



**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: January 16, 2024

RE: **ZONING-23-000077 Messieha (Milton/ District 4)**

DuPage County Board: January 23, 2024:

Development Committee: January 16, 2024: The Motion to Approve failed relative to the following zoning relief:

Conditional Use to reduce the rear yard setback for an existing shed from required 3' to approximately 0.6', where it has existed for at least 5 years.

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

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

Conditional Use to reduce the rear yard setback for an existing shed from required 3' to approximately 0.6', where it has existed for at least 5 years.

ZHO Recommendation to Deny

FINDINGS OF FACT:

A. That petitioner testified that the subject zoning relief is for a Conditional Use to reduce the rear yard setback for an existing shed from required 3' to approximately 0.6', where it has existed for at least 5 years.

B. That petitioner testified that they have lived at the subject property for approximately twenty-four (24) years.

- C. That the adjacent neighbor to the north testified at the public hearing that there was a shed on the subject property that was torn down in 2021, replaced with a new shed, and that the existing shed is not five (5) years old.
 - a. Furthermore, that following the neighbor's testimony, petitioner confirmed and testified that they tore down the prior shed in 2021 and replaced with a new shed, approximately 0.6' from the rear property line which was where the previous shed was located.
- D. As such, that the Zoning Hearing Officer finds that petitioner has not demonstrated evidence for the subject zoning relief for a Conditional Use to reduce the rear yard setback for an existing shed from required 3' to approximately 0.6', where it has existed for at least 5 years, as it was testified during the public hearing that shed was recently replaced and has not existed for at least five (5) years.
- E. Furthermore, that the Zoning Hearing Officer finds that the subject property does not qualify for the subject zoning relief for a Conditional Use to reduce the rear yard setback for an existing shed from required 3' to approximately 0.6', where it has existed for at least 5 years, as the subject shed has not existed for at least 5 years.

STANDARDS FOR CONDITIONAL USES:

- 1. That the Zoning Hearing Officer finds that petitioner **has not 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 not demonstrated** that the existing shed 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** that the existing shed does 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** that the existing shed 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** that the existing shed does not impact traffic in the public streets and highways.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has not demonstrated** that the existing shed 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** that the existing shed does not incur addition 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** that the existing shed 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-23-000077 Messieha | |
| ZONING REQUEST | Conditional Use to reduce the rear yard setback for an existing shed from required 3’ to approximately 0.6’, where it has existed for at least 5 years. | |
| OWNER | ZAKARIA AND NAHED MESSIEHA, 21W744 HUNTINGTON ROAD, GLEN ELLYN, IL 60137 | |
| ADDRESS/LOCATION | 21W744 HUNTINGTON ROAD, GLEN ELLYN, IL 60137 | |
| PIN | 05-25-103-039 | |
| TWSP./CTY. BD. DIST. | MILTON | DISTRICT 4 |
| ZONING/LUP | R-4 SF RES | 0-5 DU AC |
| AREA | 0.31 ACRES (13,504 SQ. FT.) | |
| UTILITIES | WATER AND SEWER | |
| PUBLICATION DATE | Daily Herald: SEPTEMBER 26, 2023 | |
| PUBLIC HEARING | WEDNESDAY, OCTOBER 11, 2023 | |
| <u>ADDITIONAL INFORMATION:</u> | | |
| 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: | Our office has no jurisdiction in this matter. | |
| EXTERNAL: | | |
| Village of Glen Ellyn: | <i>No Comments Received.</i> | |
| City of Wheaton | <i>No Comments Received.</i> | |
| Village of Lombard: | “The Village is in receipt of the public hearing notice. The subject is located outside of the Village’s planning jurisdiction and as such, the Village of Lombard does not have any comments on the petition.” | |
| Village of Downers Grove: | “The Village of Downers Grove has no comments.” | |

| | |
|------------------------|---|
| Milton 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. |
| Glen Ellyn Fire Dist.: | <i>No Comments Received.</i> |
| Sch. Dist. 89: | <i>No Comments Received.</i> |
| Forest Preserve: | |

GENERAL BULK REQUIREMENTS:

| REQUIREMENTS: | REQUIRED | EXISTING | PROPOSED |
|----------------------|-----------------|-----------------|-----------------|
| Rear Yard: | 3' | 0.6' | 0.6' |

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 | HUNTINGTON ROAD AND BEYOND R-4 SF RES | HOUSE | 0-5 DU AC |
| East | HUNTINGTON COURT AND BEYOND R-4 SF RES | HOUSE | 0-5 DU AC |
| West | R-4 SF RES | HOUSE | 0-5 DU AC |







