1. CALL TO ORDER

11:00 AM meeting was called to order by Chair Sam Tornatore at 11:00 AM.

A. Please turn all beepers, pagers and cell phones "off" or to "vibrate" during the meeting

2. ROLL CALL

PRESENT: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley
ABSENT: County Board Members Gavanes and Puchalski were in attendance.

3. CHAIRMAN'S REMARKS

There were no Chairman's Remarks.

4. PUBLIC COMMENT

A. Public comment is limited to three minutes per person, at the beginning of the meeting. Any comment on Zoning items must be limited to discussion of testimony and/or evidence presented in the Zoning Board of Appeals. No new testimony or evidence can be presented.

Dan Shapiro, representing Gino Tomussone, spoke in opposition to Petition Z18-009.
Gino Tomussone spoke in opposition to Petition Z18-009.
James March spoke in favor of Petition Z18-026.
John Curcio spoke in favor of Petition Z18-009.
Bob and Judy Webb spoke in favor of Petition Z18-009.
Tammy Ramirez spoke in favor of Petition Z18-037.
Mike Roth, representing Bob & Judy Webb spoke in favor of Petition Z18-009.
Gerry Krozel spoke in favor of Petition Z18-009.

5. APPROVAL OF MINUTES
A. Development Committee - Re-Scheduled - Jul 10, 2018 11:00 AM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: Kevin Wiley, District 6
SECONDER: Elizabeth Chaplin, Vice Chair
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

REGULATORY SERVICES

A. DC-O-0048-18 ORDINANCE -- Z18-009-Webb: To approve the following zoning relief:
   1. A Variation to allow an accessory structure (pond cover) in front of the front wall of the house. (If the County Board seeks to approve the zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Board of Appeals). (Downers Grove/ District 3) ZBA VOTE (to Deny): 6 Ayes, 0 Nays, 1 Absent Development Committee Vote (to Approve): 5 Ayes, 1 Nay

   Staff answered all questions posed by the Committee. Discussion ensued.

   Motion by Member Eckhoff, seconded by Member Hart to amend the Petition to allow the structure to remain up from November 1 through March 31.

   Motion by Member Hart, seconded by Member Eckhoff to add to the amendment a request that the Petitioner is to provide a Site Plan and the full Landscaping Plan. The Mover and Seconder of the first amendment accepted the additional amendments that were set forth. Chair Tornatore mentioned that the Petitioner has the opportunity to accept or not accept the amendments the Committee has placed upon them. If the Petitioner does not accept the amendments, the original Petition move forward to County Board.

   On a roll call vote.

RESULT: APPROVED [5 TO 1]
MOVER: Janice Anderson, District 5
SECONDER: Elizabeth Chaplin, Vice Chair
AYES: Anderson, Chaplin, Hart, Tornatore, Wiley
NAYS: Eckhoff

B. DC-O-0049-18 ORDINANCE -- Z18-017 – Patel: To approve the following zoning relief: 1. Conditional Use of a parking in rear of property when not leading to a valid parking spot. (If the County Board seeks to approve the zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Board of Appeals). (Downers Grove N/ District 3) The Zoning Hearing Officer recommended to deny Z18-017 Patel. DuPage County Development Committee Vote (Motion to approve failed): 0 Ayes, 6 Nays, 0 Absent
Staff answered all questions posed by the Committee.

On a roll call vote.

RESULT: DEFEATED [0 TO 6]
MOVER: Elizabeth Chaplin, Vice Chair
SECONDER: Janice Anderson, District 5
NAYS: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

C. DC-O-0050-18 ORDINANCE -- Z18-022 – RJ Concrete, LLC.: To approve the following zoning relief: 1. Variation to allow driveway and parking spaces to be gravel. (If the County Board seeks to approve the zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Board of Appeals). (York/ District 2) The Zoning Hearing Officer recommended to deny Z18-022 RJ Concrete, LLC. DuPage County Development Committee Vote (Motion to approve failed): 0 Ayes, 6 Nays, 0 Absent

Staff answered all questions posed by the Committee.

On a roll call vote.

RESULT: DEFEATED [0 TO 6]
MOVER: Elizabeth Chaplin, Vice Chair
SECONDER: Janice Anderson, District 5
NAYS: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

D. DC-O-0051-18 ORDINANCE -- Z18-026 – Calvary United Pentecostal Church: To approve the following zoning relief: 1. A Variation to extend parking lot to match existing parking lot setbacks from 20 feet to approximately 6 feet. (Addison/ District 1) The Zoning Hearing Officer recommended to approve Z18-026 Calvary United Pentecostal Church. DuPage County Development Committee Vote to Approve: 6 Ayes, 0 Nays, 0 Absent

On a roll call vote.

RESULT: APPROVED [UNANIMOUS]
MOVER: Janice Anderson, District 5
SECONDER: Kevin Wiley, District 6
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley
E. DC-O-0052-18 ORDINANCE -- Z18-034 – Casey: To approve the following zoning relief: 1. Variation to reduce lot size; Lot 1 to approximately 70,585 sq. ft. and Lot 2 to approximately 76,145 sq. ft. (Winfield/ District 6) The Zoning Hearing Officer recommended to approve Z18-034 Casey. DuPage County Development Committee Vote to Approve: 6 Ayes, 0 Nays, 0 Absent

RESULT: APPROVED [UNANIMOUS]
MOVER: Janice Anderson, District 5
SECONDER: Elizabeth Chaplin, Vice Chair
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

F. DC-O-0053-18 ORDINANCE -- Z18-035 – Schweinberg: To approve the following zoning relief: 1. A Conditional use to allow an existing shed on property where the shed has existed more than 5 years, to be less than 10 feet from side property line (approx. 7 feet 5 inches). (Downers Grove S./ District 3) The Zoning Hearing Officer recommended to approve Z18-035 Schweinberg. DuPage County Development Committee Vote to Approve: 6 Ayes, 0 Nays, 0 Absent

RESULT: APPROVED [UNANIMOUS]
MOVER: Elizabeth Chaplin, Vice Chair
SECONDER: Janice Anderson, District 5
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

G. DC-O-0054-18 ORDINANCE -- Z18-036 – Foster: To approve the following zoning relief: 1. A Conditional Use to have an Accessory Building (existing shed) to remain approximately 2 feet and 6 inches from the property line. (Bloomingdale/ District 1) The Zoning Hearing Officer recommended to approve Z18-036 Foster. DuPage County Development Committee Vote to Approve: 6 Ayes, 0 Nays, 0 Absent

RESULT: APPROVED [UNANIMOUS]
MOVER: Kevin Wiley, District 6
SECONDER: Elizabeth Chaplin, Vice Chair
AYES: Anderson, Chaplin, Eckhoff, Hart, Tornatore, Wiley

H. DC-O-0055-18 ORDINANCE -- Z18-037– Miller: To approve the following zoning relief: 1. A Variation requesting to increase (existing) detached garage size, which currently exceeds the allowable 850 sq. ft. by approximately 302 sq. (Wayne/ District 6) The Zoning Hearing Officer recommended to approve Z18-037 Miller. DuPage County Development Committee Vote to Approve: 6 Ayes, 0 Nays, 0 Absent
RESULT: APPROVED [UNANIMOUS]
MOVER: Kevin Wiley, District 6
SECONDER: Janice Anderson, District 5
AYE:

RESULT: APPROVED [UNANIMOUS]
MOVER: Kevin Wiley, District 6
SECONDER: Elizabeth Chaplin, Vice Chair
AYE:

1. DC-O-0056-18 ORDINANCE -- Z18-044 – Hartung: To approve the following zoning relief: 1. Conditional Use to allow an existing detached garage on property where the garage has existed more than 5 years, to be less than 7.5 feet from interior side property line (approx. 5.45 feet). (Lisle/ District 2) The Zoning Hearing Officer recommended to approve Z18-044 Hartung. DuPage County Development Committee Vote to Approve: 6 Ayes, 0 Nays, 0 Absent

RESULT: APPROVED [UNANIMOUS]
MOVER: Kevin Wiley, District 6
SECONDER: Elizabeth Chaplin, Vice Chair
AYE:

7. OLD BUSINESS
There was no Old Business.

8. NEW BUSINESS
SAO Hayman and staff explained how to proceed with the Committee's Finding of Facts for Petition Z18-009 Webb.

9. ADJOURNMENT
Without objection the meeting was adjourned at 11:50 AM.
1. CALL TO ORDER

11:00 AM meeting was called to order by Chair Sam Tornatore at 11:04 AM.

A. Please turn all beepers, pagers and cell phones "off" or to "vibrate" during the meeting

2. ROLL CALL

PRESENT: Anderson (11:15 AM), Chaplin, Eckhoff (11:13 AM), Hart, Tornatore, Wiley (11:14 AM), Gavanes

ABSENT: The Development Committee Meeting moved into Room 3500 A due to extended Committee Meetings resulting from Budget discussions.

Motion by Member Chaplin, seconded by Member Hart to make Member Gavanes a member of the Development Committee for quorum purposes. All members present voted aye. Motion carried.

County Board Member Elliott was present.

Committee Members Eckhoff (11:13 AM) Wiley (11:14 AM) and Anderson (11:15 AM) were late due to the Animal Services Meeting.

3. CHAIRMAN'S REMARKS

A. FY2019 Budget Discussion

Chair Tornatore turned the floor over to Director Kottmeyer, who gave a through explanation of the FY2019 Regulatory Services Budget. Discussion ensued regarding the need for a new Permitting System and a new initiative of moving the Stormwater Drainage Inspectors into Building & Zoning. Director Kottmeyer answered all questions posed by the Committee.

4. PUBLIC COMMENT
A. Public comment is limited to three minutes per person, at the beginning of the meeting. Any comment on Zoning items must be limited to discussion of testimony and/or evidence presented in the Zoning Board of Appeals. No new testimony or evidence can be presented.

There was no Public Comment.

5. APPROVAL OF MINUTES

A. Development Committee - Regular Meeting - Jun 19, 2018 11:00 AM

<table>
<thead>
<tr>
<th>RESULT:</th>
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</tr>
</thead>
<tbody>
<tr>
<td>MOVER:</td>
<td>Elizabeth Chaplin, Vice Chair</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Greg Hart, District 3</td>
</tr>
<tr>
<td>AYES:</td>
<td>Chaplin, Hart, Tornatore, Gavanes</td>
</tr>
<tr>
<td>ABSENT:</td>
<td>Anderson, Eckhoff, Wiley</td>
</tr>
</tbody>
</table>

6. BUDGET TRANSFERS

A. Budget Transfers -- Transfer of Funds - $21,000.00 from 1100-2810-53828 (Contingencies) to 1100-2810-53110 (Workers Compensation Insurance) to cover invoice for WC Claim Settlement.

<table>
<thead>
<tr>
<th>RESULT:</th>
<th>APPROVED [UNANIMOUS]</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOVER:</td>
<td>Greg Hart, District 3</td>
</tr>
<tr>
<td>SECONDER:</td>
<td>Elizabeth Chaplin, Vice Chair</td>
</tr>
<tr>
<td>AYES:</td>
<td>Chaplin, Hart, Tornatore, Gavanes</td>
</tr>
<tr>
<td>ABSENT:</td>
<td>Anderson, Eckhoff, Wiley</td>
</tr>
</tbody>
</table>

7. OLD BUSINESS

There was no Old Business.

8. NEW BUSINESS

There was no New Business.

9. ADJOURNMENT

Without objection the meeting adjourned at 11:16 AM.
MEMORANDUM

TO: DuPage County Board
FROM: DuPage County Development Committee
DATE: August 7, 2018
RE: Z18-009 Webb (Downers Grove/ District 3)

DuPage County Board: April 14, 2018: (If the County Board seeks to approve the zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Board of Appeals).

Development Committee: August 7, 2018: The Development Committee recommends to approve the following zoning relief:

A Variation to allow an accessory structure (pond cover) in front of the front wall of the house.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-009.

2. That within 30 days after the approval of this Ordinance by the County Board the property owner provides a landscape plan showing a partial landscape screen around the perimeter of the pond, (existing vegetation can be used toward landscape requirements).

3. That the accessory structure (pond cover) be temporarily installed only to cover the ornamental pond beginning no earlier than November 1 of each year and removed no later March 31 of the following year.

4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

DEVELOPMENT COMMITTEE FINDINGS OF FACT:

WHEREAS, the County Board Development Committee on August 7, 2018 considered the findings and recommendations of the Zoning Board of Appeals and does not
concur with the findings and recommendation and further finds and recommends as follows:

1. That the Development Committee finds, based on evidence in the record, that petitioner has demonstrated that the subject property is half the depth of the properties to the north including the immediate property to the north.
   
   a. The subject property, (Webb property) is approximately 241 feet deep.
   b. The adjacent properties to the north have lot depths of approximately 621 feet.
   c. The house on the Webb property is setback from the ROW of Lorraine Drive by approximately 138 feet and the house is only 43 feet from the rear property line. The irregular location of the house on the property creates a hardship as the front yard is larger than the rear yard.

2. That the Development Committee finds, based on evidence in the record, that petitioner has demonstrated that the house on the subject property to the north, with a lot depth of approximately 621 feet, is setback approximately 330 feet from the front property line along Lorraine Drive, approximately 89 feet further west from the rear property line of the subject property.

3. That the Development Committee finds, based on evidence in the record, that petitioner has demonstrated the entire subject property is located in front of the front wall of the house to the north.

4. That the Development Committee finds, based on evidence in the record, that petitioner has demonstrated the main purpose for the rule that accessory structures are required to be located behind the front wall of the house is so that adjacent properties would not have accessory items in front of the front of the adjacent homes.
   
   • However, in the instant case the petitioner has demonstrated that any legal accessory structure, including any pond and pond cover on the Webb property would still be located in front of the front wall of the house to the north.

5. That the Development Committee finds, based on evidence in the record, that petitioner has demonstrated that the pond has been in existence for at least 60 years and is a decorative pond filled with Koi fish.
   
   • Furthermore, that in order to keep the fish from dying off in the winter months the pond cover is necessary to insure the fish’s survival in the winter months only.
6. That the Development Committee finds, based on evidence in the record, that petitioner has demonstrated that a practical difficulty and hardship exists with their property for the reasons herein above.

- Furthermore the Committee finds that petitioner has demonstrated that they have currently mitigated the view of the pond and accessory structure from adjacent properties and roadways with sufficient landscaping both around the pond structure and on the perimeter of the property.

Dissenting Opinion:

The one dissenting Board Member finds that the petitioner has not presented enough of a hardship relative to the fundamental intent and purpose of the rule to support a variation on the subject property.

Development Committee Vote (to Approve): 5 Ayes, 1 Nay

Zoning Board of Appeals Meeting: July 12, 2018: The Zoning Board of Appeals recommended to deny the following zoning relief:

A Variation to allow an accessory structure in front of the front wall of the house.

ZBA VOTE (to Deny): 6 Ayes, 0 Nays, 1 Absent

FINDINGS OF FACT:

1. That petitioner testified that he seeks subject zoning relief to allow for an accessory structure in front of the front wall of the house to cover an existing pond.

2. That petitioner testified the subject lot size is approximately three-quarters of an acre (.75 acres). Petitioner testified that the subject lot is smaller compared to other lots in the immediate neighborhood.

3. That petitioner testified that the subject pond and subject accessory structure are set back approximately 120-125 feet from Lorraine Drive.

4. That petitioner testified that the subject pond was in existence prior to when petitioner purchased the subject property in 1989. Petitioner testified that to the best of his information, the prior owners constructed and installed the subject pond in 1960 or 1961 when the house was built.

- That petitioner testified that the subject pond is a koi pond with rubber lining and rocks to hide the rubber matting.
5. That petitioner testified that the subject accessory structure is a structure that holds a tarp up above the pond water and above an existing decorative bridge.

- That petitioner testified that the subject accessory structure is approximately 19 feet wide by 22 feet long, consisting of 2 by 4’s inch and-a-quarter stainless steel piping, and a translucent plastic cover.
- That petitioner testified that the subject accessory structure is approximately five-and-a-half feet (5.5 feet) tall.

**STANDARDS FOR VARIATIONS:**

1. That the Zoning Board of Appeals finds that petitioner **has not 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, as the loss of usefulness in an investment is not a practical difficulty or particular hardship to support a Variation for an accessory structure in front of the front wall of the house.

2. That the Zoning Board of Appeals finds that petitioner **has not demonstrated** the granting of the Variation will not:

   a. Impair an adequate supply of light and air to the adjacent property as petitioner **has not demonstrated** that there will be greenspace or landscaping added to the subject property to screen around the perimeter of the accessory structure.

   b. Increase the hazard from fire or other dangers to said property as petitioner **has not demonstrated** that an accessory structure in front of the front wall will not increase fire or other dangers to said property.

   - Furthermore, that petitioner has not supplied any documentation that the subject accessory structure was developed in proper accordance with all codes and ordinances of DuPage County.

   c. Diminish the value of land and buildings throughout the County as petitioner **has not demonstrated** that the accessory structure in front of the front wall of the house will improve the value of land and buildings in the subject property’s surrounding area.

   d. Unduly increase traffic congestion in the public streets and highways as petitioner **has not demonstrated** that an accessory structure in front of the front wall will not increase traffic on public streets.
e. Increase the potential for flood damages to adjacent property as petitioner has not demonstrated that an accessory structure in front of the front wall of the house will not affect the potential for flood damages to adjacent properties.

- Furthermore, testimony presented by a property owner in the neighborhood indicated that there are currently existing flooding issues throughout the subject neighborhood.

f. Incur additional public expense for flood protection, rescue or relief as petitioner has not demonstrated that an accessory structure in front of the front wall of the house will not incur additional expenses for flood protection.

g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner has not demonstrated that an accessory structure in front of the front wall of the house will not obstruct public safety access to the subject and adjacent properties.

