VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS

VILLAGE HALL COUNCIL CHAMBERS
801 BURLINGTON AVENUE

August 24, 2016
7:00 p.m.

AGENDA

1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes** –July 27, 2016

4. **Public Hearings**

   a. **16-ZBA-0007:** A petition seeking a variation to allow a 6 foot open fence in the street yard of a residential district. The property is currently zoned R-2, Residential Detached House 2. The property is located at the northwest corner of Maple Avenue and Dunham Road, and is commonly known as The Avery Coonley School at 1400 Maple Avenue, Downers Grove, IL (PINs 09-07-402-033, 09-07-405-001, 09-07-405-008, 09-07-405-011, 09-07-405-012, 09-18-200-002). Peter Brown on behalf of The Avery Coonley School, Petitioner and Owner.

5. **Other Business**

6. **Adjournment**

<u>THIS TENTATIVE REGULAR AGENDA MAY BE SUBJECT TO CHANGE</u>

VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS
JULY 27, 2016 MINUTES

Call to Order
Chairperson Earl called the meeting to order at 7:03 PM.

Roll Call
Present: Mr. Domijan, Mr. Kulovany, Mr. McCann, Mr. Werner, Ch. Earl
Absent: Ms. Eberhardt, Ms. Majauskas,
A quorum was established.

Staff: Rebecca Leitschuh, Senior Planner
Swati Pandey, Village Planner

Also Present: Scott Tanaka, 2430 61st St., Downers Grove, IL Owner

Minutes of June 22, 2016 meeting

Mr. McCann referred to page 6 of the minutes and the paragraph beginning "Mr. McCann said", and asked that the sentence near the end of that paragraph beginning "He, however, sees nothing in Sec. 14.100.B" end with the words "regarding street yard setbacks."

Mr. Kulovany moved, seconded by Mr. Domijan, to approve the minutes of the June 22, 2016 meeting as amended.

All in favor. The Motion passed unanimously.

Meeting Procedures

Chairperson Earl asked those in attendance to silence their phones. She explained the function of the Zoning Board of Appeals, and reviewed the procedures to be followed during the public hearing, verifying with Staff that all proper notices have been published with regard to the case on the Agenda. She noted that members of the Zoning Board of Appeals have had an opportunity to review the materials provided by Staff and in some cases have visited the site in question. In order for a requested petition to be approved there must be a majority of four votes in favor of approval. Chairperson Earl added that the Zoning Board of Appeals has authority to grant petitions without further recommendations being made to the Village Council. She called upon anyone intending to speak before the Board on the Agenda item to rise and be sworn in, as the public information portion of the meeting is an evidentiary hearing and comments made during this portion of the meeting are considered testimony. She said that Staff would make its presentation first, followed by comments by the Petitioner. She added that if anyone in the audience wishes to speak either in favor of or in opposition to the petition, they would be able to do so following the Petitioner's presentation. When the public participation portion of the meeting is closed, the Board will deliberate on the information provided and vote to either approve or deny the petition.

••••••••••

16-ZBA-0005: A petition seeking a variation to allow accessory structures on a separate lot without the principal structure. The property is currently zoned R-4, Residential Detached House 4. The property is located on a corner lot on 61st Street between Leonard Avenue and Janes Avenue and is commonly known as 2430 61st Street, Downers Grove, IL (PIN 08-13-403-017, -018). Scott Tanaka, Petitioner and Owner.

Staff's Presentation:

Ms. Swati Pandey, Planner for the Village, said this petition requests the installation of accessory structures on a lot without a principal structure. The Owner has two lots, which are corner lots, one of which faces Leonard Avenue, and the other which is a vacant lot along Janes Avenue. She displayed a plat of survey for the property for lots 8 and 9. The petitioner approached the Village requesting a variation to allow construction of a sport court for basketball and pickle ball, as well as a concrete patio on the vacant lot. He was advised that this was not allowed as an accessory structure must be located on the same lot as a principal use, and there was discussion of proceeding with an administrative lot consolidation. However, it was found that according to the Subdivision Ordinance in Section 20.507.d.3, properties cannot be consolidated that have a common lot line that is shared for less than one hundred feet. That condition is not met on this property as the lot is only 55' wide. Staff explored other options for the petitioner, and it was determined that the petitioner could apply for a variation request and present his case before the Zoning Board of Appeals.

Ms. Pandey showed the site plan for the property. She descried the lot location, which is primarily a residential neighborhood with single-family homes. The property to the north is vacant and is zoned R-4. Staff recommends denial for the variation request, as the Zoning Ordinance does not permit accessory uses and structures on the separate lot. She reviewed the standards for a variation request and noted that there are no particular hardships, practical difficulty or unique circumstances with the land that warrants the requested variation. Staff's reasons as stated in its report are as follows:

1) Corner lots are not unique to the neighborhood or to Downers Grove. The owner is not prevented from making reasonable use of both lots, and can legally develop both lots with a single family home and other approved uses in accordance with the Zoning Ordinance.

2) The variation could set a precedent for future requests to allow accessory structures and buildings on any vacant lot.

Ms. Pandey then reviewed the Standards and Review Criteria as noted in the staff report dated July 27, 2016, 16-ZBA-0005, 2430 61st Street, pages 2-4. She said if the Zoning Board of Appeals decides to approve the request, Staff asks that it be approved with the conditions that the sport court and patio shall comply with all plans and documents submitted by the petitioner as part of its variation application, or as amended by the Zoning Board of Appeals. She noted that Staff believes that the Standards of Approval for granting a variation have not been met and recommends denial of the requested variation.

Mr. Domijan asked about the right-of-way on 61st Street or is it vacated. Senior Planner Rebecca Leitschuh said that it has not been vacated and there is no intention to do so at this time.

There being no other questions for Staff, Chairperson Earl called upon the Petitioner to make his presentation.

Petitioner's Presentation:

Mr. Scott Tanaka of 2430 61st Street, Downers Grove, identified himself as Petitioner and owner of the property, which he purchased in November of 2015. He explained that he contacted the Village in May and was told there were two options available, which would be the variation or the lot consolidation. He spent $1000 for the permit for the lot consolidation and eventually was told that there was no option other than the variation. He said that the Village was unwilling to reimburse him the $1000, and that is why he is seeking the variation. He feels like the ignorant homeowner, particularly since he looked at Staff's report that shows he did not meet any of the variation criteria. He teaches math and is a basketball coach at a high school, and moved to Downers Grove to be close to his 5-year old son. He saw the property and considered it a great opportunity to install the basketball court for his son. He said he understands that this could set a precedent and apologized for not being as prepared as he should have been for the meeting. He spoke with neighbors and explained that this was not a public basketball court. As for a physical hardship, he joked that it is a pretty difficult lawn to mow. He doesn't want to jeopardize the surroundings, although he thinks it would enhance the surroundings. Mr. Tanaka said that no one in the neighborhood that he spoke with had any issue with his requested variation when they realized that it would not be a public court.

