



**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: August 1, 2023

RE: **ZONING-23-000031 Eiternick (Addison/ District 1)**

DuPage County Board: August 8, 2023:

Development Committee: August 1, 2023: The DuPage County Development Committee recommended to approve the following zoning relief:

Conditional Use to allow existing deck structure to remain less than 3 feet (approximately 1 foot) from the interior side property line, 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-23-000031 Eiternick** dated June 28, 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.

Development Committee VOTE (to Approve): 5 Ayes, 0 Nays, 1 Absent

Zoning Hearing Officer: June 28, 2023: The Zoning Hearing Officer recommended to approve the following zoning relief:

Conditional Use to allow existing deck structure to remain less than 3 feet (approximately 1 foot) from the interior side property line, 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-23-000031 Eiternick dated June 28, 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 allow existing deck structure to remain less than 3 feet (approximately 1 foot) from the interior side property line, where it has existed for at least 5 years.
- B. That petitioner testified that they have lived at the subject property since approximately 2013.
- C. That petitioner testified that the subject deck has existed prior to 2013.
- D. That petitioner testified that the subject deck is in great condition.
- E. That Hearing Officer finds that petitioner has demonstrated that subject zoning relief to allow an existing deck structure to remain less than 3 feet (approximately 1 foot) from the interior side property

line, 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 deck 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 deck 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 deck does 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 deck is located behind the front wall of the home and does 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 deck.
 - 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 deck.
 - 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 deck 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

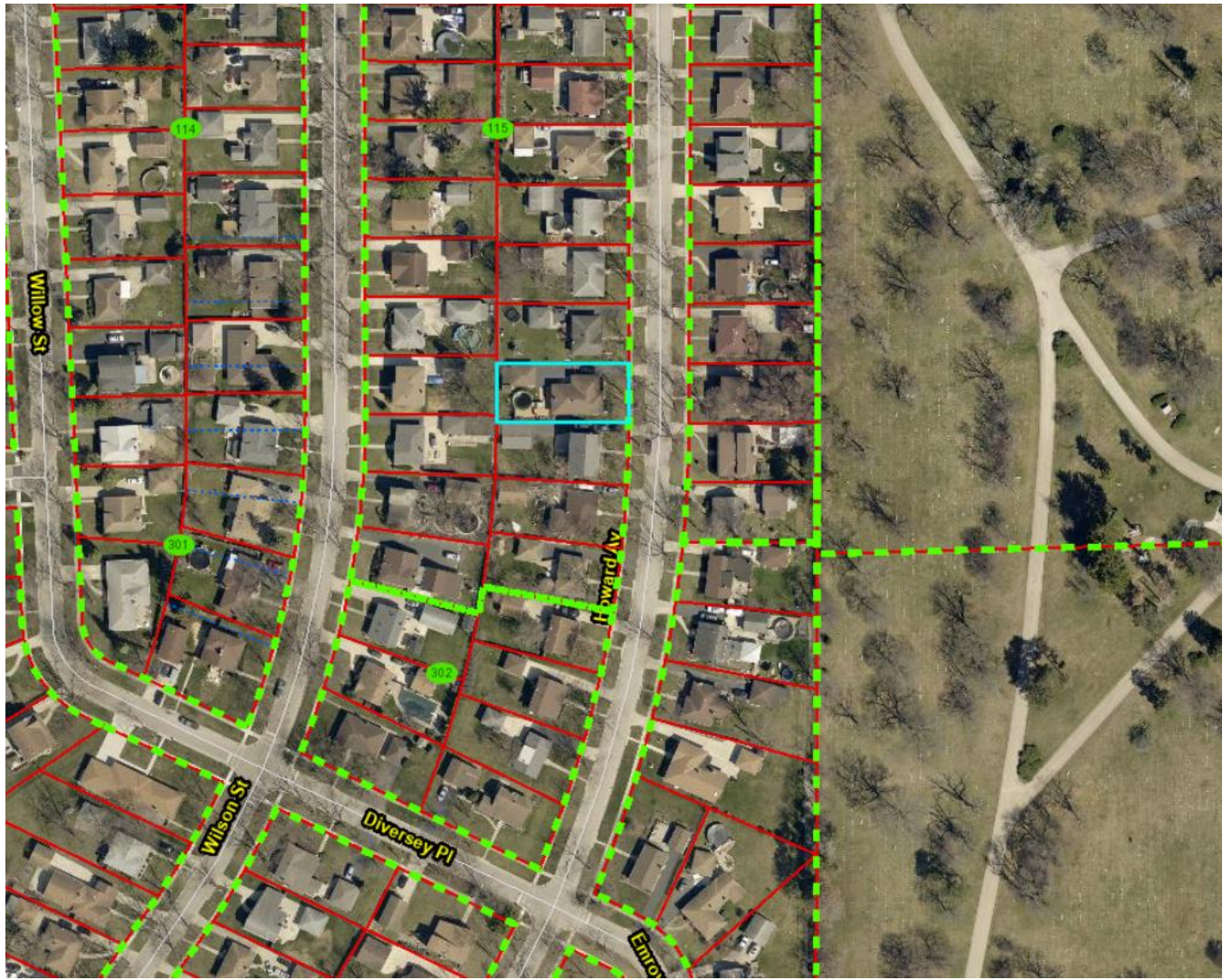
GENERAL ZONING CASE INFORMATION	
CASE #/PETITIONER	ZONING-23-000031 Eiternick
ZONING REQUEST	Conditional Use to allow existing deck structure to remain less than 3 feet (approximately 1 foot) from the interior side property line, where it has existed for at least 5 years.
OWNER	KENNETH AND TARA EITERNICK, 3N426 HOWARD STREET, ELMHURST, IL 60126
ADDRESS/LOCATION	3N426 HOWARD STREET, ELMHURST, IL 60126
PIN	03-25-115-021
TWSP./CTY. BD. DIST.	ADDISON DISTRICT 1
ZONING/LUP	R-4 SF RES 0-5 DU AC
AREA	0.21 ACRES (9,148 SQ. FT.)
UTILITIES	WATER AND SEWER
PUBLICATION DATE	Daily Herald: JUNE 13, 2023
PUBLIC HEARING	WEDNESDAY, JUNE 28, 2023
<u>ADDITIONAL INFORMATION:</u>	
Building:	No Objections.
DUDOT:	<i>No Comments Received.</i>
Health:	Our office has no jurisdiction in this matter.
Stormwater:	No Objections.
Public Works:	Our office has no jurisdiction in this matter.
<u>EXTERNAL:</u>	
City of Elmhurst:	<i>No Comments Received.</i>
Village of Bensenville:	<i>No Comments Received.</i>
Addison Township:	<i>No Comments Received.</i>
Township Highway:	<i>No Comments Received.</i>
Bensenville Fire Dist.:	<i>No Comments Received.</i>
Sch. Dist. 205:	<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
Int. Side Yard:	3 FT	APPROX. 1 FT	APPROX. 1 FT

