



**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 Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: November 1, 2023

RE: **ZONING-23-000082 Dumitrescu (Addison/ District 1)**

Development Committee: November 21, 2023:

Zoning Hearing Officer: November 1, 2023: The Zoning Hearing Officer recommended to approve the following zoning relief:

1. Conditional Use to reduce the interior side setback for an existing shed from required 3 feet to approximately 20 inches, where it has existed for at least 5 years.
2. Conditional Use to allow a 5' fence (50% open) within the 10' corner side 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-23-000082 Dumitrescu** dated November 1, 2023.
2. That the Conditional Use zoning relief shall expire after ten (10) years from the date of approval of the subject zoning relief by the DuPage County Board or upon one of the following circumstances, whichever shall come first:
 - a. The structure or use is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration for the above ground portion of the building, structure, or use to the condition it was prior to the destruction or damage exceeds fifty percent (50%) or more of its replacement value.
 - b. The structure is voluntarily removed.
3. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation that occurs on the property.
4. That petitioner maintains the existing landscaping around the perimeter of the subject property.

5. 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 for an existing shed from required 3 feet to approximately 20 inches, where it has existed for at least 5 years and to allow a 5' fence (50% open) within the 10' corner side yard setback.
- B. That petitioner testified that she purchased the subject property approximately thirty (30) years ago and that the subject shed was existing prior to her purchasing of the property.
- C. That petitioner testified that she expanded, reroofed, and resided the shed in 2014 and that it is in excellent condition.
- D. That petitioner testified that she proposes to build a wrought iron fence (approximately 80% open) in the corner side yard, approximately 5 feet in height.
 - a. Furthermore, that petitioner testified that she requires a taller fence in order to prevent trespassers from entering her property and cutting through her backyard, as this is a frequent occurrence as Crown Road is a busy roadway during peak traffic times.
- E. That the Zoning Hearing Officer finds that petitioner has demonstrated sufficient evidence to support the requested zoning relief for an existing shed and proposed fence, as the existing shed has existed in the current state since 2014 and that petitioner requires a taller fence in order to prevent trespassers on her property due to the location of the subject property on Crown Road.

STANDARDS FOR CONDITIONAL USES:

1. That the Zoning Hearing Officer finds that petitioner **has 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 demonstrated** that the existing shed and proposed fence will 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 demonstrated** that she will receive a building permit from the County for the existing shed and proposed fence and that it will be built pursuant to the current DuPage County building codes.
 - c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing shed and proposed fence will not diminish the value of land and that the adjacent neighbors do not object to the deck.

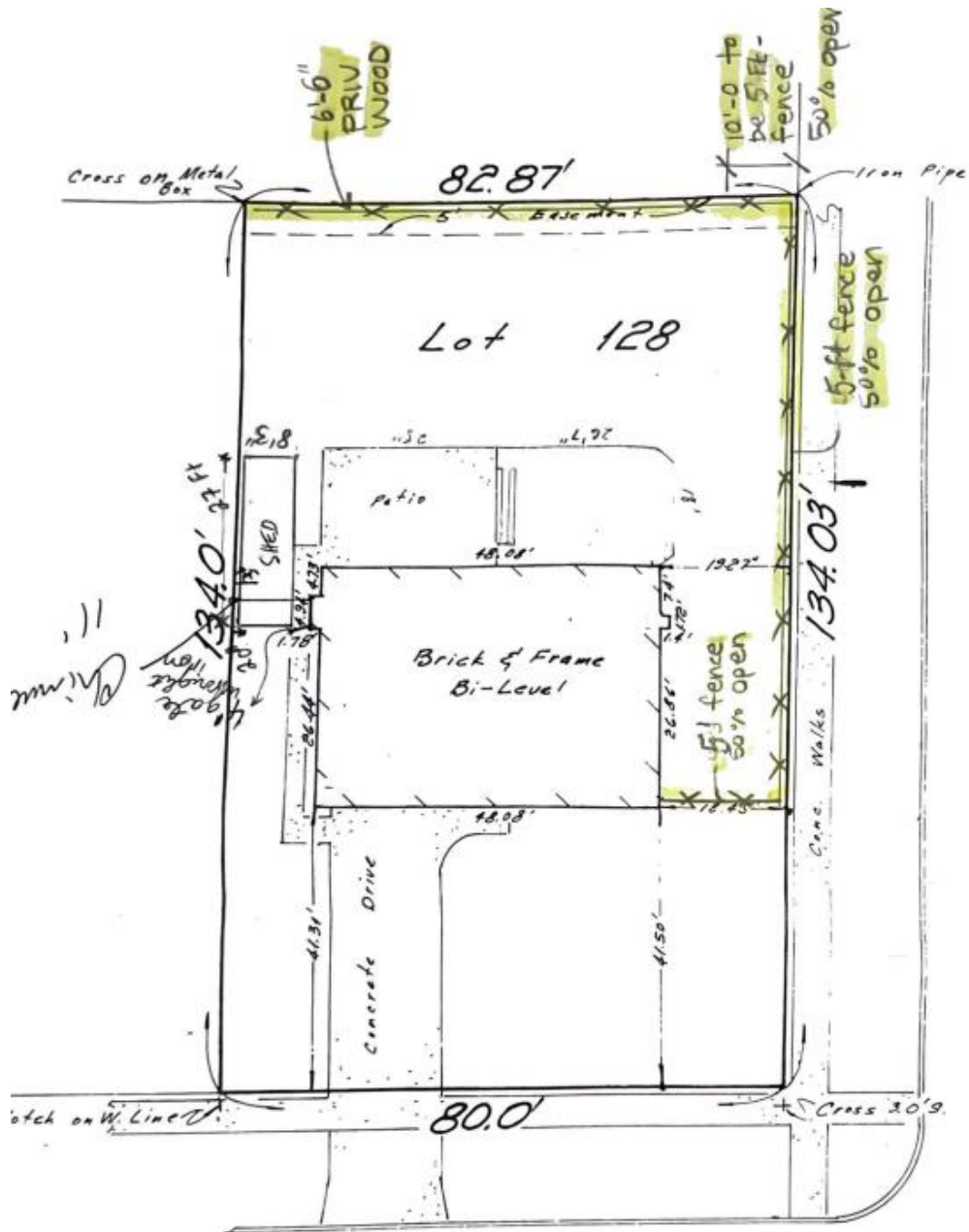
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing shed and proposed fence will be located behind the front wall of the home and will not impact traffic.
- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the existing shed and proposed fence.
- f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the County's Stormwater Department has no objections to the existing shed and proposed fence.
- g. Otherwise impair the public health, safety, comfort, morals, or general welfare of the inhabitants of DuPage County as petitioner **has demonstrated** that the existing shed and proposed fence does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the subject property or adjacent properties.

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Int. Side Yard:	3'	APPROX. 20"	APPROX. 20'

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	PATRICIA LANE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
East	CROWN ROAD AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
West	R-4 SF RES	HOUSE	0-5 DU AC



CROWN RD.