---

**GENERAL ZONING CASE INFORMATION**

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<tr>
<th>CASE #/PETITIONER</th>
<th>Z18-009 Webb</th>
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<tbody>
<tr>
<td>ZONING REQUEST:</td>
<td>&quot;Variation to allow an accessory structure (permitted pond cover) in front of front wall of house.&quot;</td>
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<tr>
<td>(As indicated in the Petitioners application)</td>
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<tr>
<td>OWNER</td>
<td>ROBERT D. WEBB 9S740 LORRAINE DRIVE, HINSDALE, IL 60527</td>
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<td>ADDRESS/LOCATION</td>
<td>9S740 LORRAINE DRIVE, HINSDALE, IL 60527</td>
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<td>PIN</td>
<td>09-34-406-017</td>
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<td>TWSP./CTY. BD. DIST.</td>
<td>Downers Grove N District 3</td>
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<td>ZONING/LUP</td>
<td>R-2 SF RES 0-5 DU AC</td>
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<tr>
<td>AREA</td>
<td>.70 (30,492 sq. ft.)</td>
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<td>PUBLICATION DATE</td>
<td>Daily Herald: March 23, 2018</td>
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<td>PUBLIC HEARING</td>
<td>April 26, 2018</td>
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<td>ADDITIONAL INFORMATION:</td>
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<td>Building:</td>
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<td>DUDOT:</td>
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<td>Health:</td>
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<td>Stormwater:</td>
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<td>Public Works:</td>
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<td>Forest Preserve District:</td>
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<td>Downers Grove N Township Highway:</td>
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<td>Village of Willowbrook:</td>
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### GENERAL BULK REQUIREMENTS:

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<th>PROPOSED</th>
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<td>110 FEET</td>
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<tr>
<td>North Int. Side Yard:</td>
<td>Behind the front wall of house and at least 10 FEET</td>
<td>5 FEET</td>
<td>5 FEET</td>
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<tr>
<td>South Int. Side Yard:</td>
<td>Behind the front wall of house and at least 10 FEET</td>
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<tr>
<td>Rear Yard:</td>
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<tr>
<td>Height:</td>
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<td>10 FEET (plus)</td>
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### LAND USE

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</tr>
<tr>
<td>North</td>
<td>R-2 SF</td>
<td>House</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>South</td>
<td>R-2 SF</td>
<td>House</td>
<td>0-5 DU AC</td>
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<td>East</td>
<td>Lorraine Drive and beyond R-2 SF</td>
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<tr>
<td>West</td>
<td>R-2 SF</td>
<td>House</td>
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Additional Information Submitted by Petitioner on July 7, 2018:

July 7, 2018

Mr. Paul Hoss
Zoning Administration Coordinator
Department of Economic Development and Planning
421 N. County Farm Road
Wheaton, Ill. 60187

RE: Zoning Application for Property at 95740 Lorraine Dr, Hinsdale, IL

Dear Mr. Hoss:

At the Zoning Board of Appeals hearing in this matter on April 26, 2018, additional information and documentation was requested of the petitioner by board members. This is in response. Enclosed please find the following:

1. A current, original 18” x 24” plat of survey dated May 25, 2018 depicting the location of the existing ornamental pond, and twelve 11” x 17” copies.

2. In lieu of a site plan (per board direction), a current, original 18” x 24” plat of survey dated May 25, 2018 depicting the location of the existing ornamental pond and the location and positioning of the pond cover, and twelve 11” x 17” copies.

3. An original and twelve copies of the Webb’s invoice dated June 25, 2005 for the pond repairs discussed at the April 26, 2018 ZBA hearing.

The pond is now a legal, non-conforming use because, although it is set back approximately 110’ from Lorraine Drive (required front yard setback is 10’), it is located within the side yard setback. The ZBA discussion centered around the nature of the pond repairs, and whether those repairs expanded upon or changed the location of legal, non-conforming pond.

The GHM Ponds, Inc. invoice shows no work done to expand or relocate the pond, and therefore no activity that would require that the pond be brought into conformity. MORE IMPORTANTLY, as Mr. Hoss stated at the hearing, ornamental ponds were not regulated by DuPage County prior to the adoption of the ordinance establishing permitted conditions for ornamental ponds. The invoice substantiates the fact that the work was completed months before then — before the pond became a legal, non-conforming use. Therefore, there was not, and could not have been, any change to a legal, non-conforming use when the
work was done. The pond work, regardless of its extent, was perfectly legal and is irrelevant in this matter.

4. The attorney for Mr. Tommasone, the single objector, has asserted that the character of the area (that he incorrectly describes as the neighborhood) will be negatively affected. In response, ZBA board members inquired about the position of the owners association as to the Webb’s pond cover.

Attached is an email from the Association President, Linda Painter, expressing no objection to the Webb’s zoning request. Also attached are the signed, sworn, and notarized petitions of 55 of the residents residing in the immediate neighborhood of the Webb property, declaring their familiarity with the Webb’s pond cover, and stating their support for the Webb’s variance request. Also attached are the signed, sworn, and notarized petitions of another 24 of the residents residing in the immediate neighborhood of the Webb property, declaring their familiarity with the Webb’s pond cover, and stating that they have no objection to the use of the pond cover or the Webb’s variance request. These are in addition to the petitions and letters of support previously submitted to the ZBA.

Also enclosed are 9 photos taken since the April 26, 2018 ZBA hearing in this matter that demonstrate the rural character of this neighborhood, with large lots and accessory structures commonplace. All of the accessory structures depicted in these photos are clearly visible from the street frontage, and the accessory structures shown in the first 6 photos are actually located within the front yards. This is not to say that the Webb’s pond cover is acceptable because other accessory structures are also located in neighborhood front yards, but rather to demonstrate the true character of the neighborhood.

5. Finally, we take this opportunity to respond to inaccurate assertions by Mr. Tommasone’s attorney, and questions by board members.

a. Mr. Daniel states that there is no single parcel within the block face extending from the Interstate 55 frontage road south to 87th Street, that has an accessory building or a prohibited accessory structure in its Lorraine Drive front yard. This statement is false and is provable by the pictures attached. Indeed, the first photo shows a structure in the front yard of the property 3 parcels south of the Tommasone’s. This structure has been there for more than 20 years and is taller than the Webb’s proposed pond cover. In addition, there are pictures of accessory buildings along Lorraine Dr. south of 87th Street that are much closer to the street and more visible than the Webb’s pond cover.

b. View of the Pond Cover

(i) The topography of the Webb property is relatively flat, and the Webb’s pond serves as a detention pond that detains runoff and actually benefits the Tommasone property. Mr. Daniel’s statement that runoff from the pond cover would drain to the Tommasone property is false. The north end of the cover is directly attached to the Webb’s gravel bridge, and acts as a stormwater barrier in favor of the Tommasone property.
(ii) There is no view of the pond cover from the north. The fence erected by the Tommassones has blocked the view from the north, unless Tommassone is at an upper level of his house, and even then the view would be an obstructed view due to the trees and fence he installed, and the ornamental grasses on the Webb property.

(iii) The Webb's house is set back 142' from the street. There is only one house in the neighborhood set back farther from the street - the Tommassone's. The distance from the street has a direct bearing on what neighbors can see of the Webb's pond cover. Many of the neighbors who drive by the Webb's property were unaware that the Webb's even had a pond cover during the winter until they saw the pictures.

(iv) The eastern edge of our property is completely covered by bushes (honeysuckle and lilacs) that extend from the north property line to the south property line. This prevents any clear sight of the pond cover, located more than 100' away.

c. Mr. Daniel's letter (and Mr. Kartholl's questions) seems to ask for information about the nature of the pond cover. The materials used are 2 X 4's around the pond as a base. Attached are 7 stainless steel curved pipes (1 1/4 inch diameter) going in a north to south direction. These are attached to the base using U bolts. Then 3 purlins are attached to the curved pipes in an east to west direction to give additional support to the cover. Over this is placed a clear plastic membrane that is secured to the base.

d. The notion that the Webb's put their koi in a kiddy pool in the basement is not feasible, is detrimental to the koi, and may result in koi loss. The Webbs belong to the Midwest Pond and Koi Society which educates that the best and most successful wintering of fish is to leave them in the pond. This is far less disruptive than regularly feeding them, trying to filter out a kiddy pool from their waste products, and aerating the pool properly.

Please have this letter and enclosures added to the record. My client will be at the hearing to answer any additional questions. Thank you.

Very truly yours,

Michael M. Roth

Enclosure
### Price List

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<tr>
<th>Item Description</th>
<th>Price</th>
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### STREAM Material

- **STONE & MATERIAL**
  - Top Soil $43/yard: $78.00
  - Lava Rock $10/500# x: $100.00

### PUMPS

- **AQ-1500** $285 x 1 = $285.00
- **AQ-2000** $400 x 1 = $400.00
- **AQ-4500** $525 x 1 = $525.00
- **AQ-9500** $625 x 1 = $625.00
- **AQ-10,000** $720 x 1 = $720.00

### CHECK VALVE ASSEMBLY

- **VALV200-Valve 2”** $70 x 1 = $70.00
- **VALV802-Valve 3”** $100 x 1 = $100.00

### PIPING per 25’

- **1 1/2” Flex** $55 x 1 = $55.00
- **2” Flex** $90 x 1 = $90.00
- **3” Flex / per 50’** $300 x 1 = $300.00

### VALVE ASSEMBLY

- **$150 x 1 = $150.00

### TOTAL:

**GRAND TOTAL** $13,359.49

---

**NOTES:**

1. Customer agrees to pay GEM PONDS INC. total price GRAND TOTAL in full 50% down payment and remaining balance in full completion.

2. **JOB DETAILS**

   - Water Control & landscape design installed at customer's house. Customer will receive a 1 year warranty on parts and labor.

3. This job is subject to the terms of the general conditions of the agreement, particularly the exclusion of liability and indemnification provisions in the event of any loss or damage to property or persons.

---

**ACKNOWLEDGMENT:** This agreement is subject to the terms of the agreement.
Packet Pg. 23

6.A.a

From: bsbhers@dupageco.org
To: paul.hoss@dupageco.org
Subject: Webb vs Tommessa - RE: pool pond cover
Date: Fri, Jul 6, 2018 2:29 am

Mr. Hoss,

Please distribute my note to the zoning board, and please respond back to me that you received this email.

Thank you.

Linda Pahler

To the Zoning Board of Appeals:

I was called by both Mr. Webb and Mr. Tommessa to let me know their thoughts on the pool pond cover. I offered to help them resolve their dispute between the two of them. They each conveyed to me their concerns and what they were willing to compromise on. I thought they were making progress. On May 3, I received a call from Mr. Tommessa stating, “I spoke with our attorney. He has indicated to me to let the court handle it... Thank you for trying to help!” After that call, I had no more communications between the two gentlemen.

I was disheartened to hear about the dispute between two next door neighbors who were apparently at one time friends. I was only briefly involved when the gentlemen called me. They both seemed like they would like to try to work it out. I hope there can be an amicable settlement of the dispute.

Linda Pahler
103221 Hampshire Ln
Willowbrook, IL 60527

Daniel Law Office, P.C.

July 12, 2018

Hon. Robert Kartdoll and Members
of the Zoning Board of Appeals
County of DuPage
c/o Jim Stran/EP Paul Hess
421 North County Farm Road
Wheaton, Illinois 60187

Re: Zoning Petition Z18-009 Webb (Variation)
9S740 Lorraine Drive, Hinsdale, DuPage County, Illinois
Permanent Index No. 09-34-406-017
Deliberation Date: July 12, 2018

Dear Chairman Kartdoll and Members of the Zoning Board of Appeals:

I continue to represent Gino Tommasone, as trustee of the Tommasone Real Estate Trust. The Trust opposes the application of Robert D. Webb to allow an accessory structure identified as a permitted pond cover in front of the front wall of the home on the Subject Property. Prior correspondence provides the basis for the opposition. This correspondence responds to correspondence from the applicant dated Saturday, July 7, 2018 (received by the Trust on July 10, 2018). The July 7, 2018 correspondence should not affect the proper outcome of deliberations and the Trust respectfully asks the Zoning Board of Appeals (a) to deny a recommendation to approve the requested variation and (b) to enter appropriate findings.

This letter progresses in the topical order of the Webb’s supplement for convenience.

The Survey

As anticipated by the Trust, the new survey (which remains unsigned) reflects that the pond improvement is substantially larger than previously reflected in the survey. The survey identifies a continuing trespass despite efforts by the Trust to respond to the Webbs’ activities along the shared lot line. Nevertheless, deliberation should remain focused on the pond cover which constitutes a building by definition of that term in the County ordinances.

The survey does not call out any retention or detention facility on the Webb Property, thus wholly contradicting the free-wheeling and unfounded comments about the subject of drainage in the July 7, 2018 “supplement” to the application. (See Item 5(b)) The suggestion that the pond acts as a barrier is not supported in any fashion and the Trust has faced continued landscape maintenance responding to excessive and redirected run-off from the pond area.
The Location of the Pond Cover

The marked up survey, which (with the Trust’s agreement) depicts the location of the pond cover and operates as a site plan, continues to show the membrane building at a location only three feet from the north side lot line and in front of the Webbs’ house. The subject of this hearing ties to a request to allow a building in the front yard. The site plan does not differ from testimony as to the proposed location of the cover. However, the site plan fails to depict the dimensions of the cover or its height or the nature of its construction. The March 2018 Google Earth aerial photograph depicts the illegal pond cover as roughly 430 square feet in area and having a clear and highly reflective membrane. The site plan does not indicate whether this is the same style of membrane intended for use in the future. Since the Trust believes the Zoning Board of Appeals should decline to provide a recommendation in favor of the variances, the absence of these dimensions should not prolong these proceedings any further inasmuch as the Zoning Board of Appeals should not need dimensions and other information to support its action.

Status of the Pond as an Illegal or Nonconforming Use

The Webbs submit that the pond is a nonconforming use, but they provide no information concerning the dates of construction, concerning the legality of the pond at the time of construction and during expansion, or concerning the specific efforts taken to modify the pond over the past decade or two. The statement that the pond is a legal, non-conforming use is a mere conclusion. There has been no County determination to this effect and the Webbs have not pursued processes available to them in order to obtain this determination. Section 37-502 assigns the burden to establish a non-conforming building, structure or use on the Webbs and the testimony and July 7, 2018 submittal fall far short of meeting this burden.

Accepting only for the sake of argument that the pond is a legal, non-conforming use, the treatment of the use and the treatment of non-conforming structures are different under Article V of the DuPage County Zoning Ordinance. In particular, Section 37-502.2(A) prohibits expansion of pond. Section 37-502.2(B) prohibits the addition to or enlargement of the pond facility by adding a framed-membrane building above it.

About Neighborhood and the Subject Property

The Subject Property lies in a rural area, but this does not mean that the County turns a blind eye to enforcing its cedes. In fact, the nonconformity of the framed-membrane structure with the area and with the ordinances is what landed the Webbs in adjudication to begin with. Moreover, the Trust has not had the opportunity to review the petitions, but it notes that the comment concerning “letting the court” decide is a laypersons’ response to an attempt to respond to Linda Painter when she inquired whether it appeared that the parties were at impasse—which they are. The “court” referenced is the Zoning Board of Appeals at this point, and the Trust hopes not to find itself in a position from which it must decide whether to litigate an approval of
Hon. Robert Kartholl and Members of the Zoning Board of Appeals
County of DuPage

July 12, 2018
Page 3

Zoning Petition Z18-009 Webb (Variation)

the cover. Ms. Painter’s input does not bear on the issue because she, as President, apparently lacks the ability to enforce any particular covenant concerning the pre-existing illegal building. Her indication that she does not live on the block clearly indicates a softer position even if she had the covenanted authority to chime in on this.

The Zoning Board of Appeals has only one description of the neighborhood before it—that which the Trust provided earlier. The Webbs’ criticism of that description does not offer any alternative. Nevertheless, the Zoning Board of Appeals certainly understands that the few blocks in the area that the Trust addressed in April comprise the neighborhood and Webbs essentially admit as much by submitting various photos they feel bear on the issue at hand.

The Webbs’ Photographs

The photo of the decorative hose enclosure next to a Putting Green at the northwest corner of Lorraine and 87th Street (9S772 Lorraine) reflects a structure that has been in place since at least 1993 and possibly five years prior to that according to aerial imagery. Whether this structure was a building depends on the state of zoning and building codes in the 1990’s, but there seems to have been no County problem with this structure over more than two decades. The photo fails to depict that this is a corner lot and, further, fails to support any theory that the County should deviate from its ordinances to allow a new membrane building in front of a home when the zoning ordinance clearly prohibits this.

Relying on the photo of part of another corner lot directly east of the aforementioned property and situated at the northeast corner of Lorraine and 87th Street (9S775 Lorraine), the Webbs incorrectly suggest that the existence of a plank walkway over a culvert constitutes a building in the front yard that is relevant to the matter at hand. This should require little discussion given the long experience of members of the Zoning Board of Appeals. The same is true of photographs of a statue as well as of a basketball standard and lightpost along Hillside (south southwest of the Webb Property). A photo of a recreational vehicle parked in advance of a trip at a location 5-6 houses north of the Webb Property is irrelevant to the issue of whether a building connected to the ground should be allowed in front of the Webb home. Similarly, driveway entry monuments with lights are not buildings situated at 9S611 Lorraine which bear on this issue. The photograph of an area across a side and a rear yard at 17W055 Fern Street reflecting installations behind the front face of a home at the property also do not bear on the issue (of course, the photo also fails to disclose the forward-positioned home to the right of the above-ground pool).

The photograph across gardens in the rear yard of 10S020 Lorraine Drive to the shed is equally misleading to those noted above. 10S020 is a corner lot. The home is not shown in the photographs. The above-grade gardens are behind the face of the home along Lorraine and the shed is in the furthest corner from any abutting right of way. The building depicted on the left of the photograph is actually the principal building at 10S040 Lorraine. The white picket fence
Hon. Robert Karhol and Members  
of the Zoning Board of Appeals  
County of DuPage  

July 12, 2018  
Page 4  

photograph of the northwest corner of Lorraine and Hillside (apparently 17W128 Hillside) is no less forthcoming and no more relevant to the issue at hand because all of the improvements at 17W128 Hillside are at or behind the building face closest to the street.

Views to the Membrane Building

The discussion of the views to the membrane is insulting to the Trust and should be a real problem with the Zoning Board of Appeals. The highly reflective membrane in the attached photo is highly reflective and stands out like a sore thumb. It created such a visual obstruction that the Trust spent money not only to remedy a trespass, but also to deal with the plain view of a reflective building that the County prohibits at the location at issue. The Zoning Board of Appeals certainly should not condone the effort to use the Trust’s self-help in order to justify a zoning violation or to support a discordant variation to allow a building in front of the Webbs’ home.

Conclusion

Thank you for your attention to this matter. The Zoning Board of Appeals should not provide a favorable recommendation to the effect that that the County Board should approve the variation to allow any pond cover in front of the home or in the side yard. Respectfully, the Trust asks the Zoning Board of Appeals to enter findings consistent with this determination.

Yours very truly,

[Signature]

Mark W. Daniel

Excl.
ORDINANCE
Zoning Petition Z18-009 Webb

(If the County Board seeks to approve the zoning relief it will require a ¾ majority vote (14 votes) to approve based on the recommendation to deny by the Zoning Board of Appeals).

WHEREAS, a public hearing was held on April 26, 2018 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 6:00 P.M. before the DuPage County Zoning Board of Appeals and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

A Variation to allow an accessory structure (pond cover) in front of the front wall of the house; on the property hereinafter described:

LOT 74 IN HINSDALE TIMBER LAKE ESTATES UNIT #2, A SUBDIVISION IN THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF FEDERAL AID ROUTE 98, RECORDED AS DOCUMENT #527480 ALSO IN THE NORTH ½ OF THE NORTHEAST ¼ OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE EAST 1000.0 FEET ACCORDING TO THE PLAT RECORDED NOVEMBER 24, 1954#744581, IN DU PAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Board of Appeals, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on July 12, 2018 does find as follows:

FINDINGS OF FACT:

1. That petitioner testified that he seeks subject zoning relief to allow for an accessory structure in front of the front wall of the house to cover an existing pond.

2. That petitioner testified the subject lot size is approximately three-quarters of an acre (.75 acres). Petitioner testified that the subject lot is smaller compared to other lots in the immediate neighborhood.

3. That petitioner testified that the subject pond and subject accessory structure are set back approximately 120-125 feet from Lorraine Drive.

4. That petitioner testified that the subject pond was in existence prior to when petitioner purchased the subject property in 1989. Petitioner testified that to the best of his information, the prior owners constructed and installed the subject pond in 1960 or 1961 when the house was built.
That petitioner testified that the subject pond is a koi pond with rubber lining and rocks to hide the rubber matting.

