



**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: DuPage County Board

FROM: DuPage County Development Committee

DATE: August 15, 2023

RE: **ZONING-23-000039 Kuczkowski (Downers Grove/District 3)**

DuPage County Board: August 22, 2023: *(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: August 15, 2023: The DuPage County Development Committee recommended to approve the following bifurcated zoning relief:

1. Variation to increase the height of a detached garage from permitted 15' to approximately 23.5'.

Development Committee VOTE (to Approve): 4 Ayes, 1 Nays, 1 Absent

2. Variation to reduce the corner side setback for a detached garage from permitted 30' to approximately 11.'

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #**ZONING-23-000039 Kuczkowski** dated July 12, 2023.

2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.

3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (to Approve): 4 Ayes, 1 Nays, 1 Absent

Zoning Hearing Officer: July 12, 2023: The Zoning Hearing Officer recommended as follows:

Variation to increase the height of a detached garage from permitted 15' to approximately 23.5'.

ZHO Recommendation to Deny

On July 12, 2023, the Hearing Officer **recommended to approve** the following request:

Variation to reduce the corner side setback for a detached garage from permitted 30' to approximately 11.'

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner's site plan made part of Zoning Petition #ZONING-23-000039 **Kuczkowski** dated July 12, 2023.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

ZHO Recommendation to Approve

FINDINGS OF FACT:

- A. That petitioner testified that he seeks the subject zoning relief to reduce the corner side setback for a detached garage from 30' to approximately 11' and to increase the height of a detached garage from permitted 15' to approximately 23.5'.
- B. That petitioner testified that he currently does not have a garage on the subject property and that the proposed detached garage would allow him to store his vehicles and household accessory equipment.
- C. That petitioner testified that due to the existing septic tank and leach field on the subject property, the only location to place the proposed detached garage is approximately 11 feet from the corner side property line.
 - a. That petitioner testified that he originally applied for a request to place the detached garage approximately 10' from the corner side property line but amended his site plan due to comments from the Health Department to reduce the width of the detached garage.
- D. That petitioner testified that he requested a variation to increase the height of a detached garage from permitted 15' to approximately 23.5' due to the architectural integrity of the subject property.
 - a. In addition, that petitioner testified that a detached garage at 15' would not architecturally flow with the existing house and dormers, and that the proposed detached garage would have the same architectural dormers as the existing house.
- E. That Hearing Officer finds that petitioner demonstrated evidence for a particular hardship and practical difficulty to reduce the corner side setback of the proposed detached garage to 11', as the only location to place the detached garage is approximately 11 feet from the corner side property line due to the existing septic tank and leach field.
- F. That the Hearing Officer finds that petitioner did not demonstrate evidence for a particular hardship or practical difficulty to increase the height of the proposed detached garage to 23.5', as the

architectural integrity of the subject property is not a justification for a particular hardship or practical difficulty for a Variation.

STANDARDS FOR VARIATIONS (HEIGHT OF PROPOSED DETACHED GARAGE):

**Per Zoning Code Section 37-1411.3*

1. That the Zoning Hearing Officer finds that petitioner **has not demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.
2. That the Zoning Hearing Officer finds that petitioner **has not demonstrated** the granting of the Variation will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** or provided evidence that a proposed 23.5' tall, detached garage will not impair an adequate supply of light and air to the adjacent properties.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated** or provided evidence that a proposed 23.5' tall, detached garage will not increase the hazard from fire or other dangers.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** or provided evidence that a proposed 23.5' tall, detached garage will not diminish the value of land and buildings throughout the County.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has not demonstrated** or provided evidence that a proposed 23.5' tall, detached garage setback will not unduly increase traffic congestion in the public streets and highways.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has not demonstrated** or provided evidence that a proposed 23.5' tall, detached garage will not increase the potential for flood damages to adjacent properties.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated** or provided evidence that a proposed 23.5' tall, detached garage will not incur additional public expense for flood protection, rescue, or relief.
 - g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has not demonstrated** or provided evidence that a proposed 23.5' tall, detached garage will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

STANDARDS FOR VARIATIONS (SETBACK OF PROPOSED DETACHED GARAGE):

**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 location of the proposed detached garage within the corner side yard setback 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 location of the proposed detached garage within the corner side yard setback will not increase the hazard from fire or other dangers.

 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the location of the proposed detached garage within the corner side yard setback will not diminish the value of land and buildings throughout the County and 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 the location of the proposed detached garage within the corner side yard setback will not unduly increase traffic congestion in the public streets and highways, as petitioner's corner side property leads to an unimproved right of way.

 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the location of the proposed detached garage within the corner side yard setback 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 location of the proposed detached garage within the corner side yard setback 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 location of the proposed detached garage within the corner side yard setback will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

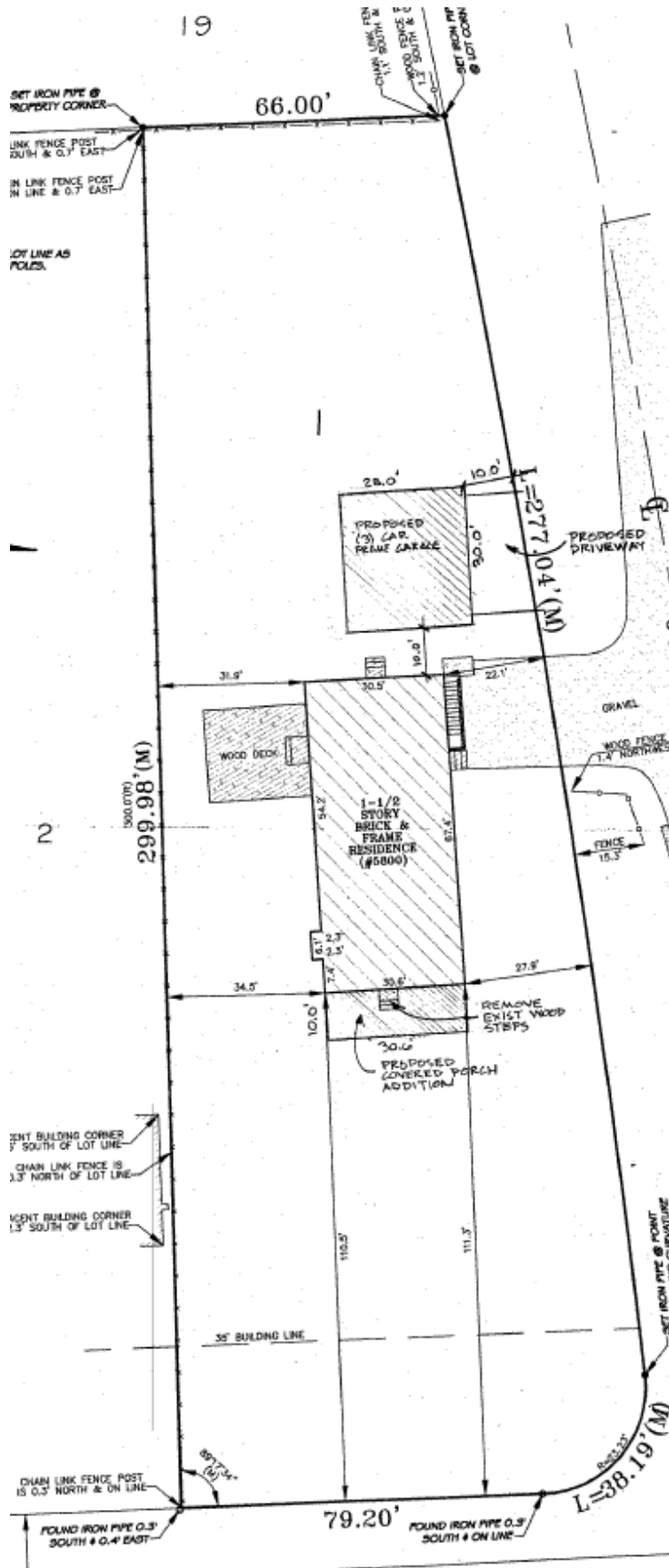
GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000039 Kuczkowski	
ZONING REQUEST	1. Variation to reduce the corner side setback for a detached garage from permitted 30' to approximately 10.' 2. Variation to increase the height of a detached garage from permitted 15' to approximately 23.5'.	
OWNER	JAMES KUCZKOWSKI, 5800 SHERMAN AVENUE, DOWNERS GROVE, IL 60516	
ADDRESS/LOCATION	5800 SHERMAN AVENUE, DOWNERS GROVE, IL 60516	
PIN	09-18-115-010	
TWSP./CTY. BD. DIST.	DOWNERS GROVE	DISTRICT 3
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.6 ACRES (26,136 SQ. FT.)	
UTILITIES	Water/ Septic	
PUBLICATION DATE	Daily Herald: June 27, 2023	
PUBLIC HEARING	Wednesday, July 12, 2023	
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 may be required at time of permit application.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Downers Grove:	Objects. (See attached documentation)	
Village of Lisle:	Our office has no jurisdiction in this matter. "Subject property is not located within the Village of Lisle's Boundary agreement."	
Village of Woodridge:	Our office has no jurisdiction in this matter.	
Downers Grove Township:	<i>No Comments Received.</i>	
Township Highway:	<i>No Comments Received.</i>	
Darien-Woodridge Fire Dist.:	<i>No Comments Received.</i>	
Sch. Dist. 58:	<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:

