



**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-23-000050 Juraga (Downers Grove/ District 2)**

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 increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing.

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-23-000050 Juraga** 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 increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing.

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-23-000050 **Juraga** 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 increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing.
- B. That petitioner testified that the subject 9'1" fence is only located on the north side of the subject property, alongside the attached garage.
- C. That petitioner testified that she installed the extension on top of the existing fence due to privacy and safety issues with neighboring/adjacent properties.
- D. That petitioner testified that the fence extension now holds vines and honeysuckle flowers.
- E. That petitioner testified that due to the elevation/grade change, the area the subject fence is located on is lower in elevation compared to the rest of her property and adjacent properties.
- F. That Hearing Officer finds that petitioner has demonstrated that a Variation to increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing, 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.
- G. Furthermore, that Hearing Officer finds that petitioner has demonstrated evidence for a practical difficulty and unique circumstance in relation to privacy and safety issues with adjacent properties, in addition to grade/elevation change on the subject property, which required petitioner to request a Variation to increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing.

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 9'1" 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 the rest of the subject property and surrounding area.
 - b. Increase the hazard from fire or other dangers to said property as petitioner **has demonstrated** that the existing 9'1" fence does not increase the hazard from fire or other dangers and that she 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 9'1" fence does not unduly increase traffic congestion in the public streets and highways, as it is located in the interior side setback and does not impact traffic.
 - e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the existing 9'1" 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 9'1" 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 9'1" 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

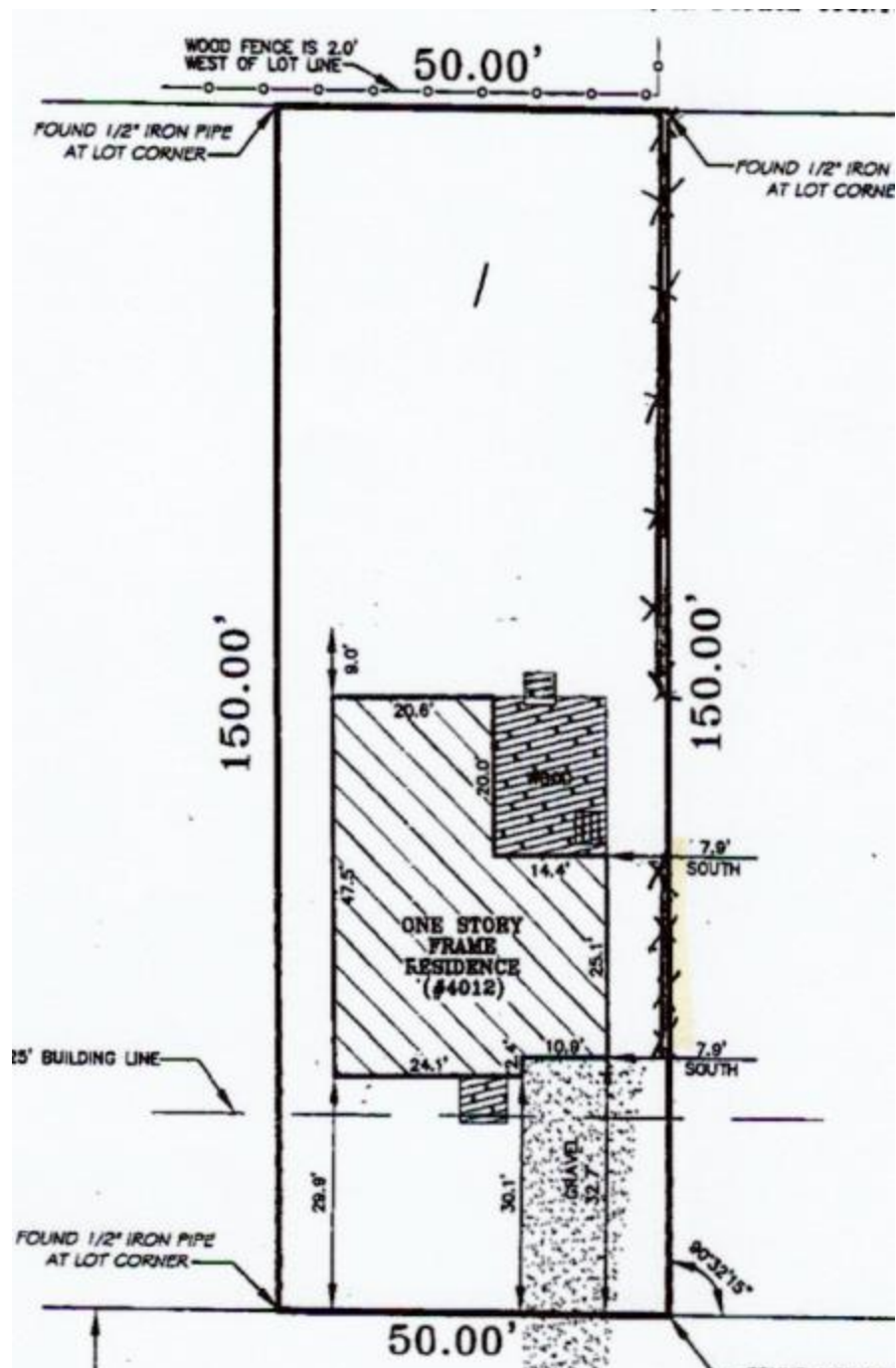
GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-23-000050 Juraga	
ZONING REQUEST	Variation to increase the height of a fence in the interior side yard from permitted 6'6" to approximately 9'1", as existing.	
OWNER	DUBRAVKA JURAGA, 4012 PARK STREET, WESTMONT, IL 60559	
ADDRESS/LOCATION	4012 PARK STREET, WESTMONT, IL 60559	
PIN	09-04-207-024	
TWSP./CTY. BD. DIST.	DOWNERS GROVE	DISTRICT 2
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.17 ACRES (7,405 SQ. FT.)	
UTILITIES	WATER AND SEWER	
PUBLICATION DATE	Daily Herald: AUGUST 1, 2023	
PUBLIC HEARING	WEDNESDAY, AUGUST 16, 2023, CONTINUED TO AUGUST 23, 2023	
ADDITIONAL INFORMATION:		
Building:	Objects.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	Our office has no jurisdiction in this matter.	
Stormwater:	Our office has no jurisdiction in this matter.	
Public Works:	Our office has no jurisdiction in this matter.	
EXTERNAL:		
Village of Downers Grove:	<i>No Comments Received.</i>	
Village of Westmont:	<i>No Comments Received.</i>	
Village of Oak Brook:	<i>No Comments Received.</i>	
Village of Clarendon Hills:	<i>No Comments Received.</i>	
Downers Grove Township:	<i>No Comments Received.</i>	
Township Highway:	No Objection with the concept of the petition. Additional information may be required at time of permit application.	
Westmont Fire Dist.:	<i>No Comments Received.</i>	
Sch. Dist. 201:	<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."	