5. That petitioner testified that the subject accessory structure is a structure that holds a tarp up above the pond water and above an existing decorative bridge.

- That petitioner testified that the subject accessory structure is approximately 19 feet wide by 22 feet long, consisting of 2 by 4’s inch and-a-quarter stainless steel piping, and a translucent plastic cover.

- That petitioner testified that the subject accessory structure is approximately five-and-a-half feet (5.5 feet) tall.

STANDARDS FOR VARIATIONS:

1. That the Zoning Board of Appeals finds that petitioner has not 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, as the loss of usefulness in an investment is not a practical difficulty or particular hardship to support a Variation for an accessory structure in front of the front wall of the house.

2. That the Zoning Board of Appeals finds that petitioner has not demonstrated the granting of the Variation will not:

   a. Impair an adequate supply of light and air to the adjacent property as petitioner has not demonstrated that there will be greenspace or landscaping added to the subject property to screen around the perimeter of the accessory structure.

   b. Increase the hazard from fire or other dangers to said property as petitioner has not demonstrated that an accessory structure in front of the front wall will not increase fire or other dangers to said property.

   - Furthermore, that petitioner has not supplied any documentation that the subject accessory structure was developed in proper accordance with all codes and ordinances of DuPage County.

   c. Diminish the value of land and buildings throughout the County as petitioner has not demonstrated that the accessory structure in front of the front wall of the house will improve the value of land and buildings in the subject property’s surrounding area.

   d. Unduly increase traffic congestion in the public streets and highways as petitioner has not demonstrated that an accessory structure in front of the front wall will not increase traffic on public streets.
e. Increase the potential for flood damages to adjacent property as petitioner has not demonstrated that an accessory structure in front of the front wall of the house will not affect the potential for flood damages to adjacent properties.

- Furthermore, testimony presented by a property owner in the neighborhood indicated that there are currently existing flooding issues throughout the subject neighborhood.

f. Incur additional public expense for flood protection, rescue or relief as petitioner has not demonstrated that an accessory structure in front of the front wall of the house will not incur additional expenses for flood protection.

g. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County as petitioner has not demonstrated that an accessory structure in front of the front wall of the house will not obstruct public safety access to the subject and adjacent properties.

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LAND USE

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WHEREAS, the Zoning Board of Appeals, having considered in relation to the above and at the recommendation meeting held on July 12, 2018 recommends to deny the following zoning relief:

A Variation to allow an accessory structure (pond cover) in front of the front wall of the house.

WHEREAS, the County Board Development Committee on August 7, 2018 considered the findings and recommendations of the Zoning Board of Appeals and does not concur with the findings and recommendation and further finds and recommends as follows:

1. That the Development Committee finds, based on evidence in the record, that petitioner has demonstrated that the subject property is half the depth of the properties to the north including the immediate property to the north.
   
   a. The subject property, (Webb property) is approximately 241 feet deep.
   b. The adjacent properties to the north have lot depths of approximately 621 feet.
   c. The house on the Webb property is setback from the ROW of Lorraine Drive by approximately 138 feet and the house is only 43 feet from the rear property line. The irregular location of the house on the property creates a hardship as the front yard is larger than the rear yard.

2. That the Development Committee finds, based on evidence in the record, that petitioner has demonstrated that the house on the subject property to the north, with a
lot depth of approximately 621 feet, is setback approximately 330 feet from the front property line along Lorraine Drive, approximately 89 feet further west from the rear property line of the subject property.

3. That the Development Committee finds, based on evidence in the record, that petitioner has demonstrated the entire subject property is located in front of the front wall of the house to the north.

4. That the Development Committee finds, based on evidence in the record, that petitioner has demonstrated the main purpose for the rule that accessory structures are required to be located behind the front wall of the house is so that adjacent properties would not have accessory items in front of the front of the adjacent homes.

   - However, in the instant case the petitioner has demonstrated that any legal accessory structure, including any pond and pond cover on the Webb property would still be located in front of the front wall of the house to the north.

5. That the Development Committee finds, based on evidence in the record, that petitioner has demonstrated that the pond has been in existence for at least 60 years and is a decorative pond filled with Koi fish.

   - Furthermore, that in order to keep the fish from dying off in the winter months the pond cover is necessary to insure the fish’s survival in the winter months only.

6. That the Development Committee finds, based on evidence in the record, that petitioner has demonstrated that a practical difficulty and hardship exists with their property for the reasons herein above.

   - Furthermore the Committee finds that petitioner has demonstrated that they have currently mitigated the view of the pond and accessory structure from adjacent properties and roadways with sufficient landscaping both around the pond structure and on the perimeter of the property.

**Dissenting Opinion:**

The one dissenting Board Member finds that the petitioner has not presented enough of a hardship relative to the fundamental intent and purpose of the rule to support a variation on the subject property.

**As such, the Development Committee recommends to approve the following zoning relief:**

A Variation to allow an accessory structure (pond cover) in front of the front wall of the house.
Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-009.

2. That within 30 days after the approval of this Ordinance by the County Board the property owner provides a landscape plan showing a partial landscape screen around the perimeter of the pond, (existing vegetation can be used toward landscape requirements).

3. That the accessory structure (pond cover) be temporarily installed only to cover the ornamental pond beginning no earlier than November 1 of each year and removed no later March 31 of the following year.

4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

A Variation to allow an accessory structure (pond cover) in front of the front wall of the house; on the property hereinafter described:

LOT 74 IN HINSDALE TIMBER LAKE ESTATES UNIT #2, A SUBDIVISION IN THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 35, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO THE EAST ½ OF THE SOUTHEAST ¼ OF SECTION 34, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING SOUTH OF THE SOUTHERLY RIGHT OF WAY LINE OF FEDERAL AID ROUTE 98, RECORDED AS DOCUMENT #527480 ALSO IN THE NORTH ½ OF THE NORTHEAST ¼ OF SECTION 3, TOWNSHIP 37 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, EXCEPT THE EAST 1000.0 FEET ACCORDING TO THE PLAT RECORDED NOVEMBER 24, 1954#744581, IN DU PAGE COUNTY, ILLINOIS.

The Zoning Relief is subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s site plan made part of Zoning Petition #Z18-009.

2. That within 30 days after the approval of this Ordinance by the County Board the property owner provides a landscape plan showing a partial landscape screen around the perimeter of the pond, (existing vegetation can be used toward landscape requirements).
3. That the accessory structure (pond cover) be temporarily installed only to cover the ornamental pond beginning no earlier than November 1 of each year and removed no later March 31 of the following year.

4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; ROBERT D. WEBB 9S740 LORRAINE DRIVE, HINSDALE, IL 60527; Michal Roth, 230 Cabot Drive Suite 455 Lisle, IL 60532-4613; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 21st day of August 2018, A.D.

_______________________
DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

ATTEST: _______________________
PAUL HINDS, COUNTY CLERK
MEMORANDUM

TO: DuPage County Board
FROM: DuPage County Development Committee
DATE: August 7, 2018
RE: Z18-017 Patel (Downers Grove N. / District 3)

DuPage County Board: August 14, 2018: (If the County Board seeks to approve the zoning relief it will require a ¾ majority vote {14 votes} to approve based on the recommendation to deny by the Zoning Hearing Officer)

Development Committee: August 7, 2018: The Motion to Approve failed relative to the following zoning relief:

Conditional Use of parking in rear of property when not leading to a valid parking spot.

DuPage County Development Committee Vote (Motion to approve failed): 0 Ayes, 6 Nays, 0 Absent

Zoning Hearing Officer: July 18, 2018: The Zoning Hearing Officer recommended to deny the following zoning relief:

Conditional Use of parking in rear of property when not leading to a valid parking spot.

FINDINGS OF THE FACT:

A. That petitioner testified that he seeks the subject zoning relief to allow for a Conditional Use of parking in rear of property when not leading to a valid parking spot at his multi-family tenant building.

B. The Hearing Officer finds that petitioner has not demonstrated sufficient evidence and factual underpinnings to support a Conditional Use of parking in rear of property when not leading to a valid parking spot.
## GENERAL ZONING CASE INFORMATION

<table>
<thead>
<tr>
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<th>Z18-017 Patel</th>
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<tr>
<td><strong>OWNER</strong></td>
<td>RAJESHBHAI N. PATEL 16W611 56TH STREET, CLARENDON HILLS, IL 60514</td>
</tr>
<tr>
<td><strong>ADDRESS/LOCATION</strong></td>
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<td><strong>PIN</strong></td>
<td>09-14-101-040</td>
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<td><strong>TWSP./CTY. BD. DIST.</strong></td>
<td>Downers Grove N Dist. 3</td>
</tr>
<tr>
<td><strong>ZONING/LUP</strong></td>
<td>R-6 Multiple Family Multi-Family 5-15 DU AC</td>
</tr>
<tr>
<td><strong>AREA</strong></td>
<td>0.23 (10,018 sq. ft.)</td>
</tr>
<tr>
<td><strong>UTILITIES</strong></td>
<td>Water and Sewer</td>
</tr>
<tr>
<td><strong>PUBLICATION DATE</strong></td>
<td>Daily Herald: June 13, 2018</td>
</tr>
<tr>
<td><strong>PUBLIC HEARING</strong></td>
<td>June 27, 2018, continued to July 18, 2018</td>
</tr>
<tr>
<td><strong>ADDITIONAL INFORMATION:</strong></td>
<td>No Objection.</td>
</tr>
<tr>
<td>Building:</td>
<td>No Objections. Additional information may be required at time of permit application. (See attached documentation)</td>
</tr>
<tr>
<td>DUDOT:</td>
<td>The DuPage County Division of Transportation has no jurisdictional authority over the subject property adjacent roadway right-of-way and defers its review to the highway jurisdictional authority.</td>
</tr>
<tr>
<td>Health:</td>
<td>No Objections.</td>
</tr>
<tr>
<td>Stormwater:</td>
<td>No Objections.</td>
</tr>
<tr>
<td>Public Works:</td>
<td>No Objections. PW is not the provided for sewer and water to that area.</td>
</tr>
<tr>
<td><strong>EXTERNAL:</strong></td>
<td></td>
</tr>
<tr>
<td>Forest Preserve:</td>
<td>No Objections.</td>
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<tr>
<td>Downers Grove Township:</td>
<td>No Objections. Additional information may be required at time of permit application. (See attached documentation)</td>
</tr>
<tr>
<td>Downers Grove Township Highway:</td>
<td>No Objections. Additional information may be required at time of permit application.</td>
</tr>
<tr>
<td>Tri-State Fire Dist.:</td>
<td>Can not comment at this time, additional information required. (See attached documentation)</td>
</tr>
<tr>
<td>Sch. Dist.:</td>
<td>No Comment.</td>
</tr>
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## GENERAL BULK REQUIREMENTS

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</thead>
<tbody>
<tr>
<td>North Front Yard: Multiple-Family Dwelling:</td>
<td>20 FEET</td>
<td>PARKING N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Driveway: 1 FOOT</td>
<td></td>
<td></td>
<td></td>
</tr>
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<td>West Int. Side Yard: Multiple-Family Dwelling:</td>
<td>15 FEET</td>
<td>PARKING N/A</td>
<td>PARKING: APPROX. 45 FEET</td>
</tr>
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<td>Driveway: 1 FOOT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>East Corner Side Yard: Multiple-Family Dwelling:</td>
<td>20 FEET</td>
<td>PARKING N/A</td>
<td>PARKING APPROX. 6 FEET</td>
</tr>
<tr>
<td>Driveway: 1 FOOT</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>South Rear Yard: Multiple-Family Dwelling:</td>
<td>20 FEET</td>
<td>PARKING N/A</td>
<td>PARKING APPROX. 32 FEET</td>
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<td>Driveway: 1 FOOT</td>
<td></td>
<td></td>
<td></td>
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## LAND USE

<table>
<thead>
<tr>
<th>Location</th>
<th>Zoning</th>
<th>Existing Use</th>
<th>LUP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject</td>
<td>R-6 Multiple Family</td>
<td>Multiple Family</td>
<td>Multi-Family 5-15 DU AC</td>
</tr>
<tr>
<td>North</td>
<td>56th Street and beyond the Village of Clarendon Hills</td>
<td>Commercial</td>
<td>Village of Clarendon Hills</td>
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<tr>
<td>South</td>
<td>R-6 Multiple Family</td>
<td>Multiple Family</td>
<td>Multi-Family 5-15 DU AC</td>
</tr>
<tr>
<td>East</td>
<td>Holmes Avenue and beyond the Village of Clarendon Hills</td>
<td>Townhomes</td>
<td>Village of Clarendon Hills</td>
</tr>
<tr>
<td>West</td>
<td>R-6 Multiple Family</td>
<td>Multiple Family</td>
<td>Multi-Family 5-15 DU AC</td>
</tr>
</tbody>
</table>
QUESTIONNAIRE REGARDING THE SUBJECT PROPERTY:

1. For what type of building or structure are you seeking zoning relief?  
   [Input: ]

2. How long have you owned the property?  
   [Input: Since 2017]

3. Was the building or structure on the property when you bought the property?  
   [Input: ]

4. Did you build the building or structure?  
   [Input: No]

5. How long has the building or structure been on the property?  
   [Input: Not applicable]

6. How close is the building or structure from the front, side and rear property lines?  
   a. Front:  
   [Input: Approx. 6 feet (Before: 51 feet)]
   b. Side:  
   [Input: Not applicable]
   c. Corner Side:  
   [Input: Not applicable]
   d. Rear:  
   [Input: Approx. 25 feet]

7. Why do you need the building or structure?  
   [Input: To improve the comfort & reduce noise from the existing septic system.]

8. Explain reasons why you cannot relocate building or structure to an area on the property that would meet the code (e.g., to move would be to destroy; location of septic failed, existing vegetation would be destroyed, grade of property).  
   [Input: This is the most convenient for plumbing & removal of septic tank, extending the grey water systems, property would lose too many mature trees.]

9. What do you estimate is the remaining life span of the building or structure?  
   [Input: More than 50 years (Not applicable)]

10. Do you have any letters of support from neighbors (attach)?  
    [Input: ]
AFFIDAVIT:
CASE NAME AND NUMBER: 218-017 Patel

1. Rajeshbhai N. Patel, the owner of the property for which the attached survey has been submitted, do hereby certify that this survey is a correct representation of my property as of this 18th day of June 2018.

Petitioner's Name: Rajeshbhai N. Patel

Petitioner's Address:
16W611 56IV Street,
Cicero, IL 60614

NOTARY SEAL
SUBSCRIBED AND SWORN TO BEFORE ME THIS:
18th DAY OF June, 2018

Sabrina Villalvazo
NOTARY PUBLIC SIGNATURE

“OFFICIAL SEAL”
My Commission Expires 04/20/21

Jack T. Knuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187
**Zoning Petition Z18-017 Patel**

Please review the information herein and return with your comments to Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187; or via email at [Jessica.Infelise@dupageco.org](mailto:Jessica.Infelise@dupageco.org) or via facsimile at 630-407-5702 by June 26, 2018.

### COMMENT SECTION:

<table>
<thead>
<tr>
<th>NO OBJECTION/CONCERNS WITH THE PETITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION</td>
</tr>
<tr>
<td>ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION</td>
</tr>
<tr>
<td>I CANNOT COMMENT AT THIS TIME. ADDITIONAL INFORMATION REQUIRED</td>
</tr>
<tr>
<td>I OBJECT/HAVE CONCERNS WITH THE PETITION</td>
</tr>
</tbody>
</table>

**COMMENTS:** This creates additional non-permeable area. What stormwater run-off mitigation is included in this project? What landscaping is proposed?

**SIGNATURE:** [Signature]

**DATE:** 6/14/2018

### GENERAL ZONING CASE INFORMATION

**CASE/PETITIONER:** Z18-017 Patel

**ZONING REQUEST:** Conditional Use of parking in rear of property when not leading to a valid parking spot

**OWNER:** RAJESHBHAI N. PATEL 16W611 56TH STREET, CLARENDON HILLS, IL 60514

**ADDRESS/LOCATION:** 16W611 56TH STREET, CLARENDON HILLS, IL 60514

**PIN:** 09-14-101-040

**TWSP./CTY. BD. DIST.:** Downers Grove N Dist. 3

**ZONING/CLU:** R-6 Multi Family

**AREA:** .23 (10,018 sq. ft.)

**UTILITIES:** Water and Sewer

**PUBLICATION DATE:** Daily Herald June 13, 2018

**PUBLIC HEARING:** June 22, 2018

**PLEASE NOTE:** FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.
DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM

Zoning Petition Z18-017 Patel

Please review the information herein and return with your comments to: Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@.dupageco.org or via facsimile at 630-407-6762 by June 20, 2018.

<table>
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<tr>
<th>COMMENT SECTION:</th>
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<tr>
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<tr>
<td>X: I CAN NOT COMMENT AT THIS TIME, ADDITIONAL INFORMATION REQUIRED.</td>
</tr>
<tr>
<td>Y: I OBJECT/ HAVE CONCERNS WITH THE PETITION.</td>
</tr>
</tbody>
</table>

COMMENTS:
- REAR OF PROPERTY IS A FENCED IN BACKYARD
- ACCESS WOULD HAVE TO COME IN OFF HONES AC TO AN UNFENCED BACKYARD?

SIGNATURE: [Signature] DATE: 6/1/18

MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:
- FRASME FIRE PROTECTION DISTRICT

GENERAL ZONING CASE INFORMATION

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PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PERSUANT TO THE ILLINOIS STATE STATUTES.
DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM

Zoning Petition Z18-017 Patel

Please review the information herein and return with your comments to: Justce Lefakis, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187; or via email at Justce.Lefakis@dupageco.org or via facsimile at 630-407-4702 by June 26, 2018.

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<tr>
<td><em>I CAN NOT COMMENT AT THIS TIME. ADDITIONAL INFORMATION REQUIRED.</em></td>
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</table>

COMMENTS: I am concerned with the new impervious area associated with the petition and would require additional information at the time of permitting.

<table>
<thead>
<tr>
<th>SIGNATURE:</th>
<th>Jim Straw DATE:</th>
<th>June 27, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:</td>
<td>Building &amp; Zoning Manager</td>
<td></td>
</tr>
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<td>TWP./CTY., BD. DIST.</td>
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PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.
ORDINANCE
Zoning Petition Z18-017 Patel

WHEREAS, a public hearing was held on July 18, 2018 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

Conditional Use of parking in rear of property when not leading to a valid parking spot, on the property hereinafter described:

LOTS 204, 205 AND 206 IN WOMAN’S SUBDIVISION OF LOT 3 OF HALLS SUBDIVISION OF THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID WOMAN’S SUBDIVISION RECORDED JULY 15, 1892 AS DOCUMENT NUMBER 49191, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on July 18, 2018 does find as follows:

FINDINGS OF THE FACT:

A. That petitioner testified that he seeks the subject zoning relief to allow for a Conditional Use of parking in rear of property when not leading to a valid parking spot at his multi-family tenant building.

B. The Hearing Officer finds that petitioner has not demonstrated sufficient evidence and factual underpinnings to support a Conditional Use of parking in rear of property when not leading to a valid parking spot.

