



**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 Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: August 30, 2023

RE: **ZONING-23-000053 Niemer (Downers Grove/ District 2)**

Development Committee: September 19, 2023:

Zoning Hearing Officer: August 30, 2023: The Zoning Hearing Officer recommended to deny the following zoning relief:

Variation to reduce the interior side setback for a paver patio from required 3' to approximately 0', as existing.

ZHO Recommendation to Deny

FINDINGS OF FACT:

- A. That petitioner testified that he seeks the subject zoning relief for a Variation to reduce the interior side setback for a paver patio from required 3' to approximately 0', as existing.
- B. That petitioner testified that he has lived at the subject property for approximately twenty-five (25) years.
- C. That petitioner testified that he constructed the paver patio himself and did not know the three (3) foot setback was required for paver patios.
- D. That petitioner testified that due to the subject swimming pool and deck, the only location to place a paver patio is in the subject location, on the interior side property line.
- E. That Hearing Officer finds that petitioner has not demonstrated sufficient evidence or factual underpinnings to support the proposed Variation.

- Furthermore, that in order to establish a hardship, unique circumstance or practical difficulty for the requested Variation, petitioner suggested anecdotal evidence regarding drainage and stormwater runoff.
- That the Hearing Officer does not find that testimony to be credible, and that a paver patio that meets the required three (3) foot setback would allow for proper drainage and stormwater runoff, compared to a paver patio located up to the property line, which could possibly impact drainage and stormwater runoff for adjacent properties.

F. Additionally, that the Zoning Hearing Officer finds that petitioner could slightly reduce the size of the paver patio by removing approximately three (3) feet of paver stones to meet the required interior side setback.

STANDARDS FOR VARIATIONS:

**Per Zoning Code Section 37-1411.3*

1. That the Zoning Hearing Officer finds that petitioner **has not demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County’s comprehensive plan for development.
2. That the Zoning Hearing Officer finds that petitioner **has not demonstrated** the granting of the Variation will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** or provided evidence that the existing paver patio does 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 the existing paver patio does not increase in the hazard from fire or other dangers.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** or provided evidence that the existing paver patio does 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 the existing paver patio does 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 the existing paver patio does 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 the existing paver patio does 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 the existing paver patio does not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

