



DU PAGE COUNTY

Development Committee

Final Summary

421 N. COUNTY FARM ROAD
WHEATON, IL 60187
www.dupagecounty.gov

Tuesday, May 7, 2024

10:30 AM

Room 3500B

1. **CALL TO ORDER**

10:30 AM meeting was called to order by Chair Sam Tornatore at 10:31 AM.

2. **ROLL CALL**

PRESENT Chaplin, Gustin, Krajewski, Ozog, Rutledge, and Tornatore
--

3. **CHAIRMAN'S REMARKS- CHAIR TORNATORE**

No remarks were offered.

4. **PUBLIC COMMENT**

No public comments were offered.

5. **MINUTES APPROVAL**

5.A. [24-1356](#)

Development Committee - Regular Meeting - April 16, 2024

Attachments: [Dev Comm Meeting Minutes Summary 4-16-2024.pdf](#)

RESULT:	APPROVED
MOVER:	Brian Krajewski
SECONDER:	Liz Chaplin
AYES:	Chaplin, Gustin, Krajewski, Ozog, Rutledge, and Tornatore

6. **REGULATORY SERVICES**

6.A. [24-1443](#)

Transfer of funds from 1100-2810-53830 (Other Contractual Expenses) \$65,000 to 1100-2810-50000 (Regular Salaries) \$65,000. Budget transfer needed to cover a job reclassification and one (1) additional headcount.

Attachments: [BT \\$65,000 5.7.24](#)

RESULT:	APPROVED
MOVER:	Sheila Rutledge

SECONDER:	Liz Chaplin
AYES:	Chaplin, Gustin, Krajewski, Ozog, Rutledge, and Tornatore

6.B. [24-1444](#)

Essentially in Accord: Z21-085 Stults (Does not require County Board Approval)

Attachments: [Z-23-000016 Stults Essentially in Accord \(04-23-2024\)_Redacted.pdf](#)

RESULT:	APPROVED
MOVER:	Sheila Rutledge
SECONDER:	Liz Chaplin
AYES:	Chaplin, Gustin, Krajewski, Ozog, Rutledge, and Tornatore

6.C. [DC-O-0019-24](#)

ZONING-24-000011 – Cabral: To approve the following zoning relief:

1. Conditional Use to reduce the required side yard setback for existing carport from required 20 feet to approximately 3.5 feet, where it has existed for at least five (5) years.
2. Conditional Use to allow the existing detached accessory buildings/structures (two sheds) to remain in front of the front wall of the house, where they have existed for at least five (5) years.
3. Conditional Use to increase the total area of detached accessory buildings from 2,600 sq. ft. to approximately 5,280 sq. ft. for all existing detached buildings have existed for at least five (5) years (approx. 1,770 sq. ft. stable, 477 sq. ft. shed, 697 sq. ft. detached garage, 1,477 sq. ft. detached accessory building, 460 sq. ft. shed, and 399 sq. ft. shed).
4. Variation to allow the total area of detached accessory buildings to exceed the total area of the principal building. (Winfield/District 6)

ZHO Recommendation to Approve

Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent

Member Gustin had a question on if the County "grandfathers" any structures. Paul Hoss advised that anything built prior to 1957 relative to zoning is technically grandfathered in. This specific piece of property was previously zoned agriculturally exempt and did not need permits, however pieces of the property were sold off and it is now less than 5 acres and no longer qualifies for the exemption.

Attachments: [Z-24-000011 Cabral Cty. Bd. \(05-14-2024\)_Redacted.pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Liz Chaplin
SECONDER:	Mary Ozog
AYES:	Chaplin, Gustin, Krajewski, Ozog, Rutledge, and Tornatore

6.D. [DC-O-0020-24](#)

ZONING-24-000018 – Roman (a): To approve the following zoning relief:

- 1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop. (Downers Grove/ District 3) (If the County Board seeks to approve the zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)

ZHO Recommendation to Deny

Development Committee VOTE (Motion to Approve Failed): 2 Ayes, 4 Nays, 0 Absent

ZONING-24-000018 – Roman (b): To approve the following zoning relief:

- 2. Variation to allow 4-H program with 1 lb. rooster on a property less than 40,000 sq. ft. . (Downers Grove/ District 3) (If the County Board seeks to approve the zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)

ZHO Recommendation to Deny

Development Committee VOTE (Motion to Approve Failed): 2 Ayes, 4 Nays, 0 Absent

ZONING-24-000018 – Roman (c): To approve the following zoning relief:

- 3. Conditional Use to allow a 4-H program with a goat on a property less than 40,000 sq. ft. (Downers Grove/ District 3)

ZHO Recommendation to Approve

Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent

Forwarded to County Board as three separate items.

Attachments: [Z-24-000018 Roman Dev. Com. \(05-07-2024\)_Redacted.pdf](#)

RESULT: NO ACTION REQUIRED

[DC-O-0030-24](#)

ZONING-24-000018 – Roman (a): To approve the following zoning relief:

- 1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop. (Downers Grove/ District 3) (If the County Board seeks to approve the zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)

ZHO Recommendation to Deny

Development Committee VOTE (Motion to Approve Failed): 2 Ayes, 4 Nays, 0 Absent

Attachments: [Z-24-000018 Roman Cty. Bd. \(05-14-2024\)_Redacted.pdf](#)

RESULT: RECOMMENDED TO DENY (DEVELOPMENT ONLY)

MOVER: Patty Gustin

SECONDER: Sheila Rutledge

AYES: Krajewski, and Rutledge

NAY: Chaplin, Gustin, Ozog, and Tornatore

DC-O-0031-24

ZONING-24-000018 – Roman (b): To approve the following zoning relief:
2. Variation to allow 4-H program with 1 lb. rooster on a property less than 40,000 sq. ft. . (Downers Grove/ District 3) (If the County Board seeks to approve the zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)
ZHO Recommendation to Deny
Development Committee VOTE (Motion to Approve Failed): 2 Ayes, 4 Nays, 0 Absent

RESULT:	RECOMMENDED TO DENY (DEVELOPMENT ONLY)
MOVER:	Patty Gustin
SECONDER:	Liz Chaplin
AYES:	Krajewski, and Rutledge
NAY:	Chaplin, Gustin, Ozog, and Tornatore

DC-O-0032-24

ZONING-24-000018 – Roman (c): To approve the following zoning relief:
3. Conditional Use to allow a 4-H program with a goat on a property less than 40,000 sq. ft. (Downers Grove/ District 3)
ZHO Recommendation to Approve
Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent

RESULT:	APPROVED AT COMMITTEE
MOVER:	Liz Chaplin
SECONDER:	Patty Gustin
AYES:	Chaplin, Gustin, Krajewski, Ozog, Rutledge, and Tornatore

6.E. **DC-O-0021-24**

ZONING-24-000020 – Sanchez: To approve the following zoning relief:
1. Variation to reduce the front yard setback from required 30' to approximately 26.4', for a new house on existing foundation and rear addition.
2. Variation to reduce the corner side setback from required 30' to approximately 27.1', for a new house on existing foundation and rear addition. (Downers Grove/District 3)
ZHO Recommendation to Approve
Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent

Attachments: [Z-24-000020 Sanchez Cty. Bd. \(05-14-2024\).pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Patty Gustin
SECONDER:	Liz Chaplin

7. OLD BUSINESS

Member Lucy Chang Evans who was in attendance had a question about residents that will not mow their grass. Paul Hoss stated that all the Townships have a weed cutting program.

Member Rutledge advised the Committee that the City of Chicago has no limit on the number of hens or roosters allowed on a residential property.

8. NEW BUSINESS

No new business was discussed.

9. ADJOURNMENT

With no further business, the meeting was adjourned at 10:42 A.M.



Minutes

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: 24-1356

Agenda Date: 5/7/2024

Agenda #: 5.A.



DU PAGE COUNTY

Development Committee

Final Summary

421 N. COUNTY FARM ROAD
WHEATON, IL 60187
www.dupagecounty.gov

Tuesday, April 16, 2024

10:30 AM

ROOM 3500B

1. **CALL TO ORDER**

2. **ROLL CALL**

PRESENT	Chaplin, Gustin, Ozog, and Rutledge
ABSENT	Krajewski, and Tornatore

3. **CHAIRMAN'S REMARKS- CHAIR TORNATORE**

Vice Chair Rutledge led the meeting in absence of Chair Tornatore's due to illness. She wished him a speedy recovery.

4. **PUBLIC COMMENT**

No public comments were offered in person.

***Public comment submitted electronically can be found at the end of the meeting minutes packet.

5. **MINUTES APPROVAL**

5.A. [24-1272](#)

Development Committee - Regular Meeting - April 2, 2024

Attachments: [Dev Comm Final Summary Minutes 4-2-24.pdf](#)

RESULT:	APPROVED
MOVER:	Sheila Rutledge
SECONDER:	Liz Chaplin
AYES:	Chaplin, Gustin, Ozog, and Rutledge
ABSENT:	Krajewski, and Tornatore

6. **REGULATORY SERVICES**

6.A. [DC-O-0023-24](#)

ZONING-23-000090 – Wag Suites: To approve the following zoning relief:
Conditional Use to operate an indoor kennel in a B-2 General Business Zoning District.
(Wayne/District 6)

ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent

Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

Attachments: [Z-23-000090 WagSuites Cty. Bd \(04-23-2024\).pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Sheila Rutledge
SECONDER:	Patty Gustin
AYES:	Chaplin, Gustin, Ozog, and Rutledge
ABSENT:	Krajewski, and Tornatore

6.B. [DC-O-0024-24](#)

ZONING-24-000009 – Barnas: To approve the following zoning relief:
 Variation to reduce the rear yard setback for a new pool shed from required 3' to approximately 2' (replacing previous pool shed in same location). (Wayne/District 6)
 ZHO Recommendation to Approve
 Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

Attachments: [Z-24-000009 Barnas Cty. Bd. \(04-23-2024\) Redacted.pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Sheila Rutledge
SECONDER:	Liz Chaplin
AYES:	Chaplin, Gustin, Ozog, and Rutledge
ABSENT:	Krajewski, and Tornatore

6.C. [DC-O-0025-24](#)

ZONING-24-000010 – CHICAGO TITLE TR800239101: To approve the following zoning relief:
 Conditional Use for a Principal Recreational Use in the R-2 Zoning District to allow for a 2,112 square foot timber frame barn with horse stables to be built for the owner’s horses. (Winfield/District 6)
 ZHO Recommendation to Approve
 Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

Attachments: [Z-24-000010 CHICAGO TITLE TR800239101 Cty. Bd. \(04-23-2024\).pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Sheila Rutledge
SECONDER:	Liz Chaplin
AYES:	Chaplin, Gustin, Ozog, and Rutledge
ABSENT:	Krajewski, and Tornatore

6.D. [DC-O-0026-24](#)

ZONING-24-000012 – Mobil-Glen Ellyn: To approve the following zoning relief:

1. Variation to reduce the corner side setback for a relocated sign from required 15' setback to approximately 3.1 feet, due to IDOT R.O.W. taking.
2. Variation to reduce the rear yard setback for a relocated sign from required 20' setback to approximately 2.7 feet, due to IDOT R.O.W. taking. (Milton/District 4)

ZHO Recommendation to Approve

Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

Attachments: [Z-24-000012 Mobil - Glen Ellyn Cty. Bd. \(04-23-2024\).pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Sheila Rutledge
SECONDER:	Liz Chaplin
AYES:	Chaplin, Gustin, Ozog, and Rutledge
ABSENT:	Krajewski, and Tornatore

6.E. [DC-O-0027-24](#)

ZONING-24-000013 – CTLTC #8002391179: To approve the following zoning relief:

Variation to reduce the interior setback of an existing fence from 3” to approximately 0” for an existing fence post on the property line. (Downers Grove/District 3)

ZHO Recommendation to Approve

Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

Attachments: [Z-24-000013 CTLTC #8002391179 Cty. Bd. \(04-23-2024\)_Redacted.pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Sheila Rutledge
SECONDER:	Liz Chaplin
AYES:	Chaplin, Gustin, Ozog, and Rutledge
ABSENT:	Krajewski, and Tornatore

6.F. [DC-O-0028-24](#)

ZONING-24-000015 – Weiss: To approve the following zoning relief:

Conditional Use to allow existing shed to remain less than 10' from the west property line (approximately 2') where it has existed for at least 5 years (extension of previously approved zoning relief Z15-006 Weiss). (Downers Grove/District 3)

ZHO Recommendation to Approve

Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

Attachments: [Z-24-000015 Weiss Cty. Bd. \(04-23-2024\).pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Sheila Rutledge
SECONDER:	Patty Gustin
AYES:	Chaplin, Gustin, Ozog, and Rutledge
ABSENT:	Krajewski, and Tornatore

6.G. [DC-O-0029-24](#)

ZONING-24-000016 – Correa: To approve the following zoning relief:
 Conditional Use to allow a 6'/100% closed fence within the 10' corner side yard setback.
 (York/District 4)
 ZHO Recommendation to Approve
 Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent

Attachments: [Z-24-000016 Correa Cty. Bd. \(04-23-2024\) Redacted.pdf](#)

RESULT:	APPROVED AT COMMITTEE
MOVER:	Liz Chaplin
SECONDER:	Mary Ozog
AYES:	Chaplin, Gustin, Ozog, and Rutledge
ABSENT:	Krajewski, and Tornatore

6.H. [24-1273](#)

“DuPage County Liquor Ordinance Proposed changes related to Video Gaming”
 Documents to be distributed from Liquor Control Office at Committee Meeting.

Paul Hoss, Planning & Zoning Administration Coordinator clarified that this item is informational only. Jason Blumenthal, Policy and Program Manager shared that the County has audited the liquor code and started a review. Currently, video game terminals facilities have a Class B restaurant/tavern liquor license. In order to obtain a gaming license with the State of Illinois, facilities need a pour license from the local jurisdiction. They are looking at creating two new classes of liquor licenses. Class G1, for a stand alone video gaming cafe, which would allow consumption on premises. Also, Class G2 license, for an accessory video gaming terminal license, which would coincide with the Class A license for packaged liquor sales, which would be the necessary pour license for consumption on premises. Mr. Blumenthal advised these additions will help clarify regulations. Discussion ensued.

6.I. [24-1275](#)

T-1-24 Text Amendments to the DuPage County Zoning Ordinance to add to the definition section relative to video gaming uses and Permitted and Conditional Use

sections of the B-1 Local Commercial, B-2 General Commercial, I-1 Light Industrial and I-2 General Industrial Zoning districts to include Video Gaming Cafe and video gaming facilities ancillary to permitted uses in these various zoning districts.

T-2-24 Text Amendments to the DuPage County Zoning Ordinance to add to the definition section relative to electric vehicles and Permitted and Conditional Use sections to allow for electric vehicle charging stations, and to add further regulations for lighting performance standards in all zoning districts.

T-3-24 Text Amendments to the DuPage County Zoning Ordinance to add to the definition section relative to Accessory Dwelling Units and Dwelling units in general and add new residential use requirements and bulk regulations in all zoning districts.

T-4-24 Text Amendments to the DuPage County Zoning Ordinance to add the Lake Street Corridor Overlay District Regulations to the DuPage County Zoning Ordinance.

- Attachments:**
- [1. Memo Proposed Text Amendments Dev. Com. Mandate \(4-16-24\).pdf](#)
 - [2. Exhibit #1 Proposed Text Amendments Dev. Com. Mandate \(4-16-24\).pdf](#)
 - [3. Exhibit #2 Lake St - Draft Public Hearing Version 2.12.2024.pdf](#)

Mr. Hoss instructed the Committee that a motion and second are needed to forward these proposed text amendments to the Zoning Board Appeals for a public hearing. He reviewed each amendment with Members. T-1-24 coincides with the changes being made on liquor licensing. T-2-24, will also include beekeeping, along with dark skies initiatives and electric vehicle charging stations. T-3-24 deals with historical lots of record being able to be developed under any utility service without a conditional use. Also, changing additional dwelling units as of right in an existing principal structure or existing detached accessory structure. T-4-24 is a result of the Lake Street Corridor Study Overlay Land Use Plan which included the County, CMAP, Teska Associates, Hanover Park, Bloomingdale, and Roselle. This is to overlay a new zoning district on Lake Street with use allowances, regulations and bulk requirements.

RESULT:	APPROVED
MOVER:	Sheila Rutledge
SECONDER:	Liz Chaplin
AYES:	Chaplin, Gustin, Ozog, and Rutledge
ABSENT:	Krajewski, and Tornatore

7. OLD BUSINESS

No old business was discussed.

8. NEW BUSINESS

No new business was discussed.

9. ADJOURNMENT

With no further business, the meeting was adjourned at 11:08 A.M.



Budget Transfer

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: 24-1443

Agenda Date: 5/7/2024

Agenda #: 6.A.