Mr. Domijan asked what materials would be used, and Mr. Tanaka said that it would be concrete, as it would last the longest. He would assure that the water would run off correctly. In further response to Mr. Domijan, he said he would make sure that it was approved to run off into the proper drains. If that could not be assured, he would not get it done. There are drains on Janes and on 61st Street that were recently improved. Mr. Domijan asked if there is a community park nearby, and Mr. Tanaka said there are several. He just wanted the convenience of having the court on his own property.

Mr. Kulovany??? asked what Mr. Tanaka's plans were for the lot when he purchased it, and Mr. Tanaka said it was for a basketball court; however, he didn't examine it properly beforehand. If this doesn't go through, he will have to have fencing installed as people use it as a public lot and have their dogs eliminating on the property. When he saw the property he saw it as a fantastic opportunity for his son to play. As a basketball coach, he wanted to be able to play with his son. In further response, he is a first-time homeowner and used his realtor's judgment that he would be able to build the sports court on the vacant parcel. In hindsight, had he known about this he still would have purchased the property. The realtor did know his plans for the property.

Mr. Kulovany then asked about using the driveway for a portable backstop. Mr. Tanaka said as a basketball junkie, that's not close to what he wanted to do for his son. But if he has to use that, he will.

Mr. McCann ??? asked about the options given by the Village for an administrative consolidation, and whether the Village said it could be done. Mr. Tanaka said he was definitely told it could be done and that's why he spent the money for that option. He said that apparently Staff missed the 100' requirement. Had that not happened, he would not be requesting the variation. He assumed the administrative consolidation was going to work and that is why he paid that much money for the application fee, the plat of survey, etc. The application fee was

reimbursed. Mr. Tanaka said he did everything they asked him to do, which took a lot of time to have the drawings prepared, etc.

There being no further questions from the Board, Chairman Earl called upon anyone from the public who wished to make a statement. There being none she closed the opportunity for future public comment.

Mr. Tanaka said he appreciates the Board coming to the meeting to hear his request. He said he hoped his neighbors understood that he didn't want to upset the neighborhood.

Board Deliberation:

Chairperson Earl explained that the rules for variations are much stricter than for exceptions. She said they need four positive votes for approval.

Mr. Kulovany asked Staff whether there is a contingency for a homeowner when the Village makes a mistake that costs them a $750 charge. Ms. Leitschuh replied there is nothing to cover that situation. She said it is unfortunate because there was an amendment to the Subdivision Ordinance in 2012 and since this doesn't come up very often, Staff went with the previous understanding and interpretation. However, they later realized that the amendment in 2012 prohibited this type of construction. As a result, the fee for coming before the Zoning Board of Appeals was waived.

There was some discussion as to whether a fence would be allowed. Mr. Kulovany said that it looks as though the Petitioner was forced to spend the $750, but if they need a Plat of Survey in order to get a fence installed, the Petitioner would have to spend that amount anyway.

Mr. McCann ??? asked what is actually seen as a structural use in the Code, and the definition of structure seems to include a walkway, or parking lot. The only provision in the Code that he's been able to find is for parking that serves the primary lot, but that is for commercial use rather than residential use. He could not find any justification for an accessory structure on a residential lot.

Mr. Domijan said that for a while flag lots were becoming prominent in the Village and that is what he thinks drove the amendment to the Subdivision Ordinance.

Mr. McCann said he doesn't see this as a unique situation; however, there seems to be no other way around it. He said a while back a petitioner wanted to put up a shed but it could not be granted for largely the same situation as this.

Mr. Werner ??? noted that to allow this is beyond a reasonable interpretation of the Code, and would set a precedent. The Board is limited on what it can do, based on its effect on future requests.

Mr. Domijan further noted that the variation would stay with the land if another person bought that property.

Ms. Earl said if there was something truly unique with the land the Board would be able to grant it; however, without that unique status the Board cannot grant it.

Mr. McCann moved to approve the variation as requested. Mr. Kulovany seconded the Motion.

AYES: NONE

NAYS: Mr. McCann, Mr. Kulovany, Mr. Domijan, Mr. Werner, Ch. Earl

The Motion to approve was defeated unanimously.

Mr. Tanaka expressed his appreciation to the Board for trying to find a way to approve this. He said if they can find any way for him to recoup the $750 he would appreciate that. Mr. Domijan explained that if he is considering the fencing, he would need to have the Plat of Survey done and he has already had it done for the lot consolidation.

••••••••••••••••••

CASE 16-ZBA-0003

Ms. Leitschuh said that Case 16-ZBA-0003 specific to 5400 Janes Boulevard was granted a variation for on-site storage adjacent to a residential area. The Board reviewed the petition. Ms. Leitschuh said they are now requesting a six-month extension as they are working with the Illinois EPA and the results from the on-site testing have not yet come back. Their legal staff has advised them until all the information comes back from the EPA not to do anything on the site.

Mr. McCann moved to approve the extension on case 16-ZBA-0003 as requested. Mr. Kulovany seconded the Motion.

AYES: Mr. McCann, Mr. Kulovany, Mr. Domijan, Mr. Werner, Ch. Earl

NAYS: NONE

The motion was approved unanimously.

••••••••••••••••••••••••••

Ms. LEITSCHUH said that there is a variation request for next month's meeting.

••••••••••••••

ADJOURNMENT:

Mr. Kulovany moved to adjourn the meeting, seconded by Mr. McCann.

All in favor. The Motion carried unanimously.

Chairperson Earl adjourned the meeting at 7:55 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary

DRAFT

VILLAGE OF DOWNERS GROVE
REPORT FOR THE ZONING BOARD OF APPEALS
AUGUST 24, 2016 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
16-ZBA-0007 1400 Maple Avenue	Fence Variation	Swati Pandey Planner

REQUEST
A petition seeking a fence variation in order to construct a six-foot tall fence in the street yard where a four-foot open design fence is permitted per Section 10.010.B.1.a. of the Zoning Ordinance.