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<tr>
<td>ZONING/LUP</td>
</tr>
</tbody>
</table>
## AREA

| UTILITIES | Water and Sewer |

## PUBLICATION DATE

| Daily Herald: June 13, 2018 |

## PUBLIC HEARING

| June 27, 2018, continued to July 18, 2018 |

## ADDITIONAL INFORMATION:

| Building: | No Objections. Additional information may be required at time of permit application. (See attached documentation) |
| DUDOT: | The DuPage County Division of Transportation has no jurisdictional authority over the subject property adjacent roadway right-of-way and defers its review to the highway jurisdictional authority. |
| Health: | No Objections. |
| Stormwater: | No Objections. |
| Public Works: | No Objections. PW is not the provided for sewer and water to that area. |

## EXTERNAL:

| Forest Preserve: | No Objections. |
| Downers Grove Township: | No Objections. Additional information may be required at time of permit application. (See attached documentation) |
| Downers Grove Township Highway: | No Objections. Additional information may be required at time of permit application. |
| Tri-State Fire Dist.: | Can not comment at this time, additional information required. (See attached documentation) |
| Sch. Dist.: | No Comment. |

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</table>

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on July 18, 2018 recommends to deny the following zoning relief:

Conditional Use of parking in rear of property when not leading to a valid parking spot.

WHEREAS, the County Board Development Committee on August 7, 2018, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommendation and on a Motion to Approve the Motion failed relative to the following zoning relief:

Conditional Use of parking in rear of property when not leading to a valid parking spot.

DuPage County Development Committee Vote (Motion to Approve failed): 0 Ayes, 6 Nays, 0 Absent

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Conditional Use of parking in rear of property when not leading to a valid parking spot, on the property hereinafter described:

LOTS 204, 205 AND 206 IN WOMAN’S SUBDIVISION OF LOT 3 OF HALLS SUBDIVISION OF THE NORTHWEST ¼ OF SECTION 14, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID WOMAN’S SUBDIVISION RECORDED JULY 15, 1892 AS DOCUMENT NUMBER 49191, IN DUPAGE COUNTY, ILLINOIS; and

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and
BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; RAJESHBHAI N. PATEL 16W611 56TH STREET, CLARENDON HILLS, IL 60514; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 21st day of August 2018, A.D.

_______________________
DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

ATTEST: _______________________
PAUL HINDS, COUNTY CLERK
MEMORANDUM

TO: DuPage County Development Committee
FROM: DuPage County Zoning Hearing Officer
DATE: July 18, 2018
RE: Z18-022 RJ Concrete, LLC. (York/ District 2)

Development Committee: August 7, 2018:

Zoning Hearing Officer: July 18, 2018: The Zoning Hearing Officer recommended to deny the following zoning relief:

Variation to allow driveway and parking spaces to be gravel.

FINDINGS OF THE FACT:

A. The Hearing Officer finds that petitioner has not demonstrated sufficient evidence and factual underpinnings to support a Variation to allow driveway and parking spaces to be gravel.

B. The Hearing Officer finds that the petitioner has not demonstrated practical difficulties or particular hardships in the way of carrying out a Variation to allow driveway and parking spaces to be gravel.

GENERAL ZONING CASE INFORMATION

<table>
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<tr>
<th>CASE#/PETITIONER</th>
<th>Z18-021 RJ Concrete, Inc.</th>
</tr>
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<tr>
<td>ZONING REQUEST</td>
<td>Variation to allow driveway and parking spaces to be gravel</td>
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<tr>
<td>OWNER</td>
<td>RJ CONCRETE, INC. 100 E. COMSTOCK AVENUE, ADDISON, IL 60101</td>
</tr>
<tr>
<td>ADDRESS/LOCATION</td>
<td>17W479 MANOR LANE, VILLA PARK, IL 60181</td>
</tr>
<tr>
<td>PIN</td>
<td>06-03-107-006</td>
</tr>
<tr>
<td>TWSP./CTY. BD. DIST.</td>
<td>York Dist. 2</td>
</tr>
<tr>
<td>ZONING/LUP</td>
<td>R-4 SF RES 0-5 DU AC</td>
</tr>
<tr>
<td>AREA</td>
<td>0.55 (23,958 sq. ft.)</td>
</tr>
<tr>
<td>UTILITIES</td>
<td>Well and Septic</td>
</tr>
<tr>
<td>PUBLICATION DATE</td>
<td>Daily Herald: July 3, 2018</td>
</tr>
<tr>
<td>PUBLIC HEARING</td>
<td>July 18, 2018</td>
</tr>
</tbody>
</table>
ADDITIONAL INFORMATION:

**Building:**
Objects. (See attached documentation)

**DUDOT:**
The DuPage County Division of Transportation has no jurisdictional authority over the subject property adjacent roadway right-of-way and defers its review to the highway jurisdictional authority.

**Health:**
No Objections.

**Stormwater:**
No Objections.

**Public Works:**
No Objections. We have no concerns – we are not the provider for sewer or water to that area.

**EXTERNAL:**

**Forest Preserve:**
No Comment.

**Villa Park:**
Objects. (See attached documentation)

**York Township:**
No Comment.

**York Township Highway:**
No Comment.

**Fire Dist.:**
No Comment.

**Sch. Dist.:**
No Comment.

GENERAL BULK REQUIREMENTS:

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<td><strong>North Front Yard:</strong></td>
<td>Improved surface for driveway and parkway</td>
<td>Gravel driveway and parkway</td>
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</tr>
<tr>
<td><strong>West Int. Side Yard:</strong></td>
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LAND USE

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<th>Existing Use</th>
<th>LUP</th>
</tr>
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<tbody>
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<td>Subject</td>
<td>R-4 SF RES</td>
<td>R.J. Concrete Inc.</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>North</td>
<td>Manor Lane and beyond R-4 SF RES</td>
<td>House</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>South</td>
<td>Village of Villa Park</td>
<td>R.J. Concrete Inc.</td>
<td>Village of Villa Park</td>
</tr>
<tr>
<td>East</td>
<td>R-4 SF RES</td>
<td>House</td>
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<tr>
<td>West</td>
<td>R-4 SF RES</td>
<td>House</td>
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Zoning Petition Z18-022 RJ Concrete, Inc.

Please review the information herein and return with your comments to: Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187; or Jessica.Infelise@dupageco.org via email at or via facsimile at 630-407-6702 by July 17, 2018.

COMMENT SECTION:

☐: NO OBJECTION/CONCERNS WITH THE PETITION.
☐: NO OBJECTION/CONCERNS WITH THE CONCEPT OF THE PETITION.
☐: ADDITIONAL INFORMATION MAY BE REQUIRED AT TIME OF PERMIT APPLICATION.
☐: I CAN NOT COMMENT AT THIS TIME. ADDITIONAL INFORMATION REQUIRED.
☐: I OBJECT: HAVE CONCERNS WITH THE PETITION.

COMMENTS:

SIGNATURE: Jim Staven
DATE: July 3, 2018
MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: Building & Zoning Manager

GENERAL ZONING CASE INFORMATION

CASE #/PETITIONER: Z18-022 RJ Concrete, Inc.
ZONING REQUEST: Variations to allow driveway and parking spaces to be gravel
OWNER: RJ CONCRETE, INC. 100 E. COMSTOCK AVENUE, ADDISON, IL 60101
ADDRESS/LOCATION: 17W479 MANOR LANE, VILLA PARK, IL 60181
PIN: 05-03-107-006
TWP/CTY, BD. DIST.: York Dist. 2
ZONING/LUP: R-4 SF RES 0.5 DU AC
AREA: 0.55 (23,938 sq. ft)
UTILITIES: Well and Septic
PUBLICATION DATE: Daily Herald: July 3, 2018
PUBLIC HEARING: July 13, 2018

PLEASE NOTE: FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.
Please review the information herein and return with your comments to: Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187; or Jessica.Infelise@dupageco.org via email at or via facsimile at 630-407-6702 by July 17, 2018.

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<tr>
<td>: I OBJECT/HAVE CONCERNS WITH THE PETITION.</td>
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**COMMENTS:** As this property owner is seeking annexation into Villa Park, we believe this request should be denied. Villa Park does not allow gravel as an approved driveway or parking surface.

**SIGNATURE:**

**DATE:** July 5, 2018

**MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:**

---

**GENERAL ZONING CASE INFORMATION**

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<tr>
<th>CASE/#PETITIONER</th>
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<td>ZONING REQUEST</td>
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<td>OWNER</td>
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**PLEASE NOTE:** FILING OF THIS FORM DOES NOT SUBSTITUTE FOR A FORMAL OBJECTION PURSUANT TO THE ILLINOIS STATE STATUTES.
MEMORANDUM

TO: DuPage County Board
FROM: DuPage County Development Committee
DATE: August 7, 2018
RE: Z18-026 Calvary United Pentecostal Church (Addison/District 1)

DuPage County Board: August 14, 2018:
Development Committee: August 7, 2018: The DuPage County Development Committee recommended to approve the following zoning relief:

A Variation to extend parking lot to match existing parking lot setbacks from 20 feet to approximately 6 feet.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s revised site plan made part of Zoning Petition #Z18-026 Calvary United Pentecostal Church dated August 1, 2018.

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 in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.

4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

DuPage County Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent
The Zoning Hearing Officer recommended to approve the following zoning relief:

A Variation to extend parking lot to match existing parking lot setbacks from 20 feet to approximately 6 feet.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s revised site plan made part of Zoning Petition #Z18-026 Calvary United Pentecostal Church dated August 1, 2018.

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 in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.

4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

FINDINGS OF FACT:

A. That petitioner testified that he seeks subject zoning relief to allow for a proposed parking lot extension to match the existing parking lot setbacks (approximately 6 feet from the east interior side property line).

B. That petitioner testified that attendance has increased for Sunday services at the subject property and that the existing 78 stall parking lot is no longer adequate.

   - That petitioner testified that a proposed parking lot extension would provide additional parking and matching aisle egress and flow, while maintaining emergency access to the subject property.

   - That petitioner testified that the proposed parking lot extension would accommodate 30 more vehicles, as depicted on the petitioner’s revised site plan made part of Zoning Petition Z18-026 Calvary United Pentecostal Church on August 1, 2018.

C. That petitioner testified that if the 20-foot setback was applied to the subject property, dentition capability for the proposed parking lot extension would be lost and would offset the location for proposed Stormwater Best Management Practices (BMP’s) and drainage. By further shifting the proposed parking lot extension to the
west, the proposed Stormwater BMP’s and drainage would encroach upon the subject property’s septic field.

D. That petitioner testified that he has distributed a petition to neighbors adjacent to the proposed parking lot extension and that they do not have any objections to the subject zoning relief. Furthermore, that petitioner has incorporated a section of arborvitae landscaping to screen the subject parking lot extension from residential properties to the east.

E. The Hearing Officer finds that petitioner has demonstrated evidence for a Variation to extend parking lot to match existing parking lot setbacks (from 20 feet to approximately 6 feet).

F. The Hearing Officer finds that petitioner has demonstrated that a practical difficulty exists in that the extension of the existing parking lot requires the variation to allow for extended parking in a manner that facilities positive traffic flow on site.

- Furthermore, the Hearing Officer finds that if petitioner were required to maintain the required setback they would require more impervious area contributing to uneven pavement and diminished on-site circulation.

G. The Hearing Officer finds that petitioner has demonstrated that the proposed parking lot extension does not have any impact on adjacent properties and roadways, does not impact drainage, and does not impede ventilation and light to the subject property or adjacent properties.

### GENERAL ZONING CASE INFORMATION

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<thead>
<tr>
<th>CASE #:PETITIONER</th>
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<td>CALVARY UNITED PENTECOSTAL CHURCH, 19W701 ARMY TRAIL ROAD, ADDISON, IL 60101</td>
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<td>Addison Dist. 1</td>
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<td>ZONING/LUP</td>
<td>R-4 SF RES 0-5 DU AC</td>
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<tr>
<td>AREA</td>
<td>4.95 (215,622 sq. ft.)</td>
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<tr>
<td>UTILITIES</td>
<td>Well and Septic</td>
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<tr>
<td>PUBLICATION DATE</td>
<td>Daily Herald: July 3, 2018</td>
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<tr>
<td>PUBLIC HEARING</td>
<td>July 18, 2018, and continuation to August 1, 2018</td>
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**ADDITIONAL INFORMATION:**

**Building:** No Objections.

**DUDOT:** The DuPage County Division of Transportation has no jurisdictional authority over the subject property adjacent roadway right-of-way and defers its review to the highway jurisdictional authority.

**Health:** No Objections.

**Stormwater:** No Objection with the concept of the petition. Additional information may be required at time of permit application. (See attached documentation)

**Public Works:** No Objections. We have no concerns – we are not the sewer or water provider for that area

**EXTERNAL:**

Village of Addison: No Objections. (See attached documentation)

Addison Township: No Comment.

Addison Township Highway: No Comment.

Fire Dist.: No Comment.

Sch. Dist.: No Comment.

Forest Preserve: No Comment.

**GENERAL BULK REQUIREMENTS:**

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<tbody>
<tr>
<td>North Front Yard:</td>
<td>30 FEET</td>
<td>N/A</td>
<td>APPROX. 687 FEET</td>
</tr>
<tr>
<td>East Int. Side Yard:</td>
<td>20 FEET</td>
<td>N/A</td>
<td>APPROX. 6 FEET</td>
</tr>
<tr>
<td>West Int. Side Yard:</td>
<td>20 FEET</td>
<td>N/A</td>
<td>APPROX. 203.7 FEET</td>
</tr>
<tr>
<td>South Rear Yard:</td>
<td>20 FEET</td>
<td>N/A</td>
<td>APPROX. 97.5 FEET</td>
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**LAND USE**

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<tr>
<td>Subject</td>
<td>R-4 SF</td>
<td>Place of Assembly</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>North</td>
<td>Army Trail and beyond R-4 SF</td>
<td>House</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>South</td>
<td>Village of Addison</td>
<td>Industrial/ Warehouse</td>
<td>Village of Addison</td>
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<tr>
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<td>Village of Addison</td>
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**DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM**

Zoning Petition Z18-026 Calvary United Pentecostal Church

Please review the information herein and return with your comments to:
Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupageco.org or via facsimile at 630-407-6702 by July 17, 2018.

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**COMMENTS:** Additional information will be needed at the time of permit application on how the proposed development will meet the requirements of the DuPage County Countywide Stormwater and Flood Plain Ordinance.

| SIGNATURE: Clayton Heffler DATE: 7/6/18 |
| MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT: DuPage County Stormwater Management |

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July 5, 2018

Jessica Infelise
DuPage County Building and Zoning Department
421 N. County Farm Road
Wheaton, IL 60187

Re: Zoning Petition Z18-026 Calvary United Pentecostal Church
19W701 Army Trail Road, Addison, IL

Dear Jessica,

We are attaching a comment section for the above referenced case with no objection/concerns regarding the petition referenced above.

Our only comment is that we request specific attention be paid to drainage and stormwater management related to the parking lot expansion, as drainage is a very sensitive issue in the surrounding Village of Addison neighborhoods.

Thank you for your assistance with this matter.

Sincerely,

John Berley, Assistant Village Manager/
Director, Community Development

CC: Mayor and Village Board
    Joe Block
    Mike Crandall
    Arlene Kaatz

1 Friendship Plaza   Addison, IL 60101-2786   Tel: (630) 693-7530   Fax: (630) 543-3967
www.AddisonAdvantage.org
**DU PAGE COUNTY ZONING HEARING OFFICER PROGRAM**

Zoning Petition Z18-026 Calvary United Pentecostal Church

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**COMMENT:***

**SIGNATURE:**

**DATE:**

**MUNICIPALITY/TOWNSHIP/AGENCY/DEPARTMENT:**

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Jack T. Knueper Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187
Z18-026 CALVARY UNITED PENTECOSTAL CHURCH

QUESTIONNAIRE REGARDING THE SUBJECT PROPERTY:

1. For what type of building or structure are you seeking zoning relief: _______
   Parking lot extension at grade

2. How long have you owned the property: _______
   1982

3. Was the building or structure on the property when you bought the property: _______
   No

4. Did you build the building or structure: _______
   Yes

5. How long has the building or structure been on the property: _______
   1983

6. How close is the building or structure from the front, side and rear property lines:
   a. Front: _______
      687 ft
   b. Side: _______
      6 ft
   c. Corner Side: _______
      203.7 ft
   d. Rear: _______
      97.5 ft

7. Why do you need the building or structure: _______
   The expanded parking would allow for overflow during Sunday services

8. Explain reasons why you cannot relocate building or structure to an area on the property that would meet the code (e.g., to move would be to destroy, location of septic failed, existing vegetation would be destroyed, grade of property): _______
   Continuity of vehicular flow would be severely impacted if the required setback was enforced upon the construction of the parking lot extension.

9. What do you estimate is the remaining life span of the building or structure: _______

10. Do you have any letters of support from neighbors (attach): _______
    Yes
AFFIDAVIT:
CASE NAME AND NUMBER: ___Z18-026___________

1. Calvary United Pentecostal Church
the owner of the property for which the attached survey has been submitted, do hereby
certify that this survey is a correct representation of my property as of this
_____16th______ day of _____July________ 2018_____.

Petitioner’s Name: __James T. March – Secretary/Treasurer
Calvary United Pentecostal Church

Petitioner’s Address:
__19 W. 701 Army Trail Rd. Addison, IL 60101

NOTARY SEAL:
SUBSCRIBED AND SWORN TO BEFORE ME THIS:
16th DAY OF _______ 2018

[Signature]

NOTARY PUBLIC SIGNATURE

Jack T. Kuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187
The following is the general response to DuPage County towards the comments presented
RE: Zoning Petition Z18-026

**VARIATION: Section: 37-1411.3 Standards for Variations.**

A. That there are practical difficulties or particular hardships in the way of carrying out
   the strict letter of the regulations of the Zoning Ordinance.
   The site is already substantially developed, prior to current setback requirements, with a
   building and parking lot. Continuity of vehicular flow would be severely impacted if the
   required setback was enforced upon the construction of the parking lot extension.
   Currently parking lot traffic flow is optimized, such that it only allows for two small aisles
   with one directional flow. Having the new parking lot extension set back from the existing
   would create an entry only flow condition, without sufficient space for exiting.

B. That the granting of any 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.
   The variation granted will be an extension of current conditions, and is mindful of all the
   above mentioned. Storm water plans have been submitted, managing all storm run off and
   directing towards BMP’s.

C. That the granting of the Variation will not:

   1. Impair an adequate supply of light and air to the adjacent property;
      The parking lot and it’s features are to be installed is at grade, as such adjacent
      properties will not be impacted with supply of light or air flow.

   2. Increase the hazard from fire or other dangers to said property;
      The parking lot proposed would be constructed of asphalt and concrete (non-
      combustible). Granting the variation will allow proper turning radii for first
      responders, and allow a better degree of response if needed towards neighboring
      properties.

   3. Diminish the value of land and buildings throughout the County;
      The parking lot is an improvement, and as such should only slightly add to the value of
      the land and buildings throughout the County.
4. Unduly increase traffic congestion in the public streets and highways; The parking lot expansion will add 32 vehicles to the overall site, which has currently has about 80 existing spots. Local streets will not be impacted. The existing parking lot and proposed expansion is connected to a regional collector, Army Trail Road. The parking expanded parking would allow for overflow during Sunday services, which is one day during the week. Sunday is not considered a peak flow day of the week for Army Trail Road.

