



Legislation Text

File #: DC-O-0066-24, **Version:** 1

ORDINANCE

Zoning Petition ZONING-24-000072 Goin

WHEREAS, a public hearing was held on November 7, 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 increase the number of hens permitted on the subject property from 5 to 23.
2. Variation to reduce the interior side setback for an existing chicken coop and chicken run from required 25 feet to approximately 6 feet., on the property hereinafter described:

LOT 16 IN URBAN'S OAKDALE MANOR, A SUBDIVISION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 25, 1931, AS DOCUMENT 316521, 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 November 20, 2024, does find as follows:

FINDINGS OF FACT:

- A. That petitioner testified that they have requested the subject zoning relief to increase the number of hens permitted on the subject property from 5 to 23 and to reduce the interior side setback for an existing chicken coop and chicken run from required 25 feet to approximately 6 feet.
- B. That petitioner testified that she has had chickens on the subject property since 2011.
- C. That petitioner testified that the subject coop was constructed in 2011.
- D. That petitioner testified that chickens (hens) start laying eggs after 5-6 months of age and that she currently has chicks, egg-laying chickens, and older chickens in order to have a sustainable flock.
- E. That petitioner testified that she cannot feed her family with only five (5) hens and that she requires

additional chickens in order to feed her family.

- F. That at the public hearing, neighbors testified that the large number of chickens on the subject property attracts many coyotes and hawks and that they often find the remnants of deceased chickens on their adjacent property.
- G. 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 Variation for the existing chicken coop and chicken run.
- Furthermore, that the Zoning Hearing Officer finds that the location of the chicken coop and chicken run, as well as twenty-three (23) hens on the subject property, located approximately six (6) feet from the interior side property line, both impair the public health, safety, comfort, morals, and general welfare of the inhabitants of DuPage County.
- H. That the Zoning Hearing Officer finds that petitioner has not demonstrated or provided sufficient evidence to satisfy the seven (7) standards required to support a Variation or Conditional Use.

STANDARDS FOR CONDITIONAL USES AND VARIATIONS:

1. That the Zoning Hearing Officer finds that petitioner **has not demonstrated or provided sufficient evidence** that the granting of the Variation and Conditional Use are 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 or provided sufficient evidence** the granting of the Variation and Conditional Use will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated or provided sufficient evidence** that twenty-three (23) hens on the subject property and a chicken coop/run located six (6) feet from the interior side property line 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 not demonstrated or provided sufficient evidence** that twenty-three (23) hens on the subject property and a chicken coop/run located six (6) feet from the interior side property line will not increase the hazard from fire or other dangers to said property.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated or provided sufficient evidence** twenty-three (23) hens on the subject property and a chicken coop/run located six (6) feet from the interior side property line does not diminish the value of land throughout the County.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has not demonstrated or provided sufficient evidence** that twenty-three (23) hens on the subject property and a chicken coop/run located six (6) feet from the interior side property line does not 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 sufficient evidence** that twenty-three (23) hens on the subject property and a chicken coop/run located six (6) feet from the interior side property line does not increase the potential for flood damages to adjacent property.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has not demonstrated or provided sufficient evidence** that twenty-three (23) hens on the subject property and a chicken coop/run located six (6) feet from the interior side property line 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 sufficient evidence** that twenty-three (23) hens on the subject property and a chicken coop/run located six (6) feet from the interior side property line 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-24-000072 Goin
ZONING REQUEST	1. Conditional Use to increase the number of hens permitted on the subject property from 5 to 23. 2. Variation to reduce the interior side setback for an existing chicken coop and chicken run from required 25 feet to approximately 6 feet.
OWNER	MICHAEL E. GOIN, 27W140 COVE LANE, WARRENVILLE, IL 60555/ AGENT: KRISTEN GOIN, 27W140 COVE LANE, WARRENVILLE, IL 60555
ADDRESS/LOCATION	27W140 COVE LANE, WARRENVILLE, IL 60555
PIN	04-36-202-006
TWSP./CTY. BD. DIST.	WINFIELD DISTRICT 6
ZONING/LUP	R-2 SF RES 0-5 DU AC
AREA	1.07 ACRES (46,609 SQ. FT.)
UTILITIES	WELL/SEPTIC
PUBLICATION DATE	Daily Herald: OCTOBER 23, 2024
PUBLIC HEARING	THURSDAY, NOVEMBER 7, 2024
ADDITIONAL INFORMATION:	
Building:	Objects. “I have concerns with the number of chickens and proximity to the property line with the coop.”
DUDOT:	Our office has no jurisdiction in this matter.
Health:	Our office has no jurisdiction in this matter.
Stormwater:	No Objection with the concept of the petition. Additional information may be required at time of permit application.
Public Works:	“DPC PW doesn’t own any sewer or water mains in the area.”

EXTERNAL:	
City of Warrenville:	<i>No Comments Received.</i>
City of Wheaton:	<i>No Comments Received.</i>
City of Naperville:	<i>No Comments Received.</i>
Winfield Township:	<i>No Comments Received.</i>
Township Highway:	Our office has no jurisdiction in this matter.
Warrenville Fire Dist.:	No Objections.
Sch. Dist. 200:	<i>No Comments Received.</i>
Forest Preserve:	“We have do not have any comments.”

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Int. Side Yard:	25 FT	APPROX. 6 FT	APPROX. 6 FT.

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-2 SF RES	HOUSE	0-5 DU AC
North	R-2 SF RES	HOUSE	0-5 DU AC
South	COVE LANE AND BEYOND R-2 SF RES	HOUSE	0-5 DU AC
East	R-2 SF RES	HOUSE	0-5 DU AC
West	R-2 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 November 20, 2024, recommends to deny the following zoning relief:

1. Conditional Use to increase the number of hens permitted on the subject property from 5 to 23.
2. Variation to reduce the interior side setback for an existing chicken coop and chicken run from required 25 feet to approximately 6 feet.

ZHO Recommendation to Deny

WHEREAS, the County Board Development Committee on December 3, 2024, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and on a motion to approve, the motion failed relative to the following zoning relief:

1. Conditional Use to increase the number of hens permitted on the subject property from 5 to 23.

Development Committee VOTE (Motion to Approve Failed): 0 Ayes, 5 Nays, 1 Absent

2. Variation to reduce the interior side setback for an existing chicken coop and chicken run from required 25 feet to

approximately 6 feet.

Development Committee VOTE (Motion to Approve Failed): 0 Ayes, 5 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 number of hens permitted on the subject property from 5 to 23.
2. Variation to reduce the interior side setback for an existing chicken coop and chicken run from required 25 feet to approximately 6 feet., on the property hereinafter described:

LOT 16 IN URBAN'S OAKDALE MANOR, A SUBDIVISION OF THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 1, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 25, 1931, AS DOCUMENT 316521, 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; P MICHAEL E. GOIN, 27W140 COVE LANE, WARRENVILLE, IL 60555/ AGENT: KRISTEN GOIN, 27W140 COVE LANE, WARRENVILLE, IL 60555; and Township Assessor, Winfield Township, 130 Arbor Avenue, West Chicago, IL 60185.

Enacted and approved this 10th of December, 2024 at Wheaton, Illinois.

DEBORAH A. CONROY, CHAIR
DU PAGE COUNTY BOARD

Attest: _____

JEAN KACZMAREK, COUNTY CLERK