

Chairman Jirik called the November 6, 2001 meeting of the Plan Commission to order at 7:30 p.m.

**ROLL CALL**

**PRESENT:** Mr. Griesbaum, Mr. Kahlke, Mr. Matejczyk, Mrs. Reynolds, Mr. Stark, Mr. Waechtler, Mr. Wlodek, Chairman Jirik

**ABSENT:** Mr. McCormick

**STAFF**

**PRESENT** Kenneth J. Rathje, Director Planning Services  
Amanda Browne, Planner

Chairman Jirik stated the draft minutes of the Plan Commission's October 2, 2001 meeting needed to be reviewed. He asked if there were any additions, deletions or corrections to those minutes. There were none. **Mr. Waechtler moved, and Mr. Matejczyk seconded that the minutes be approved as prepared. The motion passed unanimously.**

Chairman Jirik outlined the protocol for this evening's three agenda items. First, the petitioner, who is the individual proposing to do something with a particular piece of land, will explain what he is seeking to do and how the proposal conforms to what the Village allows or does not allow.

Second, Chairman Jirik advised, the Village Staff will present a fairly detailed technical assessment of the nature of the application. Chairman Jirik suggested members of the audience pay close attention because both of these presentations form the technical basis of what is being discussed tonight and the issues on which the Commission is seeking comment and input from those present this evening.

Chairman Jirik noted the third step, the public participation portion of the hearing, is the time for those present who desire to speak to be heard. Chairman Jirik explained the proceedings are being recorded and will be transcribed into minutes. He encouraged those wishing to speak to come forward to the podium and speak into the microphone. Chairman Jirik asked that those wishing to testify should state their name and address first and speak clearly and slowly so accurate minutes can be transcribed. Chairman Jirik advised those wishing to speak that the Commission does have the right to limit the speakers' time, and every attempt will be made to hold down redundant testimony

Chairman Jirik explained the final step is the Plan Commission's deliberation of the petition. The Commission members can and may ask questions of anyone who participates this evening; Staff, the petitioner or anyone in the audience. When deliberation is complete, the Chairman stated he will entertain a motion to either recommend approval, recommend denial or recommend approval with changes. Chairman Jirik stated upon completion of the minutes all the material is forwarded to the Village Council for its final consideration.

**FILE NO. 1064**      **LOT SPLIT** (Petition includes a request for a lot width exception for each proposed lot – Property located on the north side of Prairie Avenue approximately 231 feet east of Elm Street, commonly known as 728 Prairie Avenue, Downers Grove, IL (PIN 09-08-200-020); Michael Leto, Owner; James F. Russ, Jr., Petitioner

Chairman Jirik asked if there was a representative of the petitioner present.

James F. Russ, 4915 Main Street, Downers Grove stated he is an attorney here in town. He noted that the owner of the property, Mr. Michael Leto, is also present this evening. Mr. Russ advised 728 Prairie Avenue is located on the north side of Prairie Avenue just east of Elm Street and west of Debolt. Mr. Russ explained the property currently has a width of 98.5 feet, a depth of 297 feet with a lot area of 29,254.54 square feet. The property is currently zoned R-4, single family residential. Within the Village of Downers Grove, R-4 zoning requires a minimum lot width of 50 feet for existing lots, a minimum lot width under the Subdivision Control Ordinance of 75 feet for newly created lots, a minimum depth under the Subdivision Control Ordinance of 140 feet and a minimum lot area for existing lots of 7,500 square feet and for newly created lots the minimum lot area is 10,500 square feet.

Mr. Russ stated they are seeking to create two lots from this property. Each lot would have a width of 49.25 feet and a depth of 297 feet with lot areas of 14,627.25 square feet. The depths of these properties are approximately 2.79 times the required minimum and the lot area is approximately 1.9 times the R-4 required lot area.

Mr. Russ explained the only exception they are seeking with regard to these lots is to the minimum width. Mr. Russ noted he presented a letter to the Plan Commission Chairman with regard to lots that have been developed in this area. They did an inventory of lots within a two-block area of the subject property. Eighteen properties were located within the two block area that have been developed at less than 50 feet in width and less than the 49.25 foot lot width they are requesting. Mr. Russ referred to the map displayed on the screen and noted these properties are starred on the map. There are properties to the north, south and east of this parcel that are all less than the size they are seeking. Mr. Russ noted in this section of town the remaining lots are mostly developed as 50-foot lots. Mr. Russ pointed out the lots have been developed very nicely and can sustain very suitable homes.

Mr. Russ stated the proposed lots would exceed the depth and area of the majority of the lots in this area of town.

Mr. Russ indicated there are five conditions that need to be considered in granting an exception:

**THE EXTENT TO WHICH THE PROPOSED EXCEPTION IMPACTS ON THE VALUE OR REASONABLE USE OF SURROUNDING PROPERTIES;**

Mr. Russ stated they believe there will be no impact as most of the lots in this area are 50 feet wide and as noted there are 18 lots that have been developed with smaller widths than they are requesting in their petition. All of the 18 lots are within an approximate two-block area of the subject property. All of these lots have value as this is a prosperous area within our town. All of the zoning requirements regarding setback, height and yards will still have to be met on the proposed lots. These zoning requirements will dictate the type of development that can be done on the proposed lots.

**WHETHER THE EXCEPTION IS CONSISTENT WITH THE TREND OF DEVELOPMENT IN THE AREA AND THE SURROUNDING USES;**

Mr. Russ expressed the opinion that the proposed lots will be very consistent with what has been developed in the area. Most of the lots are 50 feet wide. These lots will remain single family as is the rest of the area.

