



**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: April 16, 2024

RE: **ZONING-24-000013 CTLTC #8002391179**
(Downers Grove / District 3)

DuPage County Board: April 23, 2024:

DuPage County Development Committee: April 16, 2024: The DuPage County Development Committee recommended to approve the following zoning relief:

Conditional Use to reduce the interior setback of an existing fence from 3" to approximately 0" for an existing fence post on the property line.

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-24-000013 CTLTC #8002391179** dated March 13, 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: March 13, 2024: The Zoning Hearing Officer recommended to approve the following zoning relief:

Conditional Use to reduce the interior setback of an existing fence from 3” to approximately 0” for an existing fence post on the property line.

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-24-000013 CTLTC #8002391179** dated March 13, 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 fence from 3” to approximately 0” for an existing fence post on the property line.
- B. That petitioner originally applied for a Variation for the subject zoning relief, and that the request was converted to a Conditional use at the public hearing, as a Conditional Use is lesser zoning relief than a Variation, and that conditions can therefore be placed on the subject fence to mitigate any future impacts on adjacent properties.
- C. That petitioner testified that he purchased the subject property less than one (1) year ago, and that petitioner installed the composite fence to the property line, as he was required to fully enclose the backyard due to a small breed dog that their family adopted.
- D. That petitioner testified that a fence that is approximately 0” from the property line is for security purposes of the subject property and to prevent wild animals entering the property with their small dog.
- E. That petitioner testified that their adjacent neighbor submitted a signed letter that they do not have any objections to the subject fence.
- F. That Hearing Officer finds that petitioner has demonstrated that subject zoning relief to reduce the interior setback of an existing fence from 3” to approximately 0” for an existing fence post on the property line 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 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 fence does 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 existing fence does not increase in the hazard from fire or other dangers.

- c. Diminish the value of land and buildings throughout the County as petitioner **has demonstrated** that the existing 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 fence does not unduly increase traffic congestion in the public streets and highways and is located behind the front wall of the house.
- e. Increase the potential for flood damages to adjacent property as petitioner **has demonstrated** that the existing 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 the existing 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** that the existing fence is 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

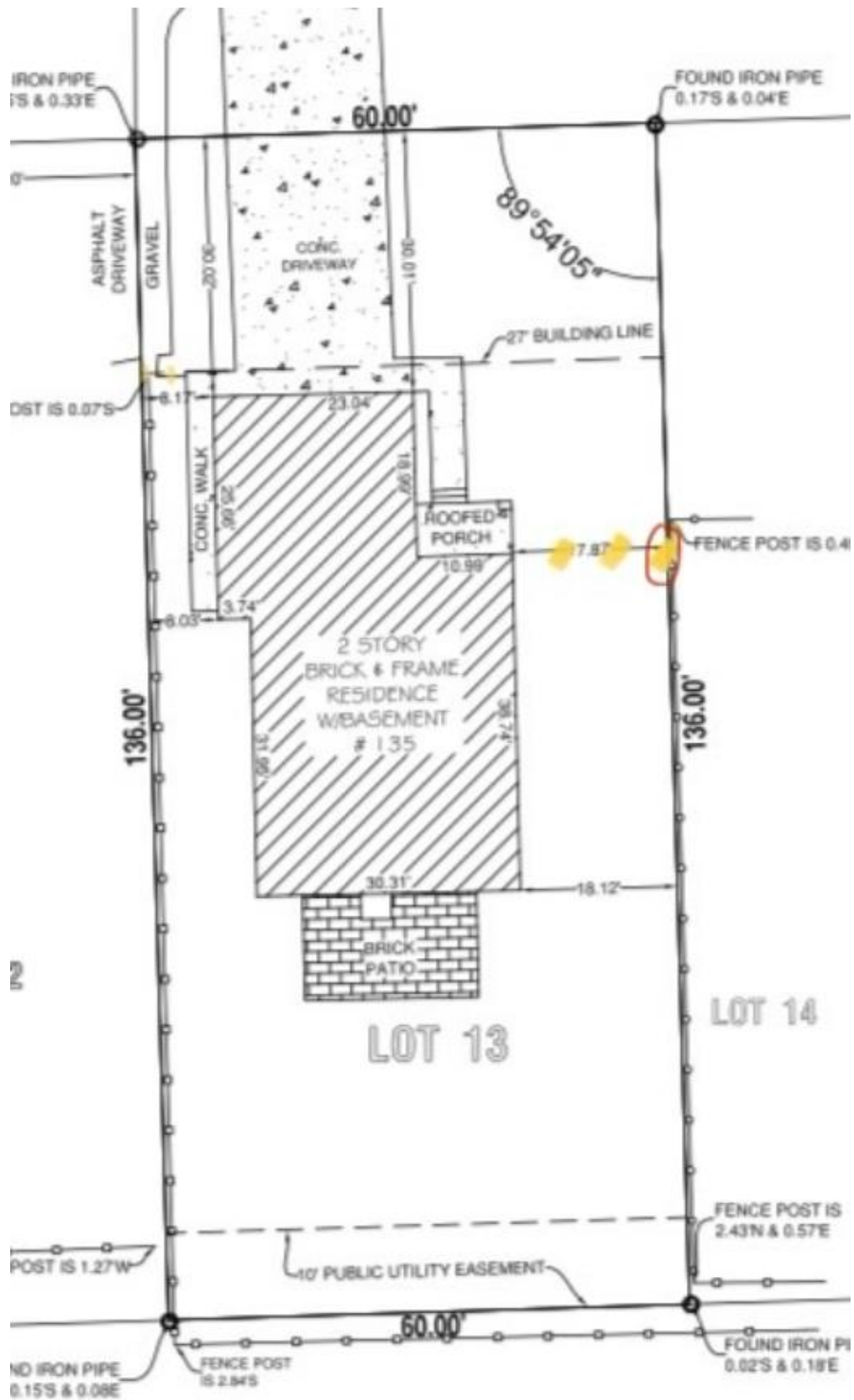
GENERAL ZONING CASE INFORMATION		
CASE #/PETITIONER	ZONING-24-000013 CTLTC #8002391179	
ZONING REQUEST	Variation to reduce the interior setback of an existing fence from 3” to approximately 0” for an existing fence post on the property line.	
OWNER	CTLTC #8002391179, 146 MEADOW COURT, WILLOWBROOK, IL 60527	
ADDRESS/LOCATION	146 MEADOW COURT, WILLOWBROOK, IL 60527	
PIN	09-35-113-002	
TWSP./CTY. BD. DIST.	DOWNERS GROVE	DISTRICT 3
ZONING/LUP	R-4 SF RES	0-5 DU AC
AREA	0.19 ACRES (8,276 SQ. FT.)	
UTILITIES	WATER / SEWER	
PUBLICATION DATE	Daily Herald: FEBRUARY 27, 2024	
PUBLIC HEARING	WEDNESDAY, MARCH 13, 2024	
ADDITIONAL INFORMATION:		
Building:	No Objections.	
DUDOT:	Our office has no jurisdiction in this matter.	
Health:	Our office has no jurisdiction in this matter.	
Stormwater:	No Objections.	
Public Works:	No Objections. “We are the sewer and water provider for the area – but this project does not impact our systems.”	
EXTERNAL:		
City of Darien:	No Objections.	
Village of Burr Ridge:	No Comments Received.	
Village of Willowbrook:	No Comments Received.	
Downers Grove Township:	No Comments Received.	
Township Highway:	No Objections.	
Tri-State Fire Dist.:	No Objections.	
Sch. Dist. 62:	No Comments Received.	
Sch. Dist. 86:	No Comments Received.	
Forest Preserve:	“The Forest Preserve District of DuPage County staff has reviewed the information provided in this notice and due the sizable distance between the subject property and the District property, we do not have any specific comments. Thank you.”	

GENERAL BULK REQUIREMENTS:

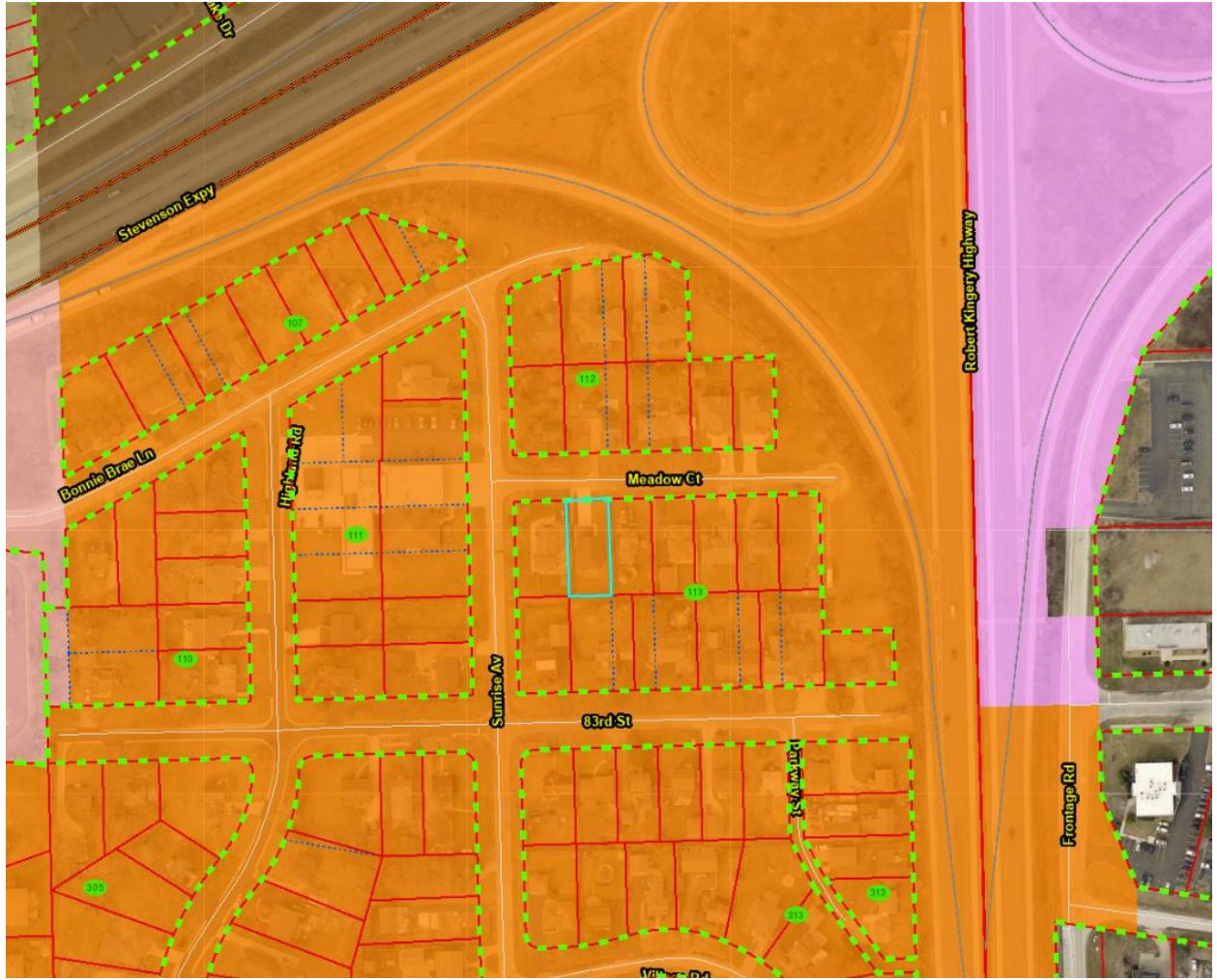
REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
Int. Side Yard:	3"	APPROX 0"	APPROX 0"

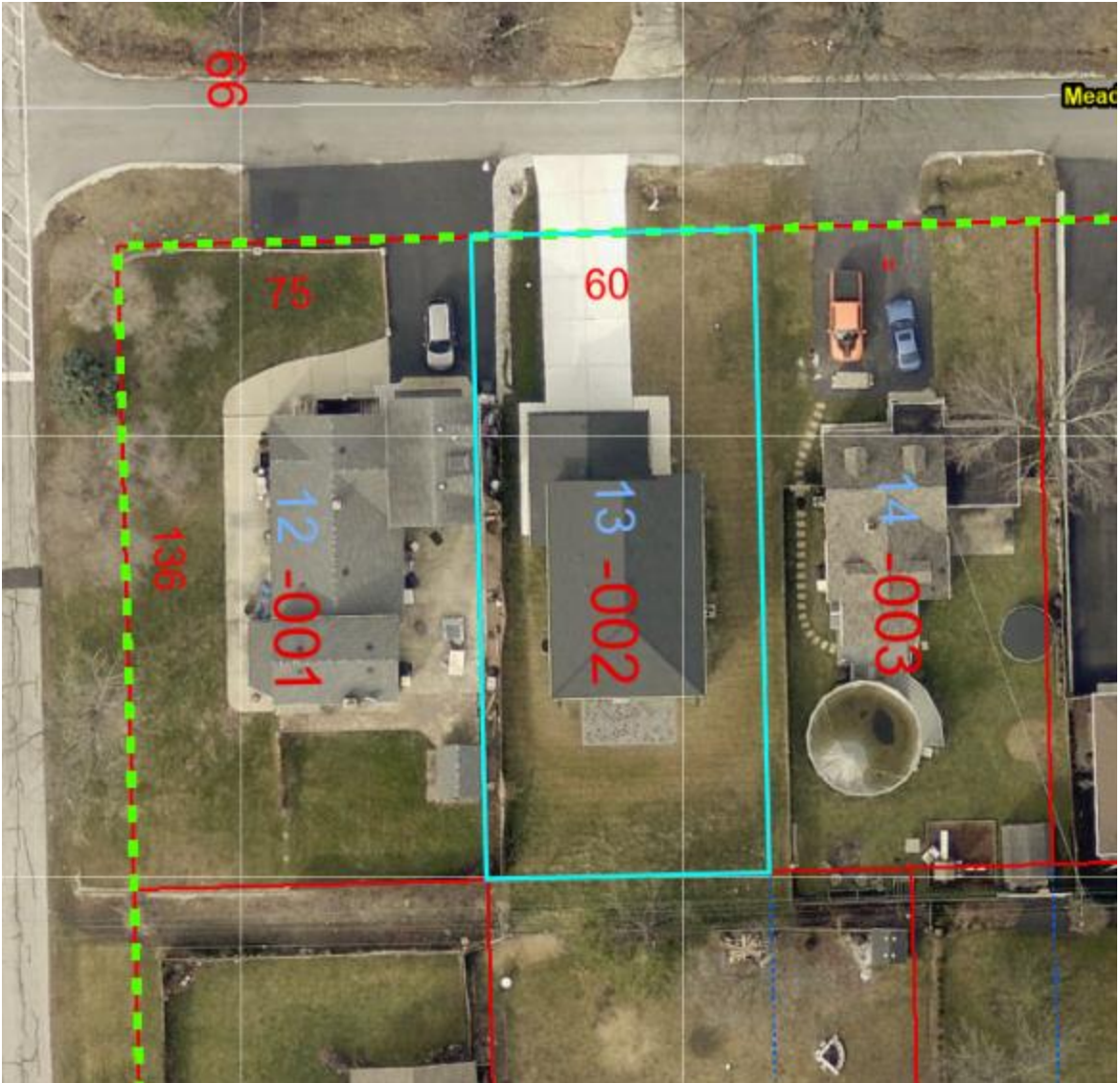
LAND USE

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









February 7, 2024

Du Page County Zoning Board of Appeals
421 North County Farm Road
Wheaton, IL 60187

Dear members of the Du Page Zoning Board of Appeals:

My name is Miriam Paz, and I am respectfully submitting this letter to seek a fence variance for my single-family home located at 146 Meadow Ct. Willowbrook, IL 60527. My property is next door and west of my neighbor, Mr. Skirmantas Sabas who resides at 136 Meadow Ct. Willowbrook, IL 60527.

I have taken the liberty to discuss this request with Mr. Sabas who has not objected to my zoning variance request and provided me the attached letter of support indicating he has no objection to the request of the fence being less than the current zoning requirements of having a minimum of three-inches between property lines. Due to Mr. Sabas having a small breed dog as well as my intention of also adopting a small breed dog it would allow both fenced in yards to be more secure and less likely for either pet to get out between the fences.

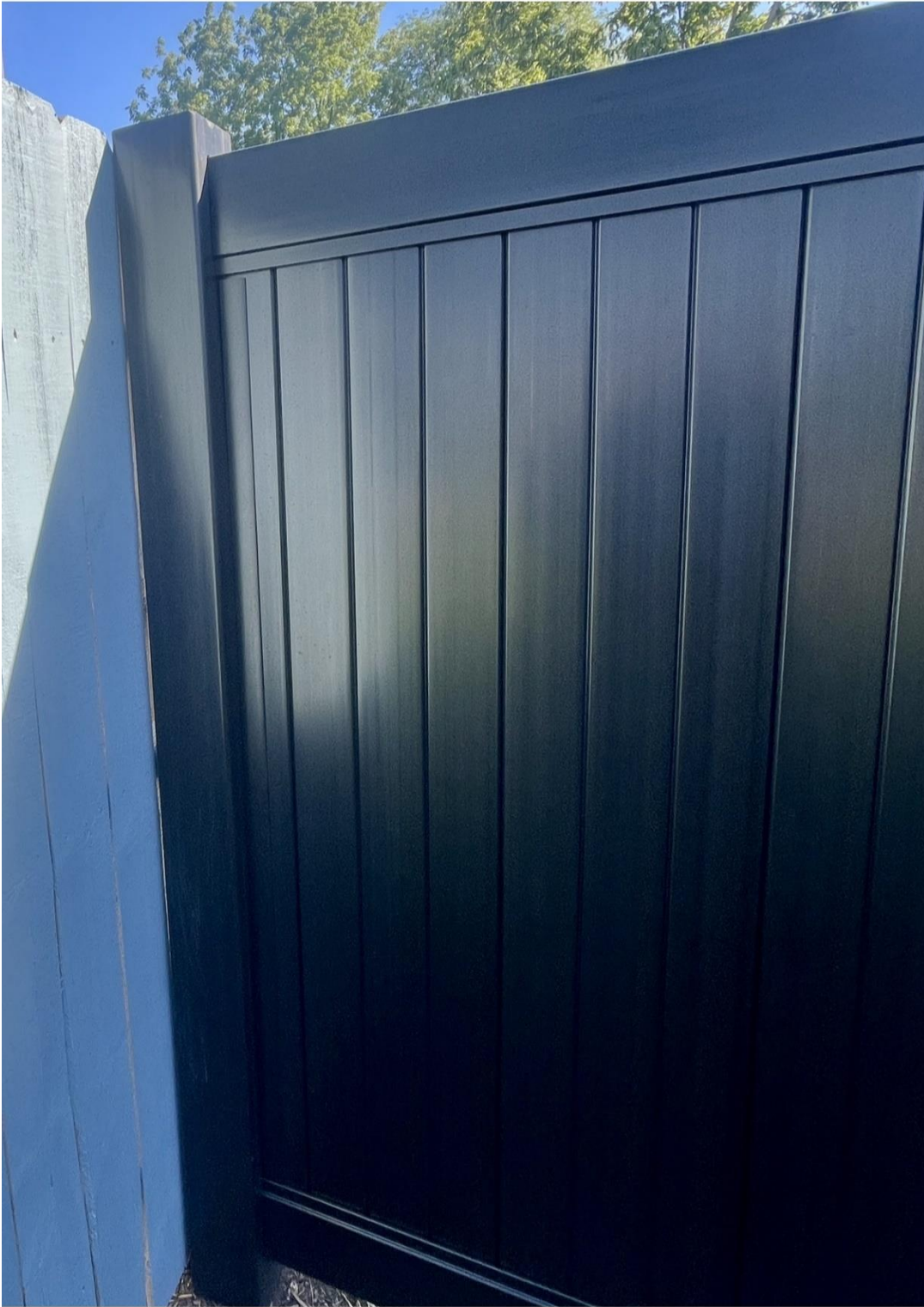
I hope that you agree that my request would provide additional security for our pets, does not pose any hazards and would be aesthetically pleasing. Should you have any questions please feel free to contact me at [REDACTED] Thank you for your thoughtful consideration to this request.

Respectfully yours,

[REDACTED]
Miriam Paz
146 Meadow Court
Willowbrook, IL 60657







February 7, 2024

Du Page County Zoning Board of Appeals
421 North County Farm Road
Wheaton, IL 60187

Dear members of the Du Page Zoning Board of Appeals:

My name is Skirmantas Sabas and I reside at 136 Meadow Ct. Willowbrook, IL 60527. My property is directly east and next door to Mrs. Miriam Paz's residence located at 146 Meadow Ct. Willowbrook, IL 60527.

I am providing this letter in support of her request for a zoning variance and do not object to the request of it being within the three-inch minimum county requirement between property lines. Due to my family having a very small breed dog and due to Mrs. Paz anticipating adopting a small breed dog it would benefit us both greatly not to have any gaps in between our fences.

Therefore, I do not have an issue with her fence post abutting my fence post to prevent both pets from being able to squeeze out through the narrow opening and it does not pose any hazard and looks aesthetically good.

Sincerely,



Skirmantas Sabas
136 Meadow Court
Willowbrook, IL 60657