



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

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MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: February 20, 2024

RE: **ZONING-23-000097 Gaffney (Naperville/ District 5)**

DuPage County Board: February 27, 2024:

Development Committee: February 20, 2024: The DuPage County Development Committee recommended to approve the following zoning relief:

Variation to reduce the interior side setback from required 10' to approximately 5' for an aircraft hangar in Aero Estates Fly-in Community.

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-23-000097 Gaffney** dated January 10, 2024.
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 petitioner maintains the existing landscaping around the perimeter of the subject property.
4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent

Zoning Hearing Officer: January 10, 2024: The Zoning Hearing Officer recommended to approve the following zoning relief:

Variation to reduce the interior side setback from required 10' to approximately 5' for an aircraft hangar in Aero Estates Fly-in Community.

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-23-000097 Gaffney dated January 10, 2024.
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3. That petitioner maintains the existing landscaping around the perimeter of the subject property.
4. 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 petitioner testified that the subject zoning relief is to reduce the interior side setback from required 10' to approximately 5' for an aircraft hangar in Aero Estates Fly-in Community.
- B. That petitioner testified that it is common for homes in the neighborhood to have aircraft hangars and that of the ninety-nine (99) homes in the Aero Estates Fly-in Community, seventy-nine (79) have aircraft hangars.
- C. That petitioner testified that he is unable to meet the ten (10) foot interior side setback as the proposed aircraft hangar is required to be located at least ten (10) feet from the existing septic system. Furthermore, that the proposed aircraft hangar would need to be located closer to the south interior side property line due to the septic system setback.
 - a. In addition, that petitioner testified that he is also required to maintain a thirty (30) foot setback from the neighborhood's existing taxiway, which is protected for wingspan clearance.
- D. That the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a particular hardship and practical difficulty for the request zoning relief to reduce the interior side setback from required 10' to approximately 5' for an aircraft hangar in Aero Estates Fly-in Community, as petitioner is unable to meet the required interior side setback due to the existing septic system and the required taxiway setback which is protected for wingspan clearance.

STANDARDS FOR VARIATIONS:

**Per Zoning Code Section 37-1411.3*

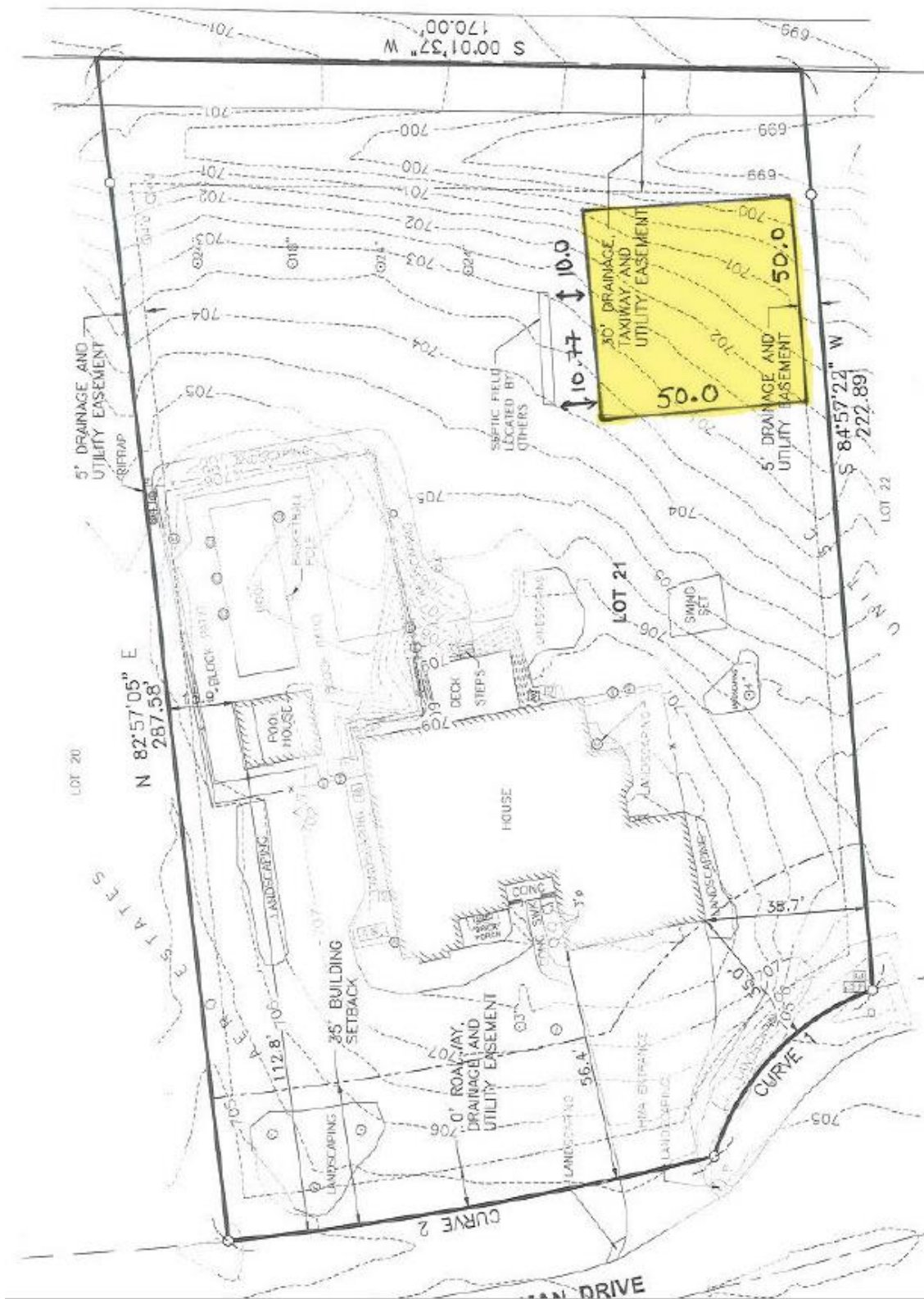
1. That the Zoning Hearing Officer finds that petitioner **has demonstrated** that the granting of the Variation is in harmony with the general purpose and intent of the Zoning Ordinance, and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the County's 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 aircraft hangar 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 aircraft hangar will not increase in the hazard from fire or other dangers and that they will receive a building permit for the proposed aircraft hangar
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed aircraft hangar will not diminish the value of land and buildings throughout the County and will be an added benefit to the neighborhood, as most properties in the Aero Estates Fly-in Community have aircraft hangars.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed aircraft hangar will not unduly increase traffic congestion in the public streets and highways, and that it will be built behind the front wall of the house and will not impact traffic.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed aircraft hangar 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 the proposed aircraft hangar 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** that the proposed aircraft hangar 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.