5. Increase the potential for flood damages to adjacent property; Engineering plans have been designed adequately addressing the proposed site’s storm water flow, along with Best Management Practices (BMP’s) to mitigate neighboring properties from being impacted during the most extreme of rain fall events.

6. Incur additional public expense for flood protection, rescue or relief; or See items #2 and #5 responses…..

7. Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County. No impairments towards the inhabitants of DuPage County anticipated.

Thank you for the opportunity to request a variance for the extension of the Church’s parking lot.

James March – Secretary Treasurer Calvary United Pentecostal Church On Behalf of the Petitioner Dan Grecco, P.E.

[Signature]

[Seal]

Page | 2
7/16/18

To Whom It May Concern,

RE: Zoning Petition Z18-026

I, James T. March – Secretary Treasurer of Calvary United Pentecostal Church, have personally contacted some of the residents from the Stone Hedge subdivision which is located to the east of our property at 196701 Army Trail Rd. Addison, IL 60101. I have explained our proposed variation for a parking lot expansion to them and have attached letters that they have signed in my presence stating that they are the homeowner and that they “Do Not” object to the variation.

The Addresses I have been able to contact are as follows:

- 952 W. Stoneedge Dr. Addison, IL 60101
- 945 W. Stoneedge Dr. Addison, IL 60101
- 990 W. Stoneedge Dr. Addison, IL 60101
- 980 W. Stoneedge Dr. Addison, IL 60101
- 973 Stoneedge Dr. Addison, IL 60101
- 964 Stoneedge Dr. Addison, IL 60101
- 921 Stoneedge Dr. Addison, IL 60101
- 959 Stoneedge Dr. Addison, IL 60101

James T. March
Secretary Treasurer, Calvary United Pentecostal Church

[Signature]

[Seal]

[Seal]
PETITION LETTER TO NEIGHBORS OF
CALVARY UNITED PENTECOSTAL CHURCH 19W701 ARMY TRAIL RD ADDISON, IL 60101

We are in the process of extending our parking to the south of our existing parking lot with a variation of property line setbacks.

Included in this extension project we have hired an engineer to design the extended parking in a way as include a curbs on the expansion to contain and divert all water run off to the west.

You may or may not receive an additional notification from DuPage County Zoning as they consider the curbed parking lot a structure.

We are circulating this petition to our immediate neighbors of the proposed variation for a parking lot structure.

As such, if you do not object to the variation of this in ground parking lot structure please sign below:

I: ________________________________
Residing at: _________________________
Date: 04/2/2018

(Handwritten Signature)
PETITION LETTER TO NEIGHBORS OF
CALVARY UNITED PENTECOSTAL CHURCH 19W701 ARMY TRAIL RD ADDISON, IL 60101

We are in the process of extending our parking to the south of our existing parking lot with a variation of property line setbacks.

Included in this extension project we have hired an engineer to design the extended parking in a way as include a curbs on the expansion to contain and divert all water run off to the west.

You may or may not receive an additional notification from DuPage County Zoning as they consider the curbed parking lot structure.

We are circulating this petition to our immediate neighbors of the proposed variation for a parking lot structure.

As such, if you do not object to the variation of this in ground parking lot structure please sign below:

I:

Residing at: ____________________________

Date: 6/12/2018

[Signature]
PETITION LETTER TO NEIGHBORS OF 
CALVARY UNITED PENTECOSTAL CHURCH 19W701 ARMY TRAIL RD ADDISON, IL 60101

We are in the process of extending our parking to the south of our existing parking lot with a variation of property line setbacks.

Included in this extension project we have hired an engineer to design the extended parking in a way as include a curbstones on the expansion to contain and divert all water run off to the west.

You may or may not receive an additional notification from DuPage County Zoning as they consider the curbed parking lot a structure.

We are circulating this petition to our immediate neighbors of the proposed variation for a parking lot structure.

As such, if you do not object to the variation of this in ground parking lot structure please sign below:

I: 

Residing at: 990 w stewart or addison, il 60101

Date: 7/31/2018
PETITION LETTER TO NEIGHBORS OF
CALVARY UNITED PENTECOSTAL CHURCH 19W701 ARMY TRAIL RD ADDISON, IL 60101

We are in the process of extending our parking to the south of our existing parking lot with a variation of property line setbacks.

Included in this extension project we have hired an engineer to design the extended parking in a way as include a curbs on the expansion to contain and divert all water run off to the west.

You may or may not receive an additional notification from DuPage County Zoning as they consider the curbed parking lot a structure.

We are circulating this petition to our immediate neighbors of the proposed variation for a parking lot structure.

As such, if you do not object to the variation of this in ground parking lot structure please sign below:

I: ____________________________

Residing at: 921 Stonebridge Dr, Addison

Date: 7/3/2018
PETITION LETTER TO NEIGHBORS OF
CALVARY UNITED PENTECOSTAL CHURCH 19W701 ARMY TRAIL RD ADDISON, IL 60101

We are in the process of extending our parking to the south of our existing parking lot with a variation of property line setbacks.

Included in this extension project we have hired an engineer to design the extended parking in a way as include a curbs on the expansion to contain and divert all water run off to the west.

You may or may not receive an additional notification from DuPage County Zoning as they consider the curbed parking lot a structure.

We are circulating this petition to our immediate neighbors of the proposed variation for a parking lot structure.

As such, if you do not object to the variation of this in ground parking lot structure please sign below:

I: Min Bizios
Residing at: 959 StoneHenge ADDISON IL 60101
Date: 6/28/2018
PETITION LETTER TO NEIGHBORS OF
CALVARY UNITED PENTECOSTAL CHURCH 19W701 ARMY TRAIL RD ADDISON, IL 60101

We are in the process of extending our parking to the south of our existing parking lot with a variation of property line setbacks.

Included in this extension project we have hired an engineer to design the extended parking in a way as include a curbs on the expansion to contain and divert all water run off to the west.

You may or may not receive an additional notification from DuPage County Zoning as they consider the curved parking lot a structure.

We are circulating this petition to our immediate neighbors of the proposed variation for a parking lot structure.

As such, if you do not object to the variation of this in ground parking lot structure please sign below:

I:  
Residing at:  
Date:  

Robert Pociask
980 W. Stonehedge Dr. Addison IL
6/12/2018
PETITION LETTER TO NEIGHBORS OF

calvary united pentecostal church 19W701 army trail rd addison, il 60101

We are in the process of extending our parking to the south of our existing parking lot with a variation of property line setbacks.

Included in this extension project we have hired an engineer to design the extended parking in a way as include a curbs on the expansion to contain and divert all water run off to the west.

You may or may not receive an additional notification from DuPage County Zoning as they consider the curbed parking lot a structure.

We are circulating this petition to our immediate neighbors of the proposed variation for a parking lot structure.

As such, if you do not object to the variation of this in ground parking lot structure please sign below:

I: Gautam Patel
Residing at: 973 stone h0060 dr. Addison, Il
Date: 6/28/2018
PETITION LETTER TO NEIGHBORS OF
CALVARY UNITED PENTECOSTAL CHURCH 19W701 ARMY TRAIL RD ADDISON, IL 60101

We are in the process of extending our parking to the south of our existing parking lot with a variation of property line setbacks.

Included in this extension project we have hired an engineer to design the extended parking in a way as include a curbs on the expansion to contain and divert all water run off to the west.

You may or may not receive an additional notification from DuPage County Zoning as they consider the curbed parking lot a structure.

We are circulating this petition to our immediate neighbors of the proposed variation for a parking lot structure.

As such, if you do not object to the variation of this in ground parking lot structure please sign below:

I: [Signature]
Residing at: [Address]
Date: [Date]

[Signature]
Additional Information Submitted by Petitioner on July 30, 2018:

July 18, 2018

HARDSHIP SETBACK NARRATIVE FOR
PROPOSED SOUTH PARKING LOT EXPANSION
Calvary United Pentecostal Church
19 W 701 Army Trail Road

Setbacks for DuPage County were recently changed within the past several years, increasing a 5 foot setback to a 20 foot setback for all non-residential properties adjacent to residential properties. The church is petitioning for a variance to allow a six foot setback for an construction of a parking lot extension.

Originally Opened in 1983, the church as seen positive growth in recent years. Increased attendance for Sunday services has grown so much, that the existing 78 stall parking lot is no longer adequate. Overflow parking is being temporarily tolerated with parking along the driveway, and throughout the existing parking lot. This limits the ability for egress, especially if an emergency situation was to occur.

A proposed parking lot expansion, with parking spacing for 30 more vehicles is desired. Ideally parking would be in alignment with existing parking, providing matching isle egress and flow.

If the 20 foot setback was enforced, the following hardships for constructing a parking lot extension would be noted:

- Detention capability would be lost. As insufficient room would exist for reverse lane flow, the parking lot extension would need to be moved further west. This is just south of the existing building complex, and would offset the proposed location that is desired for above grade storm water BMP’s and drainage. Further shifting this drainage proposed BMP location west would impact the Building’s septic field that is located there.

- Inefficiencies in parking lot design would ensue. More asphalt area would be needed overall, to accomplish the same number of new and desired parking lot stalls. This is because more isle space would be required to accommodate turning movements. This would increase the size and subsequent cost of the parking lot. This would occur whether the new parking lot extension was shifted anywhere but in line with the existing alignment.
Revised Site Plan Submitted on July 30, 2018:

PROPOSED SOUTH PARKING LOT EXPANSION

Calvary United Pentecostal Church
19 W 70l Army Trail Road

NOTE: 9’ Proposed Footfall Adjutament Location

PROPOSED GEOMETRIC PLAN

Packet Pg. 91
8/1/18 → Young Exhibit
218-026 Calvary

7/30/18

To Whom It May Concern,

RE: Zoning Petition 218-026

I, James T. March – Secretary Treasurer of Calvary United Pentecostal Church, have personally contacted, Mr. Allen Young, the resident from 954 Stone Hedge Addison, IL. I meet with him on Sunday 7/29/18 at 19w701 Army Trail Addison. I showed him the proposed parking lot expansion and survey of our common property line. I have explained our proposed variation for a parking lot expansion and included his request to plant arbor vitae trees along our side of the property as part of our project.

I have attached letter that he has signed in my presence stating that he is the homeowner and that he “DOES NOT” object to the variation.

The Address I have been able to contact are as follows:
- 954 Stonededge Dr. Addison, IL 60101

James T. March
Secretary Treasurer Calvary United Pentecostal Church

Nancy M. Thomas
Notary Public - State of Illinois
My Commission Expires: 11/6/19

7/30/18
PETITION LETTER TO NEIGHBORS OF
CALVARY UNITED PENTECOSTAL CHURCH 19W701 ARMY TRAIL RD ADDISON, IL 60101

We are in the process of extending our parking to the south of our existing parking lot with a variation of property line setbacks.

Included in this extension project we have hired an engineer to design the extended parking in a way as include a curbs on the expansion to contain and divert all water run off to the west.

You may or may not receive an additional notification from DuPage County Zoning as they consider the curbed parking lot a structure.

We are circulating this petition to our immediate neighbors of the proposed variation for a parking lot structure.

As such, if you do not object to the variation of this in ground parking lot structure please sign below:

I: Allen Yeo

Residing at: 954 Stonehedge Dr. Addison, IL 60101

Date: 7/29/2018

[Signature]
ORDINANCE  
Zoning Petition Z18-026 Calvary United Pentecostal Church

WHEREAS, a public hearing was held on August 1, 2018 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

A Variation to extend parking lot to match existing parking lot setbacks from 20 feet to approximately 6 feet, on the property hereinafter described:

THE SOUTH 572.26 FEET (MEASURED ON THE WEST LINE), THE EAST 125.00 FEET (MEASURED ON THE SOUTH LINE) EXCEPT THE SOUTH 830.02 FEET (MEASURED ON THE WEST LINE); AND EAST 105.0 FEET (MEASURED ON THE SOUTH LINE) OF THE NORTH 257.76 FEET OF THE SOUTH 830.02 FEET (MEASURED ON THE WEST LINE) OF TRACT 2 IN HARRISON’S ASSESSMENT PLAT, IN THE WEST HALF OF THE NORTHWEST ¼ OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF THEREOF RECORDED OCTOBER 27, 1953 AS DOCUMENT 699307 IN THE RECORDER’S OFFICE OF DUPAGE COUNTY, ILLINOIS.; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on August 1, 2018 does find as follows:

FINDINGS OF FACT:
A. That petitioner testified that he seeks subject zoning relief to allow for a proposed parking lot extension to match the existing parking lot setbacks (approximately 6 feet from the east interior side property line).

B. That petitioner testified that attendance has increased for Sunday services at the subject property and that the existing 78 stall parking lot is no longer adequate.

- That petitioner testified that a proposed parking lot extension would provide additional parking and matching aisle egress and flow, while maintaining emergency access to the subject property.

- That petitioner testified that the proposed parking lot extension would accommodate 30 more vehicles, as depicted on the petitioner’s revised site plan made part of Zoning Petition Z18-026 Calvary United Pentecostal Church on August 1, 2018.

C. That petitioner testified that if the 20-foot setback was applied to the subject property, detention capability for the proposed parking lot extension would be lost and would
offset the location for proposed Stormwater Best Management Practices (BMP’s) and drainage. By further shifting the proposed parking lot extension to the west, the proposed Stormwater BMP’s and drainage would encroach upon the subject property’s septic field.

D. That petitioner testified that he has distributed a petition to neighbors adjacent to the proposed parking lot extension and that they do not have any objections to the subject zoning relief. Furthermore, that petitioner has incorporated a section of arborvitae landscaping to screen the subject parking lot extension from residential properties to the east.

E. The Hearing Officer finds that petitioner has demonstrated evidence for a Variation to extend parking lot to match existing parking lot setbacks (from 20 feet to approximately 6 feet).

F. The Hearing Officer finds that petitioner has demonstrated that a practical difficulty exists in that the extension of the existing parking lot requires the variation to allow for extended parking in a manner that facilitates positive traffic flow on site.

- Furthermore, the Hearing Officer finds that if petitioner were required to maintain the required setback they would require more impervious area contributing to uneven pavement and diminished on-site circulation.

G. The Hearing Officer finds that petitioner has demonstrated that the proposed parking lot extension does not have any impact on adjacent properties and roadways, does not impact drainage, and does not impede ventilation and light to the subject property or adjacent properties.

### GENERAL ZONING CASE INFORMATION

<table>
<thead>
<tr>
<th>CASE#/PETITIONER</th>
<th>Z18-026 Calvary United Pentecostal Church</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZONING REQUEST:</td>
<td>A Variation to extend parking lot to match existing parking lot setbacks from 20 feet to approximately 6 feet.</td>
</tr>
<tr>
<td>(As indicated in the Petitioners application)</td>
<td></td>
</tr>
<tr>
<td>OWNER</td>
<td>CALVARY UNITED PENTECOSTAL CHURCH, 19W701 ARMY TRAIL ROAD, ADDISON, IL 60101</td>
</tr>
<tr>
<td>ADDRESS/LOCATION</td>
<td>19W701 ARMY TRAIL ROAD, ADDISON, IL 60101</td>
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<tr>
<td>PIN</td>
<td>03-29-110-015</td>
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<tr>
<td>TWSP./CTY. BD. DIST.</td>
<td>Addison Dist. 1</td>
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<tr>
<td>ZONING/LUP</td>
<td>R-4 SF RES 0-5 DU AC</td>
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<tr>
<td>AREA</td>
<td>4.95 (215,622 sq. ft.)</td>
</tr>
<tr>
<td>UTILITIES</td>
<td>Well and Septic</td>
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<td>PUBLICATION DATE</td>
<td>Daily Herald: July 3, 2018</td>
</tr>
<tr>
<td>PUBLIC HEARING</td>
<td>July 18, 2018, and continuation to August 1, 2018</td>
</tr>
<tr>
<td>ADDITIONAL INFORMATION</td>
<td></td>
</tr>
</tbody>
</table>
Building: No Objections.

DUDOT: The DuPage County Division of Transportation has no jurisdictional authority over the subject property adjacent roadway right-of-way and defers its review to the highway jurisdictional authority.

Health: No Objections.

Stormwater: No Objection with the concept of the petition. Additional information may be required at time of permit application. (See attached documentation)

Public Works: No Objections. We have no concerns – we are not the sewer or water provider for that area

EXTERNAL:

Village of Addison: No Objections. (See attached documentation)

Addison Township: No Comment.

Addison Township Highway: No Comment.

Fire Dist.: No Comment.

Sch. Dist.: No Comment.

Forest Preserve: No Comment.

GENERAL BULK REQUIREMENTS:

<table>
<thead>
<tr>
<th>REQUIREMENTS:</th>
<th>REQUIRED</th>
<th>EXISTING</th>
<th>PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Front Yard:</td>
<td>30 FEET</td>
<td>N/A</td>
<td>APPROX. 687 FEET</td>
</tr>
<tr>
<td>East Int. Side Yard:</td>
<td>20 FEET</td>
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<td>APPROX. 6 FEET</td>
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<tr>
<td>West Int. Side Yard:</td>
<td>20 FEET</td>
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<td>APPROX. 203.7 FEET</td>
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<tr>
<td>South Rear Yard:</td>
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<td>APPROX. 97.5 FEET</td>
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LAND USE

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<tr>
<th>Location</th>
<th>Zoning</th>
<th>Existing Use</th>
<th>LUP</th>
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<tbody>
<tr>
<td>Subject</td>
<td>R-4 SF</td>
<td>Place of Assembly</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>North</td>
<td>Army Trail and beyond R-4 SF</td>
<td>House</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>South</td>
<td>Village of Addison</td>
<td>Industrial/ Warehouse</td>
<td>Village of Addison</td>
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<tr>
<td>East</td>
<td>Village of Addison</td>
<td>Houses</td>
<td>Village of Addison</td>
</tr>
<tr>
<td>West</td>
<td>Village of Addison</td>
<td>Place of Assembly and Industrial/ Warehouse</td>
<td>Village of Addison</td>
</tr>
</tbody>
</table>

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on August 1, 2018 recommends to approve the following zoning relief:

A Variation to extend parking lot to match existing parking lot setbacks from 20 feet to approximately 6 feet.
Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s revised site plan made part of Zoning Petition #Z18-026 Calvary United Pentecostal Church dated August 1, 2018.

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 in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.

4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

WHEREAS, the County Board Development Committee on August 7, 2018, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to approve the following zoning relief:

A Variation to extend parking lot to match existing parking lot setbacks from 20 feet to approximately 6 feet.

Subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s revised site plan made part of Zoning Petition #Z18-026 Calvary United Pentecostal Church dated August 1, 2018.

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 in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.