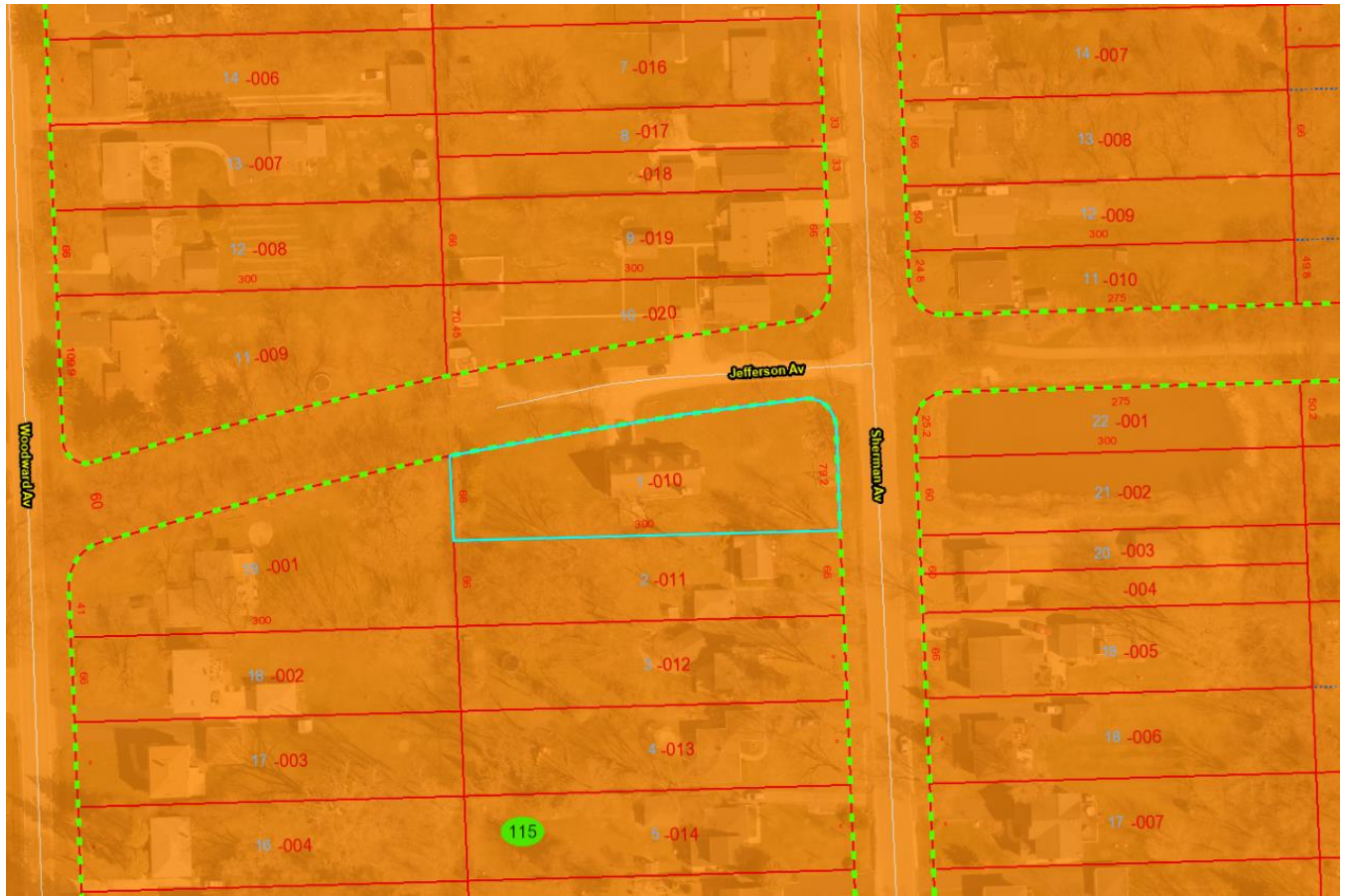
REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Corner Side Yard:	30 FT	22 FT	10 FT