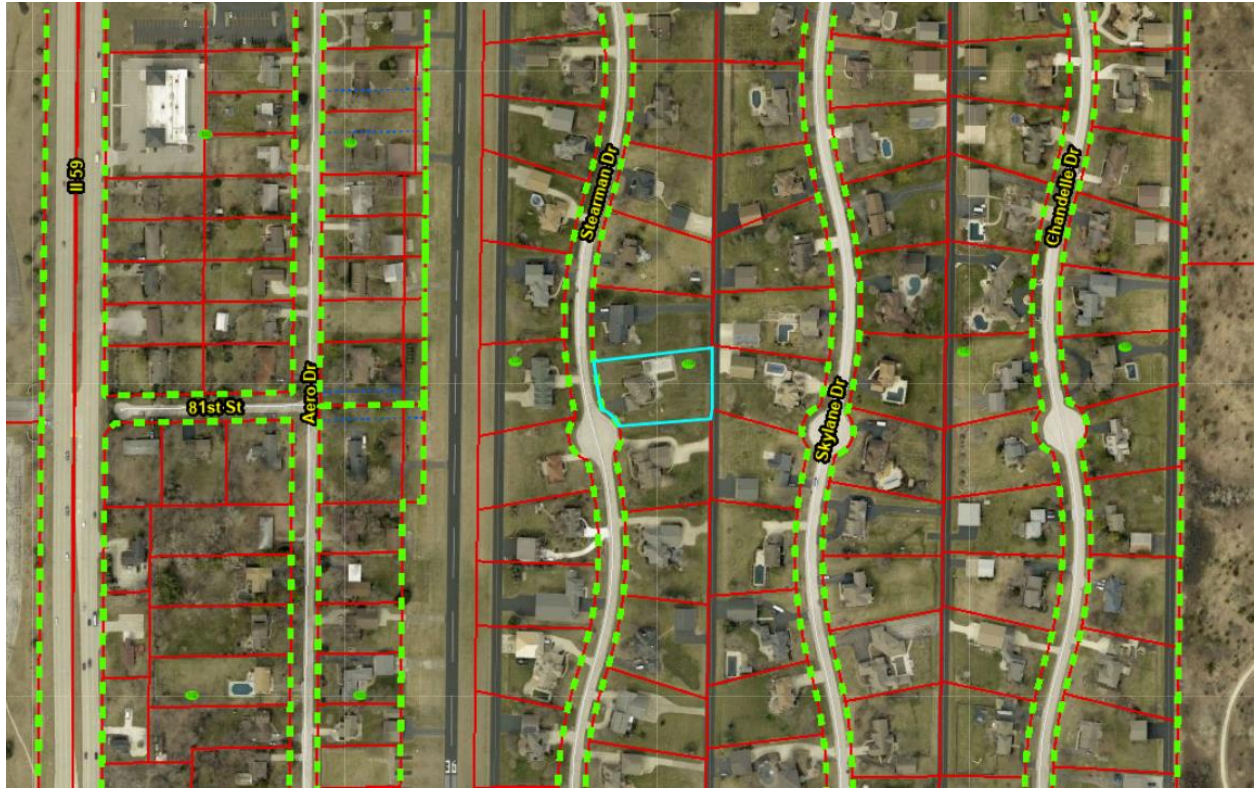
PETITIONER'S DEVELOPMENT FACT SHEET

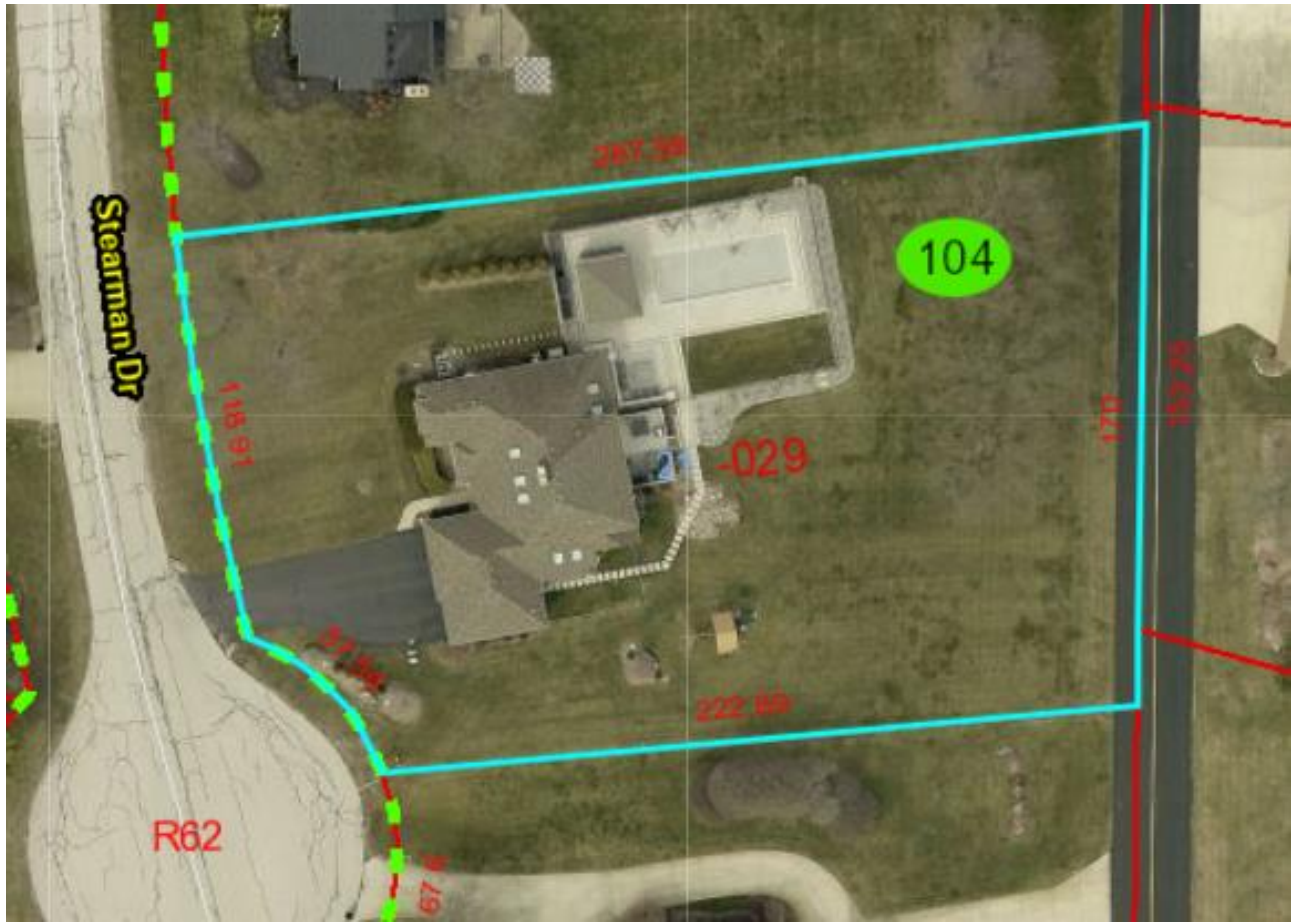
GENERAL ZONING CASE INFORMATION			
CASE #/PETITIONER	ZONING-23-000097 Gaffney		
ZONING REQUEST	Variation to reduce the interior side setback from required 10' to approximately 5' for an aircraft hangar in Aero Estates Fly-in Community.		
OWNER	BRIAN AND KIMBERLY GAFFNEY, 9S181 STEARMAN DRIVE, NAPERVILLE, IL 60564		
ADDRESS/LOCATION	9S181 STEARMAN DRIVE, NAPERVILLE, IL 60564		
PIN	07-34-104-029		
TWSP./CTY. BD. DIST.	NAPERVILLE	DISTRICT 5	
ZONING/LUP	R-2 SF RES	0-5 DU AC	
AREA	1.01 ACRES (43,996 SQ. FT.)		
UTILITIES	WELL/ SEPTIC		
PUBLICATION DATE	Daily Herald: December 26, 2023		
PUBLIC HEARING	Wednesday, January 10, 2024		
ADDITIONAL INFORMATION:			
Building:	No Objections.		
DUDOT:	Our office has no jurisdiction in this matter.		
Health:	No Objections. "Location is ok, per revision provided by licensed septic contractor."		
Stormwater:	No Objections.		
Public Works:	Our office has no jurisdiction in this matter.		
EXTERNAL:			
City of Naperville:	<i>No Comments Received.</i>		
City of Aurora:	"Aurora has no comment as this is outside of our jurisdiction and is on Naperville's side of the boundary agreement."		
Naperville Township:	<i>No Comments Received.</i>		
Township Highway:	<i>No Comments Received.</i>		
Naperville Fire Dist.:	<i>No Comments Received.</i>		
Sch. Dist. 204:	<i>No Comments Received.</i>		
Forest Preserve:	<i>No Comments Received.</i>		
GENERAL BULK REQUIREMENTS:			
REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Int. Side Yard:	10'	NA	APPROX. 5'

