



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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www.dupageco.org/building

MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: October 11, 2023

RE: **ZONING-23-000074 Scheiwe (Downers Grove/ District 3)**

Development Committee: November 21, 2023:

Zoning Hearing Officer: October 11, 2023: The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to reduce corner side setback for a new hot tub installation from 30' to approximately 24'.

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-23-000074 Scheiwe** dated October 11, 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 the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a Variation to reduce corner side setback for a new hot tub installation from 30' to approximately 24'.
- B. That petitioner testified that he has lived at the subject property for approximately nine (9) years.

- C. That petitioner testified that he is unable to meet the 30' corner side setback for a new hot tub due to the rear patio door clearance/location, existing utilities, and mature landscaping throughout the rear yard.
 - a. As such, that petitioner requires the proposed hot tub to be located closer to the corner side property line by approximately six (6) feet to allow the proper clearance from the rear patio door and to avoid the existing utilities and mature landscaping.
- D. That petitioner testified that the corner yard is completely screen by mature arborvitae and a wooden fence, and that the proposed hot tub would not be visible from the roadway.
- E. That Hearing Officer finds that petitioner has demonstrated that a Variation to reduce corner side setback for a new hot tub installation from 30' to approximately 24' will not have any impact on adjacent properties and roadways, will not impact on drainage, and will not impede ventilation and light to the subject property or adjacent properties.
- F. Furthermore, that Hearing Officer finds that petitioner has demonstrated evidence for a practical difficulty and particular hardship in relation to the layout of the subject property, as the only location to place the proposed hot tub on the subject property without impacting the rear door to the property, existing utilities, and existing landscaping, is to the locate the hot tub approximately 24' feet from the corner side property line.

STANDARDS FOR VARIATIONS:

**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 proposed hot tub will be completely screened by existing, mature arborvitae and 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 proposed hot tub will not increase in the hazard from fire or other dangers and that he will receive a building permit for the proposed hot tub.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed hot tub will not be visible from the roadway, will not diminish the value of land and buildings throughout the County, and will be an added benefit to the neighborhood.

- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed hot tub will not unduly increase traffic congestion in the public streets and highways, and that it will not impact line-of-sight clearance for vehicles.
- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed hot tub 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 proposed hot tub 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** the proposed hot tub will be an added benefit to the neighborhood, and 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-23-000074 Scheiwe	
ZONING REQUEST	Variation to reduce corner side setback for a new hot tub installation from 30' to approximately 24'.	
OWNER	AARON SCHEIWE, 20W440 ROOKE COURT, DOWNERS GROVE, IL 60516	
ADDRESS/LOCATION	20W440 ROOKE COURT, DOWNERS GROVE, IL 60516	
PIN	10-06-105-031	
TWSP./CTY. BD. DIST.	DOWNERS GROVE	DISTRICT 3
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.29 ACRES (12,632 SQ. FT.)	
UTILITIES	WATER AND SEWER	
PUBLICATION DATE	Daily Herald: SEPTEMBER 26, 2023	
PUBLIC HEARING	WEDNESDAY, OCTOBER 11, 2023	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	Our office has no jurisdiction in this matter.	
Stormwater:	No Objections.	
Public Works:	No Objections. "We are the sanitary sewer provider."	
EXTERNAL:		
Village of Woodridge:	No Objections.	
Village of Bolingbrook:	<i>No Comments Received.</i>	
City of Darien:	No Objections.	
Downers Grove Township:	<i>No Comments Received.</i>	
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
Darien-Woodridge Fire Dist.:	<i>No Comments Received.</i>	
Sch. Dist. 66:	<i>No Comments Received.</i>	
Forest Preserve:	"The Forest Preserve District of DuPage County staff have 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
Corner Side Yard:	30'	NA	24'

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	ROOKE COURT AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
East	R-4 SF RES	HOUSE	0-5 DU AC
West	HAVENS DRIVE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC







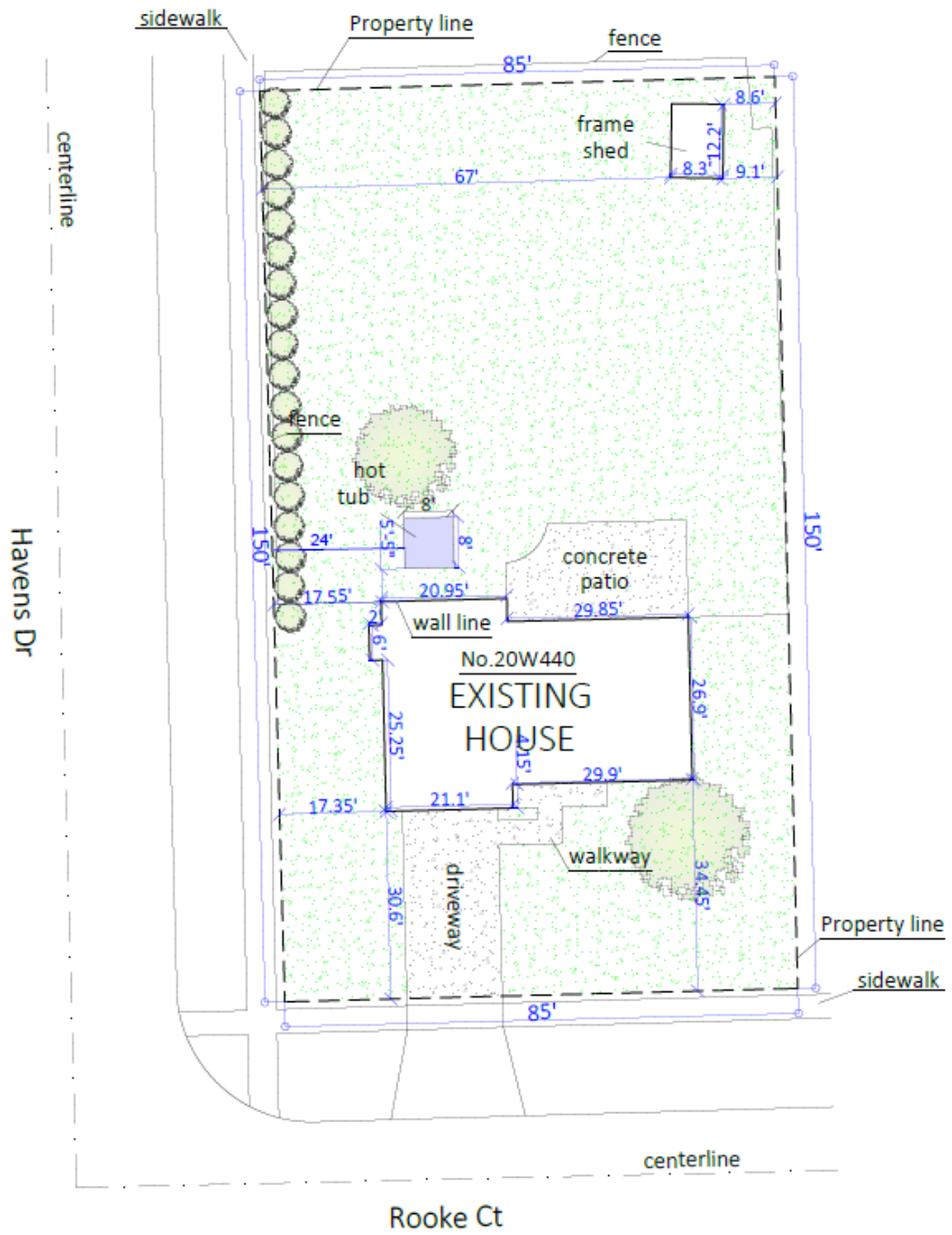


Photo facing east outside of lot (Outside of west side of lot). Shows what neighbors see into the yard.



Photo inside west side of fence facing east. Shows where hot tub will be placed.



Photo facing west where Hot Tub will be placed.

