



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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www.dupageco.org/building

MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: October 11, 2023

RE: **ZONING-23-000073 Barsley (Lisle/ District 2)**

Development Committee: November 21, 2023:

Zoning Hearing Officer: October 11, 2023: The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback.

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-23-000073 Barsley** dated October 11, 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 the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback.
- B. That petitioner testified that he has lived at the subject property for approximately twenty-one (21) years.

- C. That petitioner testified that he is replacing the existing twenty (20) year-old, 6'/closed (privacy) fence with the proposed 6'/100% closed (privacy) fence.
- D. That petitioner testified that he requires a 6'/100% closed privacy fence within the 10' corner side yard setback for additional privacy and security due to increased noise, vehicle, and pedestrian traffic due to the location of his subject property.
 - a. Furthermore, that petitioner testified that Spring Bay Road is very busy due to Steeple Run Elementary School located directly across the street, as well as the office park directly across Spring Bay Road to the west.
- E. That Hearing Officer finds that petitioner has demonstrated that a Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback will not have any impact on adjacent properties and roadways, will not impact on drainage, and will not impede ventilation and light to the subject property or adjacent properties.
- F. Furthermore, that Hearing Officer finds that petitioner has demonstrated evidence for a practical difficulty and particular hardship in relation to the location of the subject property, and that that the increase in noise, vehicle, and pedestrian traffic on Spring Bay Road requires petitioner to request a Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback.

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 proposed privacy fence 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 proposed privacy fence will not increase in the hazard from fire or other dangers and that they will receive a building permit for the proposed fence.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed privacy fence 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 proposed privacy fence 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 proposed privacy fence 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 proposed privacy fence 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 proposed privacy fence will be an added benefit to the neighborhood, and 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-23-000073 Barsley	
ZONING REQUEST	Variation to allow a 6’/100% closed (privacy) fence within the 10’ corner side yard setback.	
OWNER	FRANK AND EVA BARSLEY, 6S151 PARK MEADOW DRIVE, NAPERVILLE, IL 60540	
ADDRESS/LOCATION	6S151 PARK MEADOW DRIVE, NAPERVILLE, IL 60540	
PIN	08-16-107-006	
TWSP./CTY. BD. DIST.	LISLE	DISTRICT 2
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.27 ACRES (11,761 SQ. FT.)	
UTILITIES	WATER AND SEWER	
PUBLICATION DATE	Daily Herald: SEPTEMBER 26, 2023	
PUBLIC HEARING	WEDNESDAY, OCTOBER 11, 2023	
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 with the concept of the petition. Additional information may be required at time of permit application. “Zone AE floodplain (elevation 724.4) is located on the property. Additional information will be required to document the fence location in respect to the floodplain, and if the fence is located in the floodplain, provisions for elevating the fence or having a 50% open style fence to allow for the conveyance of floodwater.”	
Public Works:	No Objections. “We are the sanitary sewer and water provider.”	
EXTERNAL:		
City of Naperville:	No Comments Received.	
Village of Lisle:	Our office has no jurisdiction in this matter. “The subject property is located outside of the Village’s Boundary Agreement.”	
Village of Woodridge:	Our office has no jurisdiction in this matter.	
Lisle Township:	No Comments Received.	
Township Highway:	No Comments Received.	
Lisle-Woodridge Fire Dist.:	“N/A”	
Sch. Dist. 203:	No Comments Received.	
Forest Preserve:	“The Forest Preserve District of DuPage County staff have 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.”	

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Height:	4'6"/50% OPEN	NA	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	SPRING BAY DRIVE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
East	R-4 SF RES	HOUSE	0-5 DU AC
West	PARK MEADOW DRIVE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC