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	R-2 SF RES	HOUSE	0-5 DU AC
East	R-2 SF RES	HOUSE	0-5 DU AC
West	STEARMAN DRIVE AND BEYOND R-2 SF RES	HOUSE	0-5 DU AC







VARIATION: Section: 37-1411.3 Standards for Variations

A. That there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of the Zoning Ordinance.

The site of the proposed hangar is the only possible location for a hangar on the variation applicant's property. This site is sandwiched between the septic field setback, the adjacent property line setback and the rear property setback. The rear property setback is a 30' taxiway access easement and cannot be used for building purposes. Building into the 10' septic setback has been advised against in order to respect the recently improved well-functioning septic tank/field. We believe this property was developed uncharacteristically with less than the room required for a hangar of standard size in the neighborhood to be constructed. The result of these multiple setbacks severely reduces buildable area on the property. Due to the multiple encumbrances, we believe a hardship exists. The homeowner is requesting a variation of up to 5' into the 10' adjacent property line setback to the south. This will also allow for safer aircraft movement/operations for the homeowner and neighbors. The adjacent property 5' utility and drainage easement will not be encroached upon. Lack of this ability would place substantial financial and family/life burdens on the homeowner.

It is also believed precedent has been set on zoning relief in Aero Estates with the approval of (Zoning Petition 5251-06 Beinhauer) on September 19, 2006.

B. That the granting of any 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.

Aero Estates is a fly-in community that consists of 99 homes. 79 homes (79.7%) of the homes have hangars. This hangar would be extremely consistent with all others in the neighborhood and congruent to the plan for development.

C. That the granting of the Variation will not:

1. Impair an adequate supply of light and air to the adjacent property;

There will be no effect of wind or sun to adjacent property. The only shade the hangar will produce will be on variation applicant's property.

2. Increase the hazard from fire or other dangers to said property.

The variation will not change any factors related to fire.

3. Diminish the value of land and buildings throughout the County;

The addition of a hangar will raise home values in Aero Estates and DuPage County. Homes with hangars in Aero Estates have sold for an additional \$10-26 sq/ft over the last 10 years thus raising neighboring home values. (supporting document attached)

4. Unduly increase traffic congestion in the public streets and highways;

The Variation will have no effect on traffic.

5. Increase the potential for flood damages to adjacent property;

The variation will cause no increase in flood damages on adjacent properties. All drainage matters will be properly addressed and permitted.

6. Incur additional public expense for flood protection, rescue or relief; or

The variation will cause no increase in additional public expense for flood protection, rescue or relief.

7. 7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.

A hangar is in line with Aero Estates and its common theme. It would cause no change in public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County.