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF RES	HOUSE	0-5 DU AC
North	JEFFERSON AVENUE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
South	R-4 SF RES	HOUSE	0-5 DU AC
East	SHERMAN AVENUE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
West	R-4 SF RES	HOUSE	0-5 DU AC









July 5, 2023

Jessica Infelise
DuPage County Department of Building and Zoning
421 North County Farm Road
Wheaton, IL 60187

Re: ZONING-23-000039 Kuczowski
PIN 09-18-115-010, Address 5800 Sherman Avenue

COMMUNITY RESPONSE
CENTER
630.434.CALL.(2255)

Staff has had the opportunity to review the proposed case for the property located at 5800 Sherman Avenue. The Village of Downers Grove has an opinion in this matter because of the subject property's close proximity to the municipal boundary, and location within the Village's planning area.

CIVIC CENTER
801 Burlington Avenue
Downers Grove
Illinois 60515-4782
630.434.5500
TDD 630.434.5511
FAX 630.434.5571

The site is in unincorporated DuPage County and is classified as R-4 Single Family Residence District by the County's zoning ordinance. The petitioner is proposing to construct a detached garage, which requires variations from the DuPage County Zoning Ordinance for the proposed corner side setback and height.

No summary was provided to determine the specifics of the proposed project, beyond the proposed site plan. If relief or a variance is being requested for this case, no evidence of a hardship was provided. Staff has the following comments and concerns:

1. The proposal identifies a 10 foot corner setback for the proposed garage, which would not be permitted in the Village of Downers Grove. Any new accessory structure (or addition) would need to meet the minimum street setback as required by Sec 28.2.030 of the Downers Grove Village Ordinance. In this case the subject property, upon annexation, could be rezoned to R-1 Residential Detached House 1 or R-4 Residential Detached House 4, which would respectively require a 40 foot or 25 foot setback.
2. The proposal identifies a proposed 23.5 height for the detached garage, which would not be permitted in the Village of Downers Grove. Per Sec 28.6.010(a)(6)(f.) of the Downers Grove Village Ordinance, accessory structures are permitted a maximum height of 23 feet.

