



Legislation Text

File #: DC-O-0057-23, Version: 1

Zoning Petition ZONING-23-000054 Blacha

WHEREAS, a public hearing was held on August 30, 2023 and September 20, 2023 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 increase the height of an existing shed from permitted 15' to approximately 16', where it has existed for at least 5 years.
2. Conditional Use to reduce the interior side setback for an existing covered patio/gazebo from permitted 6.7' to approximately 4', where it has existed for at least 5 years.
3. Conditional Use to reduce the interior side setback for an existing spiral staircase from permitted 6.7' to approximately 4.5', where it has existed for at least 5 years, on the property hereinafter described:

LOT 18 IN BLOCK 20 IN DOWNERS GROVE GARDENS, A SUBDIVISION IN SECTION 18, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND SECTION 13, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1924, AS DOCUMENT 17390, 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 September 20, 2023, does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that the subject zoning relief is to allow an existing shed, covered patio/gazebo, and spiral staircase to remain where they have existed on the subject property for at least five (5) years.
- B. That petitioner testified that they have lived at the subject property since 2007.
- C. That petitioner testified that the subject shed was built in 2009, the covered patio/gazebo was constructed in 2018, and spiral staircase was constructed in 2017.
- D. That petitioner testified that the subject shed, covered patio/gazebo, and spiral staircase, are all in excellent condition
- E. That Hearing Officer finds that petitioner has demonstrated that subject zoning relief for the existing shed, covered patio/gazebo, and spiral staircase do not have any impact on adjacent properties and roadways, do not impact drainage, and do 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 existing shed, covered patio/gazebo, and spiral staircase 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 shed, covered patio/gazebo, and spiral staircase and that they were built pursuant to the current DuPage County building codes.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing shed, covered patio/gazebo, and spiral staircase do 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 the existing shed, covered patio/gazebo, and spiral staircase are located behind the front wall of the home and do not impact traffic 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 shed, covered patio/gazebo, and spiral staircase
 - 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 shed, covered patio/gazebo, and spiral staircase
 - g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the existing shed, covered patio/gazebo, and spiral staircase do not have any impact on adjacent properties and roadways, do not impact on drainage, and do not impede ventilation and light to the subject property or adjacent properties.

PETITIONER’S DEVELOPMENT FACT SHEET

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| GENERAL ZONING CASE INFORMATION | |
| CASE #/PETITIONER | ZONING-23-000054 Blacha |

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|---------------------------------|---|------------|
| ZONING REQUEST | 1. Conditional Use to increase the height of an existing shed from permitted 15' to approximate 16', where it has existed for at least 5 years. 2. Conditional Use to reduce the interior side setback for an existing covered patio/gazebo from permitted 6.7' to approximately 4', where it has existed for at least 5 years. 3. Conditional Use to reduce the interior side setback for an existing spiral staircase from permitted 6.7' to approximately 4.5', where it has existed for at least 5 years. | |
| OWNER | STANISLAW AND MONIKA BLACHA, 6050 SHERMAN AVENUE, DOWNERS GROVE, IL 60516 / AGENT: PAWEL OZGA, NEW SPACE ARCHITECTS, LLC., 623 MELROSE AVE, KENILWORTH, IL, 60043 | |
| ADDRESS/LOCATION | 6050 SHERMAN AVENUE, DOWNERS GROVE, IL 60516 | |
| PIN | 09-18-300-037 | |
| TWSP./CTY. BD. DIST. | DOWNERS GROVE | DISTRICT 3 |
| ZONING/LUP | R-4 SF RES | 0-5 DU AC |
| AREA | 0.45 ACRES (19,602 SQ. FT.) | |
| UTILITIES | WATER AND SEWER | |
| PUBLICATION DATE | Daily Herald: AUGUST 15, 2023 | |
| PUBLIC HEARING | WEDNESDAY, AUGUST 30, 2023; CONTINUING SEPTEMBER 20, 2023 | |
| ADDITIONAL INFORMATION: | | |
| Building: | No Objections. | |
| 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 Woodridge: | <i>No Comments Received.</i> | |
| Village of Downers Grove: | Objects. (See attached documentation) | |
| Downers Grove Township: | <i>No Comments Received.</i> | |
| Township Highway: | Our office has no jurisdiction in this matter. | |
| Darien-Woodridge Fire District: | <i>No Comments Received.</i> | |
| Sch. Dist. 58: | <i>No Comments Received.</i> | |

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| 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 subject property and the District property, we do not have any specific comments. Thank you.” |
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GENERAL BULK REQUIREMENTS:

| REQUIREMENTS: | REQUIRED | EXISTING | PROPOSED |
|----------------------|-----------------|-----------------|-----------------|
| Int. Side Yard: | 6.7’ | APPROX. 4’ | APPROX. 4’ |
| Int. Side Yard: | 6.7’ | APPROX. 4.5’ | APPROX. 4.5’ |

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 | STONEWALL AVENUE AND BEYOND R-4 SF RES | HOUSE | 0-5 DU AC |
| West | R-4 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 September 20, 2023, recommends to approve the following zoning relief:

1. Conditional Use to increase the height of an existing shed from permitted 15' to approximately 16', where it has existed for at least 5 years.
2. Conditional Use to reduce the interior side setback for an existing covered patio/gazebo from permitted 6.7' to approximately 4', where it has existed for at least 5 years.
3. Conditional Use to reduce the interior side setback for an existing spiral staircase from permitted 6.7' to approximately 4.5', where it has existed for at least 5 years.

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-23-000054 Blacha dated September 20, 2023.
2. 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 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 November 7, 2023, 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 increase the height of an existing shed from permitted 15' to approximately 16', where it has existed for at least 5 years.
2. Conditional Use to reduce the interior side setback for an existing covered patio/gazebo from permitted 6.7' to approximately 4', where it has existed for at least 5 years.
3. Conditional Use to reduce the interior side setback for an existing spiral staircase from permitted 6.7' to approximately 4.5', where it has existed for at least 5 years.

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 - 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): 5 Ayes, 0 Nays, 1 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 increase the height of an existing shed from permitted 15' to approximately 16', where it has existed for at least 5 years.
2. Conditional Use to reduce the interior side setback for an existing covered patio/gazebo from permitted 6.7' to approximately 4', where it has existed for at least 5 years.

3. Conditional Use to reduce the interior side setback for an existing spiral staircase from permitted 6.7' to approximately 4.5', where it has existed for at least 5 years, on the property hereinafter described:

LOT 18 IN BLOCK 20 IN DOWNERS GROVE GARDENS, A SUBDIVISION IN SECTION 18, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, AND SECTION 13, TOWNSHIP 38 NORTH, RANGE 10, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 7, 1924, AS DOCUMENT 17390, 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-23-000054 Blacha** dated September 20, 2023.
2. 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 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; STANISLAW AND MONIKA BLACHA, 6050 SHERMAN AVENUE, DOWNERS GROVE, IL 60516 / AGENT: PAWEL OZGA, NEW SPACE ARCHITECTS, LLC., 623 MELROSE AVE, KENILWORTH, IL, 60043; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 14th day of November, 2023 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK