



**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: September 19, 2023

RE: **ZONING-23-000055 Matthews (Winfield/District 6)**

DuPage County Board: September 26, 2023: *(If the County Board seeks to approve the zoning relief it will require a 3/4 majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)*

Development Committee: September 19, 2023: The DuPage County Development Committee recommended the following bifurcated zoning relief:

1. Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback
2. Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback.

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-23-000055 Matthews** dated August 30, 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, 0 Nays, 2 Absent

The DuPage County Development Committee recommended as follows:

3. Variation to increase the height of a fence within the required 25' line of sight/ vision clearance on a corner from 3' to approximately 6'.

Development Committee VOTE (Motion to Approve Failed): 0 Ayes, 4 Nays, 2 Absent

Zoning Hearing Officer: August 30, 2023: The Zoning Hearing Officer **recommended as follows:**

On August 30, 2023, the Hearing Officer **recommended to approve** the following request:

1. Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback
2. Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback.

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-23-00055 Matthews** dated August 30, 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

On August 30, 2023, the Hearing Officer **recommended to deny** the following request:

3. Variation to increase the height of a fence within the required 25' line of sight/ vision clearance on a corner from 3' to approximately 6'.

ZHO Recommendation to Deny

FINDINGS OF FACT:

- A. That petitioner testified that he seeks the subject zoning relief to replace his existing fence with a 6'/100% closed privacy fence within the corner side yard setback, that extends into the front yard and line-of-sight/vision clearance on a corner.
- B. That petitioner testified that due to increased traffic from a new residential development to the north on Purnell Road, he requires the subject fence to protect his property and family from vehicular traffic and noise.
 - a. Furthermore, that petitioner testified that a car has driven through his existing fence and that a fence within the corner side yard, front yard, and line-of-sign clearance acts as a blockade against vehicles hitting his residence.
- C. That petitioner testified that there would be no line-of-sight issues caused by the proposed fence.
- D. That the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a particular hardship and practical difficulty for a Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback and a Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback, due to increased traffic on Purnell Road and safety issues caused by vehicles on Purnell Road.
- E. That the Zoning Hearing Officer finds that petitioner has not demonstrated evidence for a Variation to increase the height of a fence within the required 25' line of sight/ vision clearance on a corner from 3' to approximately 6', and that the Winfield Township Road District objects to the subject Variation due to line-of-sight issues that could potentially be caused by the proposed fence.

STANDARDS FOR VARIATIONS (CORNER SIDE AND FRONT YARD):

**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 privacy fence within the corner side yard and front yard 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 privacy fence within the corner side yard and front yard will not increase in the hazard from fire or other dangers and that he will receive a building permit for the proposed fence.

 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed privacy fence within the corner side yard and front yard 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 privacy fence within the corner side yard and front yard 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 demonstrated** that the proposed privacy fence within the corner side yard and front yard 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 privacy fence within the corner side yard and front yard 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 privacy fence within the corner side yard and front yard 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.

STANDARDS FOR VARIATIONS (LINE-OF-SIGHT/VISION CLEARANCE):

**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

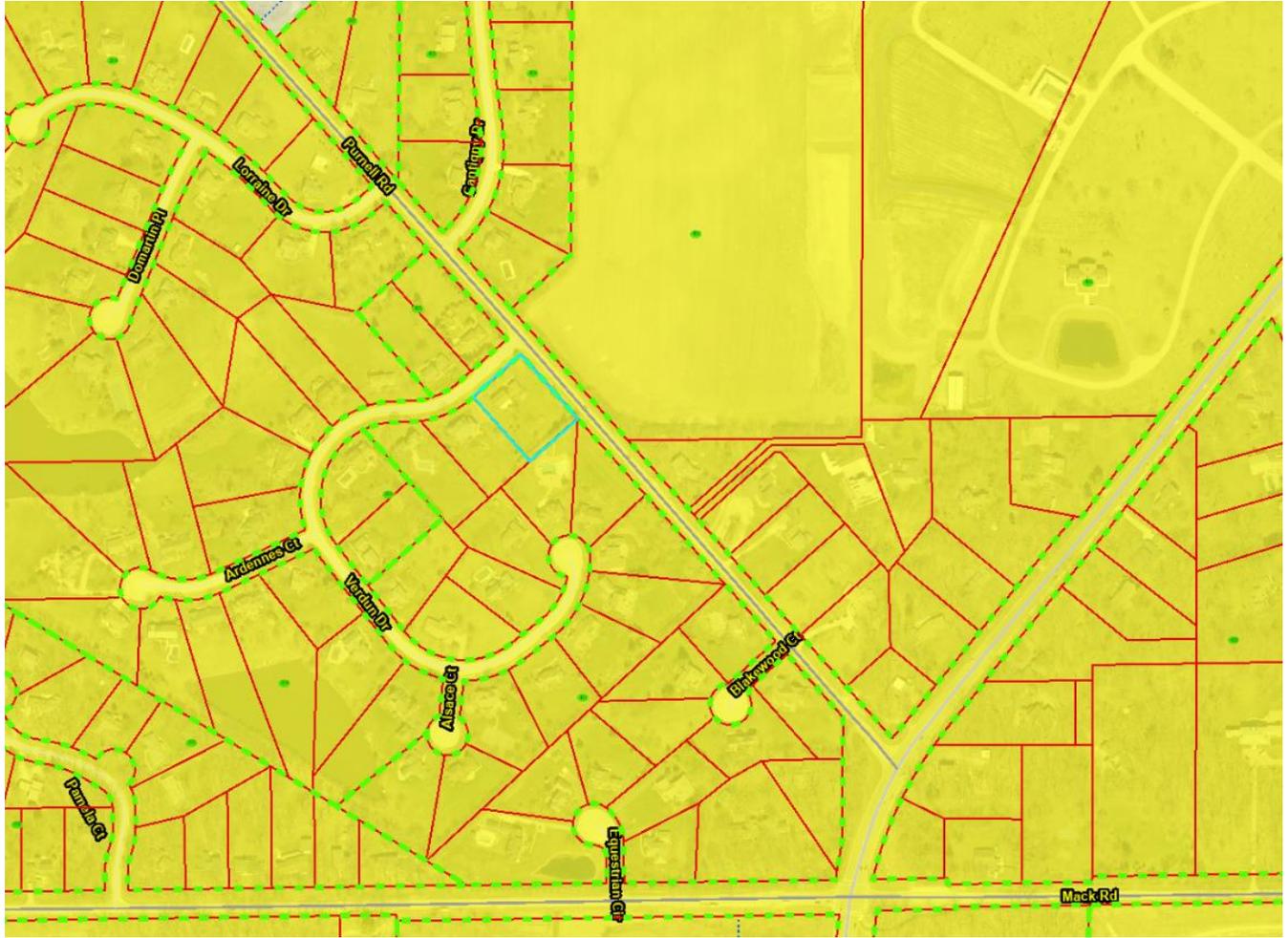
injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's comprehensive plan for development.

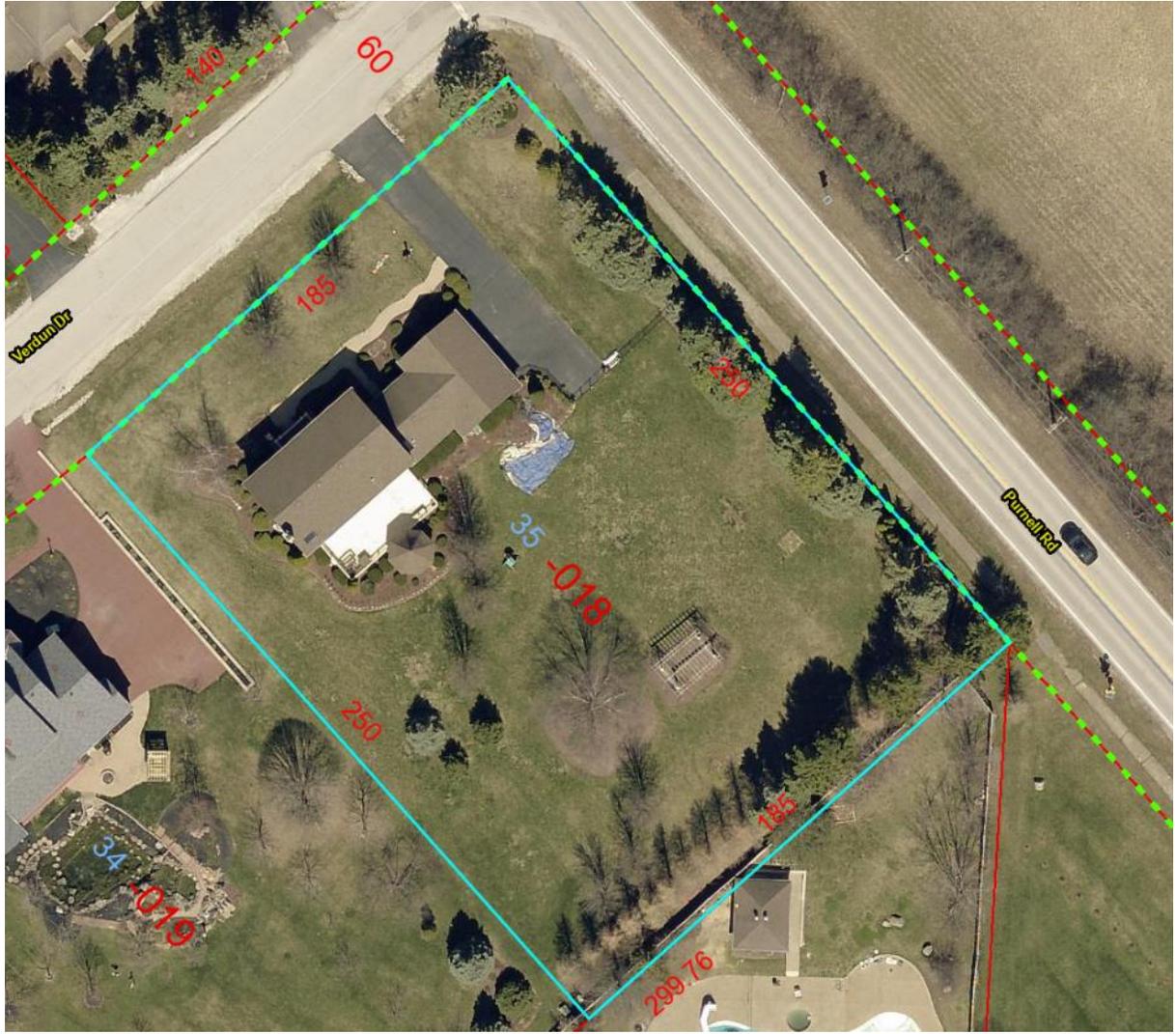
2. That the Zoning Hearing Officer finds that petitioner **has not demonstrated** the granting of the Variation will not:
 - a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** or provided evidence that the proposed privacy fence within the line-of-sign/vision clearance of a corner 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 the proposed privacy fence within the line-of-sign/vision clearance of a corner 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 the proposed privacy fence within the line-of-sign/vision clearance of a corner 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 the proposed privacy fence within the line-of-sign/vision clearance of a corner 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 the proposed privacy fence within the line-of-sign/vision clearance of a corner 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 the proposed privacy fence within the line-of-sign/vision clearance of a corner 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 the proposed privacy fence within the line-of-sign/vision clearance of a corner will not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-2 SF RES	HOUSE	0-5 DU AC
North	VERDUN DRIVE AND BEYOND R-2 SF RES	HOUSE	0-5 DU AC
South	R-2 SF RES	HOUSE	0-5 DU AC
East	PURNELL ROAD AND BEYOND R-2 SF RES	PLACE OF ASSEMBLY	0-5 DU AC
West	R-2 SF RES	HOUSE	0-5 DU AC