FIRE DEPARTMENT
ADMINISTRATION
5420 Main Street
Downers Grove
Illinois 60515-4834
630.434.5980
FAX 630.434.5998

The Village of Downers Grove does not recommend approval of the variation requests for the proposed accessory structure. The Village of Downers Grove asks DuPage County to deny the variation request as the case for a hardship has not been proven and placement of the proposed accessory structure is not "in harmony with the general purpose and intent of the Zoning Ordinance" since the setback reduction would noticeably vary from the existing characteristics of the immediate neighborhood and zoning districts.

POLICE DEPARTMENT
825 Burlington Avenue
Downers Grove
Illinois 60515-4783
630.434.5600
FAX 630.434.5690

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Jason Zawila, AICP
Planning Manager
Community Development Department

PUBLIC WORKS
DEPARTMENT
5101 Walnut Avenue
Downers Grove
Illinois 60515-4046
630.434.5460
FAX 630.434.5495

Cc: Stan Popovich, Community Development Director

July 7, 2023

Dupage Zoning and Hearing Officer.

Re: Zoning-23-000039 Kuczkowski
Pin 09-18-115-010, Address 5800 Sherman Avenue

Dear Mr. Zawila:

I am writing in regards to the zoning letter I received dated July 5h, 2023 from the Village of Downers Grove.

Please be advised that we were granted a zoning hearing on July 12th, 2023 with the DuPage County Building and Zoning Department; our intention is to have these inquires resolved and rectified by hearing date.

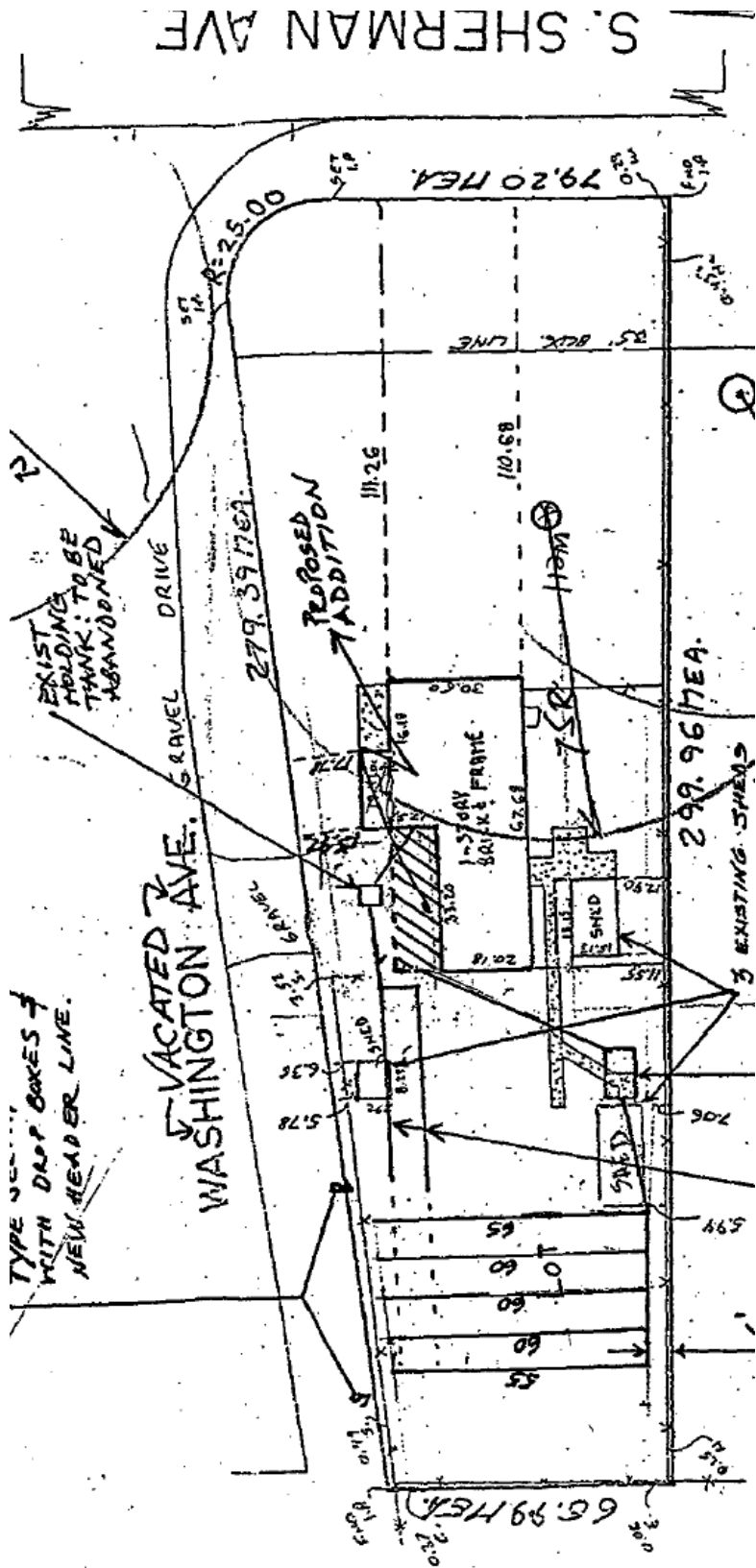
Summary of the specifics of the proposed project, beyond the proposed site plan:

1. I have attached our Plat of Survey, dated March 4th 2002, with the approved location of the existing septic tank and septic field. Due to the location of our septic tank and field, we are requesting a variation for the proposed accessory structure (detached garage) to accommodate our request. For your convenience I have also attached the current Plat of Survey and an aerial photo provided by DuPage County.
2. The variation request for a height change is because we want the new structure to be in harmony with the appearance of the existing house. I believe this information thoroughly explains the reasoning for my variation request.

Please let me know if you have any recommendation or there is anything I can do to get the variation request approved.

Thank you in advance,

James Kuckowski: 





www.downers.us

July 11, 2023

Jessica Infelise
DuPage County Department of Building and Zoning
421 North County Farm Road
Wheaton, IL 60187

Re: ZONING-23-000039 Kuczkowski (Revised Response)
PIN 09-18-115-010, Address 5800 Sherman Avenue

**COMMUNITY RESPONSE
CENTER**

630.434.CALL (2255)

Staff has had the opportunity to review the proposed case for the property located at 5800 Sherman Avenue. The Village of Downers Grove has an opinion in this matter because of the subject property's close proximity to the municipal boundary, and location within the Village's planning area.

CIVIC CENTER

801 Burlington Avenue
Downers Grove
Illinois 60515-4782
630.434.5500
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FAX 630.434.5571

The site is in unincorporated DuPage County and is classified as R-4 Single Family Residence District by the County's zoning ordinance. The petitioner is proposing to construct a detached garage, which requires variations from the DuPage County Zoning Ordinance for the proposed corner side setback and height.

No summary was provided to determine the specifics of the proposed project, beyond the proposed site plan. If relief or a variance is being requested for this case, no evidence of a hardship was provided for the accessory structure height. Staff has the following comments and concerns:

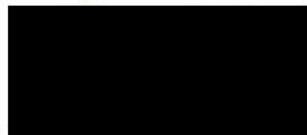
1. The proposal identifies a proposed 23.5 height for the detached garage, which would not be permitted in the Village of Downers Grove. Per Sec 28.6.010(a)(6)(f) of the Downers Grove Village Ordinance, accessory structures are permitted a maximum height of 23 feet.

**FIRE DEPARTMENT
ADMINISTRATION**

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630.434.5980
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The Village of Downers Grove does not recommend approval of the variation request for the proposed accessory structure. The Village of Downers Grove asks DuPage County to deny the variation request as the case for a hardship has not been proven and the height of the proposed accessory structure is not "in harmony with the general purpose and intent of the Zoning Ordinance" since the height would vary from the existing characteristics of the immediate neighborhood and zoning districts. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Jason Zawila, AICP
Planning Manager
Community Development Department

POLICE DEPARTMENT

825 Burlington Avenue
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Cc: Stan Popovich, Community Development Director

**PUBLIC WORKS
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