DuPage County, Illinois
 BUDGET ADJUSTMENT
 Effective January 22, 2024

BUILDING, ZONING & PLANNING
 From: Company/Accounting Unit Name

From: 1100
 Company #

Accounting Unit	Account	Sub-Account	Title	Amount	Finance Dept Use Only Available Balance		Date of Balance	B/S Fund
					Prior to Transfer	After Transfer		
2810	53830		OTHER CONTRACTUAL EXPENSES	\$ 65,000.00	155,880.00	90,880.00	5/2/24	1100-9170
Total				\$ 65,000.00				

BUILDING, ZONING & PLANNING
 To: Company/Accounting Unit Name

To: 1100
 Company #

Accounting Unit	Account	Sub-Account	Title	Amount	Finance Dept Use Only Available Balance		Date of Balance	B/S Fund
					Prior to Transfer	After Transfer		
2810	50000		REGULAR SALARIES	\$ 65,000.00	1,281,774.11	1,246,774.11	5/2/24	1100-9170
Total				\$ 65,000.00				

Reason for Request:

For job reclassification and one (1) additional headcount.

MWR
 Department Head
CM
 Chief Financial Officer

5/2/2024
 Date
5/2/2024
 Date

Activity _____
 (optional)

****Please sign in blue ink on the original form****

Finance Department Use Only

Fiscal Year 24 Budget Journal # _____ Acctg Period _____

Entered By/Date _____ Released & Posted By/Date _____

Development - 5/7/24
 FIN/CB - 5/14/24



Action Item

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: 24-1444

Agenda Date: 5/7/2024

Agenda #: 6.B.



**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: Staff

FROM: DuPage County Development Committee

DATE: May 7, 2024

RE: **Essentially in Accord: Z21-085 Stults**

DuPage County Development Committee: May 7, 2024: To approve the following as “Essentially in Accord” for Z21-085 Stults:

To find as, “Essentially in Accord” the request by the owner of the property to amend condition #2 of Z21-085 Stults Zoning Ordinance to allow the self-storage facility operator/manager and owner to be someone other than Jon Stults and/or Extra Space Storage.

Summary:

Z21-085 Stults zoning relief granted a Conditional Use to allow a self-storage facility to be developed.

Per the findings of fact of the ZBA and public hearing record the owner of the property Jon Stults never intended to personally develop the storage facility. However, the market for managing and operating self-storage facilities is competitive and dynamic, and the Applicant believes he can command the best operation, service, and maintenance of the facility by opening the operation and management of the facility to competitive proposals from multiple self-storage operator/managers. In addition, Mr. Stults originally intended to continue to own the property as it has been in the family for over 70 years. However, because of health conditions he must now sell the property to a new owner who will continue to pursue the Public Storage development on the property.

The condition relative to ownership was at the request of the petitioner to ensure that he continued to be directly involved in the development and the ZBA honored that request. That ownership condition is no longer desirable and as such no longer warranted.



**DUPAGE
COUNTY**

Building
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BUILDING & ZONING DEPARTMENT

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2. That the Conditional Use shall inure only to the owner, Jon Stults and/or Extra Space Storage, and shall terminate in the event that the owner, or any entity owned or controlled by Jon Stults/Extra Space Storage, discontinues operation of the subject self-storage facility on the property located at 27W010 NORTH AVENUE, WEST CHICAGO, IL 60185.

Development Committee VOTE (to): Ayes, Nays, Absent



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LUETKEHANS, BRADY, GARNER & ARMSTRONG, LLC

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PATRICK M. BRADY
BRUCE E. GARNER
PHILLIP A. LUETKEHANS
SALLIE MOUTVIC LUPESCU
GIOVANNI PADILLA

March 28, 2024

VIA ELECTRONIC MAIL ONLY

paul.hoss@dupageco.org

Mr. Paul Hoss
Planning & Zoning Coordinator
DuPage County Building & Zoning Department
421 N. County Farm Road
Wheaton, IL 60187

Re: Stults, Z21-085
Our File No. 4467

Dear Mr. Hoss:

As you may recall, I represent the Applicant, Jon K. Stults, regarding the application for zoning relief regarding the property at 27W010 North Avenue (the "Property"), which was submitted in 2021. The County Board approved Ordinance DC-O-0002-22 (the "Ordinance") on December 14, 2021, which granted a conditional use and other relief for development of a self-storage facility at the Property.

Pursuant to § 37-1404.3 of the Zoning Ordinance, the Applicant requests that condition 2 of the permit as described in the Ordinance be removed and that this modification be deemed to be essentially in accord with the approved permit. Due to health issues, Mr. Stults has been unable to begin developing the property as intended and wishes to have the ability to convey the property and approved conditional use and other relief to a third party as a "shovel-ready" project as approved in the event he determines he is unable to develop the property due to health issues.

Thank you for your cooperation. If you have any questions, need additional information, or wish to discuss these matters further, please call me at (630) 760-4604.

Very truly yours,

LUETKEHANS, BRADY, GARNER & ARMSTRONG, LLC



Brian J. Armstrong

BJA/bms - Att.
c: J. Stults w/Att.
(via email only)



**DUPAGE
COUNTY**

Building
Division

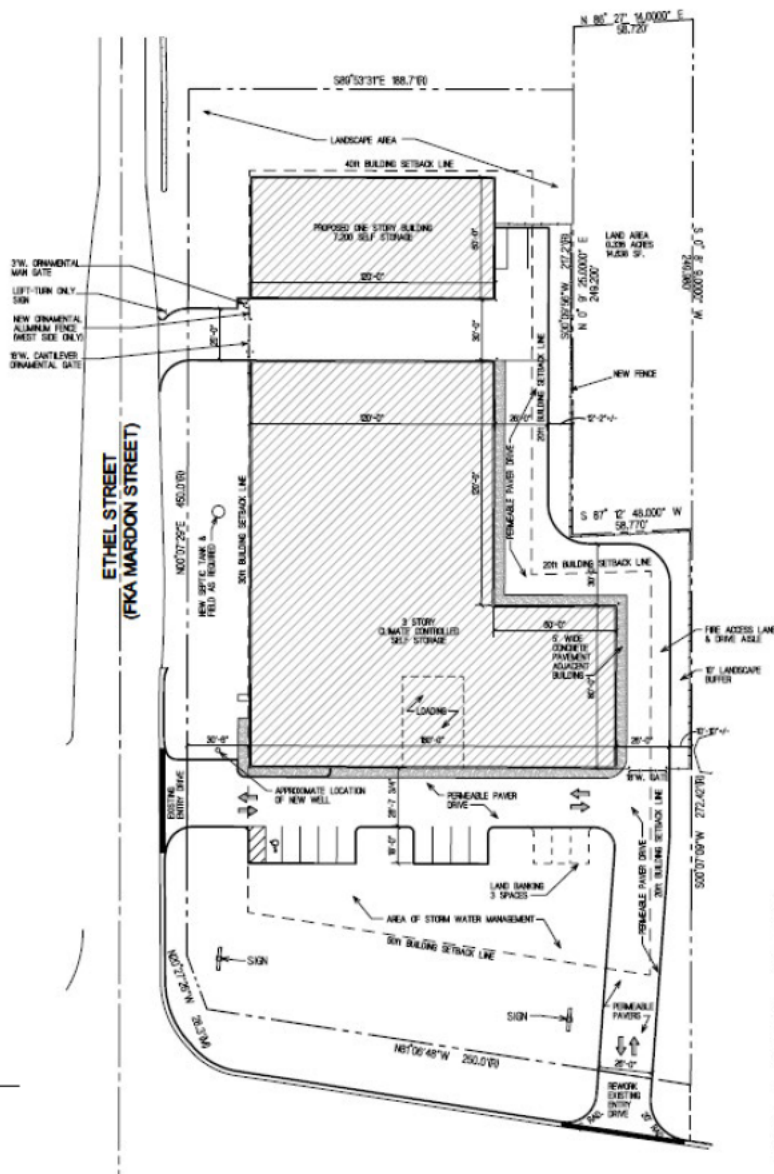
Zoning &
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BUILDING & ZONING DEPARTMENT

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Site & Building Data

DISTING ZONING B-2
REQUESTING CONDITIONAL USE FOR SELF STORAGE

SITE AREA: 103,988 SF, ORIGINAL PARCEL
ADDED PARCEL: 14,638 SF
TOTAL AREA: 117,826 SF / 2.7049 ACRES
ALLOWABLE F.A.R. = 117,826 SF @ 80% MAX
EQUALS: 94,260.8 SF
ACTUAL F.A.R.: 78%

BUILDING DATA
3 STORY: 3rd FLOOR: 28,800 SF
2nd FLOOR: 27,444 SF
1st FLOOR: 28,800 SF
TOTAL AREA: 85,044 SF

PROPOSED ONE STORY BUILDING FOR SELF STORAGE
7,200 SF, 80'X120'
TOTAL BUILDING AREA: 92,244 SF



**DUPAGE
COUNTY**

Building
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BUILDING & ZONING DEPARTMENT

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Ordinance

DC-O-0002-22

WHEREAS, a public hearing was held on in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 6:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

Conditional Use for a self-storage facility (B-2 Zoning District), on the property hereinafter described:

LOT 1 (EXCEPT THAT PART CONVEYED TO THE ILLINOIS DEPARTMENT OF TRANSPORTATION IN DEED RECORDED MAY 26, 1995 AS DOCUMENT R95-63938) IN MARDON ACRES, BEING A SUBDIVISION OF PART OF SECTION 36 TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 4, 1948 AS DOCUMENT 555355, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on November 18, 2021 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that he has requested the subject zoning relief to construct a climate-controlled, self-storage facility operated by Extra Space Storage.
2. That petitioner testified that the subject property is zoned B-2 General Business on approximately 2.37 acres and includes the vacant Coachlight Motel.
 - a. That petitioner testified that the subject property has been owned by his family for over fifty (50) years.
3. That petitioner testified that the proposed self-storage building will be three (3) stories tall and approximately 71,550 square feet in size.
4. That petitioner testified that the subject self-storage facility will be open for customers from 6:00 AM to 10:00 PM, seven (7) days a week.
 - a. That petitioner testified that employees will be on-site from 9:30 AM to 6:00 PM, Monday through Saturday.
 - b. That petitioner testified that the self-storage facility will be accessed via a key-pad access in order to enter and access the building/units.
 - c. That petitioner testified that the self-storage facility will include 24-hour surveillance.



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Ordinance

DC-O-0002-22

5. That petitioner testified that the proposed self-storage facility will have approximately 600 units, with approximately 95% of the units located inside of the facility and a drive-through area with four (4) indoor loading bays.
 - a. That petitioner testified that most customers would be unloading and loading their vehicles inside the drive-through portion of the building, not outside.
6. That petitioner testified that the average storage unit move-in/ move-out time is approximately 45 minutes and that the average storage drop-off time is typically 15 minutes.
7. That petitioner testified that due to credits from existing buildings and utilizing permeable pavers in the parking lot and access drives, the Stormwater Department has determined that stormwater detention is not required.
8. That petitioner testified that complete fire access is located completely around the proposed facility.
 - a. Furthermore, that staff has confirmed with the Carol Stream Fire Protection District that there are no objections to the proposed plan.
9. That petitioner's traffic engineer with KLOA testified that self-storage facilities generate much less traffic compared to other uses that are permitted in the B-2 General Business Zoning District.
10. That petitioner testified that the proposed site plan was created in order to protect the two (2) large sycamore trees and root systems that have existed for over fifty (50) years.
11. That petitioner testified that the proposed self-storage facility use is an excellent transition between the open space to the east (Carol Stream dog park) and more intensive highway commercial-type uses to the west.
12. Furthermore, that petitioner testified that increasing the FAR to 0.79 and having a larger building is mitigated by the fact that a self-storage facility is a low-intensity use, due to the nature of self-storage business practices, hours, signage, and the low parking intensity. Additionally, petitioner testified that most of the self-storage business operations, including customer move-in/move-out and pick-up, is completed inside of the building.
13. That the Zoning Board of Appeals finds that petitioner **has demonstrated** that a self-storage use is a low-intensity use in a B-2 General Business Zoning District, and that due to the nature of a self-storage business practices, there is generally less traffic and customers compared to other uses that would be permitted in the B-2 General Business Zoning District.



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DC-O-0002-22

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Board of Appeals finds that petitioner **has demonstrated** that the granting of the V 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.
2. That the Zoning Board of Appeals finds that petitioner **has demonstrated** 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 subject self-storage building will maintain all required setbacks and will not alter the supply of light or air to adjacent properties. Additionally, that petitioner testified that they will prohibit the storage of hazardous materials, per the Extra Space Storage leasing contract.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that there will be a fire suppression system in the subject building and that the Carol Stream Fire Protection District has no objections to the proposed self-storage use.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed use will be an added benefit to the area and 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 use as self-storage facility is a low-intensity use, with minimal vehicles accessing the property. Additionally, that most customer move-in/move-out and pick-up will occur inside of the proposed self-storage facility.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed development will include Stormwater Best Management Practices (BMPs) such as a permeable paver parking lot and access drives, and that the subject property will have better stormwater management with the proposed improvements in comparison to the existing property conditions.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the proposed development will include Stormwater Best Management Practices (BMPs) such as a permeable paver parking lot and access drives, and that the subject property will have better stormwater management with the proposed improvements in comparison to the existing property conditions.
 - 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 development is a low-intensity use for the B-2 Zoning District and that the proposed development will be an excellent transition use between open space to the east and higher-intensity uses to the west along North Avenue.



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DC-O-0002-22

PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	Z21-085 Stults
ZONING REQUEST	Conditional Use for a self-storage facility (B-2 Zoning District).
OWNER	JON K. STULTS, 27W010 NORTH AVENUE, WEST CHICAGO, IL 60185 / JOHN K. STULTS, P.O. BOX 280, MAPLE PARK, ILLINOIS 60151/ AGENT: BRIAN J. ARMSTRONG, 105 E. IRVING PARK ROAD, ITASCA, IL 60143
ADDRESS/LOCATION	27W010 NORTH AVENUE, WEST CHICAGO, IL 60185
PIN	01-36-203-044/ 02-31-300-001
TWSP./CTY. BD. DIST.	Wayne and Bloomingdale District 6
ZONING/LUP	B-2 General Business Local Commercial
AREA	2.37 acres (103,237 sq. ft.)
UTILITIES	Well and Septic
PUBLICATION DATE	Daily Herald: November 2, 2021
PUBLIC HEARING	November 18, 2021 at 6 PM
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
Stormwater:	No Objection with the concept of the petition. Additional information may be required at time of permit application.
Public Works:	Our office has no jurisdiction in this matter.
EXTERNAL:	
Village of Carol Stream:	<i>No Comments Received.</i>



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Ordinance

DC-O-0002-22

Village of Winfield:	<i>No Comments Received.</i>
Wayne Township:	<i>No Comments Received.</i>
Township Highway:	<i>No Comments Received.</i>
Bloomingtondale Township:	<i>No Comments Received.</i>
Township Highway:	No Objections
Carol Stream Fire Dist.:	"No Questions, as long as our fire engine can navigate the roadway around the building (IFC 2018 D103.3) and provide an aerial fire apparatus access road as per 2018 IFC D105."
Sch. Dist. 25:	No Objections.
Forest Preserve:	<i>No Comments Received.</i>

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Front Yard:	40 FT	APPROX. 75 FT	APPROX. 70 FT
Int. Side Yard:	20 FT	APPROX. 8 FT	APPROX. 10 FT
Corner Side Yard:	30 FT	APPROX. 0 FT	APPROX. 30 FT
Rear Yard:	40 FT	APPROX. 240 FT	APPROX. 45 FT
Floor Area Ratio:	0.3	NA	APPROX. 0.79

LAND USE

Location	Zoning	Existing Use	LUP
Subject	B-2 General Business	Motel	Local Commercial
North	R-2 SF RES	House	0-5 DU AC
South	North Ave. and beyond Village of Carol Stream	Office	Village of Carol Stream
East	Village of Carol Stream	Dog Park	Village of Carol Stream
West	Ethel Street and beyond B-2 General Business	Vacant	Local Commercial



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Ordinance

DC-O-0002-22

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on December 2, 2021, recommends to approve the following zoning relief:

Conditional Use for a self-storage facility (B-2 Zoning District).

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-085 Stults dated November 18, 2021.
2. That the Conditional Use shall inure only to the owner, Jon Stults and/or Extra Space Storage, and shall terminate in the event that the owner, or any entity owned or controlled by Jon Stults/Extra Space Storage, discontinues operation of the subject self-storage facility on the property located at 27W010 NORTH AVENUE, WEST CHICAGO, IL 60185.
3. 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 use be discontinued.
 - b. The property is conveyed to new ownership, other than an entity owned or controlled by Jon Stults/ Extra Space Storage.
4. That an exception be granted to increase the FAR from 0.3 to 0.79.
5. That the subject self-storage facility shall not permit the storage of hazardous materials, per the Extra Space Storage leasing contract dated November 18, 2021.
6. That the storage of garbage/refuse shall be contained inside of the proposed subject building.
7. That the hours of operation to the public shall be from 6:00 AM to 10:00 PM, seven (7) days a week.
8. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
9. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
10. That the property be developed in accordance with all other codes and Ordinances of DuPage County.



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Ordinance

DC-O-0002-22

ZBA VOTE (to Approve): 7 Ayes, 0 Nays, 0 Absent

WHEREAS, the County Board Development Committee on December 7, 2021, considered the above findings and recommendations of the Zoning Board of Appeals and recommends to concur with the findings and recommends to approve the following zoning relief:

Conditional Use for a self-storage facility (B-2 Zoning District).

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-085 Stults dated November 18, 2021.
2. That the Conditional Use shall inure only to the owner, Jon Stults and/or Extra Space Storage, and shall terminate in the event that the owner, or any entity owned or controlled by Jon Stults/Extra Space Storage, discontinues operation of the subject self-storage facility on the property located at 27W010 NORTH AVENUE, WEST CHICAGO, IL 60185.
3. That an exception be granted to increase the FAR from 0.3 to 0.79.
4. That the subject self-storage facility shall not permit the storage of hazardous materials, per the Extra Space Storage leasing contract dated November 18, 2021.
5. That the storage of garbage/refuse shall be contained inside of the proposed subject building.
6. That the hours of operation to the public shall be from 6:00 AM to 10:00 PM, seven (7) days a week.
7. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
8. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
9. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (to Approve): 4 Ayes, 0 Nays, 2 Absent



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Ordinance

DC-O-0002-22

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Conditional Use for a self-storage facility (B-2 Zoning District), on the property hereinafter described:

LOT 1 (EXCEPT THAT PART CONVEYED TO THE ILLINOIS DEPARTMENT OF TRANSPORTATION IN DEED RECORDED MAY 26, 1995 AS DOCUMENT R95-63938) IN MARDON ACRES, BEING A SUBDIVISION OF PART OF SECTION 36 TOWNSHIP 40 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND PART OF SECTION 31, TOWNSHIP 40 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 4, 1948 AS DOCUMENT 555355, IN DUPAGE COUNTY, ILLINOIS; and

The Zoning Relief is subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #Z21-085 Stults dated November 18, 2021.
2. That the Conditional Use shall inure only to the owner, Jon Stults and/or Extra Space Storage, and shall terminate in the event that the owner, or any entity owned or controlled by Jon Stults/Extra Space Storage, discontinues operation of the subject self-storage facility on the property located at 27W010 NORTH AVENUE, WEST CHICAGO, IL 60185.
3. That an exception be granted to increase the FAR from 0.3 to 0.79.
4. That the subject self-storage facility shall not permit the storage of hazardous materials, per the Extra Space Storage leasing contract dated November 18, 2021.
5. That the storage of garbage/refuse shall be contained inside of the proposed subject building.
6. That the hours of operation to the public shall be from 6:00 AM to 10:00 PM, seven (7) days a week.
7. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
8. That in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.
9. That the property be developed in accordance with all other codes and Ordinances of DuPage County.



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Ordinance

DC-O-0002-22

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; JON K. STULTS, 27W010 NORTH AVENUE, WEST CHICAGO, IL 60185 / JOHN K. STULTS, P.O. BOX 280, MAPLE PARK, ILLINOIS 60151/ AGENT: BRIAN J. ARMSTRONG, 105 E. IRVING PARK ROAD, ITASCA, IL 60143

; and Township Assessor, Wayne Township, 27W031 North Avenue, West Chicago, IL 60185 and Township Assessor, Bloomingdale Township, 123 N. Rosedale, Bloomingdale, IL 60108.

Enacted and approved this 14th day of December, 2021 at Wheaton, Illinois.

[Redacted Signature]

DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

[Redacted Signature]

A [Signature] JEAN KACZMAREK COUNTY CLERK

AYES 14
NAYS 0
ABSENT 4



Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0019-24

Agenda Date: 5/7/2024

Agenda #: 12.A.

ORDINANCE

Zoning Petition ZONING-24-000011 Cabral

WHEREAS, a public hearing was held on March 27, 2024, in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

1. Conditional Use to reduce the required side yard setback for existing carport from required 20 feet to approximately 3.5 feet, where it has existed for at least five (5) years.
2. Conditional Use to allow the existing detached accessory buildings/structures (two sheds) to remain in front of the front wall of the house, where they have existed for at least five (5) years.
3. Conditional Use to increase the total area of detached accessory buildings from 2,600 sq. ft. to approximately 5,280 sq. ft. for all existing detached buildings have existed for at least five (5) years (approx. 1,770 sq. ft. stable, 477 sq. ft. shed, 697 sq. ft. detached garage, 1,477 sq. ft. detached accessory building, 460 sq. ft. shed, and 399 sq. ft. shed).
4. Variation to allow the total area of detached accessory buildings to exceed the total area of the principal building, on the property hereinafter described:

LOTS 1, 2, AND 3 IN JESCHKE'S RIVER GLEN RESUBDIVISION OF LOT 7 IN BLOCK 2 IN H.M. CORNELL AND COMPANY'S DUPAGE FOREST ESTATES, BEING A SUBDIVISION OF THAT PART OF BROPHY PARK SUBDIVISION NOW VACATED LYING NORTH OF THE NORTHERLY LINE OF ROOSEVELT ROAD IN SECTIONS 14 AND 15, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 1942 AS DOCUMENT 438699, IN DUPAGE COUNTY, ILLINOIS ALSO LOT 8 IN BLOCK 2 IN H.M. CORNELL AND COMPANY'S DUPAGE FOREST ESTATES, BEING A SUBDIVISION OF THAT PART OF BROPHY PARK SUBDIVISION NOW VACATED LYING NORTH OF THE NORTHERLY LINE OF ROOSEVELT ROAD IN SECTION 14 AND 15, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 1942 AS DOCUMENT 438699, IN DUPAGE COUNTY, ILLINOIS, EXCEPTING THEREFROM: THAT PART OF LOT 8 IN H.M. CORNELL AND CO'S DUPAGE FOREST ESTATES, BEING A SUBDIVISION OF THAT PART OF BROPHY PARK SUBDIVISION NOW VACATED, LYING NORTH OF THE NORTHERLY LINE OF ROOSEVELT ROAD IN SECTIONS 14 AND 15, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 1942 AS DOCUMENT 438699 BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 89 DEGREES 54 MINUTES 46 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 8 A DISTANCE OF 160.56 FEET TO A POINT ON THE EAST BANK OF THE WEST BRANCH OF THE DUPAGE RIVER; THENCE SOUTH 27 DEGREES 01 MINUTES 29 SECONDS WEST ALONG SAID EAST BANK A DISTANCE OF 256.26 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 8; THENCE NORTH 56 DEGREES 1 MINUTE 32 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 159.33 FEET TO THE SOUTHWEST CORNER THEREOF THENCE NORTH 32 DEGREES 14 MINUTES 56 SECONDS EAST OF ALONG THE WEST LINE OF SAID LOT 8 A DISTANCE OF 165.38 FEET TO THE POINT OF BEGINNING, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 25, 2016 AS DOCUMENT NO. R2016-007720, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition

presented at the above hearing and at the recommendation meeting held on March 27, 2024, does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is for the detached accessory buildings on the subject property.
- B. That petitioner testified that they purchased the subject property approximately one (1) year ago and that all detached accessory buildings existed at the time of purchase.
- C. That petitioner testified that they plan to keep all existing buildings on the subject property.
- D. That petitioner testified that they have horses and chickens on the subject property, and that several of the detached accessory buildings are used for the horses and storage of horse equipment and feed.
- E. That at the public hearing, a neighbor testified that they do not have any objections and that most of the detached accessory building have existed for at least thirty (30) years.
- F. That petitioner testified that the chicken coop/shed located in the middle of yard, near the home, is in poor condition and may only last another three years.
 - That the Zoning Hearing Officer finds that based on petitioner’s testimony, the subject chicken coop/shed is in poor condition and therefore placed a three (3) year condition on the chicken coop/shed and a ten (10) year condition on all other detached accessory buildings included in the subject zoning relief.
- G. That the Zoning Hearing Officer finds that petitioner has demonstrated that the subject zoning relief does not have any impact on adjacent properties and roadways, does not impact on drainage, and does 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 detached accessory buildings 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 detached accessory buildings.

- c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the detached accessory buildings do not diminish the value of land.
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing detached accessory buildings do 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 County’s Stormwater Department has no objections to the existing detached accessory buildings.
- 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 detached accessory buildings.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the detached accessory buildings do not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

PETITIONER’S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000011 Cabral
ZONING REQUEST	1. Conditional Use to reduce the required side yard setback for existing carport from required 20 feet to approximately 10 feet where it has existed for at least five (5) years. 2. Conditional Use to allow the existing detached accessory buildings/sheds) to remain in front of the front wall of the principal building have existed for at least five (5) years. 3. Conditional Use to increase the total area of detached accessory buildings to approximately 5,280 sq. ft. for all existing detached accessory buildings have existed for at least five (5) years (1,100 sq. ft. stable, 477 sq. ft shed, 697 sq. ft. detached garage, 1,000 sq. ft detached accessory building, 460 sq. ft. shed, and 1,000 sq. ft. detached garage). 4. Variation to allow the total area of detached accessory buildings to exceed the total area of the principal building.
OWNER	FELIPE AND MARTHA CABRAL, 0S434 RIVER GLEN ROAD, WEST CHICAGO, IL 60185
ADDRESS/LOCATION	0S434 RIVER GLEN ROAD, WEST CHICAGO, IL 60185
PIN	04-15-201-011 / 04-15-401-024 / 04-15-201-010
TWSP./CTY. BD. DIST.	WINFIELD DISTRICT 6
ZONING/LUP	R-1 SF RES 0-5 DU AC
AREA	3.73 ACRES (162,479 SQ. FT.)

UTILITIES		WELL / SEPTIC
PUBLICATION DATE		Daily Herald: MARCH 12, 2024
PUBLIC HEARING		WEDNESDAY, MARCH 27, 2024
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdictions in this matter.	
Health:	No Objections.	
Stormwater:	No Objections with the petition. "Floodplain is located on western portion of property and structures are in close proximity to floodplain; however, the structures and land uses appear to be in compliance with Ordinance 15,1992 and therefore the Countywide Stormwater and Floodplain Ordinance do not apply. Structures are subsequently re-developed."	
Public Works:	Our office has no jurisdictions in this matter.	
EXTERNAL:		
City of West Chicago:	<i>No Comments Received.</i>	
City of Warrenville:	<i>No Comments Received.</i>	
Village of Winfield:	<i>No Comments Received.</i>	
Winfield Township:	<i>No Comments Received.</i>	
Township Highway:	Our office has no jurisdiction in this matter.	
West Chicago Fire Dist.	<i>No Comments Received.</i>	
Sch. Dist. 33:	<i>No Comments Received.</i>	
Sch. Dist. 94:	<i>No Comments Received.</i>	
Forest Preserve:	"The Forest Preserve District of DuPage County staff has reviewed the information provided in the notice and due to the sizable distance between the subject property and District boundaries, we do not have any specific comments. Thank you."	

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-1 SF RES	HOUSE	0-5 DU AC
North	CITY OF WEST CHICAGO	FOREST PRESERVE	CITY OF WEST CHICAGO
South	RIVER GLEN ROAD AND BEYOND R-1 SF RES	HOUSE	0-5 DU AC
East	R-1 SF RES	HOUSE	0-5 DU AC
West	R-1 SF RES	HOUSE	0-5 DU AC

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on March 27, 2024, recommends to approve the following zoning relief:

1. Conditional Use to reduce the required side yard setback for existing carport from required 20 feet to approximately 3.5 feet, where it has existed for at least five (5) years.
2. Conditional Use to allow the existing detached accessory buildings/structures (two sheds) to remain in front of the front wall of the house, where they have existed for at least five (5) years.
3. Conditional Use to increase the total area of detached accessory buildings from 2,600 sq. ft. to approximately 5,280 sq. ft. for all existing detached buildings have existed for at least five (5) years (approx. 1,770 sq. ft. stable, 477 sq. ft. shed, 697 sq. ft. detached garage, 1,477 sq. ft. detached accessory building, 460 sq. ft. shed, and 399 sq. ft. shed).
4. Variation to allow the total area of detached accessory buildings to exceed the total area of the principal building.

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-24-000011 Cabral dated March 27, 2024.
2. That the Conditional Use zoning relief for the chicken coop shed (located in middle of yard - next to house) shall expire after three (3) years and that the Conditional Use zoning relief for all other detached accessory buildings and structures (except the chicken coop shed) 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.

ZHO Recommendation to Approve

WHEREAS, the County Board Development Committee on May 7, 2024, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to approve the following zoning relief:

1. Conditional Use to reduce the required side yard setback for existing carport from required 20 feet to approximately 3.5 feet, where it has existed for at least five (5) years.
2. Conditional Use to allow the existing detached accessory buildings/structures (two sheds) to remain in front of

- the front wall of the house, where they have existed for at least five (5) years.
3. Conditional Use to increase the total area of detached accessory buildings from 2,600 sq. ft. to approximately 5,280 sq. ft. for all existing detached buildings have existed for at least five (5) years (approx. 1,770 sq. ft. stable, 477 sq. ft. shed, 697 sq. ft. detached garage, 1,477 sq. ft. detached accessory building, 460 sq. ft. shed, and 399 sq. ft. shed).
 4. Variation to allow the total area of detached accessory buildings to exceed the total area of the principal building.

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-24-000011 Cabral dated March 27, 2024.
2. That the Conditional Use zoning relief for the chicken coop shed (located in middle of yard - next to house) shall expire after three (3) years and that the Conditional Use zoning relief for all other detached accessory buildings and structures (except the chicken coop shed) 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): 6 Ayes, 0 Nays, 0 Absent

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

1. Conditional Use to reduce the required side yard setback for existing carport from required 20 feet to approximately 3.5 feet, where it has existed for at least five (5) years.
2. Conditional Use to allow the existing detached accessory buildings/structures (two sheds) to remain in front of the front wall of the house, where they have existed for at least five (5) years.

3. Conditional Use to increase the total area of detached accessory buildings from 2,600 sq. ft. to approximately 5,280 sq. ft. for all existing detached buildings have existed for at least five (5) years (approx. 1,770 sq. ft. stable, 477 sq. ft. shed, 697 sq. ft. detached garage, 1,477 sq. ft. detached accessory building, 460 sq. ft. shed, and 399 sq. ft. shed).
4. Variation to allow the total area of detached accessory buildings to exceed the total area of the principal building, on the property hereinafter described:

LOTS 1, 2, AND 3 IN JESCHKE'S RIVER GLEN RESUBDIVISION OF LOT 7 IN BLOCK 2 IN H.M. CORNELL AND COMPANY'S DUPAGE FOREST ESTATES, BEING A SUBDIVISION OF THAT PART OF BROPHY PARK SUBDIVISION NOW VACATED LYING NORTH OF THE NORTHERLY LINE OF ROOSEVELT ROAD IN SECTIONS 14 AND 15, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 1942 AS DOCUMENT 438699, IN DUPAGE COUNTY, ILLINOIS ALSO LOT 8 IN BLOCK 2 IN H.M. CORNELL AND COMPANY'S DUPAGE FOREST ESTATES, BEING A SUBDIVISION OF THAT PART OF BROPHY PARK SUBDIVISION NOW VACATED LYING NORTH OF THE NORTHERLY LINE OF ROOSEVELT ROAD IN SECTION 14 AND 15, TOWNSHIP 38 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 1942 AS DOCUMENT 438699, IN DUPAGE COUNTY, ILLINOIS, EXCEPTING THEREFROM: THAT PART OF LOT 8 IN H.M. CORNELL AND CO'S DUPAGE FOREST ESTATES, BEING A SUBDIVISION OF THAT PART OF BROPHY PARK SUBDIVISION NOW VACATED, LYING NORTH OF THE NORTHERLY LINE OF ROOSEVELT ROAD IN SECTIONS 14 AND 15, TOWNSHIP 39 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED JUNE 15, 1942 AS DOCUMENT 438699 BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 8; THENCE SOUTH 89 DEGREES 54 MINUTES 46 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 8 A DISTANCE OF 160.56 FEET TO A POINT ON THE EAST BANK OF THE WEST BRANCH OF THE DUPAGE RIVER; THENCE SOUTH 27 DEGREES 01 MINUTES 29 SECONDS WEST ALONG SAID EAST BANK A DISTANCE OF 256.26 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 8; THENCE NORTH 56 DEGREES 1 MINUTES 32 SECONDS WEST ALONG SAID SOUTH LINE A DISTANCE OF 159.33 FEET TO THE SOUTHWEST CORNER THEREOF THENCE NORTH 32 DEGREES 14 MINUTES 56 SECONDS EAST OF ALONG THE WEST LINE OF SAID LOT 8 A DISTANCE OF 165.38 FEET TO THE POINT OF BEGINNING, ACCORDING TO THE PLAT THEREOF RECORDED JANUARY 25, 2016 AS DOCUMENT NO. R2016-007720, IN DUPAGE COUNTY, ILLINOIS; and

The Zoning Relief is 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-24-000011 Cabral dated March 27, 2024.
2. That the Conditional Use zoning relief for the chicken coop shed (located in middle of yard - next to house) shall expire after three (3) years and that the Conditional Use zoning relief for all other detached accessory buildings and structures (except the chicken coop shed) 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.

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; FELIPE AND MARTHA CABRAL, 0S434 RIVER GLEN ROAD, WEST CHICAGO, IL 60185; and Township Assessor, Winfield Township, 130 Arbor Avenue, West Chicago, IL

Enacted and approved this 14th day of May, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
fax: 630-407-6702

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: April 7, 2024

RE: **ZONING-24-000011 Cabral (Winfield/District 6)**

DuPage County Board: May 14, 2024:

Development Committee: May 7, 2024: The DuPage County Development Committee recommended to approve the following zoning relief:

1. Conditional Use to reduce the required side yard setback for existing carport from required 20 feet to approximately 3.5 feet, where it has existed for at least five (5) years.
2. Conditional Use to allow the existing detached accessory buildings/structures (two sheds) to remain in front of the front wall of the house, where they have existed for at least five (5) years.
3. Conditional Use to increase the total area of detached accessory buildings from 2,600 sq. ft. to approximately 5,280 sq. ft. for all existing detached buildings have existed for at least five (5) years (approx. 1,770 sq. ft. stable, 477 sq. ft. shed, 697 sq. ft. detached garage, 1,477 sq. ft. detached accessory building, 460 sq. ft. shed, and 399 sq. ft. shed).
4. Variation to allow the total area of detached accessory buildings to exceed the total area of the principal building.

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-24-000011 Cabral** dated March 27, 2024.
2. That the Conditional Use zoning relief for the chicken coop shed (located in middle of yard – next to house) shall expire after three (3) years and that the Conditional Use zoning relief for all other detached accessory buildings and

structures (except the chicken coop shed) 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): 6 Ayes, 0 Nays, 0 Absent

Zoning Hearing Officer: March 27, 2024: The Zoning Hearing Officer recommended to approve the following zoning relief:

1. Conditional Use to reduce the required side yard setback for existing carport from required 20 feet to approximately 3.5 feet, where it has existed for at least five (5) years.
2. Conditional Use to allow the existing detached accessory buildings/structures (two sheds) to remain in front of the front wall of the house, where they have existed for at least five (5) years.
3. Conditional Use to increase the total area of detached accessory buildings from 2,600 sq. ft. to approximately 5,280 sq. ft. for all existing detached buildings have existed for at least five (5) years (approx. 1,770 sq. ft. stable, 477 sq. ft. shed, 697 sq. ft. detached garage, 1,477 sq. ft. detached accessory building, 460 sq. ft. shed, and 399 sq. ft. shed).
4. Variation to allow the total area of detached accessory buildings to exceed the total area of the principal building.

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-24-000011 Cabral dated March 27, 2024.
2. That the Conditional Use zoning relief for the chicken coop shed (located in middle of yard – next to house) shall expire after three (3) years and that the Conditional Use zoning relief for all other detached accessory buildings and structures (except the chicken coop shed) 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.

ZHO Recommendation to Approve

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is for the detached accessory buildings on the subject property.
- B. That petitioner testified that they purchased the subject property approximately one (1) year ago and that all detached accessory buildings existed at the time of purchase.
- C. That petitioner testified that they plan to keep all existing buildings on the subject property.
- D. That petitioner testified that they have horses and chickens on the subject property, and that several of the detached accessory buildings are used for the horses and storage of horse equipment and feed.
- E. That at the public hearing, a neighbor testified that they do not have any objections and that most of the detached accessory building have existed for at least thirty (30) years.
- F. That petitioner testified that the chicken coop/shed located in the middle of yard, near the home, is in poor condition and may only last another three years.
 - That the Zoning Hearing Officer finds that based on petitioner's testimony, the subject chicken coop/shed is in poor condition and therefore placed a three (3) year condition on the chicken coop/shed and a ten (10) year condition on all other detached accessory buildings included in the subject zoning relief.
- G. That the Zoning Hearing Officer finds that petitioner has demonstrated that the subject zoning relief does not have any impact on adjacent properties and roadways, does not impact on drainage, and does 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 detached accessory buildings 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 detached accessory buildings.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the detached accessory buildings do not diminish the value of land.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing detached accessory buildings do 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 County's Stormwater Department has no objections to the existing detached accessory buildings.
 - 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 detached accessory buildings.
 - g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the detached accessory buildings do not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

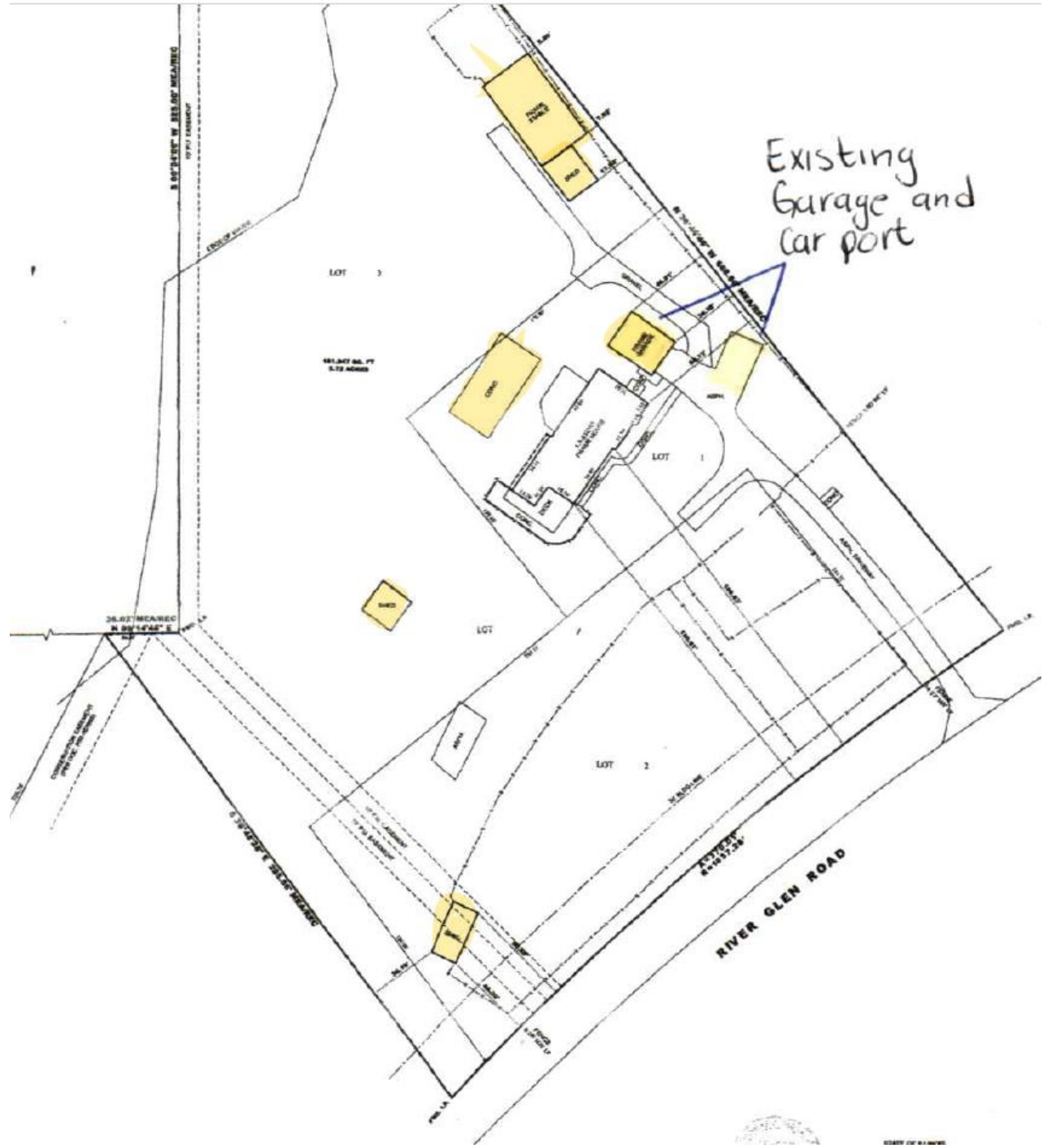
PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000011 Cabral
ZONING REQUEST	<ol style="list-style-type: none"> 1. Conditional Use to reduce the required side yard setback for existing carport from required 20 feet to approximately 3.5 feet, where it has existed for at least five (5) years. 2. Conditional Use to allow the existing detached accessory buildings/structures (two sheds) to remain in front of the front wall of the house, where they have existed for at least five (5) years. 3. Conditional Use to increase the total area of detached accessory buildings from 2,600 sq. ft. to approximately 5,280 sq. ft. for all existing detached buildings have existed for at least five (5) years (approx. 1,770 sq. ft. stable, 477 sq. ft. shed, 697 sq. ft. detached garage, 1,477 sq. ft. detached accessory building, 460 sq. ft. shed, and 399 sq. ft. shed). 4. Variation to allow the total area of detached accessory buildings to exceed the total area of the principal building.
OWNER	FELIPE AND MARTHA CABRAL, 0S434 RIVER GLEN ROAD, WEST CHICAGO, IL 60185
ADDRESS/LOCATION	0S434 RIVER GLEN ROAD, WEST CHICAGO, IL 60185
PIN	04-15-201-011 / 04-15-401-024 / 04-15-201-010
TWSP./CTY. BD. DIST.	WINFIELD DISTRICT 6
ZONING/LUP	R-1 SF RES 0-5 DU AC
AREA	3.73 ACRES (162,479 SQ. FT.)
UTILITIES	WELL / SEPTIC
PUBLICATION DATE	Daily Herald: MARCH 12, 2024
PUBLIC HEARING	WEDNESDAY, MARCH 27, 2024
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdictions in this matter.
Health:	No Objections.
Stormwater:	No Objections with the petition. "Floodplain is located on western portion of the property. Stable and shed are in close proximity to floodplain; however, the structures and land uses appear to have existing as of February 15,1992 and therefore the Countywide Stormwater and Floodplain Ordinance does not apply to them until they are subsequently re-developed."
Public Works:	Our office has no jurisdictions in this matter.
EXTERNAL:	
City of West Chicago:	<i>No Comments Received.</i>
City of Warrenville:	<i>No Comments Received.</i>
Village of Winfield:	<i>No Comments Received.</i>
Winfield Township:	<i>No Comments Received.</i>
Township Highway:	Our office has no jurisdiction in this matter.
West Chicago Fire Dist.:	<i>No Comments Received.</i>

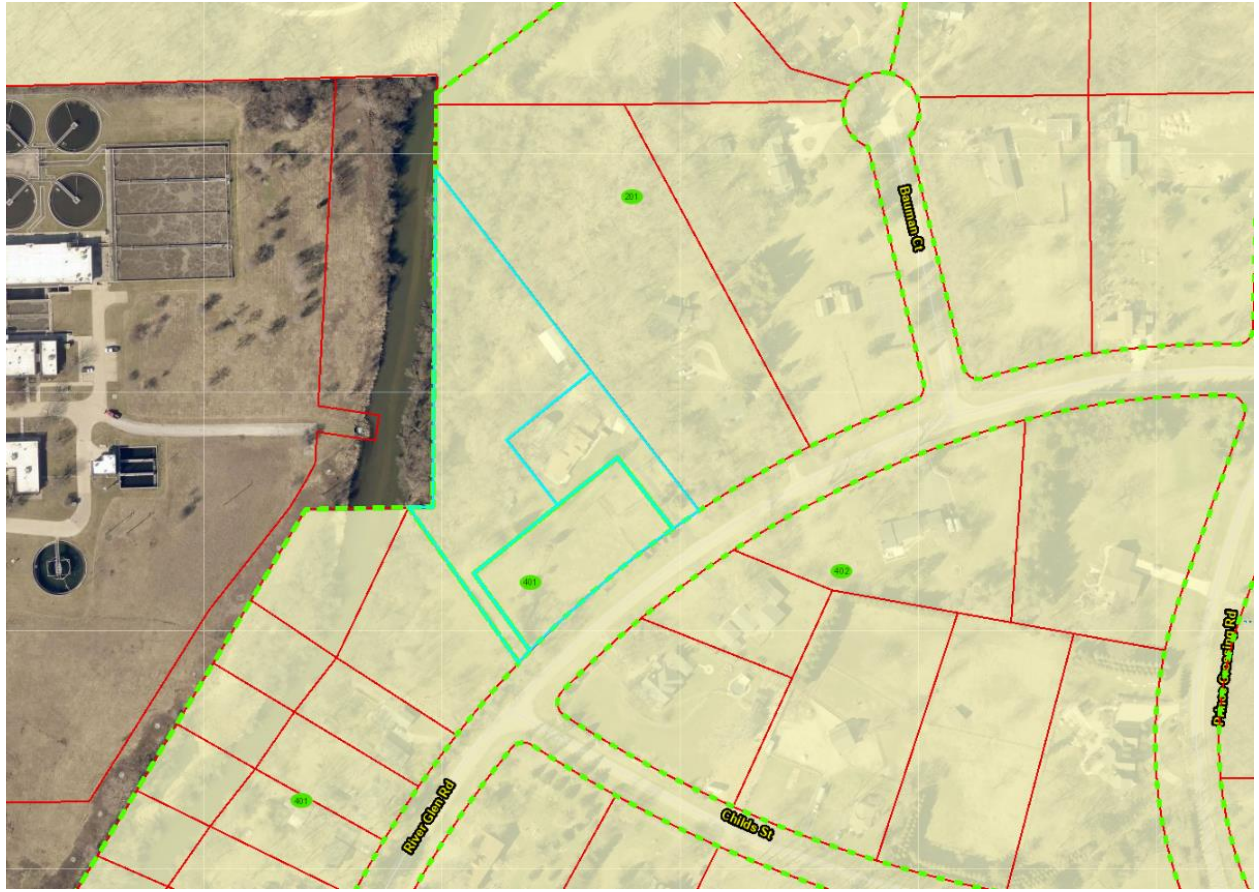
Sch. Dist. 33:	<i>No Comments Received.</i>
Sch. Dist. 94:	<i>No Comments Received.</i>
Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due to the sizable distance between the subject property and District property, we do not have any specific comments. Thank you.”

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-1 SF RES	HOUSE	0-5 DU AC
North	CITY OF WEST CHICAGO	FOREST PRESERVE	CITY OF WEST CHICAGO
South	RIVER GLEN ROAD AND BEYOND R-1 SF RES	HOUSE	0-5 DU AC
East	R-1 SF RES	HOUSE	0-5 DU AC
West	R-1 SF RES	HOUSE	0-5 DU AC











DUPAGE COUNTY

Building Division

Zoning & Planning Division

Environmental Division

BUILDING & ZONING DEPARTMENT

630-407-6700
fax: 630-407-6702

www.dupagecounty.gov/building

DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM
Zoning Petition ZONING-24-000011 Cabral

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@dupagecounty.gov or via
facsimile at 630-407-6702 by March 26, 2024.

Form with sections: COMMENT SECTION, COMMENTS, SIGNATURE, MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT, GENERAL ZONING CASE INFORMATION, and a table with fields like CASE #/PETITIONER, ZONING REQUEST, OWNER, ADDRESS/LOCATION, etc.



Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0020-24

Agenda Date: 5/7/2024

Agenda #: 6.D.



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
fax: 630-407-6702

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: March 27, 2024

RE: **ZONING-24-000018 Roman
(Downers Grove/ District 3)**

Development Committee: May 7, 2024:

Zoning Hearing Officer: March 27, 2024: The Zoning Hearing Officer recommended to bifurcate the following zoning relief:

The Zoning Hearing Officer recommended to deny the following zoning relief:

1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop.
2. Variation to allow 4-H program with 1 lb. rooster on a property less than 40,000 sq. ft.

ZHO Recommendation to Deny

The Zoning Hearing Officer recommended to approve the following zoning relief:

3. Conditional Use to allow a 4-H program with a goat on a property less than 40,000 sq. ft.

Subject to the following conditions:

1. That the Conditional Use zoning relief to allow a 4-H program with a goat shall expire after one (1) year 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.

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 petitioner maintains the existing landscaping around the perimeter of the subject property.
4. That petitioner submits a 4-H Certification to the DuPage County Building and Zoning Department for the subject goat and that petitioner maintain all required setbacks for the 4-H program on 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 they have requested the subject zoning relief to allow a rooster and goat, in addition to a chicken coop less than 25' from the rear property line, on the subject property.
- B. That petitioner testified that her daughter is enrolled in a 4-H program for a chicken and goat, and that they keep the chicken and goat in the rear of the subject property within the existing chicken coop.
- C. That petitioner testified that the goat is approximately 12 lbs. and 1 foot in height, and that it has no scent glands.
- D. That petitioner testified that the rooster is a Batum rooster, approximately 1 lbs., and is approximately 1/5th the size of a standard rooster.
- E. That petitioner testified that the subject goat and rooster are quiet and do not impede on neighboring properties.
- F. That at the public hearing neighbors testified and stated that the rooster is loud, however that they did not know a goat was on the subject property as they have never heard or noticed a goat on the property.
- G. That petitioner originally applied for a Variation for the subject zoning relief for a goat, and that the request was converted to a Conditional Use at the public hearing, as a Conditional Use is lesser zoning relief than a Variation, and that conditions can therefore be placed on the subject goat to mitigate any future impacts on adjacent properties.
- H. That the Zoning Hearing Officer finds that the subject goat is a part of the 4-H program for petitioner's daughter and is not an impediment to the neighboring properties and that petitioner has demonstrated sufficient evidence to allow a 4-H program for a goat on the subject property.

- I. Furthermore, that the Zoning Hearing Officer finds that petitioner has not demonstrated or presented evidence for a particular hardship, practical difficulty, or unique circumstance in relation to the rooster and chicken coop on the subject property, and the subject rooster and chicken coop located 2 feet from the rear property line both impair the public health, comfort, and general welfare if the inhabitants of DuPage County.

STANDARDS FOR CONDITIONAL USES (4-H FOR GOAT):

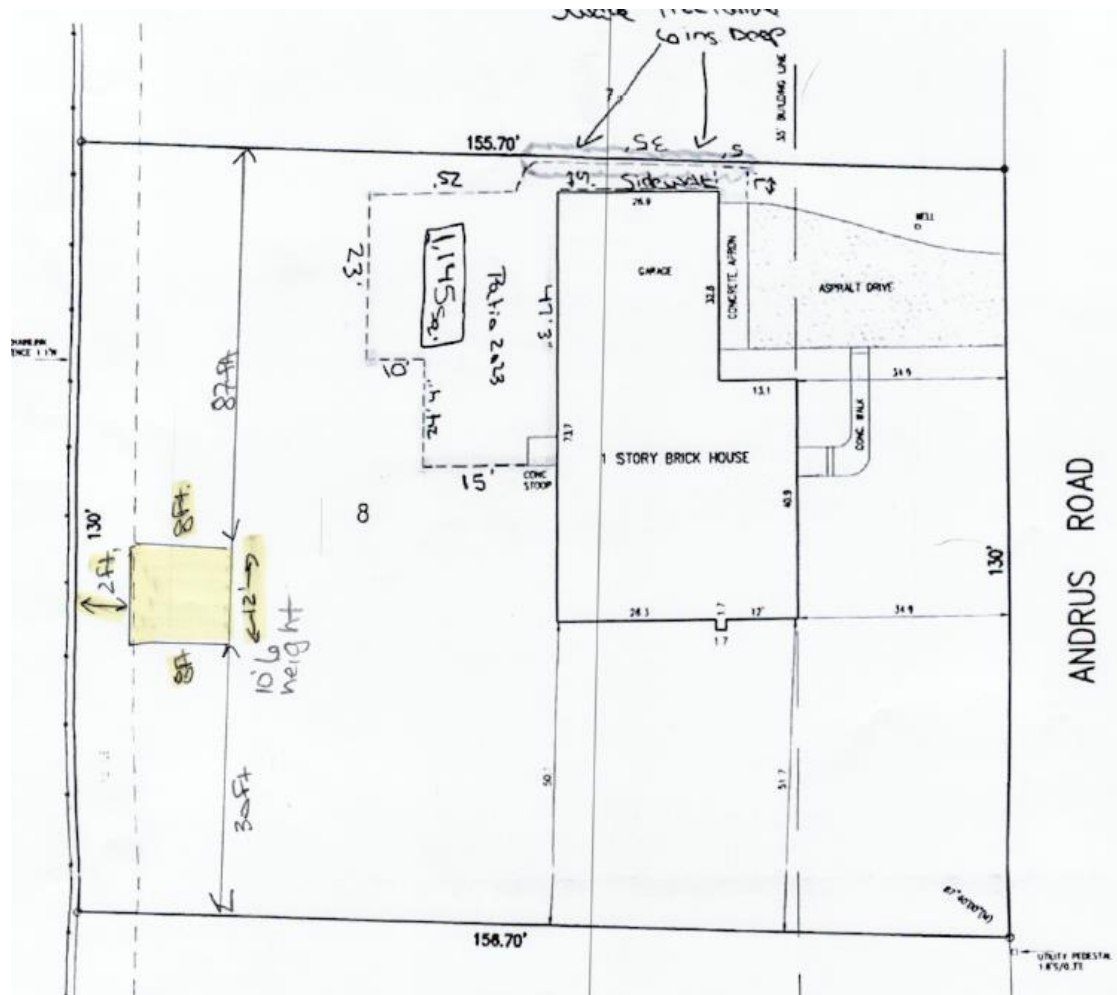
1. That the Zoning Hearing Officer finds that petitioner **has demonstrated** that the granting of the Conditional Use is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's 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 a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does 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 any detached accessory buildings related to the subject goat.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does 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 a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does 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 County's Stormwater Department has no objections to a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year.
 - 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 a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year.
 - g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

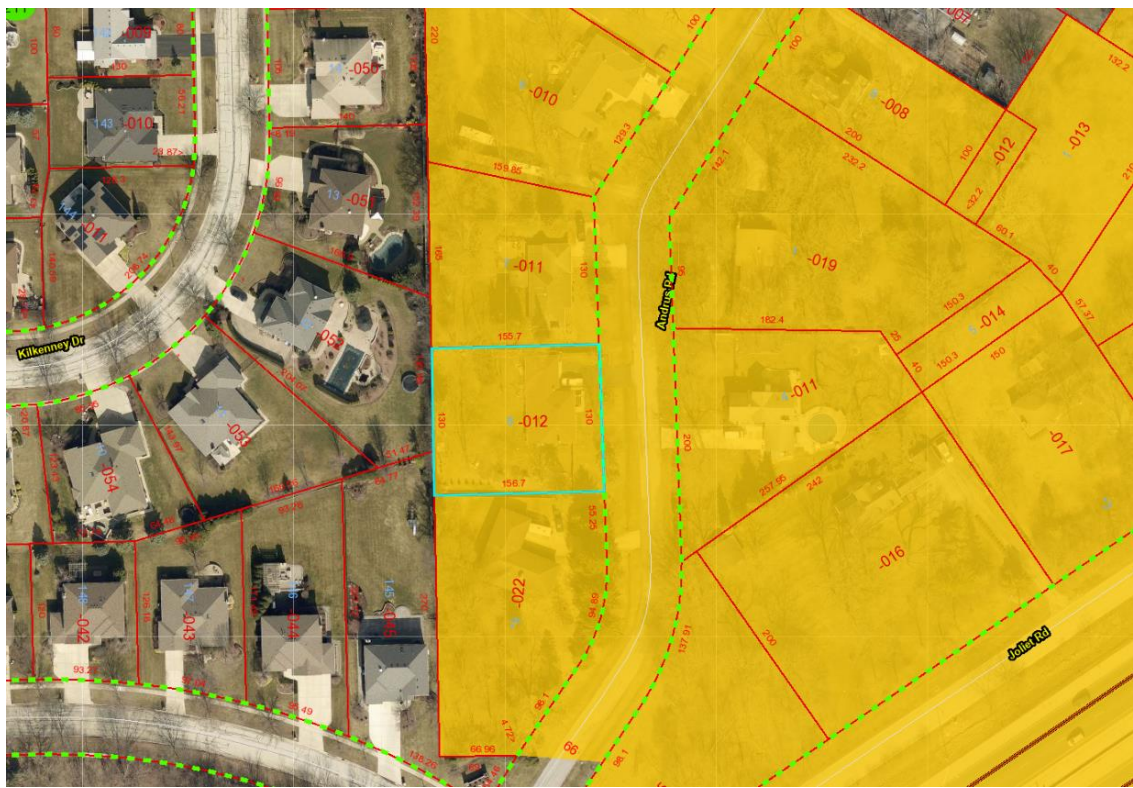
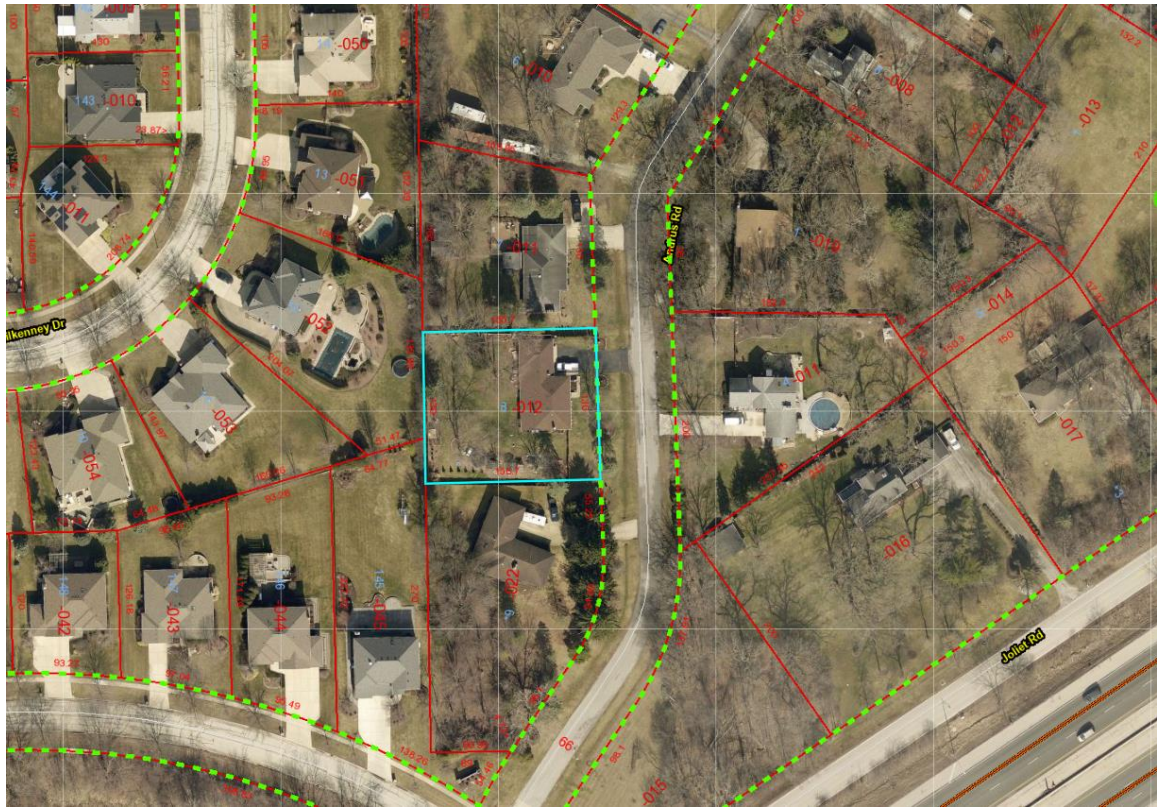
PETITIONER'S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000018 Roman
ZONING REQUEST	1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop. 2. Variation to allow 4-H program with a goat and 1lb rooster on a property less than 40,000 sq. ft.
OWNER	LILIA ROMAN, 460 ANDRUS ROAD, DOWNERS GROVE, IL 60516
ADDRESS/LOCATION	460 ANDRUS ROAD, DOWNERS GROVE, IL 60516
PIN	10-05-202-012
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	R-3 SF RES 0-5 DU AC
AREA	0.45 ACRES (19,602 SQ. FT.)
UTILITIES	WELL / SEPTIC
PUBLICATION DATE	Daily Herald: MARCH 12, 2024
PUBLIC HEARING	WEDNESDAY, MARCH 27, 2024
ADDITIONAL INFORMATION:	
Building:	Objects. "I have concerns regarding the impact of a rooster on the surrounding community." (See attached documentation)
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. "We have water in the area."
EXTERNAL:	
City of Darien:	No Objections with the concept of the petition. Additional information may be required at time of permit application. (See attached documentation)
Village of Woodridge:	<i>No Comments Received.</i>
Village of Lemont:	<i>No Comments Received.</i>
Downers Grove Township:	<i>No Comments Received.</i>
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
Darien-Woodridge Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 63:	<i>No Comments Received.</i>
Sch. Dist. 86:	<i>No Comments Received.</i>
Forest Preserve:	<i>No Comments Received.</i>

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	R-3 SF RES	HOUSE	0-5 DU AC
South	R-3 SF RES	HOUSE	0-5 DU AC
East	ANDRUS ROAD AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
West	CITY OF DARIEN	HOUSE	CITY OF DARIEN









DUPAGE COUNTY

Building Division

Zoning & Planning Division

Environmental Division

BUILDING & ZONING DEPARTMENT

630-407-6700
fax: 630-407-6702

www.dupagecounty.gov/building

DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-24-000018 Roman

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@dupagecounty.gov or via facsimile at 630-407-6702 by **March 26, 2024**.

COMMENT SECTION:	
: OUR OFFICE HAS NO JURISDICTION IN THIS MATTER	
: NO OBJECTION/CONCERNS WITH THE PETITION	
X : NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION	
: I OBJECT/ HAVE CONCERNS WITH THE PETITION.	
COMMENTS: THE SUBJECT PROPERTY ABUTS PARCELS WITHIN THE CITY OF DARIEN. AS THE REQUEST INCLUDES A SETBACK REDUCTION AND ANIMAL ACTIVITY, INFORMATION FROM OWNER ON HOW NOISE, ODOR, AND OTHER POTENTIAL IMPACTS ON NEIGHBORING PROPERTIES SHOULD BE ADDRESSED.	
SIGNATURE: [REDACTED] DATE: 03/14/2024	
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: CITY OF DARIEN	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000018 Roman
ZONING REQUEST	1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop. 2. Variation to allow 4-H program with a goat and 1lb rooster on a property less than 40,000 sq. ft.
OWNER	LILIA ROMAN, 460 ANDRUS ROAD, DOWNERS GROVE, IL 60516
ADDRESS/LOCATION	460 ANDRUS ROAD, DOWNERS GROVE, IL 60516
PIN	10-05-202-012
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	R-3 SF RES 0-5 DU AC
AREA	0.45 ACRES (19,602 SQ. FT.)
UTILITIES	WELL / SEPTIC
PUBLICATION DATE	Daily Herald: MARCH 12, 2024
PUBLIC HEARING	WEDNESDAY, MARCH 27, 2024

PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.

1

Jack T. Knuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
fax: 630-407-6702

www.dupagecounty.gov/building

DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-24-000018 Roman

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@dupagecounty.gov or via facsimile at 630-407-6702 by **March 26, 2024**.

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: I have concerns regarding the impact of a rooster on the surrounding community	
SIGNATURE: _____ DATE: <i>March 14, 2024</i>	
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: Building & Zoning Manager	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000018 Roman
ZONING REQUEST	1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop. 2. Variation to allow 4-H program with a goat and 11lb rooster on a property less than 40,000 sq. ft.
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Jack T. Knuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187



Illinois Extension

UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN

University of Illinois Extension
DuPage County
1100 E. Warrenville Road, Suite 170
Naperville, IL 60563
(630) 955-1123
www.extension.illinois.edu/dkk

February 16, 2024

To Whom It May Concern:

Priscilla Blas is an Active 4-H Member of **Whirlybirds** (for youth ages 8-18), and enrolled in the Dairy Goat Livestock animal project, which the youth may Show as a project each year at the DuPage County Fair. 4-H clubs enable positive youth development experiences in a wide variety of project learning areas, including **Livestock Animals** and **Animal Science**.

Please let me know if I can provide more information about 4-H or answer any questions/concerns.

Sincerely,



Nancy Reppe
Extension Program Coordinator, 4-H Youth Development, DuPage County
Nslep2@illinois.edu





We also have 4 Bantam miniature chickens (2 males and 2 females). Each weighing about a pound. The Bantams don't need as much space and resources since they are about 7 inches in height each. Their size comparison is to a pigeon. Bantams tend to match their smaller size with smaller voices. Throughout the day you won't be able to notice them because they are quiet and the highway I55 is louder than my chickens' voices because we don't have sound walls to block the high traffic noise. Our chickens lay edible eggs, creating nutrition for my family in the most organic way. Like our goat, our chickens roam our 6 ft fenced backyard dropping smaller amounts of manure fertilizing the grass. The chickens also create a companionship to our goat Carolina, when we are busy at work or school.



(size comparison to Bantam vs Silkie)

We do not have more than 5 chickens and we do not have a normal size rooster; which is what is claimed in the violation.



Carolina is our 15lb female Pygmy dwarf goat. Pygmy goats are miniature, genetically dwarfed, and their main purpose in life is for enjoyment and companionship. Female pygmy goats do not have a scent gland meaning that her maintenance is low. Her shed is cleaned once a week and is properly cared for. She is very loving, supportive, and our medium size bundle of joy. Carolina is fun, energetic, and for the most part quiet unless she gets excited, like any other pet. She is our version of a dog. Thanks to her, my daughter has the opportunity to bond, learn to have responsibilities, and have the experience of being in a 4H club in our community.

Having a goat comes with many benefits. Very early we learned she is a great natural lawn mower. Pygmy goats are affectionate and kind like certain dogs. She brings emotional support to my daughter when she feels lonely. Goat's manure and urine supply nutrients to plants, improve soil structure and overall fertilize my backyard. Their manure content has higher nitrogen than chicken or cow manure. I have seen a difference because I don't have to buy as much fertilizer in the summer to keep my lawn healthy.



Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0030-24

Agenda Date: 5/14/2024

Agenda #: 12.C.

ORDINANCE

Zoning Petition ZONING-24-000018 Roman (a)

WHEREAS, a public hearing was held on March 27, 2024, in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop.
2. Variation to allow 4-H program with a goat and 1lb rooster on a property less than 40,000 sq. ft., on the property hereinafter described:

LOT 8 IN ANDRUS HIGHLANDS, A SUBDIVISION OF LOTS OF ANDRUS ASSESSMENT PLAT OF PART OF THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART OF SAID LOT 5 LYING SOUTH OF THE NORTHERLY RIGHT OF WAY OF FEDERAL AND ROUTE 98) AND (EXCEPT THE EASTERLY 50 FEET OF THE NORTHERLY 50 FEET OF SAID LOT 5) ALSO LOT 6 OF ANDRUS RESUBDIVISION OF LOT 4 IOF ANDRUS'S ASSESSMENT PLAT, A SUBDIVISION SITUATED IN PART OF THE NORTHEAST ¼ OF SECTION 5 AFORESAID, AND THE EASTERLY 50.0 FEET OF THE NORTHERLY 200.0 FEET ADJACENT TO SAID LOT 4 AND ADJOINING THE CHICAGO PLAINFIELD ROAD OF LOT 5 OF ANDRUS ASSESSMENT PLAT, A SUBDIVISION SITUATED IN PART OF THE NORTHEAST ¼ OF SECTION 5 AFORESAID, ACCORDING TO THE PLAT RECORDED APRIL 17, 1957 AS DOCUMENT 839231, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on March 27, 2024 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that they have requested the subject zoning relief to allow a rooster and goat, in addition to a chicken coop less than 25' from the rear property line, on the subject property.
- B. That petitioner testified that her daughter is enrolled in a 4-H program for a chicken and goat, and that they keep the chicken and goat in the rear of the subject property within the existing chicken coop.
- C. That petitioner testified that the goat is approximately 12 lbs. and 1 foot in height, and that it has no scent glands.

- D. That petitioner testified that the rooster is a Batum rooster, approximately 1 lbs., and is approximately 1/5th the size of a standard rooster.
- E. That petitioner testified that the subject goat and rooster are quiet and do not impede on neighboring properties.
- F. That at the public hearing neighbors testified and stated that the rooster is loud, however that they did not know a goat was on the subject property as they have never heard or noticed a goat on the property.
- G. That petitioner originally applied for a Variation for the subject zoning relief for a goat, and that the request was converted to a Conditional Use at the public hearing, as a Conditional Use is lesser zoning relief than a Variation, and that conditions can therefore be placed on the subject goat to mitigate any future impacts on adjacent properties.
- H. That the Zoning Hearing Officer finds that the subject goat is a part of the 4-H program for petitioner's daughter and is not an impediment to the neighboring properties and that petitioner has demonstrated sufficient evidence to allow a 4-H program for a goat on the subject property.
- I. Furthermore, that the Zoning Hearing Officer finds that petitioner has not demonstrated or presented evidence for a particular hardship, practical difficulty, or unique circumstance in relation to the rooster and chicken coop on the subject property, and the subject rooster and chicken coop located 2 feet from the rear property line both impair the public health, comfort, and general welfare if the inhabitants of DuPage County.

STANDARDS FOR CONDITIONAL USES (4-H FOR GOAT):

- 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 a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does 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 any detached accessory buildings related to the subject goat.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does 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 a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does 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 County’s Stormwater Department has no objections to a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year.
- 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 a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

PETITIONER’S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000018 Roman
ZONING REQUEST	1. Variation to reduce the rear yard setback from 25 feet to approx. 2 feet for an existing chicken coop. Variation to allow 4-H program with a goat and 11 rooster on a property less than 40,000 sq. ft.
OWNER	LILIA ROMAN, 460 ANDRUS ROAD, DOWNERS GROVE, IL 60516
ADDRESS/LOCATION	460 ANDRUS ROAD, DOWNERS GROVE, IL 60516
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UTILITIES	WELL / SEPTIC
PUBLICATION DATE	Daily Herald: MARCH 12, 2024
PUBLIC HEARING	WEDNESDAY, MARCH 27, 2024
ADDITIONAL INFORMATION:	
Building:	Objects. “I have concerns regarding the impact of a rooster on the surrounding community.” (See attached documentation)
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. “We have water in the area.”
EXTERNAL:	

City of Darien:	No Objections with the concept of the petition. Additional information may at time of permit application. (See attached documentation)
Village of Woodridge:	<i>No Comments Received.</i>
Village of Lemont:	<i>No Comments Received.</i>
Downers Grove Townshi	<i>No Comments Received.</i>
Township Highway:	No Objections with the concept of the petition. Additional information may at time of permit application.
Darien-Woodridge Fire I	<i>No Comments Received.</i>
Sch. Dist. 63:	<i>No Comments Received.</i>
Sch. Dist. 86:	<i>No Comments Received.</i>
Forest Preserve:	<i>No Comments Received.</i>

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	R-3 SF RES	HOUSE	0-5 DU AC
South	R-3 SF RES	HOUSE	0-5 DU AC
East	ANDRUS ROAD AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
West	CITY OF DARIEN	HOUSE	CITY OF DARIEN

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on March 27, 2024, recommends to bifurcate the following zoning relief:

The Zoning Hearing Officer recommended to deny the following zoning relief:

1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop.
2. Variation to allow 4-H program with 1 lb. rooster on a property less than 40,000 sq. ft.

ZHO Recommendation to Deny

The Zoning Hearing Officer recommended to approve the following zoning relief:

3. Conditional Use to allow a 4-H program with a goat on a property less than 40,000 sq. ft.

Subject to the following conditions:

1. That the Conditional Use zoning relief to allow a 4-H program with a goat shall expire after one (1) year 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.
- 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 petitioner maintains the existing landscaping around the perimeter of the subject property.
- 4. That petitioner submits a 4-H Certification to the DuPage County Building and Zoning Department for the subject goat and that petitioner maintain all required setbacks for the 4-H program on the subject property.
- 5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZHO Recommendation to Approve

WHEREAS, the County Board Development Committee on May 7, 2024 , considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to bifurcate the following zoning relief:

On a motion to approve, the motion failed relative to the following zoning relief:

- 1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop.

Development Committee VOTE (Motion to Approve Failed): 2 Ayes, 4 Nays, 0 Absent

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

- 1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop.

LOT 8 IN ANDRUS HIGHLANDS, A SUBDIVISION OF LOTS OF ANDRUS ASSESSMENT PLAT OF PART OF THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART OF SAID LOT 5 LYING SOUTH OF THE NORTHERLY RIGHT OF WAY OF FEDERAL AND ROUTE 98) AND (EXCEPT THE EASTERLY 50 FEET OF THE NORTHERLY 50 FEET OF SAID LOT 5) ALSO LOT 6 OF ANDRUS RESUBDIVISION OF LOT 4 IOF ANDRUS’S ASSESSMENT PLAT, A SUBDIVISION SITUTATED IN PART OF THE NORTHEAST ¼ OF SECTION 5 AFORESAID, AND THE EASTERLY 50.0 FEET OF THE NORTHERLY 200.0 FEET ADJACENT TO SAID LOT 4 AND ADJOINING THE CHICAGO PLAINFIELD ROAD OF LOT 5 OF ANDRUS ASSESSMENT PLAT, A SUBDIVISION SITUATED IN PART OF THE NORTHEAST ¼ OF SECTION 5 AFORESAID, ACCORDING TO THE

PLAT RECORDED APRIL 17, 1957 AS DOCUMENT 839231, IN DUPAGE COUNTY, ILLINOIS; and

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; LILIA ROMAN, 460 ANDRUS ROAD, DOWNERS GROVE, IL 60516; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 14th day of May, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
fax: 630-407-6702

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: May 7, 2024

RE: **ZONING-24-000018 Roman
(Downers Grove/ District 3)**

DuPage County Board: May 14, 2024:

Development Committee: May 7, 2024: The DuPage County Development Committee recommended to bifurcate the following zoning relief:

ZONING-24-000018 – ORDINANCE – Roman (a): On a motion to approve, the motion failed relative to the following zoning relief:

1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop. *(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)*

Development Committee VOTE (Motion to Approve Failed): 2 Ayes, 4 Nays, 0 Absent

ZONING-24-000018 – ORDINANCE – Roman (b): On a motion to approve, the motion failed relative to the following zoning relief:

2. Variation to allow 4-H program with 1 lb. rooster on a property less than 40,000 sq. ft. *(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)*

Development Committee VOTE (Motion to Approve Failed): 2 Ayes, 4 Nays, 0 Absent

ZONING-24-000018 – ORDINANCE – Roman (c): The DuPage County Development Committee recommended to approve the following zoning relief:

3. Conditional Use to allow a 4-H program with a goat on a property less than 40,000 sq. ft.

Subject to the following conditions:

1. That the Conditional Use zoning relief to allow a 4-H program with a goat shall expire after one (1) year 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.
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 petitioner maintains the existing landscaping around the perimeter of the subject property.
4. That petitioner submits a 4-H Certification to the DuPage County Building and Zoning Department for the subject goat and that petitioner maintain all required setbacks for the 4-H program on 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): 6 Ayes, 0 Nays, 0 Absent

Zoning Hearing Officer: March 27, 2024: The Zoning Hearing Officer recommended to bifurcate the following zoning relief:

The Zoning Hearing Officer recommended to deny the following zoning relief:

1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop.
2. Variation to allow 4-H program with 1 lb. rooster on a property less than 40,000 sq. ft.

ZHO Recommendation to Deny

The Zoning Hearing Officer recommended to approve the following zoning relief:

3. Conditional Use to allow a 4-H program with a goat on a property less than 40,000 sq. ft.

Subject to the following conditions:

1. That the Conditional Use zoning relief to allow a 4-H program with a goat shall expire after one (1) year 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.
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 petitioner maintains the existing landscaping around the perimeter of the subject property.
4. That petitioner submits a 4-H Certification to the DuPage County Building and Zoning Department for the subject goat and that petitioner maintain all required setbacks for the 4-H program on 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 they have requested the subject zoning relief to allow a rooster and goat, in addition to a chicken coop less than 25' from the rear property line, on the subject property.
- B. That petitioner testified that her daughter is enrolled in a 4-H program for a chicken and goat, and that they keep the chicken and goat in the rear of the subject property within the existing chicken coop.
- C. That petitioner testified that the goat is approximately 12 lbs. and 1 foot in height, and that it has no scent glands.
- D. That petitioner testified that the rooster is a Batum rooster, approximately 1 lbs., and is approximately 1/5th the size of a standard rooster.
- E. That petitioner testified that the subject goat and rooster are quiet and do not impede on neighboring properties.
- F. That at the public hearing neighbors testified and stated that the rooster is loud, however that they did not know a goat was on the subject property as they have never heard or noticed a goat on the property.

- G. That petitioner originally applied for a Variation for the subject zoning relief for a goat, and that the request was converted to a Conditional Use at the public hearing, as a Conditional Use is lesser zoning relief than a Variation, and that conditions can therefore be placed on the subject goat to mitigate any future impacts on adjacent properties.
- H. That the Zoning Hearing Officer finds that the subject goat is a part of the 4-H program for petitioner's daughter and is not an impediment to the neighboring properties and that petitioner has demonstrated sufficient evidence to allow a 4-H program for a goat on the subject property.
- I. Furthermore, that the Zoning Hearing Officer finds that petitioner has not demonstrated or presented evidence for a particular hardship, practical difficulty, or unique circumstance in relation to the rooster and chicken coop on the subject property, and the subject rooster and chicken coop located 2 feet from the rear property line both impair the public health, comfort, and general welfare if the inhabitants of DuPage County.

STANDARDS FOR CONDITIONAL USES (4-H FOR GOAT):

- 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 a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does 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 any detached accessory buildings related to the subject goat.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does 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 a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does 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 County's Stormwater Department has no objections to a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year.
 - 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 a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year.

- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

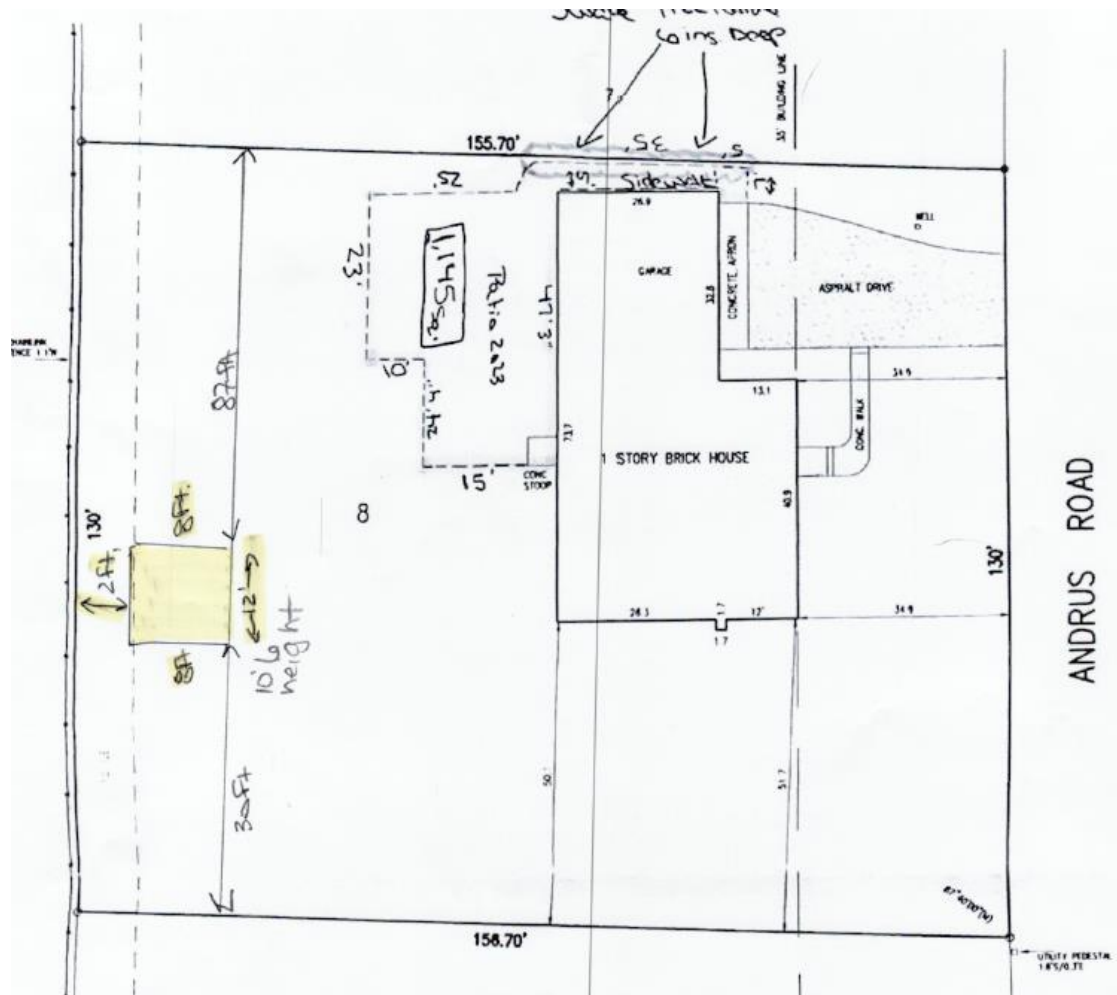
PETITIONER’S DEVELOPMENT FACT SHEET

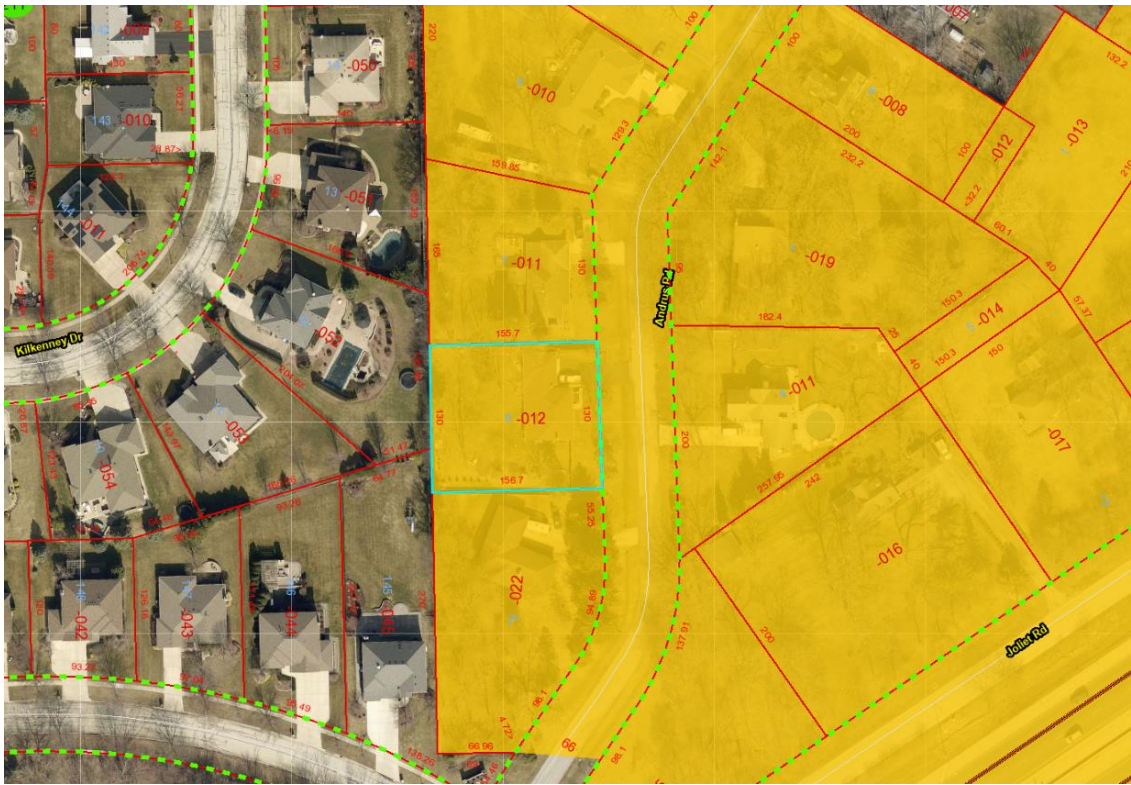
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CASE #/PETITIONER	ZONING-24-000018 Roman
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PIN	10-05-202-012
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	R-3 SF RES 0-5 DU AC
AREA	0.45 ACRES (19,602 SQ. FT.)
UTILITIES	WELL / SEPTIC
PUBLICATION DATE	Daily Herald: MARCH 12, 2024
PUBLIC HEARING	WEDNESDAY, MARCH 27, 2024
ADDITIONAL INFORMATION:	
Building:	Objects. “I have concerns regarding the impact of a rooster on the surrounding community.” (See attached documentation)
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. “We have water in the area.”
EXTERNAL:	
City of Darien:	No Objections with the concept of the petition. Additional information may be required at time of permit application. (See attached documentation)
Village of Woodridge:	<i>No Comments Received.</i>
Village of Lemont:	<i>No Comments Received.</i>
Downers Grove Township:	<i>No Comments Received.</i>
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application.
Darien-Woodridge Fire Dist.:	<i>No Comments Received.</i>

Sch. Dist. 63:	<i>No Comments Received.</i>
Sch. Dist. 86:	<i>No Comments Received.</i>
Forest Preserve:	<i>No Comments Received.</i>

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	R-3 SF RES	HOUSE	0-5 DU AC
South	R-3 SF RES	HOUSE	0-5 DU AC
East	ANDRUS ROAD AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
West	CITY OF DARIEN	HOUSE	CITY OF DARIEN









DUPAGE COUNTY

Building Division

Zoning & Planning Division

Environmental Division

BUILDING & ZONING DEPARTMENT

630-407-6700
fax: 630-407-6702

www.dupagecounty.gov/building

DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-24-000018 Roman

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@dupagecounty.gov or via facsimile at 630-407-6702 by **March 26, 2024**.

COMMENT SECTION:	
<input type="checkbox"/> OUR OFFICE HAS NO JURISDICTION IN THIS MATTER	
<input type="checkbox"/> NO OBJECTION/CONCERNS WITH THE PETITION	
<input checked="" type="checkbox"/> NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION	
<input type="checkbox"/> I OBJECT/HAVE CONCERNS WITH THE PETITION.	
COMMENTS: THE SUBJECT PROPERTY ABUTS PARCELS WITHIN THE CITY OF DARIEN. AS THE REQUEST INCLUDES A SETBACK REDUCTION AND ANIMAL ACTIVITY, INFORMATION FROM OWNER ON HOW NOISE, ODOR, AND OTHER POTENTIAL IMPACTS ON NEIGHBORING PROPERTIES SHOULD BE ADDRESSED.	
SIGNATURE: [REDACTED] DATE: 03/14/2024	
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: CITY OF DARIEN	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000018 Roman
ZONING REQUEST	1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop. 2. Variation to allow 4-H program with a goat and 1lb rooster on a property less than 40,000 sq. ft.
OWNER	LILIA ROMAN, 460 ANDRUS ROAD, DOWNERS GROVE, IL 60516
ADDRESS/LOCATION	460 ANDRUS ROAD, DOWNERS GROVE, IL 60516
PIN	10-05-202-012
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	R-3 SF RES 0-5 DU AC
AREA	0.45 ACRES (19,602 SQ. FT.)
UTILITIES	WELL / SEPTIC
PUBLICATION DATE	Daily Herald: MARCH 12, 2024
PUBLIC HEARING	WEDNESDAY, MARCH 27, 2024

PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.

1

Jack T. Knuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
fax: 630-407-6702

www.dupagecounty.gov/building

DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-24-000018 Roman

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@dupagecounty.gov or via facsimile at 630-407-6702 by **March 26, 2024**.

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: I have concerns regarding the impact of a rooster on the surrounding community	
SIGNATURE: [REDACTED] DATE: <i>March 14, 2024</i>	
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: Building & Zoning Manager	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000018 Roman
ZONING REQUEST	1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop. 2. Variation to allow 4-H program with a goat and 11b rooster on a property less than 40,000 sq. ft.
OWNER	LILIA ROMAN, 460 ANDRUS ROAD, DOWNERS GROVE, IL 60516
ADDRESS/LOCATION	460 ANDRUS ROAD, DOWNERS GROVE, IL 60516
PIN	10-05-202-012
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	R-3 SF RES 0-5 DU AC
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Illinois Extension

UNIVERSITY OF ILLINOIS URBANA-CHAMPAIGN

University of Illinois Extension
DuPage County
1100 E. Warrenville Road, Suite 170
Naperville, IL 60563
(630) 955-1123
www.extension.illinois.edu/dkk

February 16, 2024

To Whom It May Concern:

Priscilla Blas is an Active 4-H Member of **Whirlybirds** (for youth ages 8-18), and enrolled in the Dairy Goat Livestock animal project, which the youth may Show as a project each year at the DuPage County Fair. 4-H clubs enable positive youth development experiences in a wide variety of project learning areas, including **Livestock Animals** and **Animal Science**.

Please let me know if I can provide more information about 4-H or answer any questions/concerns.

Sincerely,



Nancy Reppe

Extension Program Coordinator, 4-H Youth Development, DuPage County

Nslep2@illinois.edu





We also have 4 Bantam miniature chickens (2 males and 2 females). Each weighing about a pound. The Bantams don't need as much space and resources since they are about 7 inches in height each. Their size comparison is to a pigeon. Bantams tend to match their smaller size with smaller voices. Throughout the day you won't be able to notice them because they are quiet and the highway I55 is louder than my chickens' voices because we don't have sound walls to block the high traffic noise. Our chickens lay edible eggs, creating nutrition for my family in the most organic way. Like our goat, our chickens roam our 6 ft fenced backyard dropping smaller amounts of manure fertilizing the grass. The chickens also create a companionship to our goat Carolina, when we are busy at work or school.



(size comparison to Bantam vs Silkie)

We do not have more than 5 chickens and we do not have a normal size rooster; which is what is claimed in the violation.



Carolina is our 15lb female Pygmy dwarf goat. Pygmy goats are miniature, genetically dwarfed, and their main purpose in life is for enjoyment and companionship. Female pygmy goats do not have a scent gland meaning that her maintenance is low. Her shed is cleaned once a week and is properly cared for. She is very loving, supportive, and our medium size bundle of joy. Carolina is fun, energetic, and for the most part quiet unless she gets excited, like any other pet. She is our version of a dog. Thanks to her, my daughter has the opportunity to bond, learn to have responsibilities, and have the experience of being in a 4H club in our community.

Having a goat comes with many benefits. Very early we learned she is a great natural lawn mower. Pygmy goats are affectionate and kind like certain dogs. She brings emotional support to my daughter when she feels lonely. Goat's manure and urine supply nutrients to plants, improve soil structure and overall fertilize my backyard. Their manure content has higher nitrogen than chicken or cow manure. I have seen a difference because I don't have to buy as much fertilizer in the summer to keep my lawn healthy.



Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0031-24

Agenda Date: 5/14/2024

Agenda #: 12.D.

ORDINANCE

Zoning Petition ZONING-24-000018 Roman (b)

WHEREAS, a public hearing was held on March 27, 2024, in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop.
2. Variation to allow 4-H program with a goat and 1lb rooster on a property less than 40,000 sq. ft., on the property hereinafter described:

LOT 8 IN ANDRUS HIGHLANDS, A SUBDIVISION OF LOTS OF ANDRUS ASSESSMENT PLAT OF PART OF THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART OF SAID LOT 5 LYING SOUTH OF THE NORTHERLY RIGHT OF WAY OF FEDERAL AND ROUTE 98) AND (EXCEPT THE EASTERLY 50 FEET OF THE NORTHERLY 50 FEET OF SAID LOT 5) ALSO LOT 6 OF ANDRUS RESUBDIVISION OF LOT 4 IOF ANDRUS'S ASSESSMENT PLAT, A SUBDIVISION SITUATED IN PART OF THE NORTHEAST ¼ OF SECTION 5 AFORESAID, AND THE EASTERLY 50.0 FEET OF THE NORTHERLY 200.0 FEET ADJACENT TO SAID LOT 4 AND ADJOINING THE CHICAGO PLAINFIELD ROAD OF LOT 5 OF ANDRUS ASSESSMENT PLAT, A SUBDIVISION SITUATED IN PART OF THE NORTHEAST ¼ OF SECTION 5 AFORESAID, ACCORDING TO THE PLAT RECORDED APRIL 17, 1957 AS DOCUMENT 839231, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on March 27, 2024 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that they have requested the subject zoning relief to allow a rooster and goat, in addition to a chicken coop less than 25' from the rear property line, on the subject property.
- B. That petitioner testified that her daughter is enrolled in a 4-H program for a chicken and goat, and that they keep the chicken and goat in the rear of the subject property within the existing chicken coop.
- C. That petitioner testified that the goat is approximately 12 lbs. and 1 foot in height, and that it has no scent glands.

- D. That petitioner testified that the rooster is a Batum rooster, approximately 1 lbs., and is approximately 1/5th the size of a standard rooster.
- E. That petitioner testified that the subject goat and rooster are quiet and do not impede on neighboring properties.
- F. That at the public hearing neighbors testified and stated that the rooster is loud, however that they did not know a goat was on the subject property as they have never heard or noticed a goat on the property.
- G. That petitioner originally applied for a Variation for the subject zoning relief for a goat, and that the request was converted to a Conditional Use at the public hearing, as a Conditional Use is lesser zoning relief than a Variation, and that conditions can therefore be placed on the subject goat to mitigate any future impacts on adjacent properties.
- H. That the Zoning Hearing Officer finds that the subject goat is a part of the 4-H program for petitioner's daughter and is not an impediment to the neighboring properties and that petitioner has demonstrated sufficient evidence to allow a 4-H program for a goat on the subject property.
- I. Furthermore, that the Zoning Hearing Officer finds that petitioner has not demonstrated or presented evidence for a particular hardship, practical difficulty, or unique circumstance in relation to the rooster and chicken coop on the subject property, and the subject rooster and chicken coop located 2 feet from the rear property line both impair the public health, comfort, and general welfare if the inhabitants of DuPage County.

STANDARDS FOR CONDITIONAL USES (4-H FOR GOAT):

- 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 a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does 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 any detached accessory buildings related to the subject goat.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does 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 a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does 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 County’s Stormwater Department has no objections to a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year.
- 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 a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

PETITIONER’S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000018 Roman
ZONING REQUEST	1. Variation to reduce the rear yard setback from 25 feet to approx. 2 feet for an existing chicken coop. Variation to allow 4-H program with a goat and 11 rooster on a property less than 40,000 sq. ft.
OWNER	LILIA ROMAN, 460 ANDRUS ROAD, DOWNERS GROVE, IL 60516
ADDRESS/LOCATION	460 ANDRUS ROAD, DOWNERS GROVE, IL 60516
PIN	10-05-202-012
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	R-3 SF RES 0-5 DU AC
AREA	0.45 ACRES (19,602 SQ. FT.)
UTILITIES	WELL / SEPTIC
PUBLICATION DATE	Daily Herald: MARCH 12, 2024
PUBLIC HEARING	WEDNESDAY, MARCH 27, 2024
ADDITIONAL INFORMATION:	
Building:	Objects. “I have concerns regarding the impact of a rooster on the surrounding community.” (See attached documentation)
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. “We have water in the area.”
EXTERNAL:	

City of Darien:	No Objections with the concept of the petition. Additional information may at time of permit application. (See attached documentation)
Village of Woodridge:	<i>No Comments Received.</i>
Village of Lemont:	<i>No Comments Received.</i>
Downers Grove Townshi	<i>No Comments Received.</i>
Township Highway:	No Objections with the concept of the petition. Additional information may at time of permit application.
Darien-Woodridge Fire I	<i>No Comments Received.</i>
Sch. Dist. 63:	<i>No Comments Received.</i>
Sch. Dist. 86:	<i>No Comments Received.</i>
Forest Preserve:	<i>No Comments Received.</i>

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	R-3 SF RES	HOUSE	0-5 DU AC
South	R-3 SF RES	HOUSE	0-5 DU AC
East	ANDRUS ROAD AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
West	CITY OF DARIEN	HOUSE	CITY OF DARIEN

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on March 27, 2024, recommends to bifurcate the following zoning relief:

The Zoning Hearing Officer recommended to deny the following zoning relief:

1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop.
2. Variation to allow 4-H program with 1 lb. rooster on a property less than 40,000 sq. ft.

ZHO Recommendation to Deny

The Zoning Hearing Officer recommended to approve the following zoning relief:

3. Conditional Use to allow a 4-H program with a goat on a property less than 40,000 sq. ft.

Subject to the following conditions:

1. That the Conditional Use zoning relief to allow a 4-H program with a goat shall expire after one (1) year 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.
 - 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 petitioner maintains the existing landscaping around the perimeter of the subject property.
 - 4. That petitioner submits a 4-H Certification to the DuPage County Building and Zoning Department for the subject goat and that petitioner maintain all required setbacks for the 4-H program on the subject property.
 - 5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.
- ZHO Recommendation to Approve**

WHEREAS, the County Board Development Committee on May 7, 2024 , considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to bifurcate the following zoning relief:

On a motion to approve, the motion failed relative to the following zoning relief:

- 2. Variation to allow 4-H program with 1 lb. rooster on a property less than 40,000 sq. ft.
- Development Committee VOTE (Motion to Approve Failed): 2 Ayes, 4 Nays, 0 Absent**

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

- 2. Variation to allow 4-H program with 1 lb. rooster on a property less than 40,000 sq. ft.

LOT 8 IN ANDRUS HIGHLANDS, A SUBDIVISION OF LOTS OF ANDRUS ASSESSMENT PLAT OF PART OF THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART OF SAID LOT 5 LYING SOUTH OF THE NORTHERLY RIGHT OF WAY OF FEDERAL AND ROUTE 98) AND (EXCEPT THE EASTERLY 50 FEET OF THE NORTHERLY 50 FEET OF SAID LOT 5) ALSO LOT 6 OF ANDRUS RESUBDIVISION OF LOT 4 IOF ANDRUS’S ASSESSMENT PLAT, A SUBDIVISION SITUATED IN PART OF THE NORTHEAST ¼ OF SECTION 5 AFORESAID, AND THE EASTERLY 50.0 FEET OF THE NORTHERLY 200.0 FEET ADJACENT TO SAID LOT 4 AND ADJOINING THE CHICAGO PLAINFIELD ROAD OF LOT 5 OF ANDRUS ASSESSMENT PLAT, A SUBDIVISION SITUATED IN PART OF THE NORTHEAST ¼ OF SECTION 5 AFORESAID, ACCORDING TO THE PLAT RECORDED APRIL 17, 1957 AS DOCUMENT 839231, IN DUPAGE COUNTY, ILLINOIS; and

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; LILIA ROMAN, 460 ANDRUS ROAD, DOWNERS GROVE, IL 60516; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 14th day of May, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0032-24

Agenda Date: 5/14/2024

Agenda #: 12.E.

RESOLUTION ORDINANCE

Zoning Petition ZONING-24-000018 Roman (c)

WHEREAS, a public hearing was held on March 27, 2024, in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

1. Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop.
2. Variation to allow 4-H program with a goat and 1lb rooster on a property less than 40,000 sq. ft., on the property hereinafter described:

LOT 8 IN ANDRUS HIGHLANDS, A SUBDIVISION OF LOTS OF ANDRUS ASSESSMENT PLAT OF PART OF THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART OF SAID LOT 5 LYING SOUTH OF THE NORTHERLY RIGHT OF WAY OF FEDERAL AND ROUTE 98) AND (EXCEPT THE EASTERLY 50 FEET OF THE NORTHERLY 50 FEET OF SAID LOT 5) ALSO LOT 6 OF ANDRUS RESUBDIVISION OF LOT 4 OF ANDRUS'S ASSESSMENT PLAT, A SUBDIVISION SITUATED IN PART OF THE NORTHEAST ¼ OF SECTION 5 AFORESAID, AND THE EASTERLY 50.0 FEET OF THE NORTHERLY 200.0 FEET ADJACENT TO SAID LOT 4 AND ADJOINING THE CHICAGO PLAINFIELD ROAD OF LOT 5 OF ANDRUS ASSESSMENT PLAT, A SUBDIVISION SITUATED IN PART OF THE NORTHEAST ¼ OF SECTION 5 AFORESAID, ACCORDING TO THE PLAT RECORDED APRIL 17, 1957 AS DOCUMENT 839231, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on March 27, 2024 does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that they have requested the subject zoning relief to allow a rooster and goat, in addition to a chicken coop less than 25' from the rear property line, on the subject property.
- B. That petitioner testified that her daughter is enrolled in a 4-H program for a chicken and goat, and that they keep the chicken and goat in the rear of the subject property within the existing chicken coop.
- C. That petitioner testified that the goat is approximately 12 lbs. and 1 foot in height, and that it has no scent glands.