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	HOWARD AVENUE AND BEYOND R-4 SF RES	HOUSE	0-5 DU AC
West	R-4 SF RES	HOUSE	0-5 DU AC







June 15, 2023

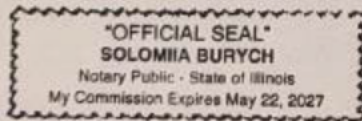
DuPage County
Attn: Zoning & Building
421 N. County Farm Rd.
Wheaton, IL 60187
Re: Case #: DuPage County - ZONING-23-000031 Eiternick

To whom it may concern:

My name is Jeffrey Krause and I am married to Cynthia Krause. We live at 3N418 N. Howard Ave., Elmhurst, 60126. We are direct neighbors to the south of Ken & Tara Eiternick, who live at 3N426 N. Howard Ave., Elmhurst 60126. We have lived here since 1994. I am writing this letter on behalf of Ken & Tara Eiternick to support the approval of the zoning variance for conditional use regarding their deck and the requirements about the property line.

The current deck/fencing cited in this case was built in the early 2000s. We have never had a concern or issue with the current structure since it was built. The deck/fence is not a hazard to our property or our dwelling. We have no complaints or objections to this structure remaining on their property as is. We would like to see Ken & Tara live in their home for 28 years as my wife and I have. They are great neighbors and add to the sense of community in our neighborhood. We respectfully request that the conditional use variance be approved in this case.

Please let me know if there is anything else that we can do to support this request to approve the variance.



Thanks,

Jeffrey Krause

Signature: _____

Date: 6-16-2023