NOTICE
The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER/APPLICANT: The Avery Coonley School/Peter Brown
1400 Maple Avenue
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: R-2, Residential Detached House 2
EXISTING LAND USE: Institutional - School
PROPERTY SIZE: 454,344 square feet (10.43 acres)
PINS: 09-07-402-033, 09-07-405-008, 09-07-405-011, 09-18-200-002, 09-07-405-012, 09-07-405-001

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-2, Residential Detached House 2	Single Family Residential
SOUTH:	R-4, Residential Detached House 4	Single Family Residential
EAST:	R-2, Residential Detached House 2	Single Family Residential
WEST:	Unincorporated	Parks and Open Space

ANALYSIS

SUBMITTALS
This report is based on the following documents, which are on file with the Department of Community Development and attached to the report as noted:

1. Application/Petition for Public Hearing
2. Location Map
3. Petitioner's Project Summary/Narrative Letter

4. Letters of Support
5. Site Plan

PROJECT DESCRIPTION

The property, commonly known as 1400 Maple Avenue, is located at the northwest corner of Maple Avenue and Dunham Road. The property is zoned R-2, Residential Detached House 2, and is improved with a school and accessory uses. Currently, the property has a six-foot high chainlink fence and a four-foot high split rail fence along Maple Avenue.

The petitioner is requesting approval of a continuous six-foot high black aluminum fence along Maple Avenue, the street yard for the Avery Coonley School property. Section 10.010.B.1.a of the Zoning Ordinance permits only a four-foot high open design fence in the street yard. The school is located in a residentially zoned district and is therefore permitted to have a fence with a maximum height of four feet in the street yard. The current fence consists of two sections: a six-foot chainlink fence for 272 feet, and a four-foot split rail fence for 115 feet. The total length of the proposed six-foot tall black aluminum fence is 387 feet. The fence is proposed to be installed in the same location as the existing fences.

ANALYSIS

Variation from Zoning Ordinance, Fence Variation

As noted above, the petitioner is requesting a variation to install a six-foot high fence in the street yard, where only a maximum of four feet is allowed per Section 10.010.B.1.a. of the Zoning Ordinance.

Staff finds that there are no unique circumstances or physical hardships associated with this property that warrant granting the requested variation. Based on the analysis below, staff recommends denial of the variation.

FINDINGS OF FACT

The petitioner has outlined the request in the attached narrative letter and supplemental documents. The petitioner will further address the proposal and justification to support the requested variation to the Board at the public hearing.

Variations require evaluation per Section 28.12.090 of the Municipal Code, *Standards and Review Criteria*: "No variation may be approved unless the variation to be approved is consistent with the spirit and intent of this zoning ordinance and that strict compliance with the subject provisions would result in practical difficulties or particular hardships for the subject property owner. The consideration of whether a variation request has met the standards of practical difficulties or particular hardships must include all of the following findings from the evidence presented:"

(1) The subject property cannot yield a reasonable return if required to comply with the regulations that apply to it.

The property has yielded a reasonable return and will continue to regardless of whether or not the fence variation is granted. The school has existed at its current location since 1929 and is already improved with a four-foot fence for a portion of the frontage. The facility has operated successfully for many years without a six-foot fence for the full length of the south property line. This standard is not met.

(2) The plight of the owner is due to unique circumstances.

There are no unique circumstances associated with this property. The requirement for a four-foot high fence in the street yard is due to the fact that the school is located in a residential district. All elementary schools in Downers Grove are located in residential zoning districts. The granting of the variation could allow other elementary schools throughout the Village to build a six-foot high fence in their street yards. This would be inconsistent with the zoning ordinance. This standard is not met.

(3) The variation, if granted, will not alter the essential character of the locality.
If the requested street yard variation is granted, the essential character of the locality will be altered. The school is located in a residential neighborhood where the expectation is to have open yards with shorter open design fences. The variation may alter the character of the locality. This standard is not met.

(4) That the particular physical surroundings, shape, or topographical conditions of the subject property would result in a particular hardship upon the owner, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
There are no particular hardships, physical conditions or unique circumstances associated with this property. The topography and existing setbacks actually provide additional screening and separation from the public right-of-way as opposed to a hardship or inconvenience. This standard is not met.

(5) That the conditions leading to the need of the requested variation are not applicable, generally, to other properties within the same zoning classification.
All elementary schools within Downers Grove are located in residential districts and granting a variation to Avery Coonley School could allow other schools to make similar requests where there are no physical hardship or unique circumstances. This standard is not met.

(6) That the alleged difficulty or hardship was not created by the current property owner.
The petitioner has not alleged a hardship but an aesthetic concern about the appearance of the existing chainlink fence. The installation of a four-foot fence would alleviate the petitioner's aesthetic concern. This standard is not met.

(7) That the proposed variation will not impair an adequate supply of air to adjacent property, or substantially increase the danger of fire, or otherwise endanger the public safety, or substantially diminish or impair property values within the neighborhood.
The requested difference in the height of the fence does not impair an adequate supply of air or increase the danger of fire, public safety or property values within the neighborhood. The height of the fence will not significantly impact or change these conditions. This standard is met.

(8) That the proposed variation will not alter the essential character of the area.
If granted, the variance could alter the essential character of the area. The variation could allow other school or residential property owners the opportunity to build a six-foot fence in their street yards. The installation of taller fences in front yards where open yards and shorter fences are permitted could alter the character of the Village's residentially zoned neighborhoods. This standard is not met.

(9) That the granting of the variation will not confer on the subject property owner any special privilege that is not available to other properties or structures in the same district.
The request to install a six-foot fence in the street yard would confer a special privilege if granted. Residentially zoned properties are treated in the same manner throughout the community. Granting this variation will allow this property a privilege not afforded to other similar institutional uses and properties in the Village. This standard is not met.

RECOMMENDATION

Staff believes there is no physical hardship or unique circumstance associated with this property. Based on the analysis above, staff believes the standards for granting a variation have not been met. As such, staff recommends ***denial*** of the requested variation.

Should the ZBA decide to approve the requested variation, the variance should be subject to the following condition:

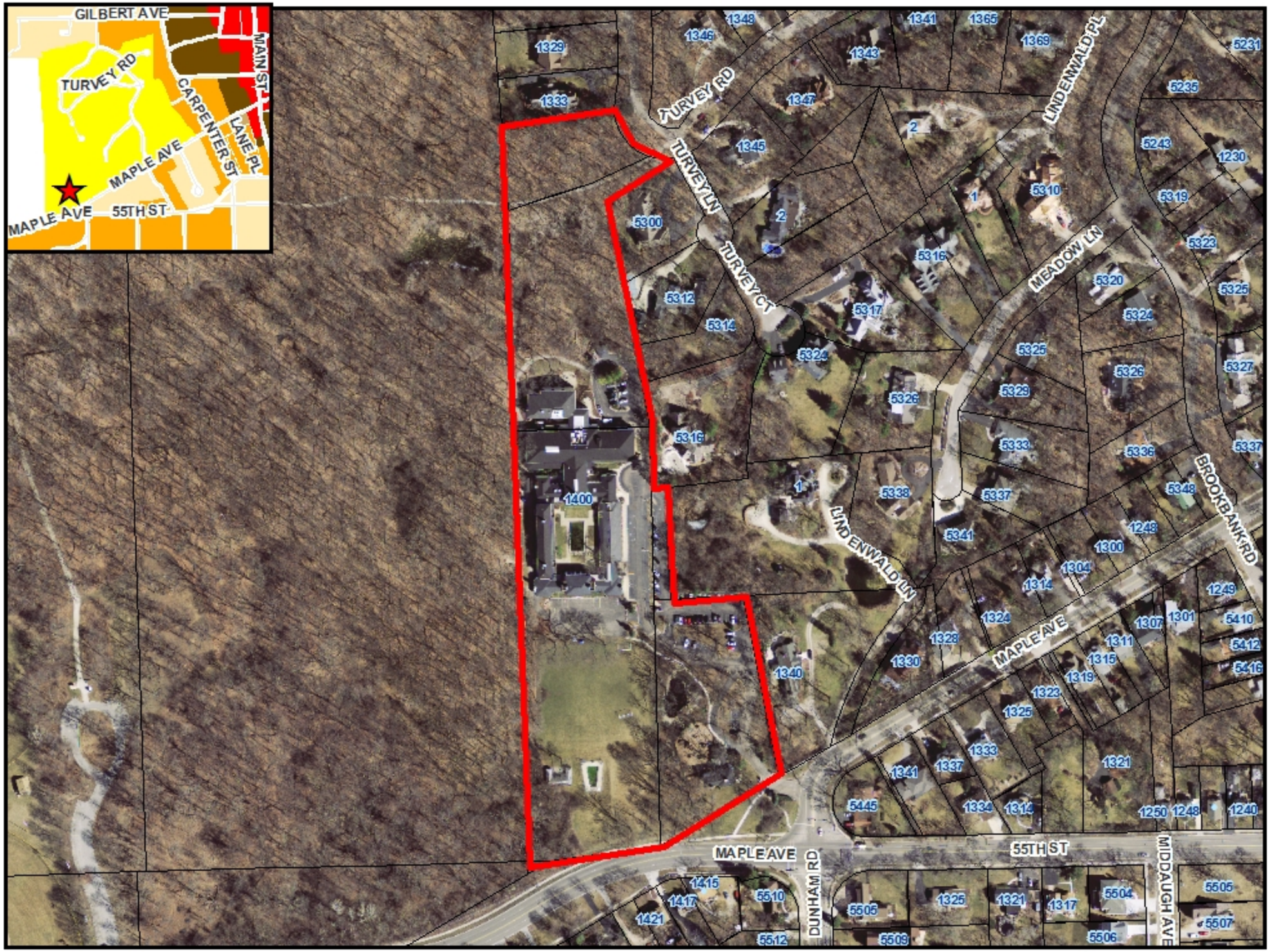
1. The fence shall comply with the plans and documents submitted by The Avery Coonley School, dated July 15, 2016, and/or as amended by the Zoning Board of Appeals.

Staff Report Approved By:

Stanley J. Popovich, AICP
Director of Community Development

SP:sp
-att

P:\P&CD\PROJECTS\ZONING BOARD OF APPEALS\2016 ZBA Petitions\16-ZBA-0007 - 1400 Maple_Avery Coonley - Fence Variation\Staff Report 16-ZBA-0007.docx



0 760 1,520 Feet

1400 Maple Avenue - Location Map

N

THE AVERY COONLEY SCHOOL

7/15/16

Department of Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

Dear Department of Community Development,

The Avery Coonley School is requesting a variation to replace an existing rusting 6' chain link fence with an attractive 6' black aluminum fence.

Existing Fence:

Example of Replacement Fence:

This fence is located along Maple Avenue and is highly visible to traffic within the village. The existing fence is an eyesore to many and The Avery Coonley School is requesting a variance to allow the fence to be replaced with a much more aesthetically pleasing one. Being a school, it is imperative that the fence be 6' tall in order to provide a safety barrier between the property and a very busy street as well as to discourage unauthorized access to the students' play area. Also, our swimming pool is visible from Maple Avenue and the existing 6' fence provides an important additional barrier for life safety.

1400 MAPLE AVENUE | DOWNERS GROVE, IL 60515-4849
TEL: (630) 969-0800 | FAX: (630) 969-0131 | WWW.AVERYCOONLEY.ORG

The Avery Coonley School response to Section 28.12.090.G Standards and Review Criteria:

1. The Avery Coonley School is requesting a variation to replace an existing 6' rusting chain link fence with a more aesthetically pleasing 6' aluminum fence. There will be no change to the property other than the installation of a nicer looking fence. We believe that this is in keeping with the spirit and intent of the zoning ordinance. Continuing to have a rusting chain link fence along the most visible side of our property results in a hardship for our business by creating an eyesore and detracting from the real educational value our school has to offer prospective families.

2. Standards of practical difficulties.
    a. Two key components of any school are safety and security.
        i. Safety: If the Avery Coonley School were required to replace the existing 6' fence with a 4' fence, per the zoning ordinance, many current parents who provide revenue, as well as future parents, would view this as a safety issue. Our students utilize the outdoor areas of our property on a daily basis during the school year and for our summer programs. Every day we have more than 150 students at a time outdoors for recess. With our play area and sports field located along Maple Avenue, our students regularly play up to the fence located on Maple. Many of our students could very easily climb over a 4' fence, for example, to retrieve a ball in the street. This would create a very dangerous condition for our students. It would only take a moment for a student to be outside the view of the recess supervisors to hop a 4' fence and run into the street. This safety issue would negatively impact the value of our property. No responsible school with students older than 6 years old have a fence lower than 6' between a recess area and a busy street. Please see the attached letter from our insurance agent, Schulz-Brundage, for additional information.
        ii. Security: In order to remain competitive in the market, schools need to provide a high level of security in order to attract families. A 4' fence along a busy main road to the school would not meet general safety concerns. Any adult with malicious intent could very easily jump the fence and snatch a child to bring into a waiting car or otherwise cause harm. Many prospective parents would notice the lack of an adequate security fence as they drive by the school and this may deter them from applying. Because we are a nonprofit organization, we rely heavily on new customer revenue. Showing a

lack of concern about security along the main entrance to our property will negatively impact our business. Please see the attached recommendation from our security consulting firm, RETA Security, for additional information.

b. Since our school moved to our current location in Downers Grove in September of 1929, our mission has always been that of an independent school. Our zoning classification of R-2 may not necessarily truly reflect our mission of being a nonprofit, independent school. It is typically considered best practices by cities and villages to allow 6' fences for the safety and security of students at schools. Our zoning does not seem to be fully in alignment with our unique circumstances.

c. Replacing the rusting 6' chain link fence with a new 6' aluminum fence will not alter the character of the locality in any negative way, and will in fact enhance the aesthetics of the Maple Avenue corridor.

3. Facts

a. As stated in section 2a above, The Avery Coonley School would face the particular hardship of reduced revenue if the school does not meet the safety and security expectations of potential parents. At more than one grade level the School is currently running at below optimal enrollment numbers. Multiple prospective parents have stated that safety and security are important factors when deciding to enroll their child at our school. Visibly reducing the safety and security of our property by going from a 6' fence to a 4' fence would hurt our ability to attract new parents and could impact the decision of some of our parents to remain here. We take the safety of our students very seriously, and it is important that this is reflected in all of our security measures, including our fencing.

b. As stated in section 2b above, our current zoning of R-2 may not be in full alignment with the intent of R-2. Other schools within Downers Grove have fences along the front of their property that exceed 4'. Therefore, we contend that our request to replace our existing 6' fence with another 6' fence is in alignment with what other schools in Downers Grove have in place.

c. We have been the consistent property owner since 1929. During that timeframe, we have been allowed to install multiple 6' fences. The zoning change that no longer allows a 6' fence to be installed is a hardship that was not created by the current property owner.

d. The installation of a new 6' aluminum fence will not negatively impact supply of air, or increase danger of fire, or endanger public safety, or diminish or impair property values. In fact, it will likely enhance property values within the neighborhood.

e. Replacing a rusted chain link fence with an aluminum fence will not alter the essential character of the area, other than to enhance it.
f. This request is in alignment with what many other schools have in place. The only thing that the property owner is requesting is to replace an existing 6' fence with a nicer looking 6' fence.

Sincerely,

Peter A Brown
Chief Financial Officer
The Avery Coonley School

Schulz - Brundage Inc.

INSURANCE

Trusted Choice

ELMER A. SCHULZ
HOWARD A. BRUNDAGE III
HOWARD A. BRUNDAGE IV
C. HARRY HOLZMACHER
RONALD J. RENCH

7/13/2016

Attn. Stan Popovich, Director of Community Development
Village of Downers Grove
801 Burlington Ave.
Downers Grove IL 60515

Mr. Popovich,

I am writing in support of The Avery Coonley School's effort to replace the current fence with a new six feet tall fence. Because the school is both a Maple Avenue neighbor and a client of our insurance agency, for nearly 50 years, I'm extremely familiar with both the school and the village's reasonable pursuit of uniformity in zoning.

Generally, eight feet is the standard height of a fence designed to provide security. In many jurisdictions, four feet is the minimum required for private pools. From a risk management perspective, there is no doubt that an insurer would rather see a six foot fence than a four foot fence, especially when children will naturally be attracted to the pool and playground. In fact, the school takes risk management very seriously. In conjunction with Liberty Mutual Insurance Company's Risk Management Department, the school has demonstrated a real commitment to even the finer points of safety (i.e. playground mulch depth monitoring, flooring slip studies, equipment guarding). Given both the property values and recreational equipment on site, a four foot fence is an insufficient barrier.

If the purpose of the four foot limitation is to regulate aesthetics, I understand, but that shouldn't trump the interest of safety. For that reason, I urge you to grant whatever variance is required, to allow The Avery Coonley School to construct a very tasteful, but fully functional six foot fence.

Sincerely,

932 MAPLE AVE. SUITE 2 • DOWNERS GROVE, IL 60515 • (630) 968-4810 • FAX (630) 968-8324
WWW.SCHULZBRUNDAGE.COM

RETA
SECURITY

The Avery Coonley School
Peter Brown
1400 Maple Avenue
Downers Grove, IL 60515

July 11, 2016

In the interest of protecting students, staff and visitors of The Avery Coonley School, we recommend replacing your existing 6' chain link fence with a 6' aluminum fence. This improvement is in keeping with Crime Prevention Through Environmental Design (CPTED) principles and recognized protective fencing standards.

Paul Timm, PSP
RETA Security, Inc.

July 15, 2016

Department of Community Development
801 Burlington Avenue
Downers Grove IL 60515

Re: Support of Request by Avery Coonley School Variance for New Fence

Dear Sir/Ma'am:

I am writing in support of a request by the Avery Coonley School for a variance that would allow a new six foot fence to replace the existing chain link fence. The existing fence is unattractive and beyond its useful life. The new fence as proposed by the school would enhance the aesthetic of the entire neighborhood.

Please approve the variance requested by the Avery Coonley School.

Sincerely,

William R. Atwood
5942 Pershing Ave.
Downers Grove, IL 60516

1236 55th Street
Downers Grove, IL 60515

June 14, 2016

Department of Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

Dear Community Development Representative:

My husband and I are writing in support of replacing the chain link fence at The Avery Coonley School with a 6' black aluminum fence.

We have lived in Downers Grove since 2005, only 1 block away from The Avery Coonley School property. Having visited the campus, we realize that it is a beautiful piece of Downers Grove, with its wide field, it's classic architecture and its lovely landscaping. However, the current fence looks out of place and spoils the overall impression of the school.

The fence also does not fit into the ambiance the town is trying to create of "small town Americana". Rather, from the perspective of Maple Avenue, it creates the illusion that there is a correctional institution located behind the chain fence, rather than a school for gifted children.

Last, based on recent news cycles, it would be imperative and responsible for a school to have a 6 feet fence for security reasons alone. It can be safe and attractive.

Thank you for consideration.

Sincerely,

Barbara Cosentino

Barbara and Michael Cosentino
Barbara.cosentino0523@gmail.com

July 12, 2016

Department of Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

To the Zoning Board of Appeal:

As residents of the Downers Grove community for over 30 years, my wife and I would like to write a letter in support of The Avery Coonley School. This school has been a fixture in this community for over 100 years. They have been a good neighbor and a steward of the reputation and charm of Downers Grove. It has come to our attention that the school needs to replace the aging rusty chain-link fence on Maple Avenue with a 6 foot black aluminum fence. This request has been denied by the Department of Community Development who indicated that it would only approve a four foot fence, or be fine with keeping the eyesore rusting fence. We are disappointed in this decision because the rusting fence is not safe for the students as well as unpleasant to view from Maple Avenue. We find the denial of the request to be short sighted and lacking in good judgment, for this aluminum fence as proposed by The Avery Coonley School shows a commitment in keeping the charm of Downers Grove.

We are in full support of The Avery Coonley School's wishes for a 6 foot aluminum fence that would both enhance the view of the school from Maple Avenue and offer better security and safety for the students and faculty. It is our opinion that a 4 foot fence offers little or no security and would lack the elegance of the 6 foot aluminum fence.

We request that you consider our support of The Avery Coonley School's appeal and grant them the 6 foot replacement fence.

Respectfully,

John and Kathy Gallo

6913 Penner Avenue

July 13, 2016

Department of Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, Illinois 60515

To the Zoning Board of Appeal:

As a member of the Downers Grove community for my whole life and a new homeowner, my husband and I would like to write a letter in support of The Avery Coonley School. Not only has the school been a reputable organization within Downers Grove for the past 100 years, it has also been a good neighbor that upholds a strong reputation within the area.

It has come to our attention that the school is trying to replace the rusting chain-link fence that lines the sidewalk on Maple Avenue. They have proposed replacing it with a 6-foot black aluminum fence that would continue providing the school with security and charm. The Department of Community Development, however, has denied this request. The Department indicated that it would approve either a four-foot fence or the continued usage of the rusting fence. We are extremely disappointed in this decision. Supporting the continued usage of a deteriorating fence where grade school students learn and play is very surprising to me. While the alternative may seem reasonable to some people, consideration of the type of establishment for which the fence will be built is essential. A four-foot fence would not promote the type of security that is necessary for the students and staff—especially since Maple Avenue is an area of high foot and automobile traffic.

My husband and I are in full support of The Avery Coonley School's wishes for a 6-foot aluminum fence, for we believe it will offer security and beauty for the area. We strongly encourage the Department of Community Development to reconsider its decision. In addition, please consider our support of The Avery Coonley School's appeal and grant them the 6-foot replacement fence.

Respectfully,

Thomas and Stephanie Stegich

1805 Hatch St.

Robert & Catherine Brown
1015 Oak Hill Road
Downers Grove, IL 60515

July 15, 2016

Department of Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

Re: Request from The Avery Coonley School for a Variance to Erect a 6' Aluminum Fence

To Whom it May Concern,

As a 16-year resident of Downers Grove, I have driven past the Avery Coonley School dozens of times. I firmly believe that permitting the school to erect a new 6' aluminum fence would be a benefit to both the school and to the community. There would be no physical or visual negative impact by allowing this improvement, rather, it will be a beautification effect.

Thank you in advance for your positive consideration in resolving this issue.

Robert B. Brown

7/15/16

Dear Village officials

I am writing to you on behalf of the Avery Coonley School and our request for a variance for the replacement of the fence on the school grounds along Maple Avenue. I would like to share my support for this project and the granting of the variance. The current fence is very unattractive and a new fence would certainly enhance the property. As one of the more prominent properties in the village, anything that could be done to enhance the property would be valuable to the school and the town. Avery Coonley values being a member of such a wonderful community as Downers Grove and we hope to make our grounds as appealing and attractive as possible.

I grew up in Downers Grove attending Avery Coonley. The beauty of the school grounds has always been an important part of my experience at the school. I hope you will support our effort to improve and enhance the grounds.

Thank you for your consideration.

Sincerely,
Patrick Fry
Chair of the Board of Trustees
The Avery Coonley School

7/13/16

Dear Village officials

It has come to my attention that the Avery Coonley School is seeking a variance to current codes involved in the replacement of the fence that faces Maple Avenue. I would like to share my support for this project and the granting of the variance. The current fence is very unattractive and a new fence would certainly enhance the property. As one of the more prominent properties in the village, anything that could be done to enhance the property would be valuable to the school and the town.

As a property owner, I support this variance and the positive effect it would have on other properties and their values.
Thank you for your consideration.

Sincerely,
Peter Fry

3621 Sterling
Downers Grove, IL 60515

July 14, 2016

Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

Dear Department of Community Development,

As a twelve year resident of and property owner in Downers Grove, I am writing to voice my full support of the installation of a 6' black aluminum fence at The Avery Coonley School along Maple Avenue. The present structure is rusted and leaning. The proposed fence would improve the look of the campus, the neighborhood, and improve the property values. At such a highly visible intersection, the outward appearance of the school can enhance the public perception of the suburb itself. It is my understanding that the new aluminum fence meets the safety and security needs of the school.

Thank you for your consideration in this matter. My hope is that the Village of Downers Grove can continue to make such needed improvements for the long term benefit of the community.

Sincerely,

Lisa M. Wiltz
7173 Springside Ave.
Downers Grove 60516-3718

Teague

5227 Brookbank Rd. **Downers Grove, IL 60515 • 630.421.0762 • Kristen.t.teague@gmail.com**

July 12, 2016

Department of Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

Dear Members of the Department of Community Development:

We are writing this letter in full support of The Avery Coonley School installing a 6' black aluminum fence along Maple Avenue. We believe that it will significantly improve the look of the property on which there currently resides a rusted and worn chain-link fence. The addition of the new 6' aluminum fence will also likely serve to enhance property values.

Thank you for your time and consideration. Please feel free to reach out to us for further information or for questions you may have.

Sincerely,

Kristen Teague

Kristen Teague and Brayer Teague

July 15, 2016

Department of Community Development
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

To Whom It May Concern:

As Downers Grove property owners, we are writing in support of the installation of a six-foot aluminum fence along the southern boundary of the Avery Coonley School, running parallel to Maple Avenue.

Replacing the existing chain link fence with a new, equally secure, aluminum fence would greatly improve the aesthetics along this busy corridor and would increase property values. A fence of this size would, moreover, help to ensure the safety of the school's students and deter any would-be trespassers onto the property.

Thank you for your consideration of this request.

Sincerely,

Christopher & Carol Portman
1805 Grant Street
Downers Grove, IL 60515

Nancy R. Doris

1411 Golden Bell Court

Downers Grove, IL 60515

(312) 224 - 8963

Department of Community Development

Village of Downers Grove

801 Burlington Avenue

Downers Grove, IL 60515

July 25, 2016

To the Downers Grove Department of Community Development,

I am writing to support the installation of a 6-foot black aluminum fence at the Avery Coonley School. As a lifelong Downers Grove resident, and now Orchard Brook homeowner and parent of children who attend Avery Coonley, I strongly believe that a 6-foot fence is required for campus security and student safety. In addition, a new and improved fence will enhance the appearance of our community along Maple Avenue - a major thru road connecting Downers Grove with neighboring suburbs - in addition to increase the nearby property values within Downers Grove.

Please reconsider this important request.

