



**DUPAGE  
COUNTY**

Building  
Division

Zoning &  
Planning Division

Environmental  
Division

## BUILDING & ZONING DEPARTMENT

630-407-6700  
Fax: 630-407-6702

[www.dupageco.org/building](http://www.dupageco.org/building)

### MEMORANDUM

TO: DuPage County Development Committee

FROM: DuPage County Zoning Hearing Officer

DATE: November 1, 2023

RE: **ZONING-23-000078 Hehl (Downers Grove/ District 3)**

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**Development Committee: November 21, 2023:**

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

Variation to reduce the corner side setback for a new, detached garage from required 30' to approximately 7.9'.

**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-23-000078 Hehl** dated November 1, 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 petitioner testified that the subject zoning relief is to build a new, 16'x28' detached garage approximately 7.9' from the corner side property line.
- B. That petitioner testified that they have lived at the subject property for approximately one (1) year and four (4) months.
- C. That petitioner testified that they are removing the existing attached structure/garage as it is dilapidated, filled with mold, and rotting.

- D. That petitioner testified that although the proposed detached garage will be approximately 7.9' from the corner side property line, the existing right-of-way is 23 feet from the corner side property line to the edge of pavement for Washington Street, and as such, the proposed detached garage would be at least 30.9 feet from the Washington Street edge of pavement.
- E. That petitioner testified that the proposed detached garage would be fully screened by existing trees, bushes, and landscaping.
- F. Furthermore, that petitioner testified that he is unable to construct a detached garage anywhere else on the property due to large (50-100 foot) mature trees and existing vegetation on the subject property, and that the only place to locate the proposed detached garage is in the located of the existing attached structure, approximately 7.9 feet from the corner side property line.
- G. That petitioner testified that his neighbors do not object to the proposed variation and that they are happy that the existing, dilapidated attached structure will be removed.
- H. That the Zoning Hearing Officer finds that petitioner has demonstrated evidence for a practical difficulty and unique circumstance in relation to the location of the subject property adjacent to a wide right-of-way (23 feet from corner side property to edge of pavement for Washington Street), and that the proposed detached would technically be located 30.9 feet from the edge of pavement of Washington Street.
  - a. Furthermore, that the Zoning Hearing Officer finds that there are existing large, mature trees (approximately 50-100 feet tall) on the subject property, causing the proposed detached garage to be located at least 7.9' from the corner side property line.

**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 detached garage 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 detached garage will not increase in the hazard from fire or other dangers and that they will receive a building permit for the proposed detached garage.
- c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the proposed detached garage will not diminish the value of land and buildings throughout the County and will be an added benefit to the neighborhood.
- d. Unduly increase traffic congestion in the public streets and highways as petitioner **has demonstrated** that the proposed detached garage will not unduly increase traffic congestion in the public streets and highways, and that it will not impact line-of-sight clearance for vehicles.
- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the proposed detached garage 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 proposed detached garage 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** the proposed detached garage 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**

<b>GENERAL ZONING CASE INFORMATION</b>		
<b>CASE #/PETITIONER</b>	<b>ZONING-23-000078 Hehl</b>	
<b>ZONING REQUEST</b>	Variation to reduce the corner side setback for a new detached garage from required 30' to approximately 7.9'.	
<b>OWNER</b>	ERIC HEHL, 813 80 <sup>TH</sup> STREET, DOWNERS GROVE, IL 60516	
<b>ADDRESS/LOCATION</b>	813 80 <sup>TH</sup> STREET, DOWNERS GROVE, IL 60516	
<b>PIN</b>	09-32-110-001	
<b>TWSP./CTY. BD. DIST.</b>	DOWNERS GROVE	DISTRICT 3
<b>ZONING/LUP</b>	R-3 SF RES	0-5 DU AC
<b>AREA</b>	0.46 AC (20,038 SQ. FT.)	
<b>UTILITIES</b>	WATER AND SEWER	
<b>PUBLICATION DATE</b>	Daily Herald: OCTOBER 17, 2023	
<b>PUBLIC HEARING</b>	WEDNESDAY, NOVEMBER 1, 2023	
<b>ADDITIONAL INFORMATION:</b>		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	Our office has no jurisdiction in this matter.	
Stormwater:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
Public Works:	No Objections. "We are the sanitary sewer provider for the area."	
<b>EXTERNAL:</b>		
City of Darien:	No Objections.	
Village of Woodridge:	"This is outside of our jurisdiction."	
Village of Downers Grove:	"The Village of Downers Grove has no comments."	
Downers Grove Township:	<i>No Comments Received.</i>	
Township Highway:	No Objections with the concept of the petition. Additional information may be required at time of permit application.	
Darien-Woodridge Fire Dist.:	<i>No Comments Received.</i>	
Sch. Dist. 66:	<i>No Comments Received.</i>	
Forest Preserve:	"The Forest Preserve District of DuPage County staff have reviewed the information provided in this notice and we do not have any specific comments. Thank you."	

**GENERAL BULK REQUIREMENTS:**

<b>REQUIREMENTS:</b>	<b>REQUIRED</b>	<b>EXISTING</b>	<b>PROPOSED</b>
Front Yard:	30'	APPROX. 58'	APPROX. 58'
Corner Side Yard:	30'	APPROX. 17'	APPROX. 7.9'

**LAND USE**

<b>Location</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>LUP</b>
Subject	R-3 SF RES	HOUSE	0-5 DU AC
North	80 <sup>TH</sup> STREET AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC
South	R-3 SF RES	HOUSE	0-5 DU AC
East	R-3 SF RES	HOUSE	0-5 DU AC
West	WASHINGTON STREET AND BEYOND R-3 SF RES	HOUSE	0-5 DU AC