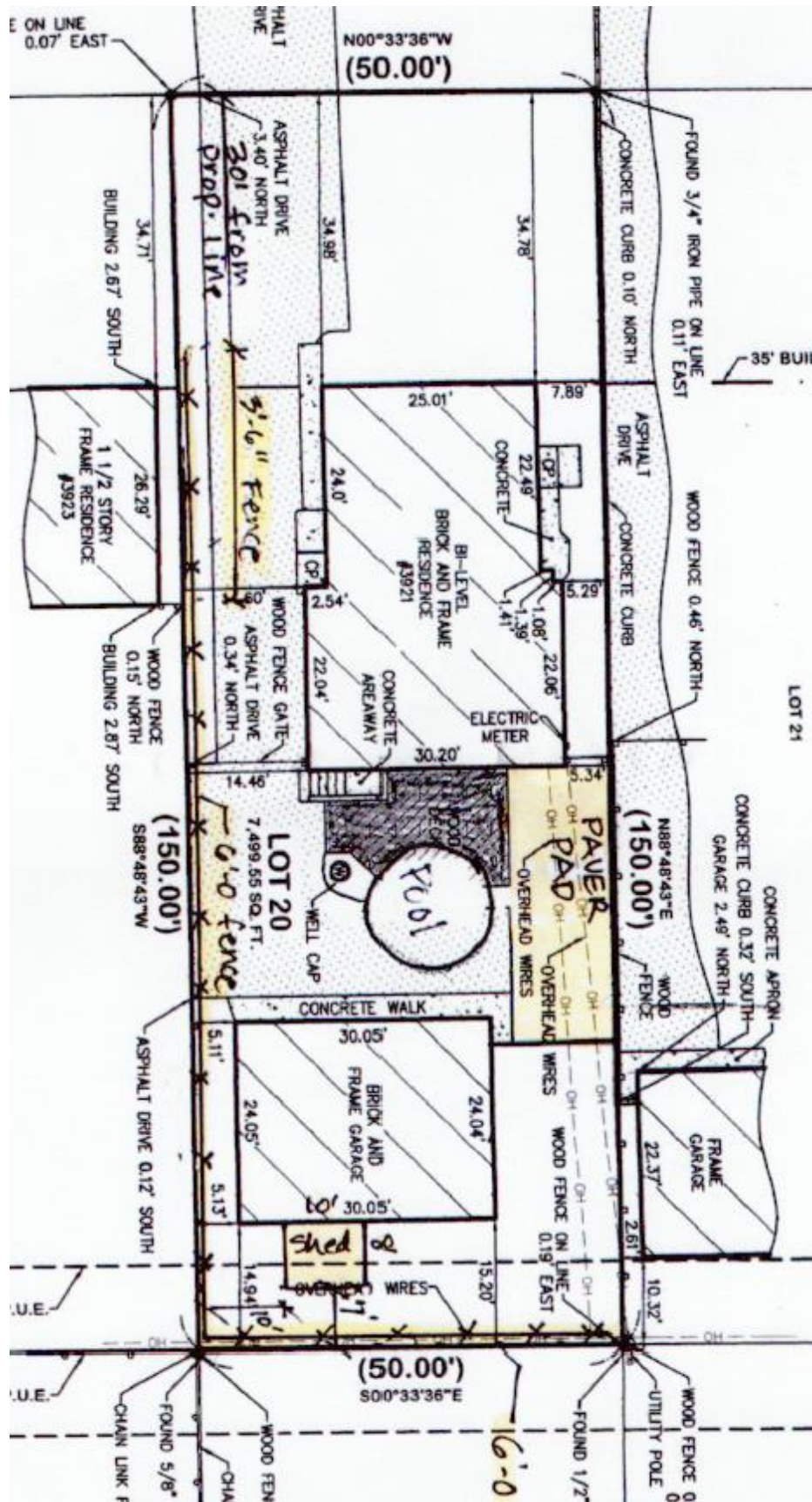
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-23-000053 Niemer
ZONING REQUEST	Variation to reduce the interior side setback for a paver patio from required 3' to approximately 0', as existing.
OWNER	RONALD AND ANNMARIE NIEMER, 3921 N. LINCOLN STREET, WESTMONT, IL 60559
ADDRESS/LOCATION	3921 N. LINCOLN STREET, WESTMONT, IL 60559
PIN	09-04-206-011
TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 2
ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	0.17 ACRES (7,405 SQ. FT.)
UTILITIES	WELL AND SEWER
PUBLICATION DATE	Daily Herald: AUGUST 15, 2023
PUBLIC HEARING	WEDNESDAY, AUGUST 30, 2023
ADDITIONAL INFORMATION:	
Building:	No Objection with the concept of the petition. Additional information may be required at time of permit application.
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.
EXTERNAL:	
Village of Westmont:	<i>No Comments Received.</i>
Village of Oak Brook:	No Objections.
Village of Hinsdale:	<i>No Comments Received.</i>
Village of Clarendon Hills:	No Objections.
Village of Downers Grove:	"The Village of Downers Grove has no comments."
Downers Grove Township:	<i>No Comments Received.</i>
Township Highway:	Our office has no jurisdiction in this matter.
Westmont Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 201:	<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 the District property, we do not have any specific comments. Thank you."

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Int. Side Yard:	3 FT	APPROX. 0 FT	APPROX. 0 FT.

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	R-4 SF RES	HOUSE	0-5 DU AC
East	VILLAGE OF WESTMONT	HOUSE	VILLAGE OF WESTMONT
West	LINCOLN STREET AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC









Civil Engineers Land Surveyors Site Planners

August 30, 2023

Members of the Building and Zoning Board of Appeals:

RE: Zoning Petition 23-000053 Niemer 3921 Lincoln Street, Westmont IL

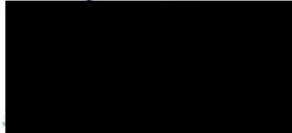
We represent the owners of 3920 Cass Avenue, Westmont, IL, JPA ENTERPRISE LLC Series A, an adjacent property to the subject address and object to the construction of work within the setback and easement adjacent to our property.

While our property, 3920 Cass Avenue, is currently vacant, we

- 1) Wish to preserve our right to utilize any easements along the common property line and
- 2) Object to the increase in impervious area within the setback as the subject property drains toward our property.

We are concerned that the work done on the subject property will create an adverse impact to our property and hereby request that you deny the petition or any part thereof that would impact our current and future property owner rights.

Sincerely,



Kevin C. Lewis, PE, PLS
President

IG Consulting, Inc.
300 Marquardt Drive
Wheeling, IL 60090

300 Marquardt Dr., Wheeling, IL 60090
847.215.1133

ig@igconsulting.net

1129 Main St., Union Grove, WI 53182
262.878.6200