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DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-23-000055 Matthews

Please review the information herein and return with your comments to:
Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm
Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupageco.org or via facsimile
at 630-407-6702 by **August 29, 2023**.

Building
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Zoning &
Planning Division

Environmental
Division

COMMENT SECTION:	
: OUR OFFICE HAS NO JURISDICTION IN THIS MATTER	
: NO OBJECTION/CONCERNS WITH THE PETITION	
: NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION. ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION	
<input checked="" type="checkbox"/> : I OBJECT/ HAVE CONCERNS WITH THE PETITION.	
COMMENTS:	
SIGNATURE	DATE: 8-17-23
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:	

GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-23-000055 Matthews
ZONING REQUEST	1. Variation to allow a 6'/100% closed (privacy) fence within the 10' corner side yard setback 2. Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback. 3. Variation to increase the height of a fence within the required 25' line of sight/ vision clearance on a corner from 3' to approximately 6'.
OWNER	KEITH AND RITA MATTHEWS, 1S551 VERDUN DRIVE, WINFIELD, IL 60190-1746
ADDRESS/LOCATION	1S551 VERDUN DRIVE, WINFIELD, IL 60190-1746
PIN	04-23-401-018
TWSP./CTY. BD. DIST.	WINFIELD DISTRICT 6
ZONING/LUP	R-2 SF RES 0-5 DU AC
AREA	1.05 ACRES (45,738 SQ. FT.)
UTILITIES	WELL AND SEPTIC
PUBLICATION DATE	Daily Herald: AUGUST 15, 2023
PUBLIC HEARING	WEDNESDAY, AUGUST 30, 2023

PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.

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Sent: Monday, July 31, 2023 3:23 PM

To: Road District <Road@WinfieldTownship.com>

Cc: Kevin VanDeWoestyne <kevinv@thomas-engineering.com>

Subject: RE: DuPage County Zoning Notification - ZONING-23-000046 Matthews

Good afternoon Nicole,

Using Google Earth images and following the provisions of Chapter 28 "Sight Distance", Section 28-3.03 – CASE B "Intersection with Stop Control on the Minor Road" of IDOT's Bureau of Local Roads and Streets (BLRS) Manual for 35 MPH and an ISD of 390 feet, it appears that an extension of the current 6' fence will not impede the line of sight of a car approaching from the south when stopped at the existing stop bar. However, the Plat of Survey included with the application clearly shows an existing 25' Line of Sight Easement which the proposed new 6' fence would be located within. I strongly suggest that the Road District NOT ALLOW the proposed new 6' fence to be installed within the existing 25' Line of Sight Easement. I recommend requiring the petitioner to revise its request to show the proposed 6' fence being installed on private property out of the existing 25' Line of Sight Easement before granting support of the zoning variance.

Thanks,

robert e. flatter, p.e.

senior project manager

thomas engineering group, llc

main: 855.533.1700 | mobile: 630.768.8877

oak brook | oak park | aurora



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