4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

DuPage County Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent
NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

A Variation to extend parking lot to match existing parking lot setbacks from 20 feet to approximately 6 feet, on the property hereinafter described:

THE SOUTH 572.26 FEET (MEASURED ON THE WEST LINE). THE EAST 125.00 FEET (MEASURED ON THE SOUTH LINE) EXCEPT THE SOUTH 830.02 FEET (MEASURED ON THE WEST LINE); AND EAST 105.0 FEET (MEASURED ON THE SOUTH LINE) OF THE NORTH 257.76 FEET OF THE SOUTH 830.02 FEET (MEASURED ON THE WEST LINE) OF TRACT 2 IN HARRISON’S ASSESSMENT PLAT, IN THE WEST HALF OF THE NORTHWEST 1/4 OF SECTION 29, TOWNSHIP 40 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF THEREOF RECORDED OCTOBER 27, 1953 AS DOCUMENT 699307 IN THE RECORDER’S OFFICE OF DUPAGE COUNTY, ILLINOIS; and

The Zoning Relief is subject to the following conditions:

1. That the property be developed in accordance with the petitioner’s revised site plan made part of Zoning Petition #Z18-026 Calvary United Pentecostal Church dated August 1, 2018.

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 in conjunction with the submittal of a building permit the developer provides a landscape plan showing partial landscape screens around the perimeter of the development.

4. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and
BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; CALVARY UNITED PENTECOSTAL CHURCH, 19W701 ARMY TRAIL ROAD, P.O. BOX 935, ADDISON, IL 60101; and Township Assessor, Addison Township, 401 North Addison Road, Addison, IL 60101.

Enacted and approved this 21st day of August 2018, A.D.

_______________________
DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

ATTEST: _______________________
PAUL HINDS, COUNTY CLERK
MEMORANDUM

TO: DuPage County Board
FROM: DuPage County Development Committee
DATE: August 7, 2018
RE: Z18-034 Casey (Winfield/District 6)

DuPage County Board: August 14, 2018:

Development Committee: August 7, 2018: The DuPage County Development Committee recommended to approve the following zoning relief:

A Variation to reduce lot size: Lot 1 to approximately 70,585 sq. ft. and Lot 2 to approximately 76,145 sq. ft.

Subject to the following conditions:
1. The Variation zoning relief is for a proposed lot subdivision as depicted on the petitioner’s site plan made part of Zoning Petition Z18-034 Casey on June 27, 2018.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation.
3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

DuPage County Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent

Zoning Hearing Officer: June 27, 2018: The Zoning Hearing Officer recommended to approve the following zoning relief:

A Variation to reduce lot size: Lot 1 to approximately 70,585 sq. ft. and Lot 2 to approximately 76,145 sq. ft.

Subject to the following conditions:
1. The Variation zoning relief is for a proposed lot subdivision as depicted on the petitioner’s site plan made part of Zoning Petition Z18-034 Casey on June 27, 2018.
2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation.

3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

FINDINGS OF FACT:
A. The Hearing Officer finds that petitioner has demonstrated the need for a Variation to reduce lot size: Lot 1 to approximately 70,585 sq. ft. and Lot 2 to approximately 76,145 sq. ft.

B. That petitioner testified that he plans to subdivide the current property into two new lots and offer them for sale.

C. That petitioner testified that he typical lot size in the subject neighborhood is approximately 1.25-1.50 acres.
   - As such, the proposed reduction in lot size is consistent with other lot sizes within the subject neighborhood.

D. That petitioner testified that the two subject lots are serviced by well and septic utilities.

E. The Hearing Officer finds that petitioner has demonstrated that the subject properties are located in a unique manner relative to the adjacent properties to the north and west.
   - As such, Washington Avenue extends into the northwest corner of the subject property.
   - As such, the proposed lot subdivision will be consistent with other lot sizes within the subject neighborhood.

<table>
<thead>
<tr>
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<td>ZONING REQUEST: (As indicated in the Petitioners application)</td>
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</tr>
<tr>
<td>ADDRESS/LOCATION</td>
</tr>
<tr>
<td>PIN</td>
</tr>
</tbody>
</table>
**TWSP./CTY. BD. DIST.**
Winfield District 6

**ZONING/LUP**
R-1 SF RES 0-5 DU AC

**AREA**
PIN 04-14-300-011: 1.52 (66,211 sq. ft.)
PIN 04-14-300-017: 1.85 (80,586 sq. ft.)

**UTILITIES**
Well and Sewer

**PUBLICATION DATE**
Daily Herald: June 13, 2018

**PUBLIC HEARING**
June 27, 2018

**ADDITIONAL INFORMATION:** No Objection.

**Building:** No Objections.

**DUDOT:** The DuPage County Division of Transportation has no jurisdictional authority over the subject property adjacent roadway right-of-way and defers its review to the highway jurisdictional authority.

**Health:** No Objections.

**Stormwater:** No Objections.

**Public Works:** No Objections. PW is not the provider of sewer or water to that area.

**EXTERNAL:**
- Forest Preserve: No Objections.
- Winfield Township: No Objections.
- Winfield Township Highway: No Objections.
- Fire Dist.: No Comment.
- Sch. Dist.: No Comment.

**GENERAL BULK REQUIREMENTS:**

<table>
<thead>
<tr>
<th>REQUIREMENTS</th>
<th>REQUIRED</th>
<th>EXISTING</th>
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<tbody>
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<td>Front Yard:</td>
<td>40 FEET</td>
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</tr>
<tr>
<td>Int. Side Yard:</td>
<td>20 FEET</td>
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<td>20 FEET</td>
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<tr>
<td>Int. Side Yard:</td>
<td>20 FEET</td>
<td>N/A</td>
<td>20 FEET</td>
</tr>
<tr>
<td>Rear Yard:</td>
<td>50 FEET</td>
<td>N/A</td>
<td>50 FEET</td>
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<tr>
<td>Height:</td>
<td>36 FEET</td>
<td>N/A</td>
<td>36 FEET</td>
</tr>
<tr>
<td>Floor Area Ratio:</td>
<td>0.2</td>
<td>N/A</td>
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**LAND USE**

<table>
<thead>
<tr>
<th>Location</th>
<th>Zoning</th>
<th>Existing Use</th>
<th>LUP</th>
</tr>
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<tbody>
<tr>
<td>Subject</td>
<td>R-1 SF RES</td>
<td>House</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>North</td>
<td>R-1 SF RES</td>
<td>House</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>South</td>
<td>R-1 SF RES</td>
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<tr>
<td>East</td>
<td>Morningside Avenue and beyond</td>
<td>House</td>
<td>0-5 DU AC</td>
</tr>
<tr>
<td>West</td>
<td>R-1 SF RES</td>
<td>House</td>
<td>0-5 DU AC</td>
</tr>
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</table>
ORDINANCE
Zoning Petition Z18-034 Casey

WHEREAS, a public hearing was held on June 27, 2018 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

A Variation to reduce lot size: Lot 1 to approximately 70,585 sq. ft. and Lot 2 to approximately 76,145 sq. ft., on the property hereinafter described:

LOTS 45 AND 46 AND THE SOUTH HALF OF THAT PART OF WASHINGTON AVENUE LYING WEST OF THE NORTH EXTENSION OF THE WEST LINE RIGHT OF WAY LINE OF MORNINGSIDE AVENUE AND EAST OF A LINE 360.0 FEET WEST OF SAID WEST RIGHT OF WAY LINE IN H.M. CORNELL AND COMPANY’S WINFIELD ACRES, BEING A SUBDIVISION OF PART OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 10, 1938 AS DOCUMENT 389539 IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on June 27, 2018 does find as follows:

FINDINGS OF FACT:

A. The Hearing Officer finds that petitioner has demonstrated the need for a Variation to reduce lot size: Lot 1 to approximately 70,585 sq. ft. and Lot 2 to approximately 76,145 sq. ft.

B. That petitioner testified that he plans to subdivide the current property into two new lots and offer them for sale.

C. That petitioner testified that he typical lot size in the subject neighborhood is approximately 1.25-1.50 acres.

• As such, the proposed reduction in lot size is consistent with other lot sizes within the subject neighborhood.

D. That petitioner testified that the two subject lots are serviced by well and septic utilities.
E. The Hearing Officer finds that petitioner has demonstrated that the subject properties are located in a unique manner relative to the adjacent properties to the north and west.

- As such, Washington Avenue extends into the northwest corner of the subject property.

- As such, the proposed lot subdivision will be consistent with other lot sizes within the subject neighborhood.

### GENERAL ZONING CASE INFORMATION

<table>
<thead>
<tr>
<th>CASE #/PETITIONER</th>
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<tbody>
<tr>
<td>ZONING REQUEST:</td>
<td>Variation to reduce lot size; Lot 1 to approximately 70,585 sq. ft. and Lot 2 to approximately 76,145 sq. ft.</td>
</tr>
<tr>
<td>OWNER</td>
<td>Patrick Casey 0S420 Prince Crossing Road, West Chicago, IL 60185</td>
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<tr>
<td>ADDRESS/LOCATION</td>
<td>0S430 Morningside Avenue, Winfield, IL 60190</td>
</tr>
<tr>
<td>PIN</td>
<td>04-14-300-011 &amp; 04-14-300-017</td>
</tr>
<tr>
<td>TWSP./CTY. BD. DIST.</td>
<td>Winfield District 6</td>
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<tr>
<td>ZONING/LUP</td>
<td>R-1 SF RES 0-5 DU AC</td>
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</table>
| AREA                  | PIN 04-14-300-011: 1.52 (66,211 sq. ft.)  
                        | PIN 04-14-300-017: 1.85 (80,586 sq. ft.) |
| UTILITIES             | Well and Sewer |
| PUBLICATION DATE      | Daily Herald: June 13, 2018 |
| PUBLIC HEARING        | June 27, 2018 |
| ADDITIONAL INFORMATION: | No Objection. |

Building: No Objections.

DUDOT: The DuPage County Division of Transportation has no jurisdictional authority over the subject property adjacent roadway right-of-way and defers its review to the highway jurisdictional authority.

Health: No Objections.

Stormwater: No Objections.

Public Works: No Objections. PW is not the provider of sewer or water to that area.

EXTERNAL:

Forest Preserve: No Objections.

Winfield Township: No Objections.

Winfield Township Highway: No Objections.

Fire Dist.: No Comment.

Sch. Dist.: No Comment.
GENERAL BULK REQUIREMENTS:

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(Lot 1: 14,117)  
(Lot 2: 15,229)

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WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on June 27, 2018 recommends to approve the following zoning relief:

A Variation to reduce lot size: Lot 1 to approximately 70,585 sq. ft. and Lot 2 to approximately 76,145 sq. ft.

Subject to the following conditions:

1. The Variation zoning relief is for a proposed lot subdivision as depicted on the petitioner’s site plan made part of Zoning Petition Z18-034 Casey on June 27, 2018.

2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation.

3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

WHEREAS, the County Board Development Committee on August 7, 2018, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to approve the following zoning relief:

A Variation to reduce lot size: Lot 1 to approximately 70,585 sq. ft. and Lot 2 to approximately 76,145 sq. ft.
Subject to the following conditions:
1. The Variation zoning relief is for a proposed lot subdivision as depicted on the petitioner’s site plan made part of Zoning Petition Z18-034 Casey on June 27, 2018.

2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation.

3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

DuPage County Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent

NOW, THEREfore, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

A Variation to reduce lot size: Lot 1 to approximately 70,585 sq. ft. and Lot 2 to approximately 76,145 sq. ft., on the property hereinafter described:

LOTS 45 AND 46 AND THE SOUTH HALF OF THAT PART OF WASHINGTON AVENUE LYING WEST OF THE NORTH EXTENSION OF THE WEST LINE RIGHT OF WAY LINE OF MORNINGSIDE AVENUE AND EAST OF A LINE 360.0 FEET WEST OF SAID WEST RIGHT OF WAY LINE IN H.M. CORNELL AND COMPANY’S WINFIELD ACRES, BEING A SUBDIVISION OF PART OF THE SOUTHWEST ¼ OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 10, 1938 AS DOCUMENT 389539 IN DUPAGE COUNTY, ILLINOIS.; and

The Zoning Relief is subject to the following conditions:

1. The Variation zoning relief is for a proposed lot subdivision as depicted on the petitioner’s site plan made part of Zoning Petition Z18-034 Casey on June 27, 2018.

2. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation.

3. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and
BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; PROPERTY OWNER; and Township Assessor, Winfield Township, 130 Arbor Avenue, West Chicago, IL 60185.

Enacted and approved this 21st day of August 2018, A.D.

_______________________
DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

ATTEST: _______________________
PAUL HINDS, COUNTY CLERK
MEMORANDUM

TO: DuPage County Board
FROM: DuPage County Development Committee
DATE: August 7, 2018
RE: Z18-035 Schweinberg (Downers Grove S. / District 3)

DuPage County Board: August 14, 2018:

Development Committee: August 7, 2018: The DuPage County Development Committee recommended to approve the following zoning relief:

Conditional use to allow an existing shed on property where the shed has existed more than 5 years, to be less than 10 feet from side property line (approx. 7 feet 5 inches).

Subject to the following conditions:

1. The Conditional Use zoning relief is for the existing shed only, as depicted on the petitioner’s site plan made part of Zoning Petition Z18-035 Schweinberg on June 27, 2018.

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 property is conveyed to new ownership.
   c. The structure is voluntarily removed.

3. That petitioner maintains the existing landscaping around the perimeter of the subject property.

4. That petitioner shall not light/illuminate the existing shed.
5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing shed on the property.

6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

DuPage County Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent

Zoning Hearing Officer: June 27, 2018: The Zoning Hearing Officer **recommended to approve** the following zoning relief:

Conditional use to allow an existing shed on property where the shed has existed more than 5 years, to be less than 10 feet from side property line (approx. 7 feet 5 inches).

**Subject to the following conditions:**

1. The Conditional Use zoning relief is for the existing shed only, as depicted on the petitioner’s site plan made part of Zoning Petition Z18-035 Schweinberg on June 27, 2018.

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 property is conveyed to new ownership.

   c. The structure is voluntarily removed.

3. That petitioner maintains the existing landscaping around the perimeter of the subject property.

4. That petitioner shall not light/illuminate the existing shed.

5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing shed on the property.

6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.
FINDINGS OF FACT:
A. The Hearing Officer finds that petitioner has demonstrated evidence for a Conditional use to allow an existing shed on property where the shed has existed more than 5 years, to be less than 10 feet from side property line (approx. 7 feet 5 inches).

B. The Hearing Officer finds that petitioner has demonstrated that the existing shed has been in existence prior to when the petitioner purchased the subject property. The petitioner has owned the subject property since approximately March 2018.

C. That petitioner testified that the existing shed has been on the property for approximately 30 years and has been well-maintained.

D. That petitioner testified that the existing shed is used to store lawn mowers and household equipment.

E. The Hearing Officer finds that 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 property or adjacent properties.

**GENERAL ZONING CASE INFORMATION**

<table>
<thead>
<tr>
<th>CASE #/PETITIONER</th>
<th>Z18-035 SCHWEINBERG</th>
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<tr>
<td>ZONING REQUEST:</td>
<td>Conditional use to allow an existing shed on property where the shed has existed more than 5 years, to be less than 10 feet from side property line (approx. 7 feet 5 inches).</td>
</tr>
<tr>
<td>OWNER</td>
<td>Pamela Schweinberg 17W260 Scheel Drive, Willowbrook, IL 60527</td>
</tr>
<tr>
<td>ADDRESS/LOCATION</td>
<td>17W260 Scheel Drive, Willowbrook, IL 60527</td>
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<td>PIN</td>
<td>10-03-200-006</td>
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<td>TWSP./CTY. BD. DIST.</td>
<td>Downers Grove S. District 3</td>
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<td>ZONING/LUP</td>
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<tr>
<td>AREA</td>
<td>.59 (25,700 sq. ft.)</td>
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<tr>
<td>UTILITIES</td>
<td>Water and Sewer</td>
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<tr>
<td>PUBLICATION DATE</td>
<td>Daily Herald: June 13, 2018</td>
</tr>
<tr>
<td>PUBLIC HEARING</td>
<td>Wednesday, June 27, 2018</td>
</tr>
</tbody>
</table>

ADDITIONAL INFORMATION: No Objection.

Building: No Objections.

DUDOT: The DuPage County Division of Transportation has no jurisdictional authority over the subject property adjacent roadway right-of-way and defers its review to the highway jurisdictional authority.

Health: No Objections.
Stormwater: No Objections.

Public Works: No Objections. We are the sewer and water provider and the proposed ZBA request does not impact our system.

EXTERNAL:
- Forest Preserve: No Objections.
- Village of Willowbrook: No Objections. The Village of Willowbrook has no objections to the proposed variation given the circumstances and considering our current side yard setback requirement for a rear yard setback is five feet (5’).
- Downers Grove Township: No Objections. Additional information may be required at time of permit application.
- Downers Grove Township Highway: No Objections.
- Tri-State Fire Dist.: No Objections.
- Sch. Dist.: No Comment.

GENERAL BULK REQUIREMENTS:

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<tr>
<td>Front Yard: BEHIND FRONT WALL</td>
<td>APPROX. 122 FEET</td>
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</tr>
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<td>Int. Side Yard: 10 FEET</td>
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<td>APPROX. 104 FEET</td>
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<td></td>
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<tr>
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<td>APPROX. 72 FEET</td>
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LAND USE

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<td>House</td>
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</table>
QUESTIONNAIRE REGARDING THE SUBJECT PROPERTY:

1. DESCRIBE THE BUILDING/STRUCTURE FOR WHICH YOU SEEK ZONING RELIEF: 
   - Shed

2. HOW LONG HAVE YOU OWNED THE PROPERTY:
   - 2.5 months

3. DID THE BUILDING/STRUCTURE EXIST WHEN YOU BOUGHT THE PROPERTY:
   - Yes

4. DID YOU BUILD THE BUILDING/STRUCTURE:
   - No

5. HOW LONG HAS THE BUILDING/STRUCTURE BEEN ON THE PROPERTY:
   - Approx. 35 years

6. HOW CLOSE IS THE BUILDING/STRUCTURE FROM THE PROPERTY LINES:
   - a. FRONT: 122.52
   - b. SIDE: 21.32
   - c. CORNER SIDE: 117.17
   - d. REAR: 71.32

7. WHY DO YOU NEED THE BUILDING/STRUCTURE:
   - Storage of lawn mowers, etc.
   - We have a large property

8. EXPLAIN REASONS WHY YOU CAN NOT RELOCATE BUILDING/STRUCTURE TO AN AREA ON THE PROPERTY THAT WOULD MEET THE CODE (E.G.: TO MOVE WOULD BE TO DESTROY, LOCATION OF SEPTIC FIELD, EXISTING VEGETATION WOULD BE DESTROYED, GRADE OF PROPERTY, ETC):
   - To move would be to destroy

9. ESTIMATE THE REMAINING LIFE SPAN OF THE BUILDING/STRUCTURE:
   - 20 years

10. DO YOU HAVE ANY LETTERS OF SUPPORT FROM NEIGHBORS (ATTACH):

ORDINANCE
Zoning Petition Z18-035 Schweinberg

WHEREAS, a public hearing was held on June 27, 2018 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

Conditional use to allow an existing shed on property where the shed has existed more than 5 years, to be less than 10 feet from side property line (approx. 7 feet 5 inches), on the property hereinafter described:


WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on June 27, 2018 does find as follows:

FINDINGS OF FACT:

A. The Hearing Officer finds that petitioner has demonstrated evidence for a Conditional use to allow an existing shed on property where the shed has existed more than 5 years, to be less than 10 feet from side property line (approx. 7 feet 5 inches).

