



**DUPAGE
COUNTY**

Building
Division

Zoning &
Planning Division

Environmental
Division

BUILDING & ZONING DEPARTMENT

630-407-6700
fax: 630-407-6702

www.dupagecounty.gov/building

MEMORANDUM

TO: DuPage County Board

FROM: DuPage County Development Committee

DATE: August 20, 2024

RE: **ZONING-24-000056 McElligott (Milton/District 4)**

DuPage County Board: August 27, 2024:

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

Conditional Use to allow an existing shed to remain less than 3 feet from the interior side property line (approximately 0.2 feet), where it has existed for at least 5 years.

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-24-000056 McElligott** dated July 31, 2024.
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.

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

Zoning Hearing Officer: July 31, 2024: The Zoning Hearing Officer recommended to approve the following zoning relief:

Conditional Use to allow an existing shed to remain less than 3 feet from the interior side property line (approximately 0.2 feet), where it has existed for at least 5 years.

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-24-000056 McElligott dated July 31, 2024.
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 allow an existing shed to remain less than 3 feet from the interior side property line (approximately 0.2 feet), where it has existed for at least 5 years.

- B. That petitioner testified that he has lived at the subject property since October 2023 and that the existing shed has been on the subject property long before he purchased the home.
- C. That petitioner testified that the subject shed is used to store his lawnmower and gardening/house accessory equipment.
- D. That petitioner testified that the subject shed is made of wood with a wooden base, and that he cannot move the shed without destroying it. Furthermore, that petitioner testified that the subject shed is “locked” into its location with older trees and landscaping surrounding it.
- E. That the Zoning Hearing Officer finds that petitioner has demonstrated that the subject zoning relief to allow an existing shed to remain less than 3 feet from the interior side property line (approximately 0.2 feet), where it has existed for at least 5 years 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.

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 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 demonstrated** that they will receive a building permit from the County for the existing shed and that it was 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 does not diminish the value of land throughout the County.
 - d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the existing shed is located behind the front wall of the home and does not impact traffic congestion in the public streets and highways.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the existing shed has not increased the potential for flood damages to the adjacent property.
 - f. Incur additional public expense for flood protection, rescue or relief as petitioner **has demonstrated** that the existing shed 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** that the existing shed 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.

PETITIONER'S DEVELOPMENT FACT SHEET

CASE #/PETITIONER		ZONING-24-000056 McElligott	
ZONING REQUEST		Conditional Use to allow an existing shed to remain less than 3 feet from the interior side property line (approximately 0.2 feet), where it has existed for at least 5 years.	
OWNER		MARY C. MILLER AND JOSEPH MCELLIGOTT, 22W305 HACKBERRY DRIVE, GLEN ELLYN, IL 60137	
ADDRESS/LOCATION		22W305 HACKBERRY DRIVE, GLEN ELLYN, IL 60137	
PIN		05-35-204-002	
TWSP./CTY. BD. DIST.		MILTON	DISTRICT 4
ZONING/LUP		R-4 SF RES	0-5 DU AC
AREA		0.26 ACRES (11,325 SQ. FT.)	
UTILITIES		WATER / SEWER	
PUBLICATION DATE		Daily Herald: JULY 16, 2024	
PUBLIC HEARING		WEDNESDAY, JULY 31, 2024	
ADDITIONAL INFORMATION:			
Building:	No Objection with the concept of the petition. Additional information may be required at time of permit application. “If the shed is within ten feet (10’) of the house it will require a 1-hour drywall rating on the interior.”		
DUDOT:	Our office has no jurisdiction in this matter.		
Health:	Our office has no jurisdiction in this matter.		
Stormwater:	No Comments Received.		
Public Works:	“DPC PW doesn’t own any sewer or water in this area, they are located in the Glenbard Sanitary District and the lines are owned by Illinois American Water Company.”		
EXTERNAL:			
Village of Glen Ellyn:	No Comments Received.		
City of Wheaton:	No Comments Received.		
Village of Downers Grove:	“The Village of Downers Grove has no comments.”		
Milton Township:	No Comments Received.		
Township Highway:	No Objection with the concept of the petition. Additional information may be required at time of permit application.		
Lisle-Woodridge Fire Dist.:	“N/A”		
Sch. Dist. 89:	No Comments Received.		
Sch. Dist. 87:	No Comments Received.		
Forest Preserve:	“The Forest Preserve District of DuPage County staff have reviewed the information provided in this notice and do not have any specific comments. Thank you.”		

GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Int. Side Yard:	3'	APPROX. 0.2'	APPROX. 0.2'

LAND USE

Location	Zoning	Existing Use	LUP
Subject	R-4 SF	HOUSE	0-5 DU AC
North	HACKBERRY DRIVE AND BEYOND R-4 SF	HOUSE	0-5 DU AC
South	R-4 SF	HOUSE	0-5 DU AC
East	R-4 SF	HOUSE	0-5 DU AC
West	R-4 SF	HOUSE	0-5 DU AC