**THE CHARACTERISTICS OF THE PROPERTY WHICH SUPPORT OR MITIGATE AGAINST THE GRANTING OF THE EXCEPTION;**

Mr. Russ explained the existing lot is approximately 3.9 times the required lot size for the R-4, single family zoning district. The proposed lots will be 2.79 times larger than the minimum depth required under the Subdivision Control Ordinance, and the existing lot is 3.9 times larger than the lot area required under the R-4 zoning district.

**WHETHER THE EXCEPTION IS IN CONFORMANCE WITH THE GENERAL PLAN AND SPIRIT OF THIS CHAPTER;**

Mr. Russ stated the request is in conformance with the area and can support very nice homes on the requested reduced width.

**WHETHER THE EXCEPTION WILL ALTER OR BE CONSISTENT WITH THE ESSENTIAL CHARACTER OF THE LOCALITY;**

Mr. Russ pointed out the proposed lots will remain single family, and the lot sizes will be larger than most of the existing lots with the exception of the proposed width. The proposed width will be fairly consistent with the majority of the lot in the area. The petition would create lots that are very compatible with the area and are completely in line and consistent with the surrounding neighborhood.

Mr. Russ concluded by requesting that the Plan Commission forward a positive recommendation to the Village Council. Mr. Russ advised the Plan Commission members that he would be happy to answer any questions at this time.

Chairman Jirik asked Staff to present its review and critique.

Mr. Rathje stated the petitioner is seeking approval of a lot split which involves a parcel of land on the north side of Prairie Avenue 231 feet east of the east line of Elm Street.

The property is proposed to be divided into two parcels each of which would measure 49.25 feet by 297 feet and each with an area of 14,627.25 square feet. Mr. Rathje explained the property has a width of 98.50 feet, a depth of 297 feet and an area of 29,254 square feet.

Mr. Rathje noted the Plan Commission is aware that the terms of the Subdivision Control Ordinance and the Zoning Ordinance are slightly different as they apply to R-4, single family residential zoning. For previously existing lots, the minimum lot width is 50 feet and the minimum lot area is 7,500 square feet. For newly subdivided lots, the R-4 zoning district has standards similar to the R-3, single family residential zoning district with a minimum lot width of 75 feet, a minimum area of 10,500 square feet and a minimum depth of 140 feet.

Mr. Rathje advised that the petitioner is seeking relief from the lot width provisions as they are seeking to reduce the width from the applicable Subdivision Control Ordinance requirement of 75 feet to 49.25 feet which is a variation of 34.33%.

According to the provisions of Section 20.301 (e)(3) of the Subdivision Control Ordinance, Mr. Rathje advised variations from either lot width or lot depth may only occur if the applicable lot area requirements are met or exceeded. In order to have a lot width variation, it is necessary to have a significantly over-sized parcel otherwise the variation could not be sought. In this case, with an area of 29,254 square feet and with resulting lot areas of over 14,000 square feet each, this particular piece of property does have the exceptional lot area which would support either a lot width or a lot depth variation request..

Mr. Rathje recalled that the petitioner indicated they did a survey of the lot widths in the neighborhood. Mr. Rathje noted he also did a survey, and the properties are referred to by address in the findings. Ms. Browne displayed the map on the overhead screen that shows the location of the 18 properties. Mr. Rathje noted the property to the immediate north of the subject property at 729 Chicago Avenue has a width of 47 feet, there are five lots east of Elm Street on the south side of Chicago Avenue located at 4705 Elm and 737 to 749 Chicago which are all 46 feet and there are also some properties with widths of 43 feet at 715 Prairie, 44 feet at 705 Prairie and 44.5 feet at 635 Prairie. Mr. Rathje pointed out that many of these lots could not be created today because they would not be able to satisfy the standards of both lot area and of lot width. Some of these older lots in this neighborhood were created prior to zoning.

Mr. Rathje stated there are other lots in the area which have similar lot width characteristics as the proposed lots. As a lot width exception is being sought, a review under the provisions of Section 20-602(b) of the Subdivision Control Ordinance provides that, "Exceptions may be granted only in specific cases where such exceptions do not alter the general plan and spirit of this Chapter and where the Council determines that a requested exception does not adversely impact the public health, safety and welfare." Mr. Rathje noted the provisions go on to say "An exception shall be recommended by the Plan Commission only if it finds that there are practical difficulties or particular

hardships in the way of carrying out the strict letter of the provisions of this Chapter..." Mr. Rathje advised that the Ordinance goes on to provide five measures to help the Plan Commission determine if there is a condition of practical difficulty or particular hardship. He then listed the five standards.

**(1) THE EXTENT TO WHICH THE PROPOSED EXCEPTION IMPACTS ON THE VALUE OR REASONABLE USE OF SURROUNDING PROPERTIES;**

Mr. Rathje stated it has been shown that there are a very significant number of similar sized lots especially in the 50 foot range, but we also have a number of lots in the area that are slightly less than 50 feet in width, or significantly less depending on your point of view, which have all been developed with homes. The development of a couple of 49.25 foot wide lots should not have any particularly significant reduction either on value or on reasonable use of surrounding properties as the setback and side and rear yard standards are equally applicable if the lot was 49 feet or 75 feet wide. Certainly any house or accessory building would have to be sited and scaled so as to fit on these properties, but it should not have any impact either on value or reasonable use of the neighboring properties because the same side and front yards would be applied. Mr. Rathje pointed out there are literally thousands of 50 foot wide lots in the Village.

**(2) WHETHER THE EXCEPTION IS CONSISTENT WITH THE TREND OF DEVELOPMENT IN THE AREA AND THE SURROUNDING USES;**

Mr. Rathje re-emphasized that the majority of the lots in the area are in the 50 foot wide range, but there are a significant representation of lots of lesser width which have all been improved with single family residences.

**(3) THE CHARACTERISTICS OF THE PROPERTY WHICH SUPPORT OR MITIGATE AGAINST THE GRANTING OF THE EXCEPTION;**

Mr. Rathje pointed out the exceptional lot area, which is the result of the existing lot width but especially because of the lot depth, makes the existing lot significantly larger than even the minimum lot area under the stricter standards of the Subdivision Control Ordinance which would require a 10,500 square foot lot. Based on the 10,500 square foot area, this parcel left undivided would be 2.79 times larger than the standard (10,500 square feet) that would be applicable for creating new R-3 or new R-4, single family lots.

**(4) WHETHER THE EXCEPTION IS IN CONFORMANCE WITH THE GENERAL PLAN AND SPIRIT OF THIS CHAPTER;**

Mr. Rathje stated "Chapter" refers to the Subdivision Control Ordinance. Any development on the resulting lots should not be found to be inconsistent with the general plan or spirit of the Chapter. Substantial homes can be built on these

properties and still satisfy the applicable setback and bulk regulations. The way the Ordinance functions if someone were to choose to build a taller home they would have to provide a proportional amount of additional setback. For each foot of building height over 20 feet as measured to the midpoint of the roof, the side yards have to be increased for each foot. The front and rear yard must also scale back although the front yard setback scales back one foot for each two feet, and the rear yard scales back one for one. Mr. Rathje indicated if someone were to build a taller list they would have to come in and provide mitigation based on the height and the setback.

**(5) WHETHER THE EXCEPTION WILL ALTER OR BE CONSISTENT WITH THE ESSENTIAL CHARACTER OF THE LOCALITY.**

Mr. Rathje pointed out any development on any piece of property has some impact on the character of the neighborhood. In determining the impact under this measure, the important term is the essential character. Mr. Rathje explained the essential character of this area is that it is single family, and most of the lots are in the 50 foot wide range. More importantly, there are a relatively significant number of narrower lots present in the area. Mr. Rathje advised that he drove around in this area to see if he could really identify the narrower lots just from a street view and for the few feet of difference, they were really not easily identified unless he was matching up address to lot. Mr. Rathje pointed out that the narrow lots do fit the character of the neighborhood.

Mr. Rathje concluded it was the Planning Staff's recommendation that the Plan Commission forward a positive recommendation to the Village Council for the proposed lot split. This recommendation is being made subject to the Plan Commission being able to make a determination that the requested lot width reduction indeed satisfies the conditions prescribed for approval of an exception under the terms of the Subdivision Control Ordinance. This recommendation is also being conditioned upon the existing residence, detached garage and accessory structures being razed prior to issuance of any building permits in the event this petition is approved.

Chairman Jirik advised the audience that the Plan Commission would now hear comments and questions from people in the audience.

Marilyn Eichmann, 718 Prairie Avenue, Downers Grove, stated hers is the lot directly east of the subject property. She distributed copies of a written complaint to the Plan Commission members regarding the subject property. Ms. Eichmann explained her family has owned this property for almost 100 years. They have a vested interest in preserving many things about it.

Ms. Eichmann stated the properties across the street from the subject property, 715, 705 and 635 Prairie, although the actual widths are narrower than 50 feet, the houses front on Prairie Avenue. Ms. Eichmann presented pictures of what one sees in terms of the actual property values. The property at 715 Prairie Avenue is located at the southeast corner of

Prairie and Prospect Avenues, 705 Prairie Avenue is located at the southwest corner of Prairie and Stanley Avenues and 635 Prairie Avenue is located at the southeast corner of Prairie and Stanley Avenues. Ms. Eichmann stated the length of these properties face Prairie Avenue thus making the frontage 150 feet. She pointed out the danger of looking at the parcel map is that it does not portray a true representation of what the actual properties look like there.

Ms. Eichmann next presented pictures of 624 and 620 Prairie Avenue and noted these properties are not single family homes but rather apartment buildings which would no longer be allowed to be built under today's Zoning Ordinance. The properties at 624 and 620 Prairie Avenue share the driveway and sidewalk, which would also not be allowed today. The property at 624 Prairie Avenue actually fronts on Linden Place, which she stated is an alley. (NOTE: Linden Place is a dedicated street with a right of way width of 25 feet).

Ms. Eichmann stated what is significant are the properties that are not mentioned; her own home 718 Prairie, 710 Prairie and the home immediately across the street which is 4800 Prospect. She presented pictures of these properties.

Ms. Eichmann commented that any new home built on the proposed lots will not be small Chicago bungalows, but they will be built close together. They will not in any way be in conformance with the properties that are in the two block area, certainly not less than 50 feet.

Ms. Eichmann pointed out another problem with regard to the subject property is that it is the highest point which means all of the stormwater runoff will be coming over into the yards to the immediate east. Ms. Eichmann noted there currently is a water retention problem east of the subject property going into the alley, and this will certainly make it worse. She expressed the opinion that no matter what type of grading or tiles are used to get the water to the street, this is a consistent problem when more foundations are dug using up the existing land and the natural environment.

In terms of the property itself not adversely affecting the use and the value of adjacent properties, Ms. Eichmann expressed her opinion that that was an erroneous statement. It will definitely impact them and the area as a whole. The property values on either side of the subject property will be adversely affected simply by the fact that there will be two houses very, very close together which is certainly not in keeping with other houses that are in the immediate area not going back two blocks nor going forward two blocks in any direction but strictly within the area as it is now taxed.

Chairman Jirik advised Ms. Eichmann that her written statement and the photographs would be part of the record that would be forwarded to the Village Council. Coral Carlson, 732 Prairie Avenue, Downers Grove stated her home is the property immediately to the west of the subject property. She asked the Plan Commission to support the Subdivision Control Ordinance as written with a 75-foot minimum width. Ms. Carlson specifically referred to the square block of Chicago, Elm, Prairie and Linden

and noted there are a number of larger lots within that neighborhood. This is an unusual block within the area. They would like to see the open feeling maintained. As Ms. Eichmann has indicated, the frontages of the smaller lots are wider and face Prairie so there is the whole issue of those lots appearing from Prairie Avenue to be much bigger than they actually are. Ms. Carlson noted another problem she sees, which Mr. Rathje has already referenced, is the fact that the lots that are being used for comparison on the displayed map would not be allowed to be created today. They are non-conforming lots. Ms. Carlson expressed her belief that it is a problem to create additional non-conforming lots as this would be in terms of the width, and the Subdivision Control Ordinance asks for a 75 foot width. She expressed the opinion that 75 feet is an appropriate width for this neighborhood and this particular block. She thanked the Commission for the opportunity to speak.

Chairman Jirik asked if there was anyone else who wished to speak.

Donald McGady, 4906 Fairview Avenue, Downers Grove expressed his support for the petitioner's request to divide the lot. He felt it was applaudable to put beautiful new homes on lots in Downers Grove that would substantially add to the community. As there was no one else wishing to speak, Chairman Jirik closed the public participation portion of the hearing.

Chairman Jirik asked if there were any comments and questions from the Plan Commission members. Chairman Jirik advised the Commissioners that they can ask questions of Staff or of anyone who spoke.

Mr. Wlodek stated the Village Council amended the Ordinance to provide for a 75 foot wide frontage. He asked which controls – the total square footage or the lot frontage? Mr. Rathje responded in the revision of the Subdivision Control Ordinance the minimums for both R-3 and R-4 single family residential zoning districts are to require a width of 75 feet for fully conforming lots without any variations to have lot areas of 10,500 square feet and to have lots of 140 feet in depth. Mr. Wlodek asked if there are 18 lots in the surrounding area of Prairie Avenue that are in the 49 foot wide category, why would the Village have established a 75 foot requirement which would totally disrupt this whole concept?

Mr. Rathje explained the Village Council took a very careful look into the matter of lot sizes and dealt with this issue in two separate ways, so as not to create any more non-conforming lots and also so as not to exacerbate any existing non-conformities. They did this first by leaving the lot width and lot area standards for pre-existing lots in the R-4 zoning district at 50 feet for width, and the minimum area was left at 7,500 square feet. The Zoning Ordinance does not have a minimum lot depth standard. Typically, there is no issue under the Zoning Ordinance of non-conformity for lot depth. Mr. Rathje continued to explain as the Subdivision Control Ordinance is essentially the filter or the regulatory provision of the Municipal Code that regulates the creation of new lots, the Subdivision Control Ordinance was amended from being essentially parallel or consistent with the Zoning Ordinance to being amended to have a higher standard in terms of lot

width and low area for new lots in the R-4, single family zoning district. In that case, for new lots with R-4 zoning the standard would be 75 feet for width, 10,500 square feet for area. A minimum depth of 140 feet has been a standard for some time in all the four single family residential zoning districts. Mr. Rathje stated as long as he has been aware, the Ordinance has the added protection against the creation of undersized lots, a provision that provides against what he called "double-dipping". The Ordinance says whenever someone seeks a variation either to lot width or lot depth, the lot area may be no less than is required by the Subdivision Control Ordinance. Mr. Rathje pointed out we have a community which is made up of a wide diversity of lot sizes. We have lots that are 50 feet by 125 feet, which have lot areas significantly less than even the minimum standards of the R-4 zoning district, because they were created long before anybody ever heard of zoning. We also have lots in town in neighborhoods that measure 100 feet by 297 feet and 100 feet by 425 feet. Many of those have in the past been divided into 50 foot wide lots. When you have some of those significantly oversized lots in terms of lot area, the Subdivision Control Ordinance provides an opportunity for a reasonable return from the land provided that a division does not conflict with any of the standards for the approval of a variation.

Mr. Rathje stated the Council took an opportunity to deal with some of those unusually sized lots. He noted in the Lee Avenue area north of Chicago Avenue, the typical lot size is 100 feet by about 400 feet, and the zoning is R-1, single family residential. Even though those lots are much larger in area and depth, that is the trend in that area. Mr. Rathje pointed out we are a Village of many different neighborhoods, and many of those neighborhoods have very different characteristics. That is why one of the standards that was used is the one that reads "Whether the exception is consistent with the trend of development in the area and the surrounding uses".

Mr. Rathje stated these standards apply equally for public improvement variations, dimensional variations, street lights, street trees, curbs, gutters, etc. One set of standards apply to all the various elements that would be reviewed by the Plan Commission and the Village Council under the Subdivision Control Ordinance, but the Ordinance does take into account that an exception is not simply to be judged on the overall character of the Village, otherwise you would just say this is the standard, there is no variation possible.

Mr. Matejczyk stated the petitioner is proposing that there be two lots with a width to depth ratio of 6.7. Mr. Matejczyk indicated in his opinion that is a very awkward ratio. He finds it hard to understand how the entire lot could be utilized in any way. There is no way to put anything at the back of the lot. Mr. Matejczyk expressed concern about land use in the Village. He asked if there has been any consideration given to dividing this parcel with a flag lot. Mr. Rathje responded that he briefly talked to the petitioner about a flag lot but determined that was not possible.. The Subdivision Control Ordinance was structured to allow flag lots only under extraordinarily limited opportunities. Originally in the mid-1980's when the Council considered whether or not to allow flag lots at all, Staff did a review of typical lot sizes to determine where the break point is between "deep lots" and "exceptionally deep lots". He noted we have many, many lots that fall in the range of 273 to 297 feet and a few in the 300 foot range. After a depth of 305 feet, lot depth

characteristics tend to jump. There are very few lots, if any, right at the 305 foot range. That is the point above which we start finding a relatively few number of lots. The Council only wanted to provide the flag lot option for exceptionally deep lots, and exceptionally deep was determined for purposes of the Subdivision Control Ordinance to be greater than 305 feet. Mr. Rathje pointed out the subject property's depth is 297 feet.

Mr. Matejczyk referred to the plat of survey contained in the packet that shows 330 feet. Mr. Rathje explained the date of the subdivision which created the subject property goes back to when the depth of lots was measured to the center line of the street right of way. The first 33 feet which fall within the right of way of Prairie Avenue cannot be used for purposes of any type of zoning function, so this is really only a 297 foot deep lot. In order to have a flag lot, the depth of a lot exclusive of any adjacent street right of way has to be a minimum of 305 feet. He further explained there can be no variations and exceptions from that standard according to how the Subdivision Control Ordinance is written. Mr. Matejczyk noted at 297 feet deep the lot is close to the required lot depth. Mr. Rathje agreed that it was close but noted there are no variations or exceptions permitted from the standards for creating a flag lot. Mr. Matejczyk commented a flag lot might be a much better use of this property. Mr. Rathje concurred and commented that currently there is some interest at the Council level of possibly changing the standards to be stricter or even eliminating flag lots. Any change would most likely be more restrictive than what the current standards are now. Mr. Rathje commented that several members of the Village Council expressed their concerns over the last flag lot petition and advised that flag lots may not be something they want to foster in the future. Mr. Rathje stated the flag lot issue is something the Council may be discussing in the coming months.

Mr. Matejczyk indicated he understood the flag lot standards; however, he felt a flag lot on this piece of property would create two lots with nice depth to width ratios. Mr. Rathje indicated he understood Mr. Matejczyk's comments.

Randy Stark asked if the Plan Commission had previously recommended approval of lot splits that created lots with widths of less than 50 feet. Mr. Rathje responded that other than a flag lot he could not think of any that the Plan Commission has done at least since the Subdivision Control Ordinance was amended. Mr. Rathje noted this is something he and Mr. Russ have discussed. The difference between 50 feet and the proposed lot width is just 9 inches or three-quarters of a foot. Mr. Rathje stated this is the reason the petitioner's attorney and he both did research to find out if this lot width is a dimension that has been crossed in the past and if there were a representative number of lots in the area. Mr. Rathje commented there are really a good representative number of such lots. It appears that there are far more sub 50 foot wide lots in this area than elsewhere in the Village. In the north quadrant of the Village, basically north of Ogden Avenue, lot areas tend to be larger. The newer areas like Orchard Brook are zoned R-2. Mr. Rathje pointed out Orchard Brook is the prototype of a planned development. Some of the other areas are zoned R-3. A lot of the older areas north of Ogden west of Fairview were originally subdivided without benefit of either sewers or municipal water or both and were subdivided into relatively large lots so there would be good separation between the

well and the septic field. When sewer and water were installed, some of those lots were subdivided into smaller lots. Mr. Rathje noted south of 59th Street there are primarily R-3 sized lots although there are also some R-4 sized lots. The smaller lots oftentimes were part of the subdivision process that resulted prior to 1923, although some of the smaller were created between 1923 and 1965. Mr. Rathje pointed out that the proposed lot sizes would not be something that would normally be supported in the subdivision of a previously undivided area today, but in an area where there are other small lots, giving consideration to the size of the property in terms of its acreage is something that can be considered. Mr. Rathje stated we do allow people to utilize existing lots of this dimension whether they are a corner lot or an interior lot. Mr. Rathje advised the Plan Commission that lot width on a corner lot is determined by the Ordinance to be the narrower of the two street frontages even though architecturally some of the houses face the longer street frontage side. The Subdivision Control Ordinance and the Zoning Ordinance really deal with lot width in terms of being the narrower of the two frontages, and a builder or owner is obligated to provide setbacks for both frontages. Although the Zoning Ordinance does provide some relief in terms of setback if you have a narrower lot. The Ordinance guarantees people a buildable width of at least 30 feet. This essentially is an automatic variation on setbacks for some corner lots.

Mr. Stark referred to the lots directly north of the property on Chicago Avenue and asked Mr. Rathje if he knew if any of them were lot splits or were they all original 47 or 50 feet wide lots. Mr. Rathje answered that those lots were all divided as simple deed divisions prior to the change in the State statutes that required a more formal subdivision process. Mr. Rathje indicated he did not have the exact date of that change, but that it was earlier than the mid 60's. Mr. Rathje noted based upon appearance it was likely that most of the homes on those lots were probably built before the 1950's and some of the homes may go back to the 1920's or 1930's.

Mr. Rathje noted the Village started doing lot splits back in the 1970's. For other municipalities that do not reserve the right to supervise lot splits, the Plat Act simply allows people to file a deed if a lot is divided into no more than two parcels and the lot was of record as of July 17, 1959. If prior to 1959 you had a pre-existing lot and you could come up with two otherwise conforming lots all the owner had to do was file a deed division. Mr. Rathje concluded the rules were significantly different then as compared to now. Even in the County, it is easier to file a deed division now than it is to divide a lot in the Village.

Mr. Waechtler asked Mr. Rathje if he understood him to say that the Plan Commission has not crossed the 50 foot wide barrier. Mr. Rathje responded that he did not research that, but pointed out the Plan Commission has not done that since 1991 when the Village went to the wider lot width minimum for R-4 zoned lots. He thought there might have been a couple of lot splits involving a 98 or 99 foot wide lot prior to that change. Then the variation was literally one three-quarters of a foot or less. Mr. Rathje noted prior to 1991 that type of variation would have been something the Plan Commission had direct authority to grant and would have been significantly less percentage-wise because the standard width for a R-4 zoned lot then was 50 feet.

Mr. Wlodek asked about the fact that the Village has 18 lots that are less than 50 feet wide in the surrounding area. Mr. Rathje responded at the corner of Elm and Chicago, quite a few of those lots were the direct result of actual subdivisions. Most of the area on Prairie to the east of Linden had been originally subdivided into 25 foot wide lots which people would then assemble into 50 foot, 75 foot or 100 foot building parcels. At the ends of the blocks, if a subdivider could not come up with the full width, oftentimes they made them a little smaller or a little wider than the remainder of the lots. Mr. Rathje indicated that oftentimes was how the narrower lots evolved.

Mr. Wlodek commented that the proposed lot width exceptions fall within the provisions of Items 3 and 5 "The characteristics of the property that support or mitigate against the granting of the exception" and "Whether the exception will alter or be consistent with the essential character of the locality". Mr. Wlodek asked how can the Plan Commission turn around and tell a petitioner he cannot have a lot that is 8 inches shorter than the old 50 foot lot width requirement when there are 38 foot wide lots across the street? Mr. Wlodek commented it did not make sense to him. Mr. Rathje noted corner lots are even more difficult to deal with because there have to be front yard setbacks on street frontages.

Mr. Waechtler asked if the 18 lots had been grandfathered in? He also asked if there were any new homes on these lots? Mr. Rathje stated he could not answer for all 18 lots, but he was aware of a house that was built on a previously vacant corner lot within the last three to four years located elsewhere in the Village that was 47 feet wide. Mr. Rathje indicated he did not do the assemblage, but he believed that all of the 18 lots have homes that have been there for a fair period of time. He noted we do have new homes being built on 50 foot wide lots on a regular basis. If any of these lots, with the possible exception of one, were to come in today, people could tear down the existing houses if they wanted to and be permitted to build new homes.

Mr. Stark asked Mr. Russ if he was able to find any occasion when the Plan Commission approved a sub-50 foot wide lot split. Mr. Russ responded that he did not look at that. Mr. Rathje reiterated that no such lot splits have been granted in the last ten years, but he was fairly sure he could find one prior to that. Mr. Rathje commented the idea is not to find one precedent, but rather whether or not this petition meets the reasonable standards as they apply to the subject property and the surrounding area.

Chairman Jirik pointed out the Commission is focusing on a nine-inch differential. He asked how many more lots would be added to the tally if you looked for existing lots that were greater than 50.001 feet wide. He asked if Staff or the petitioner's attorney would have a guess or a ballpark estimate. He noted there are 18 lots in the area with widths of less than 50 feet. Chairman Jirik asked if you step up nine inches, do you have 20% of all the property, 90% of all the property? Chairman Jirik stated if you go to 51 feet and suddenly you have 99% of the property, then in his mind this is fairly characteristic of the neighborhood. If you go to 51 feet and you are only up to 22 properties, then where does the bell curve begin to capture a statistically significant number of properties? Chairman Jirik noted as he looked at this it seemed like the preponderance would be captured if you

went a little above 50 feet. Mr. Rathje responded it would also depend on where you would want to set the boundaries of the area. For instance, if you go in the area east of Linden, most of which was originally subdivided into 25 foot lots which were then sold in assemblages of typically 2, 3 or 4 lots, there is a fair diversity of lot sizes in the area. If the mean of the population falls within that 50 foot range, then you will find examples of 75 foot and even an example of a 100 foot, but you will also find as you go on the north side of Prairie, East of Linden, one lot at the narrow end on the south side is 38.6 feet, the next one is 43 feet, the next two are 37.5 feet wide, then there is a 55 foot and a 45 foot wide lot. If you go to the north side of Chicago Avenue, east of Elm, your example of just crossing over the line a little bit above 50 feet you run into a series of twelve 51.2 foot wide lots. That is how the original parcel of land was divided.

Chairman Jirik stated he respected and agreed with the concern about going to a lot width of under 50 feet. He expressed the opinion that the 50 foot lot width is a very important issue for the Commission. Chairman Jirik pointed out the one thing that is very different about this parcel is that it is as long as a football field. If it were not this deep, there would be no question regarding the 50 foot width. This depth is generous in terms of the rest of the neighborhood. Chairman Jirik concluded the exceptional depth gives him the comfort to go to a lot width of slightly below 50 feet.

Mr. Wlodek pointed out on Chicago Avenue there are six lots which are 296 feet deep; five of which are 50 feet wide and one is 47 feet wide.

Mr. Waechtler announced he put together some statistics. If we use the boundaries given to us by the petitioner, there are 105 lots in that area. Eighteen of those lots have already been determined to be less than 50 feet which is 17%. There are 87 lots that are exactly 50 feet or more which is 83%. However, if you go just beyond 50 feet even, there are 33 lots including some 75 and 100 foot lots which represents 31% of the total 105 lots in the area.

Mr. Rathje added some of those 75 foot wide and 100 foot wide lots in the area east of Linden have depths of only 125 feet. Chairman Jirik noted that the subject property's lot depth of almost 300 feet is a significant factor to be considered..

Mr. Waechtler also pointed out another significant factor is the character of the area. He questioned if the Plan Commission would be pushing the envelope to creep below a 50 foot width. He also asked if the Commission would be seeking the lowest common denominator of lot widths. Does the Commission want to be on the low side at less than 50 feet or does the Commission want to look at the whole area which is 31% that represents 50 plus feet? Mr. Waechtler stated he would not like to see the Plan Commission set a precedent by creeping below a lot width of 50 feet regardless of the depths of the lots. Mr. Waechtler stressed that the Plan Commission had to look at the character of the area and the predominant width of the lots in the area. Mr. Waechtler expressed the opinion that the Plan Commission does not have to seek the lowest common denominator.

Mr. Stark indicated he wanted to focus on the subjective nature. Comparing Chicago Avenue with Prairie Avenue although they are "sisters" they are different. When you drive down Chicago Avenue you see a lot of narrow widths on both sides of the street. Mr. Stark noted if you drive down Prairie Avenue, the perception is that the lots are wider or are expanded. He commented when you take a helicopter look at what is going on with the lots that is different, but the characteristic of Prairie Avenue is that it has expansive frontal property. Mr. Stark stated he knows the proposed resulting lots are buildable, but he expressed the opinion that to do so would take away a fundamental characteristic of this micro neighborhood and that street when you change widths. If the Plan Commission is going to go below 50 feet, we should do so for good reasons about characteristics of a smaller neighborhood. Mr. Stark commented he is waiting to hear why 50 feet would be better for Prairie Avenue than leaving this lot alone.

Mr. Rathje pointed out after the Commission looks at all five standards for recommending an exception, it sometimes is easy to forget that the real standard of the Subdivision Control Ordinance is that "an exception shall be recommended by the Plan Commission only if it finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this Chapter". Mr. Rathje stated practical difficulties or particular hardships does, in fact, focus in on some of the rights of ownership not just simply the characteristics of the neighborhood. Mr. Rathje explained this is one of the reasons why he had pointed out what the ratio of the existing parcel is to the minimum current Subdivision Control Ordinance standards as well as what the ratio is to the minimum underlying R-4, single family residential zoning standard for pre-existing lots. There is a significant amount of land contained by the subject lot that is currently capable of supporting only one house. Mr. Rathje asked if this is a practical difficulty or a particular hardship? In making that determination, consideration and review of the five points of the Subdivision Control Ordinance is required by the Plan Commission, but still, the most important measures are the two phrases, "practical difficulties" and "particular hardships". Mr. Rathje commented if those standards are not present, then the request for an exception should not be recommended. If the standards are present, especially in comparison to what other people have been permitted to do and to have even in the distant past, that is why the Commission has the opportunity to consider and recommend exceptions now. Mr. Rathje pointed out there are other areas or requirements of the Zoning Ordinance where there are no abilities to grant exceptions. For instance, a use variation cannot be granted; an allowable use is either a permitted use or it is a special use. By comparison, some municipalities do allow use variations.

Chairman Jirik stated he is hearing the 50 foot lot width question from the Plan Commission members. He pointed out that Mr. Rathje has outlined the standards that the Plan Commission must consider as well as the issues that have been raised.

Chairman Jirik indicated he would ask one final time for any further comments from the Plan Commission members. There was no response. Chairman Jirik stated his only additional comment is for the Plan Commission to focus on the resulting lot being almost 150% of the lot area, and it is 212% of the lot depth requirement.

Mr. Matejczyk commented that the Plan Commission is up against the rights and needs of the petitioner versus the rights and needs of the community and the neighborhood. That is what the Plan Commission is trying to balance. It is not simply one or the other, and that is what is making this process difficult.

With no further comment, Chairman Jirik called for a motion.

**MOTION: MR. WLODEK MOVED WITH REGARD TO FILE NO. 1064 THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE APPROVAL OF THE REQUESTED LOT SPLIT INCLUDING THE PETITIONER'S REQUEST FOR AN EXCEPTION TO REDUCE THE WIDTH OF THE RESULTING LOTS FROM THE UNDERLYING SUBDIVISION CONTROL ORDINANCE MINIMUM LOT STANDARD OF 75 FEET TO 49.25 FEET, WHICH IS THREE-QUARTERS OF A FOOT LESS THAN THAT WHICH WAS ORIGINALLY ALLOWED AT 50 FEET. THE RECOMMENDATION IS BEING MADE SUBJECT TO THE PLAN COMMISSION MAKING A DETERMINATION THAT THE REQUESTED LOT WIDTH REDUCTION SATISFIES THE CONDITIONS PRESCRIBED FOR THE APPROVAL OF AN EXCEPTION UNDER THE TERMS OF THE SUBDIVISION CONTROL ORDINANCE AS DESCRIBED UNDER SECTION 20-602(B) AND FOLLOWING. THIS RECOMMENDATION IS BEING MADE CONDITIONED UPON THE REQUIREMENT THAT THE EXISTING RESIDENCE, THE ATTACHED GARAGE AND THE TWO ACCESSORY SHEDS ARE TO BE RAZED PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS FOR ANY NEW RESIDENCES ON THE RESULTING PARCELS. MR. WLODEK STATED HIS MOTION IS BASED ON THE FACT THAT HE FEELS THE FIVE CONDITIONS; THE VALUE OF THE NEIGHBORHOOD AND THE SURROUNDING PROPERTIES HAVE NOT BEEN AFFECTED. HE STRESSED EXCEPTIONS THREE AND FIVE HAVE NOT BEEN AFFECTED AT ALL. MRS. REYNOLDS SECONDED THE MOTION.**

Chairman Jirik asked if there were any questions regarding the intent of the motion. There was no response. Chairman Jirik asked if there were any comments. Again, there was no response.

