rail fence removed: