



**DUPAGE  
COUNTY**

## BUILDING & ZONING DEPARTMENT

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

### MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: April 16, 2025

RE: **ZONING-25-000008 Smiley (Addison/District 1)**

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**Development Committee: May 20, 2025:**

**Zoning Hearing Officer: April 16, 2025:** The Zoning Hearing Officer recommended to approve the following zoning relief:

1. Variation to reduce the corner side setback for a new deck from required 30 feet to approximately 10 feet.
2. Variation to reduce the corner side setback for a new front porch from required 27 feet to approximately 20 feet.

**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-25-000008 Smiley** dated April 2, 2025.
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 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 Variation to reduce the corner side setback for a new deck from required 30 feet to approximately 10 feet and a Variation to reduce the corner side setback for a new front porch from required 27 feet to approximately 20 feet.
- B. That petitioner testified that he purchased the subject property in 2023, and that the existing house was built in the 1940s, with an addition constructed in 2016.
- C. That petitioner testified that both the existing home, including the front porch and rear deck, were constructed too close to corner side property line, and that in order to replace the front porch and rear deck, the subject zoning relief is required.
- D. That petitioner testified that the existing front porch needs to be redone due to a failing porch foundation.
  - a. Additionally, that petitioner testified that he will be replacing the existing front porch with a new porch in the exact same location and size.
- E. That petitioner testified that the existing rear deck needs to be replaced and that he plans to remove the existing deck, replace the deck, and expand it to meet the pool.
- F. That petitioner testified that without a rear deck, there is no way to exit the rear of his house due to the elevation of the existing home.
- G. That petitioner testified that he has existing landscaping along the Foster Avenue corner side property line, including trees and arborvitae.
- H. That the Zoning Hearing Officer finds that petitioner has demonstrated sufficient evidence for the subject zoning relief and has demonstrated evidence for a hardship in relation to the subject property.
  - a. Petitioner demonstrated that he is replacing the front porch in the same location and size as the existing front porch, which was constructed too close to the corner side property line, and that petitioner is replacing and expanding the rear deck to meet the existing pool.
  - b. Petitioner demonstrated that the existing house, including the existing front porch and rear deck, were constructed too close to the corner side property line, and that the subject zoning relief would be required in order to replace the porch and deck.
  - c. Petitioner also demonstrated that the only way he can access the rear of the subject house is through a deck due to the elevation of the house.

### **STANDARDS FOR VARIATIONS:**

- 1. That the Zoning Board of Appeals 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; and specifically, that 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 he is replacing the existing front porch and rear deck, which were both constructed too close to

the corner side property line and do not impair an adequate supply of light and air to adjacent property.

- b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that he will obtain a building permit for the proposed new front porch and rear deck, and that both will be built pursuant to all building codes.
- c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that he is replacing the existing front porch and rear deck and that the proposed construction will be an added benefit to the surrounding area.
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that he is replacing the existing front porch and rear deck, which were both constructed too close to the corner side property line and do 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 proposed new front porch and rear deck will not increase the potential for flood damages to adjacent property.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the proposed new front porch and rear deck will not incur additional expense for flood protection, rescue, or relief.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the proposed new front porch and rear deck will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County and will be an added benefit to the surrounding area.

PETITIONER'S DEVELOPMENT FACT SHEET

<b>GENERAL ZONING CASE INFORMATION</b>			
<b>CASE #/PETITIONER</b>	<b>ZONING-25-000008 Smiley</b>		
<b>ZONING REQUEST</b>	1. Variation to reduce the corner side setback for a new deck from required 30 feet to approximately 10 feet. 2. Variation to reduce the corner side setback for a new front porch from required 27 feet to approximately 20 feet.		
<b>OWNER</b>	AUSTIN AND JENNIFER SMILEY, 514 N CEDAR AVENUE, WOOD DALE, IL 60191		
<b>ADDRESS/LOCATION</b>	514 N CEDAR AVENUE, WOOD DALE, IL 60191		
<b>PIN</b>	03-10-301-027		
<b>TWSP./CTY. BD. DIST.</b>	ADDISON	DISTRICT 1	
<b>ZONING/LUP</b>	R-3 SF RES	0-5 DU AC	
<b>AREA</b>	0.45 ACRES (19,602 SQ. FT.)		
<b>UTILITIES</b>	WATER AND SEWER		
<b>PUBLICATION DATE</b>	Daily Herald: MARCH 18, 2025		
<b>PUBLIC HEARING</b>	WEDNESDAY, APRIL 2, 2025		
<b>ADDITIONAL INFORMATION:</b>			
Building:	No Objections.		
DUDOT:	<i>No Comments Received.</i>		
Health:	Our office has no jurisdiction in this matter.		
Stormwater:	No Objection.		
Public Works:	"DPC Public Works doesn't own any sewer or water mains in the area."		
<b>EXTERNAL:</b>			
City of Wood Dale:	<i>No Comments Received.</i>		
Village of Itasca:	<i>No Comments Received.</i>		
Elk Grove Village:	<i>No Comments Received.</i>		
Village of Bensenville:	<i>No Comments Received.</i>		
Village of Addison:	Our office has no jurisdiction in this matter.		
Addison Township:	<i>No Comments Received.</i>		
Township Highway:	<i>No Comments Received.</i>		
Wood Dale Fire Dist.:	Our office has no jurisdiction in this matter.		
Sch. Dist. #7:	<i>No Comments Received.</i>		
Sch. Dist. #100:	<i>No Comments Received.</i>		
Forest Preserve:	"District staff have reviewed the information provided with the Public Notice and we have no comments."		
<b>GENERAL BULK REQUIREMENTS:</b>			
<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Corner Side Yard:	30' 27'	APPROX. 10' APPROX. 20'	APPROX. 10' APPROX. 20'

**LAND USE:**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	FOSTER AVENUE AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
South	R-3 SF RES	HOUSE	0-5 DU AC
East	CEDAR AVENUE AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
West	R-3 SF RES	HOUSE	0-5 DU AC