- D. That petitioner testified that the rooster is a Batum rooster, approximately 1 lbs., and is approximately 1/5th the size of a standard rooster.
- E. That petitioner testified that the subject goat and rooster are quiet and do not impede on neighboring properties.
- F. That at the public hearing neighbors testified and stated that the rooster is loud, however that they did not know a goat was on the subject property as they have never heard or noticed a goat on the property.
- G. That petitioner originally applied for a Variation for the subject zoning relief for a goat, and that the request was converted to a Conditional Use at the public hearing, as a Conditional Use is lesser zoning relief than a Variation, and that conditions can therefore be placed on the subject goat to mitigate any future impacts on adjacent properties.
- H. That the Zoning Hearing Officer finds that the subject goat is a part of the 4-H program for petitioner's daughter and is not an impediment to the neighboring properties and that petitioner has demonstrated sufficient evidence to allow a 4-H program for a goat on the subject property.
- I. Furthermore, that the Zoning Hearing Officer finds that petitioner has not demonstrated or presented evidence for a particular hardship, practical difficulty, or unique circumstance in relation to the rooster and chicken coop on the subject property, and the subject rooster and chicken coop located 2 feet from the rear property line both impair the public health, comfort, and general welfare if the inhabitants of DuPage County.

STANDARDS FOR CONDITIONAL USES (4-H FOR GOAT):

- 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 a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does 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 any detached accessory buildings related to the subject goat.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does 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 a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does 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 County’s Stormwater Department has no objections to a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year.
- 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 a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** a 4-H program with a goat on a property less than 40,000 sq. ft. in size for one (1) year does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

PETITIONER’S DEVELOPMENT FACT SHEET

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-24-000018 Roman
ZONING REQUEST	1. Variation to reduce the rear yard setback from 25 feet to approx. 2 feet for an existing chicken coop. Variation to allow 4-H program with a goat and 11 rooster on a property less than 40,000 sq. ft.
OWNER	LILIA ROMAN, 460 ANDRUS ROAD, DOWNERS GROVE, IL 60516
ADDRESS/LOCATION	460 ANDRUS ROAD, DOWNERS GROVE, IL 60516
PIN	10-05-202-012
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	R-3 SF RES 0-5 DU AC
AREA	0.45 ACRES (19,602 SQ. FT.)
UTILITIES	WELL / SEPTIC
PUBLICATION DATE	Daily Herald: MARCH 12, 2024
PUBLIC HEARING	WEDNESDAY, MARCH 27, 2024
ADDITIONAL INFORMATION:	
Building:	Objects. “I have concerns regarding the impact of a rooster on the surrounding community.” (See attached documentation)
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. "We have water in the area."
EXTERNAL:	
City of Darien:	No Objections with the concept of the petition. Additional information may at time of permit application. (See attached documentation)
Village of Woodridge:	<i>No Comments Received.</i>
Village of Lemont:	<i>No Comments Received.</i>
Downers Grove Townshi	<i>No Comments Received.</i>
Township Highway:	No Objections with the concept of the petition. Additional information may at time of permit application.
Darien-Woodridge Fire I	<i>No Comments Received.</i>
Sch. Dist. 63:	<i>No Comments Received.</i>
Sch. Dist. 86:	<i>No Comments Received.</i>
Forest Preserve:	<i>No Comments Received.</i>

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	R-3 SF RES	HOUSE	0-5 DU AC
South	R-3 SF RES	HOUSE	0-5 DU AC
East	ANDRUS ROAD AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
West	CITY OF DARIEN	HOUSE	CITY OF DARIEN

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on March 27, 2024, recommends to bifurcate the following zoning relief:

The Zoning Hearing Officer recommended to deny the following zoning relief:

- Variation to reduce the rear yard setback from required 25 feet to approx. 2 feet for an existing chicken coop.
- Variation to allow 4-H program with 1 lb. rooster on a property less than 40,000 sq. ft.

ZHO Recommendation to Deny

The Zoning Hearing Officer recommended to approve the following zoning relief:

- Conditional Use to allow a 4-H program with a goat on a property less than 40,000 sq. ft.

Subject to the following conditions:

- That the Conditional Use zoning relief to allow a 4-H program with a goat shall expire after one (1) year 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:
 - 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.
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 petitioner maintains the existing landscaping around the perimeter of the subject property.
 4. That petitioner submits a 4-H Certification to the DuPage County Building and Zoning Department for the subject goat and that petitioner maintain all required setbacks for the 4-H program on the subject property.
 5. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZHO Recommendation to Approve

WHEREAS, the County Board Development Committee on May 7, 2024 , considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to bifurcate the following zoning relief:

The DuPage County Development Committee recommended to approve the following zoning relief:

3. Conditional Use to allow a 4-H program with a goat on a property less than 40,000 sq. ft.

Subject to the following conditions:

1. That the Conditional Use zoning relief to allow a 4-H program with a goat shall expire after one (1) year 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.
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 petitioner maintains the existing landscaping around the perimeter of the subject property.
4. That petitioner submits a 4-H Certification to the DuPage County Building and Zoning Department for the subject goat and that petitioner maintain all required setbacks for the 4-H program on 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): 6 Ayes, 0 Nays, 0 Absent

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

3. Conditional Use to allow a 4-H program with a goat on a property less than 40,000 sq. ft.

That the property

LOT 8 IN ANDRUS HIGHLANDS, A SUBDIVISION OF LOTS OF ANDRUS ASSESSMENT PLAT OF PART OF THE NORTHEAST ¼ OF SECTION 5, TOWNSHIP 37 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, (EXCEPT THAT PART OF SAID LOT 5 LYING SOUTH OF THE NORTHERLY RIGHT OF WAY OF FEDERAL AND ROUTE 98) AND (EXCEPT THE EASTERLY 50 FEET OF THE NORTHERLY 50 FEET OF SAID LOT 5) ALSO LOT 6 OF ANDRUS RESUBDIVISION OF LOT 4 IOF ANDRUS'S ASSESSMENT PLAT, A SUBDIVISION SITUATED IN PART OF THE NORTHEAST ¼ OF SECTION 5 AFORESAID, AND THE EASTERLY 50.0 FEET OF THE NORTHERLY 200.0 FEET ADJACENT TO SAID LOT 4 AND ADJOINING THE CHICAGO PLAINFIELD ROAD OF LOT 5 OF ANDRUS ASSESSMENT PLAT, A SUBDIVISION SITUATED IN PART OF THE NORTHEAST ¼ OF SECTION 5 AFORESAID, ACCORDING TO THE PLAT RECORDED APRIL 17, 1957 AS DOCUMENT 839231, IN DUPAGE COUNTY, ILLINOIS; and

Subject to the following conditions:

1. That the Conditional Use zoning relief to allow a 4-H program with a goat shall expire after one (1) year 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.
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 petitioner maintains the existing landscaping around the perimeter of the subject property.
4. That petitioner submits a 4-H Certification to the DuPage County Building and Zoning Department for the subject goat and that petitioner maintain all required setbacks for the 4-H program on the subject property.

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; LILIA ROMAN, 460 ANDRUS ROAD, DOWNERS GROVE, IL 60516; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 14th day of May, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



Development Ordinance

421 N. COUNTY FARM
ROAD
WHEATON, IL 60187
www.dupagecounty.gov

File #: DC-O-0021-24

Agenda Date: 5/7/2024

Agenda #: 12.B.

ORDINANCE

Zoning Petition ZONING-24-000020 Sanchez

WHEREAS, a public hearing was held on April 17, 2024, in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

1. Variation to reduce the front yard setback from required 30' to approximately 26.4', for a new house on existing foundation and rear addition.
2. Variation to reduce the corner side setback from required 30' to approximately 27.1', for a new house on existing foundation and rear addition, on the property hereinafter described:

LOT 11 IN BLOCK 2 IN TRI-STATE VILLAGE, A SUBDIVISION OF THAT PART LYING SOUTH OF JOLIET ROAD, OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 17, 1939, AS DOCUMENT 405534, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on April 17, 2024, does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is for a new home on existing foundation and rear addition, and that as the rehabilitation of the existing home is more than 50% of the existing house, the work to be completed is technically considered a new home on existing foundation.
 - That petitioner testified that as the proposed work is technically considered a new home on existing foundation, she would need to meet the current zoning code setbacks and that the home has existed at 26.4' from the front property line and 27.1 feet from the corner side property line since it was originally constructed.
- B. That petitioner testified that she purchased the subject property in September 2023 and that it was abandoned for at least 5 years prior to her purchase and that the inside of the home was covered in mold.
- C. That petitioner testified that the rear addition is to expand the existing kitchen and bedroom.

D. That the Zoning Hearing Officer finds that finds that petitioner has demonstrated evidence for a particular hardship, practical difficulty, and unique circumstance, as petitioner indicated that she is not demolishing the existing home and that the work to be completed is rehabbing more than 50% of the existing home and constructing a rear addition, which technically considers the work to be completed as a new home on existing foundation.

- Furthermore, that petitioner is not extending the home further into the front yard and corner side yard setback, and that the zoning relief is for the existing home setbacks, as the proposed work to be completed is technically a new home on existing foundation.

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 new house on existing foundation and rear addition 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 new house on existing foundation and rear addition will not increase in the hazard from fire or other dangers and that they will receive a building permit for all work proposed.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the new house on existing foundation and rear addition 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 new house on existing foundation and rear addition 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 demonstrated** that the new house on existing foundation and rear addition 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 the new house on existing foundation and rear addition 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 new house on existing foundation and rear addition 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-24-00020 Sanchez
ZONING REQUEST	1. Variation to reduce the front yard setback from required 30' to approximately 27.1' for a new house on existing foundation and rear addition. 2. Variation to reduce the corner side setback from required 30' to approximately 27.1', for a new house on existing foundation and rear addition.
OWNER	JASMIN SANCHEZ, 149 MEADOW COURT, WILLOWBROOK, IL 60527
ADDRESS/LOCATION	149 MEADOW COURT, WILLOWBROOK, IL 60527
PIN	09-35-112-008
TWSP./CTY. BD. DISTRICT	DOWNERS GROVE DISTRICT 3
ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	0.22 ACRES (9,583 SQ. FT.)
UTILITIES	WELL / SEWER
PUBLICATION DATE	Daily Herald: APRIL 2, 2024
PUBLIC HEARING	WEDNESDAY, APRIL 17, 2024
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	No Objections.
Stormwater:	No Objections with the concept of the petition. Additional information required at time of permit application.
Public Works:	No Objections with the concept of the petition. Additional information required at time of permit application. Applicant must have both sewer and water available to this property.
EXTERNAL:	
City of Darien:	No Objections.
Village of Willowbrook:	<i>No Comments Received.</i>
Village of Burr Ridge:	<i>No Comments Received.</i>
Downers Grove Township:	<i>No Comments Received.</i>
Township Highway:	No Objections with the concept of the petition. Additional information required at time of permit application.
Tri-State Fire Dist.:	Our office has no jurisdiction in this matter.
Sch. Dist. 62:	<i>No Comments Received.</i>
Sch. Dist. 86:	<i>No Comments Received.</i>

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

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Front Yard:	30'	APPROX. 26.4'	APPROX. 26.4'
Int. Side Yard:	7.5'	APPROX. 9.6'	APPROX. 9.6'
Corner Side Yard:	30'	APPROX. 27.1'	APPROX. 27.1'
Rear Yard:	25'	APPROX. 71'	APPROX. 71'

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	MEADOW COURT AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
East	R-4 SF RES	HOUSE	0-5 DU AC
West	SUNRISE AVENUE AND BEYOND R-4 SF RES	FIRE STATION	0-5 DU AC

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on April 17, 2024, recommends to approve the following zoning relief:

1. Variation to reduce the front yard setback from required 30' to approximately 26.4', for a new house on existing foundation and rear addition.
2. Variation to reduce the corner side setback from required 30' to approximately 27.1', for a new house on existing foundation and rear addition.

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-24-00020 Sanchez on April 17, 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

WHEREAS, the County Board Development Committee on May 7, 2024, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to approve the following zoning relief:

1. Variation to reduce the front yard setback from required 30' to approximately 26.4', for a new house on existing foundation and rear addition.
2. Variation to reduce the corner side setback from required 30' to approximately 27.1', for a new house on existing foundation and rear addition.

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-24-000020 Sanchez on April 17, 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): 6 Ayes, 0 Nays, 0 Absent

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

1. Variation to reduce the front yard setback from required 30' to approximately 26.4', for a new house on existing foundation and rear addition.
2. Variation to reduce the corner side setback from required 30' to approximately 27.1', for a new house on existing foundation and rear addition, on the property hereinafter described:

LOT 11 IN BLOCK 2 IN TRI-STATE VILLAGE, A SUBDIVISION OF THAT PART LYING SOUTH OF JOLIET ROAD, OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 17, 1939, AS DOCUMENT 405534, IN DUPAGE COUNTY, ILLINOIS; and

The Zoning Relief is 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-24-000020 Sanchez on April 17, 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.

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; JASMIN SANCHEZ, 149 MEADOW COURT, WILLOWBROOK, IL 60527; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 14th day of May, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
fax: 630-407-6702

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: May 7, 2024

RE: **ZONING-24-000020 Sanchez**
(Downers Grove/ District 3)

DuPage County Board: May 14, 2024:

Development Committee: May 7, 2024: The DuPage County Development Committee recommended to approve the following zoning relief:

1. Variation to reduce the front yard setback from required 30' to approximately 26.4', for a new house on existing foundation and rear addition.
2. Variation to reduce the corner side setback from required 30' to approximately 27.1', for a new house on existing foundation and rear addition.

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-24-000020 Sanchez** on April 17, 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): 6 Ayes, 0 Nays, 0 Absent

Zoning Hearing Officer: April 17, 2024: The Zoning Hearing Officer recommended to approve the following zoning relief:

1. Variation to reduce the front yard setback from required 30' to approximately 26.4', for a new house on existing foundation and rear addition.
2. Variation to reduce the corner side setback from required 30' to approximately 27.1', for a new house on existing foundation and rear addition.

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-24-000020 Sanchez on April 17, 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 for a new home on existing foundation and rear addition, and that as the rehabilitation of the existing home is more than 50% of the existing house, the work to be completed is technically considered a new home on existing foundation.
 - That petitioner testified that as the proposed work is technically considered a new home on existing foundation, she would need to meet the current zoning code setbacks and that the home has existed at 26.4' from the front property line and 27.1 feet from the corner side property line since it was originally constructed.
- B. That petitioner testified that she purchased the subject property in September 2023 and that it was abandoned for at least 5 years prior to her purchase and that the inside of the home was covered in mold.
- C. That petitioner testified that the rear addition is to expand the existing kitchen and bedroom.
- D. That the Zoning Hearing Officer finds that finds that petitioner has demonstrated evidence for a particular hardship, practical difficulty, and unique circumstance, as petitioner indicated that she is not demolishing the existing home and that the work to be completed is rehabbing more than 50% of the existing home and constructing a rear addition, which technically considers the work to be completed as a new home on existing foundation.
 - Furthermore, that petitioner is not extending the home further into the front yard and corner side yard setback, and that the zoning relief is for the existing home setbacks, as the proposed work to be completed is technically a new home on existing foundation.

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 new house on existing foundation and rear addition 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 new house on existing foundation and rear addition will not increase in the hazard from fire or other dangers and that they will receive a building permit for all work proposed.

 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the new house on existing foundation and rear addition 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 new house on existing foundation and rear addition 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 demonstrated** that the new house on existing foundation and rear addition 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 the new house on existing foundation and rear addition 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 new house on existing foundation and rear addition 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-24-000020 Sanchez
ZONING REQUEST	<ol style="list-style-type: none"> 1. Variation to reduce the front yard setback from required 30' to approximately 26.4', for a new house on existing foundation and rear addition. 2. Variation to reduce the corner side setback from required 30' to approximately 27.1', for a new house on existing foundation and rear addition.
OWNER	JASMIN SANCHEZ, 149 MEADOW COURT, WILLOWBROOK, IL 60527
ADDRESS/LOCATION	149 MEADOW COURT, WILLOWBROOK, IL 60527
PIN	09-35-112-008
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	0.22 ACRES (9,583 SQ. FT.)
UTILITIES	WELL / SEWER
PUBLICATION DATE	Daily Herald: APRIL 2, 2024
PUBLIC HEARING	WEDNESDAY, APRIL 17, 2024
ADDITIONAL INFORMATION:	
Building:	No Objections.
DUDOT:	Our office has no jurisdiction in this matter.
Health:	No Objections.
Stormwater:	No Objections with the concept of the petition. Additional information required at time of permit application.
Public Works:	No Objections with the concept of the petition. Additional information required at time of permit application. "We have both sewer and water available to this property."
EXTERNAL:	
City of Darien:	No Objections.
Village of Willowbrook:	<i>No Comments Received.</i>
Village of Burr Ridge:	<i>No Comments Received.</i>
Downers Grove Township:	<i>No Comments Received.</i>
Township Highway:	No Objections with the concept of the petition. Additional information required at time of permit application.
Tri-State Fire Dist.:	Our office has no jurisdiction in this matter.
Sch. Dist. 62:	<i>No Comments Received.</i>
Sch. Dist. 86:	<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:	30'	APPROX. 26.4'	APPROX. 26.4'
Int. Side Yard:	7.5'	APPROX. 9.6'	APPROX. 9.6'
Corner Side Yard:	30'	APPROX. 27.1'	APPROX. 27.1'
Rear Yard:	25'	APPROX. 71'	APPROX. 71'

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	MEADOW COURT AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
East	R-4 SF RES	HOUSE	0-5 DU AC
West	SUNRISE AVENUE AND BEYOND R-4 SF RES	FIRE STATION	0-5 DU AC