Sincerely,

Nancy R. Doris

LEGAL DESCRIPTION:

PARCEL 1:

THAT PART OF LOT 4 OF THE ASSESSMENT PLAT OF HOMESTEAD ESTATE OF ARTHUR C. DUCAT, IN PART OF SECTIONS 7 AND 18, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 4; THENCE N.62°00'E., ALONG THE SOUTH LINE OF SAID LOT, 276.00 FEET; THENCE N.05°15'W., 389.00 FEET TO A POINT IN THE NORTH LINE OF SAID LOT 4; THENCE N.88°25'W., ALONG THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 197.79 FEET TO THE NORTHWEST CORNER OF SAID LOT 4; THENCE SOUTH ALONG THE WEST LINE OF SAID LOT 4 TO THE PLACE OF BEGINNING. (EXCEPT THAT PART THEREOF DESCRIBED AS FOLLOWS) COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 4; THENCE N.62°00'E., 276.00 FEET TO AN IRON STAKE IN THE CENTER LINE OF MAPLE AVENUE FOR THE PLACE OF BEGINNING; THENCE N.05°15'W., ALONG THE EASTERLY LINE OF THE PROPERTY OWNED BY THE FIRST PARTIES, 389.00 FEET TO A POINT IN THE NORTH LINE OF SAID LOT 4, AT THE NORTHWEST CORNER OF A TRACT OF LAND OWNED BY REBA DICKINSON; THENCE WEST ALONG THE NORTH LINE OF SAID LOT 4 TO A LINE 10.00 FEET (MEASURED AT RIGHT ANGLES TO SAID EASTERLY LINE) WESTERLY OF AND PARALLEL WITH THE SAID EASTERLY LINE ABOVE DESCRIBED OF THE PROPERTY HEREIN CONVEYED; THENCE SOUTHERLY ALONG SAID LINE (PARALLEL TO SAID EASTERLY LINE AND 10.00 FEET WESTERLY THEREOF) TO THE SOUTH LINE OF SAID LOT 4, BEING THE INTERSECTION OF SAID PARALLEL LINE WITH THE CENTER LINE OF MAPLE AVENUE; THENCE EASTERLY ALONG THE SAID CENTER LINE OF MAPLE AVENUE TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 2:

LOTS 3 AND 6 OF THE ASSESSMENT PLAT OF HOMESTEAD ESTATES OF ARTHUR C. DUCAT, BEING A PART OF SECTIONS 7 AND 18, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

PARCEL 3:

A PART OF LOT 8 OF ASSESSMENT PLAT OF HOMESTEAD ESTATE OF ARTHUR C. DUCAT, IN SECTIONS 7 AND 18, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT 8; THENCE CONTINUING NORTHERLY ALONG THE WEST LINE OF SAID LOT 8, A DISTANCE OF 424.40 FEET TO THE SOUTHERLY LINE OF LOT 9 IN BLOCK 2 IN DUCAT ESTATE SUBDIVISION, IN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT NO. 204266 ON DECEMBER 5, 1925; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 9 IN BLOCK 2, A DISTANCE OF 119.68 FEET TO AN ANGLE; THENCE CONTINUING ALONG SAID SOUTH LINE OF LOT 9, 120.48 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 9 IN BLOCK 2; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF TURVEY ROAD (CHORD DISTANCE 30.00 FEET) TO AN IRON STAKE; THENCE S.04°22'30"E., A DISTANCE OF 7.30 FEET TO AN IRON STAKE; THENCE S.50°19'24"W., A DISTANCE OF 153.70 FEET TO AN IRON STAKE (WHICH BEARS S.10°24'30"E., A DISTANCE OF 27.00 FEET FROM THE ANGLE POINT OF THE SOUTHERLY LINE OF SAID LOT 9 IN BLOCK 2 IN DUCAT ESTATE SUBDIVISION); THENCE S.10°24'30"E., A DISTANCE OF 452.66 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT 5 IN SAID ASSESSMENT PLAT; THENCE N.88°33'W., ALONG THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 225.90 FEET TO THE PLACE OF BEGINNING, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 4:

LOT 9 IN BLOCK 2 IN DUCAT ESTATE SUBDIVISION, BEING A SUBDIVISION OF LOT 16 OF STANLEY AND COLES SUBDIVISION OF PART OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ALSO A PART OF THE COUNTY CLERK'S SUBDIVISION OF A PART OF ARTHUR C. DUCAT ESTATE, IN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID DUCAT ESTATE SUBDIVISION, RECORDED DECEMBER 5, 1925 AS DOCUMENT 204266, IN DUPAGE COUNTY, ILLINOIS.

PARCEL 5:

THE WESTERLY 32.00 FEET OF LOT 7 (MEASURED AT RIGHT ANGLES TO THE WEST LINE) IN THE ASSESSMENT PLAT OF THE HOMESTEAD ESTATE OF ARTHUR C. DUCAT, IN SECTIONS 7 AND 18, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, SAID PLAT HAVING BEEN RECORDED ON JUNE 29, 1896 AS DOCUMENT NO 61942 IN DUPAGE COUNTY, ILLINOIS.

SURVEYOR'S REPORT

THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SECTION 7 HAD TO BE ESTABLISHED USING EXISTING MONUMENTATION BEARINGS AND DISTANCES. BY RE-ESTABLISHED THE SECTION LINE IT MADE IT POSSIBLE TO RECOVER THE SOUTH LINE OF LOTS 4 AND 6 IN THE ASSESSMENT PLAT OF HOMESTEAD ESTATE OF ARTHUR C. DUCAT.

THE CENTER LINE OF MAPLE AVENUE HAS BEEN CHANGED AS PER HIGHWAY REALIGNMENT DRAWINGS DONE BY WIGHT & COMPANY DATED OCTOBER 16, 1968 AND MOST RECENTLY BY DUPAGE COUNTY TRANSPORTATION DEPARTMENT SECTION 87-001800-00-FP IN 1988.