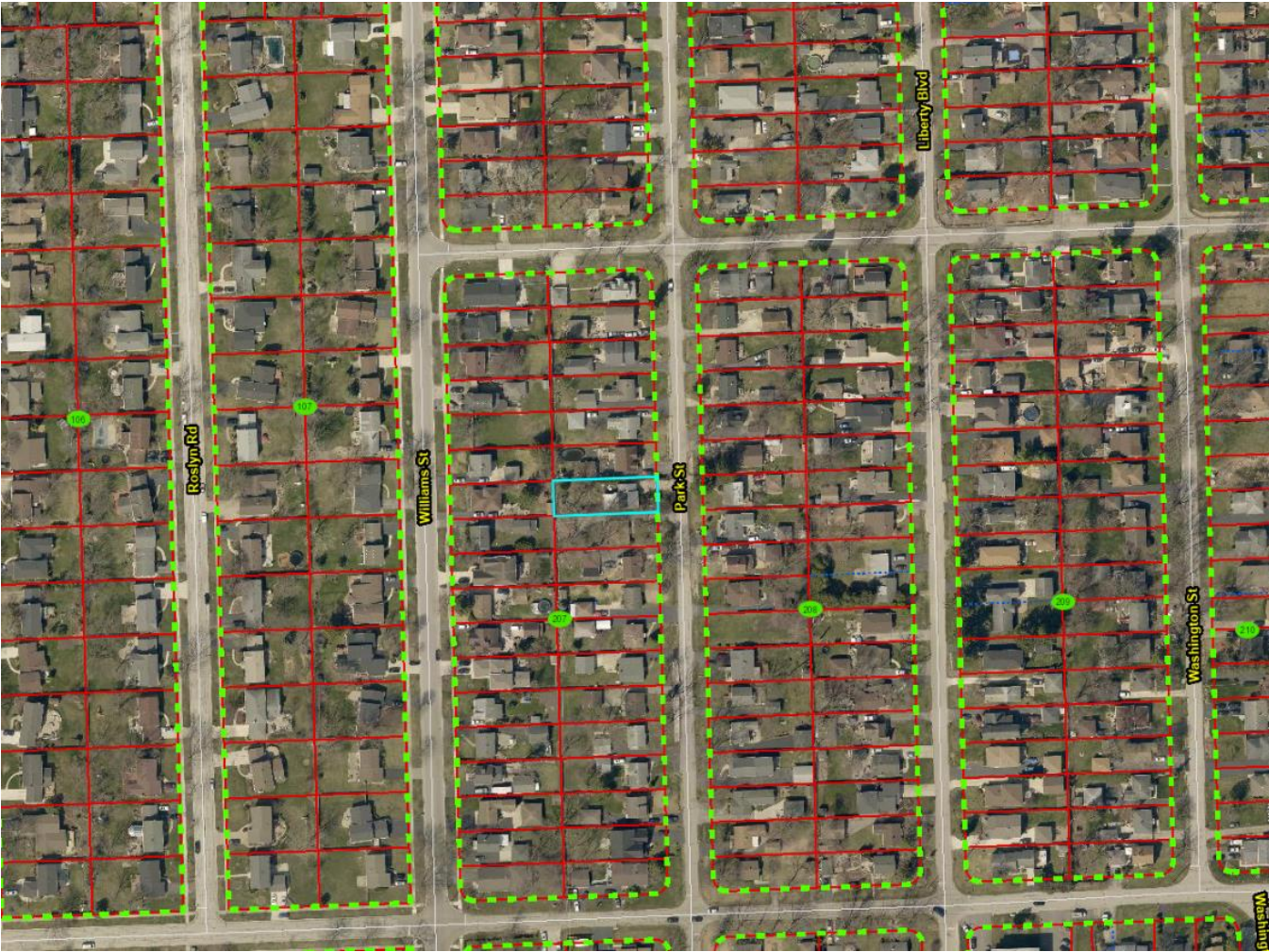
GENERAL BULK REQUIREMENTS:

REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Height:	6'6"	APPROX. 9'1"	APPROX. 9'1"

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	R-4 SF RES	HOUSE	0-5 DU AC
East	PARK BOULEVARD AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
West	VILLAGE OF DOWNERS GROVE	HOUSE	VILLAGE OF DOWNERS GROVE

























Sent: Wednesday, August 23, 2023 7:52 AM
To: paul.hoff@dupageco.org; Infelise, Jessica
Subject: Re: Safety Request for review of trees and plantings in the street easement

[Caution: This email originated outside Dupageco.org. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Sending a second time. Files too large caused not to send.

To Paul Hoff for county review

Thank you for meeting with us briefly after the hearing for Juraga 4012 N Park Street Westmont was rescheduled for Wednesday 8/23.

We had mentioned a safety concern with county easement tree and high bush plantings that do not meet county guidelines. Attached are photos for your review regarding the solid arborvitae tree line and bush that has been intentionally planted on our shared property line at 4010/4012 N Park. Park street is approximately less than 5 feet from the last tall bush and trees.

We cannot see pulling out of our driveway onto Park Street. There have been multiple near misses with pedestrians, children on bikes and other vehicles. Multiple neighbors have approached us requesting removal of this barrier that inhibits clear sight of the roadway for safety.

The plantings were done by the property owner Juraga at 4012 N Park Street and extend well into the county easement and near the street. We and other neighbors have approached the property owner without resolution of the safety concern. All other properties near our residence are well maintained without trees in the easement and have good visibility for safety.

Can the county please review and address as needed for resolution of a clear visibility of the street for safety of our neighborhood and our family.

Thank you
Dawn & Ron Johnson

4010 N Park Street
Westmont





Sent from AT&T Yahoo Mail for iPhone

Sent: Wednesday, August 23, 2023 7:48 AM
To: paul.hoff@dupage.co.org; Infelise, Jessica
Subject: Request to not approve variance - hearing Wednesday August 23 Juraga 4012 N Park St Westmont

[Caution: This email originated outside Dupageco.org. Do not click links or open attachments unless you recognize the sender and know the content is safe.]

Sending our request again. Images were too large for it to send. I removed some. Thanks.

On Tuesday, August 22, 2023, 4:06 PM, Ron & Dawn Johnson <rondawnjohnson@sbcglobal.net> wrote:

We, Dawn Johnson and Ronald Johnson at 4010 N Park Street, are requesting NO APPROVAL for the fence variance on our shared property line with Dubravka Juraga at 4012 N Park Street.

The non permitted addition to the existing permitted fence of a current total of over 9 feet has previously completely fallen on our driveway. This extension holds extensive growth from a vine planting that is extremely heavy and hangs over our driveway at 4010. This is a safety hazard for our family and our vehicles. The fallen fence was rebuilt by Juraga with added perpendicular bracing at the base of the fence. This bracing is encroaching over 1.5 feet over the property line onto our property. We never gave permission for building over the property line onto our property.

We are requesting removal of the almost 3 ft extension added to the top of the 6.5 ft fence that now totals over 9 feet tall. We are also requesting removal of the non permitted bracing that is encroaching onto our property.

We have attached photos of the fence and bracing for your reference. Due to work and illness we cannot attend in person to the rescheduled date of 4/23 at 2:30pm. We are requesting zoom meeting info invitation so we may attempt to attend remotely. If we are not in attendance please use this request as evidence on our behalf.

Can you please respond that you have received this request and photos.

Thank you

Dawn & Ronald Johnson
4010 N Park Street
Westmont