B. The Hearing Officer finds that petitioner has demonstrated that the existing shed has been in existence prior to when the petitioner purchased the subject property. The petitioner has owned the subject property since approximately March 2018.

C. That petitioner testified that the existing shed has been on the property for approximately 30 years and has been well-maintained.

D. That petitioner testified that the existing shed is used to store lawn mowers and household equipment.
E. The Hearing Officer finds that 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 property or adjacent properties.

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WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on June 27, 2018 recommends to approve the following zoning relief:

Conditional use to allow an existing shed on property where the shed has existed more than 5 years, to be less than 10 feet from side property line (approx. 7 feet 5 inches).

**Subject to the following conditions:**

1. The Conditional Use zoning relief is for the existing shed only, as depicted on the petitioner’s site plan made part of Zoning Petition Z18-035 Schweinberg on June 27, 2018.

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 property is conveyed to new ownership.

   c. The structure is voluntarily removed.

3. That petitioner maintains the existing landscaping around the perimeter of the subject property.

4. That petitioner shall not light/illuminate the existing shed.
5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing shed on the property.

6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

WHEREAS, the County Board Development Committee on August 7, 2018, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to approve the following zoning relief:

Conditional use to allow an existing shed on property where the shed has existed more than 5 years, to be less than 10 feet from side property line (approx. 7 feet 5 inches).

**Subject to the following conditions:**

1. The Conditional Use zoning relief is for the existing shed only, as depicted on the petitioner’s site plan made part of Zoning Petition Z18-035 Schweinberg on June 27, 2018.

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:

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4. That petitioner shall not light/illuminate the existing shed.

5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing shed on the property.

6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.
NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Conditional use to allow an existing shed on property where the shed has existed more than 5 years, to be less than 10 feet from side property line (approx. 7 feet 5 inches), on the property hereinafter described:


The Zoning Relief is subject to the following conditions:

1. The Conditional Use zoning relief is for the existing shed only, as depicted on the petitioner’s site plan made part of Zoning Petition Z18-035 Schweinberg on June 27, 2018.

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6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.
BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; PAMELA SCHWEINBERG 17W260 SCHEEL DRIVE, WILLOWBROOK, IL 60527; and Township Assessor, Downers Grove Township, 4340 Prince Street, Downers Grove, IL 60515.

Enacted and approved this 21st day of August 2018, A.D.

__________________________
DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

ATTEST: ______________________
PAUL HINDS, COUNTY CLERK
MEMORANDUM

TO: DuPage County Board
FROM: DuPage County Development Committee
DATE: August 7, 2018
RE: Z18-036 Foster (Bloomingdale/ District 1)

DuPage County Board: August 14, 2018:

Development Committee: August 7, 2018: The DuPage County Development Committee recommended to approve the following zoning relief:

Conditional Use for Accessory Building (Existing Shed) to remain approximately 2 feet and 6 inches from property line.

Subject to the following conditions:
1. The Conditional Use zoning relief is for the existing shed only, as depicted on the petitioner’s site plan made part of Zoning Petition Z18-036 Foster on June 27, 2018.

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 property is conveyed to new ownership.
   c. The structure is voluntarily removed.

3. That petitioner maintains the existing landscaping around the perimeter of the subject property.

4. That petitioner shall not light/illuminate the existing shed.
5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing shed on the property.

6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

DuPage County Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent

**Zoning Hearing Officer: June 27, 2018:** The Zoning Hearing Officer **recommended to approve** the following zoning relief:

Conditional Use for Accessory Building (Existing Shed) to remain approximately 2 feet and 6 inches from property line.

**Subject to the following conditions:**

1. The Conditional Use zoning relief is for the existing shed only, as depicted on the petitioner’s site plan made part of Zoning Petition Z18-036 Foster on June 27, 2018.

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:

   d. 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.

   e. The property is conveyed to new ownership.

   f. The structure is voluntarily removed.

3. That petitioner maintains the existing landscaping around the perimeter of the subject property.

4. That petitioner shall not light/illuminate the existing shed.

5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing shed on the property.

6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.
FINDINGS OF FACT:

A. The Hearing Officer finds that petitioner has demonstrated evidence for a Conditional Use to have an Accessory Building (existing shed) to remain approximately 2 feet and 6 inches from the property line.

B. The Hearing Officer finds that the petitioner has demonstrated that the existing shed has been in existence prior to when the petitioner purchased the subject property, approximately 11 years ago.

C. That petitioner testified that the existing shed has been on the property for approximately 30 years.

D. That petitioner testified that the existing shed is used to store a lawnmower, snow blower, shovels, and household equipment.

E. The Hearing Officer finds that 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 property or adjacent properties.

GENERAL ZONING CASE INFORMATION

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<td>ADDRESS/LOCATION</td>
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<td>Building:</td>
<td>No Objections.</td>
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<td>DUDOT:</td>
<td>The DuPage County Division of Transportation has no jurisdictional authority over the subject property adjacent roadway right-of-way and defers its review to the highway jurisdictional authority.</td>
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<td>Health:</td>
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**EXTERNAL:**

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QUESTIONNAIRE REGARDING THE SUBJECT PROPERTY:

1. For what type of building or structure are you seeking zoning relief: **SAD**

2. How long have you owned the property: **11 years**

3. Was the building or structure on the property when you bought the property: **YES**

4. Did you build the building or structure: **NO**

5. How long has the building or structure been on the property: **30 years**

6. How close is the building or structure from the front, side and rear property lines:
   a. Front: **95'**
   b. Side: **87.4'**
   c. Corner Side: **21.1'**
   d. Rear: **155'**

7. Why do you need the building or structure:

   *All season storage, raw material, love for beauty, Snow blowing, snow plowing, Christmas decor.*

8. Explain reasons why you cannot relocate building or structure to an area on the property that would meet the code (e.g.: to move would be to destroy location of septic failed, existing vegetation would be destroyed, grade of property): **It would destroy structure.**

9. What do you estimate is the remaining life span of the building or structure: **1-5 years**

10. Do you have any letters of support from neighbors (attach): **YES**
AFFIDAVIT:
CASE NAME AND NUMBER: 218-036 Foster

Kim Foster, the owner of the property for which the attached survey has been submitted, do hereby certify that this survey is a correct representation of my property as of this 5th day of June 2018.

Petitioner’s Name: Kim Foster

Petitioner’s Address: 7N107 Walbourn Medinah, Il 60157

NOTARY SEAL:
SUBSCRIBED AND SWORN TO BEFORE ME THIS:
5th Day of June 2018

[Signature]
NOTARY PUBLIC SIGNATURE
ORDINANCE
Zoning Petition Z18-036 Foster

WHEREAS, a public hearing was held on June 27, 2018 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

Conditional Use for Accessory Building (Existing Shed) to remain approximately 2 feet and 6 inches from property line, on the property hereinafter described:

LOT 41 IN BRANIGAR’S MEDINAH WOODS UNIT NUMBER 2, A SUBDIVISION OF THE WEST HALF NORTHEAST QUARTER AND THAT PART OF THE WEST HALF SOUTHEAST QUARTER, LYING NORTH OF THE CHICAGO MILWAUKEE MERIDIAN, DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on June 27, 2018 does find as follows:

FINDINGS OF FACT:

A. The Hearing Officer finds that petitioner has demonstrated evidence for a Conditional Use to have an Accessory Building (existing shed) to remain approximately 2 feet and 6 inches from the property line.

B. The Hearing Officer finds that the petitioner has demonstrated that the existing shed has been in existence prior to when the petitioner purchased the subject property, approximately 11 years ago.

C. That petitioner testified that the existing shed has been on the property for approximately 30 years.

D. That petitioner testified that the existing shed is used to store a lawnmower, snow blower, shovels, and household equipment.

E. The Hearing Officer finds that 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 property or adjacent properties.
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WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on June 27, 2018 recommends to approve the following zoning relief:

Conditional Use for Accessory Building (Existing Shed) to remain approximately 2 feet and 6 inches from property line.

**Subject to the following conditions:**

1. The Conditional Use zoning relief is for the existing shed only, as depicted on the petitioner’s site plan made part of Zoning Petition Z18-036 Foster on June 27, 2018.

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 property is conveyed to new ownership.
   c. The structure is voluntarily removed.

3. That petitioner maintains the existing landscaping around the perimeter of the subject property.

4. That petitioner shall not light/illuminate the existing shed.

5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing shed on the property.

6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

### LAND USE

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WHEREAS, the County Board Development Committee on August 7, 2018, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to approve the following zoning relief:

Conditional Use for Accessory Building (Existing Shed) to remain approximately 2 feet and 6 inches from property line.

Subject to the following conditions:

1. The Conditional Use zoning relief is for the existing shed only, as depicted on the petitioner’s site plan made part of Zoning Petition Z18-036 Foster on June 27, 2018.

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:
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   b. The property is conveyed to new ownership.
   c. The structure is voluntarily removed.

3. That petitioner maintains the existing landscaping around the perimeter of the subject property.

4. That petitioner shall not light/illuminate the existing shed.

5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing shed on the property.

6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Conditional Use for Accessory Building (Existing Shed) to remain approximately 2 feet and 6 inches from property line, on the property hereinafter described:

LOT 41 IN BRANIGAR’S MEDINAH WOODS UNIT NUMBER 2, A SUBDIVISION OF THE WEST HALF NORTHEAST QUARTER AND THAT PART OF THE WEST HALF SOUTHEAST QUARTER, LYING NORTH OF THE CHICAGO MILWAUKEE MERIDIAN, DUPAGE COUNTY, ILLINOIS; and
The Zoning Relief is subject to the following conditions:

1. The Conditional Use zoning relief is for the existing shed only, as depicted on the petitioner’s site plan made part of Zoning Petition Z18-036 Foster on June 27, 2018.

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:
   
d. 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.

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5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing shed on the property.

6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

   BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and
BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by
the County Clerk to the DuPage County Finance Department; DuPage County Auditor;
DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage
County Health Department; DuPage County Division of Transportation; KIM FOSTER
7N707 HAWTHORNE LANE, MEDINAH IL 60157; and Township Assessor,
Bloomingdale Township, 123 N. Rosedale, Bloomingdale, IL 60108.

Enacted and approved this 21st day of August 2018, A.D.

_______________________
DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

ATTEST: _________________________
PAUL HINDS, COUNTY CLERK
MEMORANDUM

TO:       DuPage County Board
FROM:     DuPage County Development Committee
DATE:     August 8, 2018
RE:       Z18-037 Miller (Wayne / District 6)

DuPage County Board: August 14, 2018:

Development Committee: August 7, 2018: The DuPage County Development Committee recommended to approve the following zoning relief:

A Variation requesting to increase (existing) detached garage size, which currently exceeds the allowable 850 sq. ft. by approximately 302 sq.

Subject to the following conditions:
1. The Variation zoning relief is for the existing detached garage only, as depicted on the petitioner’s revised site plan made part of Zoning Petition Z18-037 Miller on July 10, 2018.

2. That petitioner maintains the existing landscaping and fencing around the perimeter of the subject property.

3. That petitioner is not permitted to operate a business out of the subject detached garage.

4. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.

5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing shed on the property.

6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

DuPage County Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent
Zoning Hearing Officer: June 27, 2018: The Zoning Hearing Officer recommended to approve the following zoning relief:

A Variation requesting to increase (existing) detached garage size, which currently exceeds the allowable 850 sq. ft. by approximately 302 sq.

Subject to the following conditions:
1. The Variation zoning relief is for the existing detached garage only, as depicted on the petitioner’s revised site plan made part of Zoning Petition Z18-037 Miller on July 10, 2018.

2. That petitioner maintains the existing landscaping and fencing around the perimeter of the subject property.

3. That petitioner is not permitted to operate a business out of the subject detached garage.

4. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.

5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing shed on the property.

6. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

FINDINGS OF FACT:

A. The Hearing Officer finds that petitioner has demonstrated evidence for a Variation requesting to increase (existing) detached garage size, which currently exceeds the allowable 850 sq. ft. by approximately 302 sq.

B. The Hearing Officer finds that petitioner has demonstrated that the subject detached garage has been in existence prior to when the petitioner purchased the subject property in November 2013.

C. That petitioner testified that the subject detached garage is used to store a vintage car, lawnmower, snow blower, shovels, children’s toys, and household equipment.

D. That petitioner testified that the subject detached garage is illuminated by three (3) flood lights.

E. That petitioner testified that the subject detached garage is currently powered by electricity.
F. The Hearing Officer finds that petitioner has demonstrated that the subject detached garage does not have any impact on adjacent properties and roadways, does not impact on drainage, and does not impede ventilation and light to the property or adjacent properties.

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### LAND USE

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<td>Vacant and House</td>
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Narrative Submitted by Petitioner:

#6. STANDARDS FOR ZONING RELIEF:

We are planning to build a 24'x24' attached garage and are requesting to keep our existing 1,152 square foot detached garage which exceeds the allowable 850 square feet by only 302 square feet. We have an acre of land and the current detached garage does not adversely affect the neighborhood, county or village in any way whatsoever. Please see our answers below in black.

VARIATION: Section: 37-1411.
A. That there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of the Zoning Ordinance.

WITHOUT THE DETACHED GARAGE WE WILL LOSE VERY MUCH NEEDED STORAGE SPACE:
- We have a 24'x48' detached garage at the end of our long driveway. The total square footage is 1,152 which exceeds the allowable 850 square feet by only 302 square feet. To be compliant we would need to tear down the entire detached garage. It would be a shame to tear down a perfectly good garage that solves all of our storage needs, just because of an extra 302 square feet.
- Half of the garage is being used to store our 1954 Classic GMC truck (hubby’s baby) to keep it protected from the weather. The other half stores many items such as: riding lawn mower, manual lawn mower, snow blower, kids riding vehicles, kids’ pool, beach toys, various toys such as the Step2 Roller Coaster, bikes, bike buggy, table saw, lawn tools, garden tools, toolbox, sleds, winter storage of patio furniture, trampoline, grill, etc. It’s the perfect size. Everything has its place and is nicely organized. Without the detached garage all of our things would be left out in the open and exposed to the elements, not to mention an eyesore to the neighborhood. Where would we put the 1954 Classic GMC truck? The new proposed attached garage will only be 24’x24’ which is not nearly enough storage for all these items plus our vehicles.
- If we are required to tear down the detached garage it would be quite some time before we could afford to build a new “allowable” replacement detached garage/storage building as the cost of the new garage addition is already quite a huge financial burden.

WE HAVE AN ACRE OF LAND AND MOST IS UNUSED
- We have about an acre of land and most of it is not being used. The detached garage takes up only a fraction of the yard. We have much more land than buildings on our property.

THE BENEFITS OF BUILDING AN ATTACHED GARAGE:
- Our driveway is about 50-60 feet from the house which is quite far to walk to and from our vehicles. It’s miserable during bad weather and we often need to run as fast as we can while trying to shield our two young children.
- Bringing in groceries, cases of water or anything else to and from the house is very inconvenient and cumbersome.
- At night it would feel much safer to park inside an attached garage without walking that long distance outside.
- The attached garage will keep our vehicles warm and protected. No snow to clean off.
- We live on a busy street with much exposure and the new addition would greatly improve our house appearance and likewise make the neighborhood look more appealing. Our house currently looks like a small box.
- We have a large empty piece of land between our house and driveway which is the absolute perfect spot for an attached garage.
B. That the granting of any 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.

**Does not apply**

C. That the granting of the Variation will not:

1. Impair an adequate supply of light and air to the adjacent property;
   
   *The existing single-story detached garage is far from the adjacent property and does not impair an adequate supply of light and air whatsoever. We have an acre of land and the adjacent property has 2 acres.*

2. Increase the hazard from fire or other dangers to said property;
   
   *There is no increase of fire or any other dangers.*

3. Diminish the value of land and buildings throughout the County;
   
   *Having both an attached garage and detached garage for storage will surely increase the land value.*

4. Unduly increase traffic congestion in the public streets and highways;

   **Does not apply**

5. Increase the potential for flood damages to adjacent property;

   *The existing detached garage does not increase the potential for flood to the adjacent property. It has been here for many years without any problems. We have a lot of land and there are no drainage issues.*

6. Incur additional public expense for flood protection, rescue or relief; or

7. Otherwise impair public health, safety, comfort, morals or general welfare of the inhabitants of DuPage County.

   **Does not apply**

In conclusion, we would greatly appreciate if our property could be re-zoned to allow us to keep the existing detached garage and also build a new attached garage. The exceeded amount is only 302 square feet which doesn’t seem to justify tearing down a perfectly good garage. The detached garage is ideal for all of our storage needs and we cannot afford to build a new storage. We need the extra storage for our classic car, lawn mowers, snow blower and many other things.

Likewise, we really need to have an attached garage for the safety of our family, convenience, comfort, better curb appeal and home value.

We have an acre of land and most of it is unused. If we’re able to keep the detached garage and build the 24’x24’ attached garage our ratio would still be much more land per structures than any of our neighbors (besides the neighbor to the right who has two acres).

The detached garage has been here for many years and has never affected the adjacent properties, community property or anyone else.

It would be beneficial to us in so many ways to keep the existing detached garage and be allowed to build a new attached garage. It will not be a burden or problem to anyone else. We really hope you will consider letting us keep it!

Thank you for your time!

Donald and Anne Miller
Tammy Ramirez
QUESTIONNAIRE REGARDING THE SUBJECT PROPERTY:

1. DESCRIBE THE BUILDING/STRUCTURE FOR WHICH YOU SEEK ZONING RELIEF:
   1,152 Detached garage

2. HOW LONG HAVE YOU OWNED THE PROPERTY:
   Since November 2013

3. DID THE BUILDING/STRUCTURE EXIST WHEN YOU BOUGHT THE PROPERTY:
   Yes

4. DID YOU BUILD THE BUILDING/STRUCTURE:
   No

5. HOW LONG HAS THE BUILDING/STRUCTURE BEEN ON THE PROPERTY:
   I do not know

6. HOW CLOSE IS THE BUILDING/STRUCTURE FROM THE PROPERTY LINES:
   a. FRONT: 120 Feet from garage to sidewalk
   b. SIDE: 22 Feet (right side), 107 Feet (left side)
   c. CORNER SIDE:
   d. REAR: 78 Feet

7. WHY DO YOU NEED THE BUILDING/STRUCTURE:
   Half of it stores our 1954 GMC Classic Truck. The other half stores a multitude of items such as:
   Riding lawn mower, manual lawn mower, press catcher, snow blower, kids' stationary vehicle, kids' pool, beach toys,
   Kids' outdoor toys such as Tricycle, roller skates, bikes, bike hanger

8. EXPLAIN REASONS WHY YOU CANNOT RELOCATE BUILDING/STRUCTURE TO AN AREA ON THE PROPERTY THAT WOULD MEET THE CODE (E.G.: TO MOVE WOULD BE TO DESTROY, LOCATION OF SEPTIC FIELD, EXISTING VEGETATION WOULD BE DESTROYED, GRADE OF PROPERTY, ETC.):
   Does not apply. Our existing detached garage is 1,152 sq. ft. which exceeds the allowable 800 sq. ft. by approx. 352 sq. ft.
   (June 2016)

9. ESTIMATE THE REMAINING LIFE SPAN OF THE BUILDING/STRUCTURE:
   30 years

10. DO YOU HAVE ANY LETTERS OF SUPPORT FROM NEIGHBORS (ATTACH):
    No

Jack T. Knuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187
AFFIDAVIT:

Case Name and Number: Z18-037 Miller

I, Donald Miller, the owner of the property for which the attached survey has been submitted, do hereby certify that this survey is a correct representation of my property as of this 6th day of June 2018.