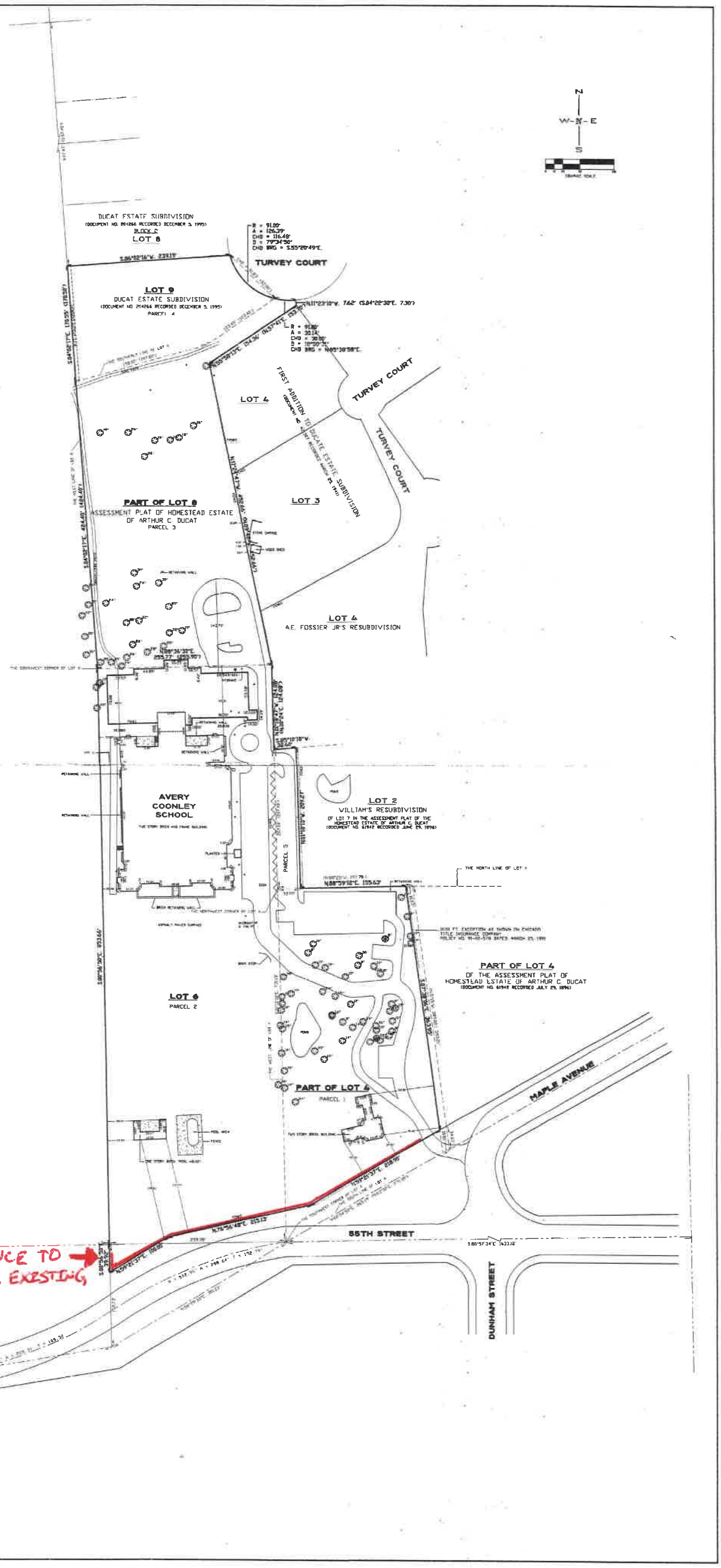
THE SOUTH LINE OF LOTS 4 AND 6 HAVE A HIGHWAY DEDICATION PER DOCUMENT NO. R69-37065 AND THE OLD NORTHERLY PLAT OF LOTS 1, 3, 4 AND 8 PER DOCUMENT NO 362877 DATED OCTOBER 3, 1935

SURVEY NOTES:

THE SURVEYOR EXPRESSES NO OPINION AS TO THE ACCURACY OF THE LOCATIONS OF THE UNDERGROUND UTILITIES WHEN NOT READILY VISIBLE FROM THE SURFACE. IT IS RECOMMENDED THAT THE APPROPRIATE GOVERNMENTAL AGENCY, MUNICIPALITY AND/OR UTILITY COMPANY BE CONTACTED FORE VERIFICATION OF THEIR LOCATIONS.

CALL JULIE AT 1-800-892-0123 PRIOR TO CONSTRUCTION.

EASEMENT GRANT TO THE COMMONWEALTH EDISON COMPANY BY DOCUMENT NO R64-6091 IN, UPON, UNDER AND ALONG A STRIP OF LAND 5.00 FEET IN WIDTH BEING THE NORTH 5.00 FEET TO THE SOUTH 43.00 FEET OF THE EAST 30.00 FEET OF THAT PART OF LOT 4 LYING NORTH OF THE NORTH LINE OF MAPLE AVENUE; A STRIP OF LAND 5.00 FEET OF EVEN WIDTH, BEING THE EAST 5.00 FEET OF THE NORTH 20.00 FEET OF THE SOUTH 38.00 FEET OF THAT PART OF LOT 4 LYING NORTH OF MAPLE AVENUE; A STRIP OF LAND BEING THE WEST 5.00 FEET OF THE EAST 32.00 FEET OF THE SOUTH 38.00 FEET OF THAT PART OF LOT 4 LYING NORTH LINE OF MAPLE AVENUE.



LEGEND

MANHOLE	BUSH/SHRUB	DRAINAGE ARROWS
CATCH BASIN	TREE - PINE	ITEM REMOVAL
INLET	TREE - DECIDUOUS	FOUND IRON PIPE
VALVE	GRAVEL	SET IRON PIPE
FIRE HYDRANT	CONCRETE	FOUND IRON ROD
SOIL BORING	PAVEMENT	SET IRON ROD
STREET LIGHT	VEGETATION	FOUND CUT CROSS
TRAFFIC SIGNAL	BUILDING	SET CUT CROSS
STORM SEWER	WATER	FOUND CONCRETE MONUMENT
SANITARY SEWER	BRICK	SET CONCRETE MONUMENT
WATERMAIN		FOUND PK NAIL
TELEPHONE LINE		SET PK NAIL
ELECTRIC LINE		MEASURED
GAS LINE		RECORD/DEED
FENCE		SECTION LINE
CURB AND SIDEWALK		RADIUS
GUTTER		DEGREE OF CURVE
DEPRESSED CURB		CHORD LENGTH
OVER HEAD WIRE		CHORD BEARING
MAIL BOX		POINT OF CURVATURE
LIGHT POLE		POINT OF TANGENCY
DRIVEWAY LIGHT		POINT OF COMMENCEMENT
TRAFFIC SIGNAL BOX		POINT OF BEGINNING
POWER POLE		TOP OF CURB
GUY WIRE		TOP OF FOUNDATION
SIGN		FINISHED FLOOR
U.N.T. BOX		BUILDING
E.B.T. LINE		DOCUMENT NUMBER
WATER METER VAULT		

PART OF LOTS 100 - 103
IN ASSESSOR'S PLAT OF SECTIONS 7 & 8 -38-11