



**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-23-000045 Biegun (Downers Grove/ District 3)**

DuPage County Board: September 26, 2023:

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

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-23-000045 Biegun** dated August 23, 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

Zoning Hearing Officer: August 23, 2023: The Zoning Hearing Officer recommended to approve the following zoning relief:

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-23-000045 Biegun dated August 23, 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 allow a 6'/100% closed (privacy) fence within the 30' front yard setback.
- B. That petitioner testified that the fence is existing and that it was installed prior to when he purchased the subject property.
- C. That petitioner testified that he requires a 6'/100% closed privacy fence within the 30' front yard setback due to increased noise and vehicle traffic on Lemont Road.
 - a. Furthermore, that petitioner testified that his property is lower in elevation/grade compared to Lemont Road and that the fence does not impair the line-of-sight on Lemont Road or neighboring streets and properties.
- D. That Hearing Officer finds that petitioner has demonstrated that a Variation to allow a 6'/100% closed (privacy) fence within the within the 30' front yard setback 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.
- E. Furthermore, that Hearing Officer finds that petitioner has demonstrated evidence for a practical difficulty and particular hardship in relation to the location of the subject property on Lemont Road, and that that the increase in noise and vehicle traffic, in addition to grade/elevation change on the subject property, required petitioner to request a Variation to allow a 6'/100% closed (privacy) fence within the within the 30' front yard setback.

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 existing privacy fence does not impair an adequate supply of light and air to the adjacent properties, as the subject property is lower in elevation compared to Lemont Road.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the existing privacy fence does not increase the hazard from fire or other dangers and that he will receive a building permit for the existing fence.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing privacy fence does not diminish the value of land and buildings throughout the County and is an added benefit to the neighborhood.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing privacy fence does not unduly increase traffic congestion in the public streets and highways, as the subject fence does not impact line-of-sight clearance for vehicles due to the subject property's lower elevation/grade change compared to Lemont Road.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the existing privacy fence does 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 existing privacy fence 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 demonstrated** the existing privacy fence is an added benefit to the neighborhood, and does not impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

PETITIONER'S DEVELOPMENT FACT SHEET

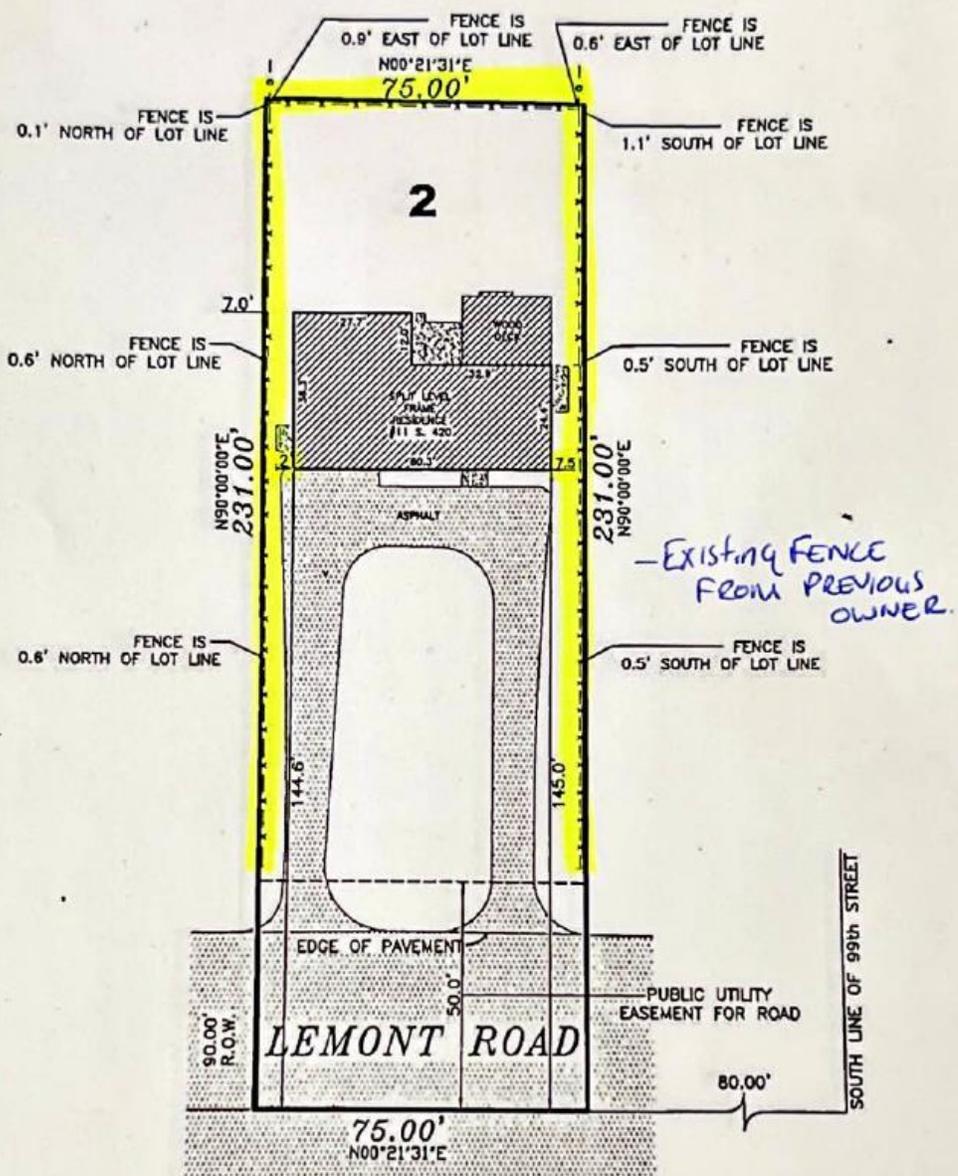
GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000045 Biegun	
ZONING REQUEST	Variation to allow a 6'/100% closed (privacy) fence within the 30' front yard setback.	
OWNER	ROBERT BIEGUN, 11S420 LEMONT ROAD, LEMONT, IL 60439-9606	
ADDRESS/LOCATION	11S420 LEMONT ROAD, LEMONT, IL 60439-9606	
PIN	10-08-302-008	
TWSP./CTY. BD. DIST.	DOWNERS GROVE	DISTRICT 3
ZONING/LUP	R-3 SF RES	0-5 DU AC
AREA	0.31 ACRES (13,504 SQ. FT.)	
UTILITIES	WELL AND SEPTIC	
PUBLICATION DATE	Daily Herald: AUGUST 1, 2023	
PUBLIC HEARING	WEDNESDAY, AUGUST 16, 2023; CONTINUED TO AUGUST 23, 2023	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	<i>No Comments Received.</i>	
Health:	No Objections.	
Stormwater:	No Objections.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Lemont:	<i>No Comments Received.</i>	
City of Darien:	No Objections.	
Village of Woodridge:	Objects.	
Downers Grove Township:	<i>No Comments Received.</i>	
Township Highway:	<i>No Comments Received.</i>	
Lemont Fire Dist.:	<i>No Comments Received.</i>	
Sch. Dist. 113:	<i>No Comments Received.</i>	
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 the subject property and District property, we do not have any specific comments. Thank you."	

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Height:	4'6"/50% OPEN	6'/100% CLOSED	6'/100% CLOSED

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	R-3 SF RES	HOUSE	0-5 DU AC
South	R-3 SF RES	HOUSE	0-5 DU AC
East	LEMONT ROAD AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
West	R-3 SF RES	HOUSE	0-5 DU AC















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DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM Zoning Petition ZONING-23-000045 Biegun

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 15, 2023**.

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	
: I OBJECT/ HAVE CONCERNS WITH THE PETITION.	
<p>COMMENTS: This property would fall in the future jurisdiction of Woodridge. We object to a privacy fence as there is no physical hardship on the property supporting the variance. There are similar properties along this stretch of road that if this is approved may ask for a similar fence. Extending the fence within the front yard reduces the ability for adjacent properties to exit their driveways onto a Lemont Road.</p>	
SIGNATURE: [REDACTED]	
8/03/23	
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: Village of Woodridge, Community Development Department	
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-23-000045 Biegun
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TWSP./CTY. BD. DIST.	DOWNERS GROVE DISTRICT 3
ZONING/LUP	R-3 SF RES 0-5 DU AC
AREA	0.31 ACRES (13,504 SQ. FT.)
UTILITIES	WELL AND SEPTIC
PUBLICATION DATE	Daily Herald: AUGUST 1, 2023
PUBLIC HEARING	WEDNESDAY, AUGUST 16, 2023

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

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