Petitioner’s Name: Donald Miller

Petitioner’s Address:

580 Foster Ave, Bartlett, IL 60103

[Signature]

Subscribed and sworn to before me this:

Jun Day of 06, 2018

[Signature]

[Seal]

NOTARY PUBLIC SIGNATURE

Donald Miller

Jack T. Kuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187
VILLAGE OF BARTLETT
COMMUNITY DEVELOPMENT DEPARTMENT
228 S. Main Street
Bartlett, IL 60103
Phone (630) 540-5940 Fax (630) 540-5436

To: Jessica Infelise
Date: 6/19/18
Subject: Zoning Petition Z18-037 Miller

From: Community Development Director
Asst. Community Development Director
Village Planner
GIS Specialist
GIS Technician
Economic Development Coordinator
Zoning and Code Enforcement Officer
Zoning and Code Enforcement Officer
Community Development Secretary

Comments: Please see Village Objector

RECEIVED 06-19-18 11:59 FROM 6305405436 TD DePage Bldg / Zoning P0031/0003
Please review the information herein and return with your comments to:
Jessica Infelise, DuPage County Building and Zoning Department, 421 North County Farm Road, Wheaton, Illinois 60187; or via email at Jessica.Infelise@dupageco.org or via facsimile at 630-407-6792 by June 26, 2018.

COMMENTS: The Village of Bartlett has received a business being run out of the house as demonstrated by the number of trucks and cars in the driveway. The Zoning Department has received variation requesting to increase allowable detached garage, which exceeds the allowable 850 sq. ft. by approximately 302 sq. ft.

OWNER: Donald & Anne Miller
ADDRESS/LOCATION: 7N279 S. Bartlett Road, Bartlett, IL 60103
FIN: 01-02-301-005
TWP./CTY. BD. DIST: Wayne-6
ZONING/LUP: R-4 SF RES 0.5 DU AC
AREA: 85 (37,028 sq. ft.)
UTILITIES: Well and Septic
PUBLICATION DATE: Daily Herald: June 13, 2018
PUBLIC HEARING: June 27, 2018

Please note: Filing of this Form does not constitute for a formal objection pursuant to the Illinois State Statutes.
LOCATION MAP
7N279 S. Bartlett Rd.
PIN 01-02-301-005
ORDINANCE
Zoning Petition Z18-037 Miller

WHEREAS, a public hearing was held on June 27, 2018 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

A Variation requesting to increase (existing) detached garage size, which currently exceeds the allowable 850 sq. ft. by approximately 302 sq., on the property hereinafter described:

LOT 1 IN JONES ASSESSMENT PLAT, BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 18, 1967 AS DOCUMENT NUMBER R67-51394, IN DUPAGE COUNTY, ILLINOIS; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on June 27, 2018 does find as follows:

FINDINGS OF FACT:

A. The Hearing Officer finds that petitioner has demonstrated evidence for a Variation requesting to increase (existing) detached garage size, which currently exceeds the allowable 850 sq. ft. by approximately 302 sq.

B. The Hearing Officer finds that petitioner has demonstrated that the subject detached garage has been in existence prior to when the petitioner purchased the subject property in November 2013.

C. That petitioner testified that the subject detached garage is used to store a vintage car, lawnmower, snow blower, shovels, children’s toys, and household equipment.

D. That petitioner testified that the subject detached garage is illuminated by three (3) flood lights.

E. That petitioner testified that the subject detached garage is currently powered by electricity.

F. The Hearing Officer finds that petitioner has demonstrated that the subject detached garage does not have any impact on adjacent properties and roadways, does not
impact on drainage, and does not impede ventilation and light to the property or adjacent properties.

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WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on June 27, 2018 recommends to approve the following zoning relief:

A Variation requesting to increase (existing) detached garage size, which currently exceeds the allowable 850 sq. ft. by approximately 302 sq.

**Subject to the following conditions:**

1. The Variation zoning relief is for the existing detached garage only, as depicted on the petitioner’s revised site plan made part of Zoning Petition Z18-037 Miller on July 10, 2018.

2. That petitioner maintains the existing landscaping and fencing around the perimeter of the subject property.

3. That petitioner is not permitted to operate a business out of the subject detached garage.

4. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.

5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing shed on the property.

6. That the property be developed in accordance with all other codes and Ordinances of DuPage County

WHEREAS, the County Board Development Committee on August 7, 2018, considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to approve the following zoning relief:

A Variation requesting to increase (existing) detached garage size, which currently exceeds the allowable 850 sq. ft. by approximately 302 sq.
**Subject to the following conditions:**

1. The Variation zoning relief is for the existing detached garage only, as depicted on the petitioner’s revised site plan made part of Zoning Petition Z18-037 Miller on July 10, 2018.

2. That petitioner maintains the existing landscaping and fencing around the perimeter of the subject property.

3. That petitioner is not permitted to operate a business out of the subject detached garage.

4. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.

5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing shed on the property.

6. That the property be developed in accordance with all other codes and Ordinances of DuPage County

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

A Variation requesting to increase (existing) detached garage size, which currently exceeds the allowable 850 sq. ft. by approximately 302 sq., on the property hereinafter described:

LOT 1 IN JONES ASSESSMENT PLAT, BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 18, 1967 AS DOCUMENT NUMBER R67-51394, IN DUPAGE COUNTY, ILLINOIS; and

**The Zoning Relief is subject to the following conditions:**

1. The Variation zoning relief is for the existing detached garage only, as depicted on the petitioner’s revised site plan made part of Zoning Petition Z18-037 Miller on July 10, 2018.

2. That petitioner maintains the existing landscaping and fencing around the perimeter of the subject property.

3. That petitioner is not permitted to operate a business out of the subject detached garage.

4. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.
5. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing shed on the property.

6. That the property be developed in accordance with all other codes and Ordinances of DuPage County

   BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

   BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; DONALD & ANNE MILLER, 7N279 S. BARTLETT ROAD, BARTLETT, IL 60103; and Township Assessor, Wayne Township, 27W031 North Avenue, West Chicago, IL 60185.

   Enacted and approved this 21st day of August 2018, A.D.

   _______________________
   DANIEL J. CRONIN, CHAIRMAN
   DU PAGE COUNTY BOARD

   ATTEST: _______________________
   PAUL HINDS, COUNTY CLERK
MEMORANDUM

TO: DuPage County Board
FROM: DuPage County Development Committee
DATE: August 7, 2018
RE: Z18-044 Hartung (Lisle/ District 2)

DuPage County Board: August 14, 2018:

Development Committee: August 7, 2018: The DuPage County Development Committee recommended to approve the following zoning relief:

Conditional Use to allow an existing detached garage on property where the garage has existed more than 5 years, to be less than 7.5 feet from interior side property line (approx. 5.45 feet).

Subject to the following conditions:
1. The Conditional Use zoning relief is for the existing detached garage only, as depicted on the petitioner’s site plan made part of Zoning Petition Z18-044 Hartung on July 18, 2018.

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 petitioner maintains the existing landscaping around the perimeter of the subject property.

4. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.
5. That petitioner is not permitted to operate a business out of the subject detached garage.

6. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing detached garage on the property.

7. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

DuPage County Development Committee VOTE (to Approve): 6 Ayes, 0 Nays, 0 Absent

Zoning Hearing Officer: July 18, 2018: The Zoning Hearing Officer recommended to approve the following zoning relief:

Conditional Use to allow an existing detached garage on property where the garage has existed more than 5 years, to be less than 7.5 feet from interior side property line (approx. 5.45 feet).

Subject to the following conditions:

1. The Conditional Use zoning relief is for the existing detached garage only, as depicted on the petitioner’s site plan made part of Zoning Petition Z18-044 Hartung on July 18, 2018.

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:

   c. 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.

   d. The structure is voluntarily removed.

3. That petitioner maintains the existing landscaping around the perimeter of the subject property.

4. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.

5. That petitioner is not permitted to operate a business out of the subject detached garage.
6. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing detached garage on the property.

7. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

**FINDINGS OF FACT:**

A. The Hearing Officer finds that petitioner has demonstrated evidence for a Conditional Use to allow an existing detached garage on property where the garage has existed more than 5 years, to be less than 7.5 feet from interior side property line (approx. 5.45 feet).

B. The Hearing Officer finds that the petitioner has demonstrated that the existing detached garage has been in existence prior to when the petitioner purchased the subject property approximately 3 years ago.

C. That petitioner testified that the existing detached garage has been on the subject property for approximately 37 years and that the existing detached garage is in excellent condition.

D. That petitioner testified that the existing detached garage is used as storage for household equipment.

E. The Hearing Officer finds that petitioner has demonstrated that the existing detached garage does not have any impact on adjacent properties and roadways, does not impact drainage, and does not impede ventilation and light to the property or adjacent properties.

---

**GENERAL ZONING CASE INFORMATION**

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<thead>
<tr>
<th>CASE #/PETITIONER</th>
<th>Z18-044 Hartung</th>
</tr>
</thead>
<tbody>
<tr>
<td>ZONING REQUEST:</td>
<td>Conditional Use to allow an existing detached garage on property where the garage has existed more than 5 years, to be less than 7.5 feet from interior side property line (approx. 5.45 feet).</td>
</tr>
<tr>
<td>OWNER</td>
<td>KRISTEN HARTUNG, 4315 IVANHOE AVE., Lisle, IL 60532</td>
</tr>
<tr>
<td>ADDRESS/LOCATION</td>
<td>4315 IVANHOE AVE., Lisle, IL 60532</td>
</tr>
<tr>
<td>PIN</td>
<td>08-02-401-009</td>
</tr>
<tr>
<td>TWSP./CTY. BD. DIST.</td>
<td>Lisle District 2</td>
</tr>
<tr>
<td>ZONING/LUP</td>
<td>R-4 SF RES 0-5 DU AC</td>
</tr>
</tbody>
</table>
AREA: .61 (26,571 sq. ft.)

UTILITIES: Well and Septic

PUBLICATION DATE: Daily Herald: July 3, 2018
PUBLIC HEARING: July 18, 2018

ADDITIONAL INFORMATION:

Building: No Objections.

DUDOT: The DuPage County Division of Transportation has no jurisdictional authority over the subject property adjacent roadway right-of-way and defers its review to the highway jurisdictional authority.

Health: No Objections.

Stormwater: No Objections.

Public Works: No Objections. We have no concerns – we are not the provider for sewer or water to that area

EXTERNAL:

City of Lisle: No Comment.

Lisle Township: No Comment.

Township Highway: No Comment.

Fire Dist.: No Comment.

Sch. Dist.: No Comment.

GENERAL BULK REQUIREMENTS:

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<thead>
<tr>
<th>REQUIREMENTS</th>
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</thead>
<tbody>
<tr>
<td>West Front Yard</td>
<td>Behind front wall of house</td>
<td>Behind front wall and APPROX. 113.98 FEET</td>
<td>Behind front wall and APPROX. 113.98 FEET</td>
</tr>
<tr>
<td>South Int. Side Yard</td>
<td>7.5 FEET</td>
<td>APPROX. 5.27 FEET</td>
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</tr>
<tr>
<td>North Int. Side Yard</td>
<td>7.5 FEET</td>
<td>APPROX. 49 FEET</td>
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<tr>
<td>East Rear Yard</td>
<td>3 FEET</td>
<td>APPROX. 190 FEET</td>
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LAND USE

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<td>R-4 SF RES</td>
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<td>West</td>
<td>Ivanhoe Ave. and beyond R-4 SF RES</td>
<td>House</td>
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QUESTIONNAIRE REGARDING THE SUBJECT PROPERTY:

1. For what type of building or structure are you seeking zoning relief? **Garage (Detached)**

2. How long have you owned the property? **3 years**

3. Was the building or structure on the property when you bought the property? **YES**

4. Did you build the building or structure? **NO**

5. How long has the building or structure been on the property? **1981**

6. How close is the building or structure from the front, side and rear property lines:
   a. Front: **114.67 ft**
   b. Side: **5.37 ft**
   c. Corner Side: **49 ft**
   d. Rear: **190 ft**

7. Why do you need the building or structure:
   
   *Storage, garage was on property when I purchased home. 3 years ago*

8. Explain reasons why you can not relocate building or structure to an area on the property that would meet the code (e.g., to move would be to destroy; location of septic failed, existing vegetation would be destroyed, grade of property):
   
   *Cost to move garage, home is under contract*

9. What do you estimate is the remaining life span of the building or structure? **50 years**

10. Do you have any letters of support from neighbors (attach)? **No**

Jack T. Kuepfer Administration Building, 421 N. County Farm Road, Wheaton, Illinois 60187
Affidavit:

Case Name and Number: 218-044 Hartung

I, Nick Hartung, the owner of the property for which the attached survey has been submitted, do hereby certify that this survey is a correct representation of my property as of this 2nd day of June 2018, best only as relates to the

location shown.

Petitioner’s Name: Nick Hartung

Petitioner’s Address:
4315 Ivanhoe Ave.
Lisle IL 60532

NOTARY SEAL

SUBSCRIBED AND SWORN TO BEFORE ME THIS:
36th Day of June, 2018

Sabrina Villalvazo

Notary Public, State of Illinois

Jack T. Knuepfer Administration Building, 421 N. County Farm Road, Wheaton, IL 60187
ORDINANCE
Zoning Petition Z18-044 Hartung

WHEREAS, a public hearing was held on July 18, 2018 in the DuPage County Administration Building, 421 North County Farm Road, Wheaton, Illinois at 2:30 P.M. before the DuPage County Zoning Hearing Officer and notice of said hearing was duly given; and

WHEREAS, a petition was presented at this hearing requesting the following zoning relief:

Conditional Use to allow an existing detached garage on property where the garage has existed more than 5 years, to be less than 7.5 feet from interior side property line (approx. 5.45 feet), on the property hereinafter described:

LOT 9 IN BLOCK 1 IN ARTHUR T. McINTOSH AND COMPANY’S FIFTH OGDEN AVENUE SUBDIVISION, BEING A SUBDIVISION IN NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 9, 1925 AS DOCUMENT 190963, IN DUPAGE COUNTY, ILLINOIS.; and

WHEREAS, the Zoning Hearing Officer, having considered in relation to the above requested zoning petition presented at the above hearing and at the recommendation meeting held on July 18, 2018 does find as follows:

FINDINGS OF FACT:
A. The Hearing Officer finds that petitioner has demonstrated evidence for a Conditional Use to allow an existing detached garage on property where the garage has existed more than 5 years, to be less than 7.5 feet from interior side property line (approx. 5.45 feet).

B. The Hearing Officer finds that the petitioner has demonstrated that the existing detached garage has been in existence prior to when the petitioner purchased the subject property approximately 3 years ago.

C. That petitioner testified that the existing detached garage has been on the subject property for approximately 37 years and that the existing detached garage is in excellent condition.

D. That petitioner testified that the existing detached garage is used as storage for household equipment.

E. The Hearing Officer finds that petitioner has demonstrated that the existing detached garage does not have any impact on adjacent properties and roadways, does
not impact drainage, and does not impede ventilation and light to the property or adjacent properties.

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WHEREAS, the Zoning Hearing Officer, having considered in relation to the above and at the recommendation meeting held on July 18, 2018 recommends to approve the following zoning relief:

Conditional Use to allow an existing detached garage on property where the garage has existed more than 5 years, to be less than 7.5 feet from interior side property line (approx. 5.45 feet).

**Subject to the following conditions:**

1. The Conditional Use zoning relief is for the existing detached garage only, as depicted on the petitioner’s site plan made part of Zoning Petition Z18-044 Hartung on July 18, 2018.

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 petitioner maintains the existing landscaping around the perimeter of the subject property.

4. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.

5. That petitioner is not permitted to operate a business out of the subject detached garage.

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6. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing detached garage on the property.

7. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

WHEREAS, the County Board Development Committee on August 7, 2018 considered the above findings and recommendations of the Zoning Hearing Officer and recommends to concur with the findings and recommends to approve the following zoning relief:

Conditional Use to allow an existing detached garage on property where the garage has existed more than 5 years, to be less than 7.5 feet from interior side property line (approx. 5.45 feet).

**Subject to the following conditions:**

1. The Conditional Use zoning relief is for the existing detached garage only, as depicted on the petitioner’s site plan made part of Zoning Petition Z18-044 Hartung on July 18, 2018.

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:
   
   c. 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.
   
   d. The structure is voluntarily removed.

3. That petitioner maintains the existing landscaping around the perimeter of the subject property.

4. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.

5. That petitioner is not permitted to operate a business out of the subject detached garage.

6. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing detached garage on the property.

7. That the property be developed in accordance with all other codes and Ordinances of DuPage County.
DuPage County Development Committee VOTE (to Approve):  6 Ayes, 0 Nays, 0 Absent

NOW, THEREFORE, BE IT ORDAINED by the County Board of DuPage County, Illinois that the following zoning relief be granted:

Conditional Use to allow an existing detached garage on property where the garage has existed more than 5 years, to be less than 7.5 feet from interior side property line (approx. 5.45 feet), on the property hereinafter described:

LOT 9 IN BLOCK 1 IN ARTHUR T. McINTOSH AND COMPANY’S FIFTH OGDEN AVENUE SUBDIVISION, BEING A SUBDIVISION IN NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED APRIL 9, 1925 AS DOCUMENT 190963, IN DUPAGE COUNTY, ILLINOIS.; and

The Zoning Relief is subject to the following conditions:

1. The Conditional Use zoning relief is for the existing detached garage only, as depicted on the petitioner’s site plan made part of Zoning Petition Z18-044 Hartung on July 18, 2018.

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:
   
   e. 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.
   
   f. The structure is voluntarily removed.

3. That petitioner maintains the existing landscaping around the perimeter of the subject property.

4. That petitioner shall not cause illumination in excess of one-half (1/2) foot-candle at property lines.

5. That petitioner is not permitted to operate a business out of the subject detached garage.

6. That the owner/developer is to apply for and receive a Building Permit for all construction and/or excavation relative to the existing detached garage on the property.
7. That the property be developed in accordance with all other codes and Ordinances of DuPage County.

BE IT FURTHER ORDAINED by the County Board of DuPage County, Illinois that should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid; and

BE IT FURTHER ORDAINED that a certified copy of this Ordinance be transmitted by the County Clerk to the DuPage County Finance Department; DuPage County Auditor; DuPage County Treasurer; Paul J. Hoss, Zoning; State's Attorney's Office; DuPage County Health Department; DuPage County Division of Transportation; KRISTEN HARTUNG, 4315 IVANHOE AVE., LISLE, IL 60532; and Township Assessor, Lisle Township, 4721 Indiana Avenue, Lisle, IL 60532,

Enacted and approved this 21st day of August 2018, A.D.

________________________________________
DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

ATTEST: __________________________
PAUL HINDS, COUNTY CLERK