**ROLL CALL:**

**AYE: Mr. Wlodek, Mrs. Reynolds, Mr. Griesbaum, Mr. Kahlke, Chairman Jirik**

**NAY: Mr. Matejczyk, Mr. Stark, Mr. Waechtler**

**The motion passed 5:3.**

Chairman Jirik noted this petition was very heavily deliberated. It is the Plan Commission's custom to allow those who voted nay to make a comment for the record so that the Village Council can understand the basis of the nay votes. Chairman Jirik stressed this is not mandatory on the part of the Commission members, but if those members voting nay wish to clarify their vote this is the time to do so.

Mr. Stark commented for the record it is his opinion that there is a subjective portion to the Plan Commission's function. The Commission does not necessarily follow the mathematical formulas prescribed by the Zoning Ordinance. There are many ways to build suitable properties on lots, yet the Plan Commission is charged with trying to direct the character of the neighborhood. Mr. Stark expressed his opinion that the trend of the development in Downers Grove and in the area we are talking about is not to sell 50 foot lots. Mr. Stark indicated that was a bright line for him. Mr. Stark stated to his eye driving down this street does not reveal a compelling reason to go below 50 feet and change the character of that street.

Mr. Matejczyk indicated he would second Mr. Stark's comments.

Mr. Waechtler stated he did not feel this recommendation was in conformity with measures 1, 4 and 5. It was only in conformity with measure 3. Mr. Waechtler also seconded Mr. Stark's remarks. Mr. Waechtler concluded by stating he felt that the existing lot will make a beautiful place for one single family home.

Chairman Jirik stressed that this is a recommendation. The Village Council will be considering all of the Commission's deliberations in the next few weeks. Those wishing to follow this should contact Village Staff regarding the scheduling of this matter.

Chairman Jirik stated the Plan Commission did an excellent job of putting together a more than adequate record for the Village Council.

**FILE NO. 1066      FINAL PLAT APPROVAL – BOUNDARY HILL  
SUBDIVISION;** Property located southeast of the intersection of Lee Avenue and Boundary Road, Downers Grove, IL (PIN 09-18-308-003, 004); Cassandra, William L. and Raymond J. Ponstein, Owners; William L. Ponstein, Petitioner

Chairman Jirik asked if there was a representative of the petitioner present.

Mr. William Ponstein, 6012 Hillcrest Court, Downers Grove explained he was seeking a positive recommendation for final plat approval for an eight lot residential subdivision located at the intersection of Boundary Road and Lee Avenue.

Mr. Ponstein stated the final plat is in substantial compliance with the preliminary plat that was recommended for approval earlier this year by the Plan Commission and subsequently approved by the Village Council. The final plat includes lot depth

variations on Lots One and Five, and it also includes the exception of improvements along Boundary Road with the exception of the public sidewalk.

Mr. Ponstein explained he has agreed to the necessary donations to the Park and School Boards. Mr. Ponstein concluded that all of the engineering has been completed.

Chairman Jirik asked Staff to make its presentation.

Mr. Rathje explained the petitioner is seeking approval for an eight lot, single family residential subdivision on an approximately 2.676 acre parcel of land located east of Boundary Road at Lee Avenue. Preliminary plat approval for the proposed subdivision was presented to the Plan Commission as File #1059 on May 1, 2001. The petitioner's proposed subdivision received a positive recommendation including a recommendation for lot depth exceptions for Lots 1 through 5. Mr. Rathje noted in addition, the Plan Commission forwarded a positive recommendation for the approval of an exception from having to make any roadway improvements to Boundary Road other than the installation of sidewalks. On June 16, 2001 the Village Council accepted the Plan Commission's recommendation and granted preliminary subdivision plat approval.

Mr. Rathje explained the petitioner has submitted a set of engineering drawings and calculations that were reviewed by the Village Engineering Staff. Mr. Rathje pointed out that there is a copy of Mr. Jungwirth's certification that outlines his satisfaction of the final engineering for this subdivision. His certification also outlines a number of fees that will have to be paid prior to subdivision approval. He also pointed out that as this is a less than three acre subdivision, calculation will be made for compensation for stormwater detention on a lot by lot basis dependent upon the amount of impervious surface which will result from each lot's development. Mr. Rathje advised with the certification from Mr. Jungwirth and the payment of the fees, final engineering will be completed for this subdivision.

Mr. Rathje explained one other item of finance is associated with the subdivision. The provisions of Section 20-300 of the Subdivision Control Ordinance requires subdividers to provide compensation to the school and park districts through the Village of Downers Grove. As there are two existing dwellings on the property, one three- bedroom and one four- bedroom unit, the provisions of Section 20-300(e)(2) of the Subdivision Control Ordinance give the developer credit for those preexisting homes, as it is presumed that they have been paying taxes to the districts for their total existence. On the basis of one new three-bedroom residence, one new four-bedroom residence and four new five-bedroom residences which is what the petitioner is calculating on this development, impact fees in the amount of \$24,222.04 must be paid to the Village prior to final Council action. These fees would accrue in the amount of \$7,235.63 to Grade School District 58, \$3,912.00 to High School District 99 and \$13,074.41 to the Downers Grove Park District.

Mr. Rathje concluded the Planning Staff would recommend that the Plan Commission forward a positive recommendation to the Village Council. This recommendation should include the same exceptions which were approved with the preliminary subdivision approval by both the Plan Commission and the Village Council which includes lot depth

exceptions for Lots One through Five and the roadway improvement exceptions with the exception of sidewalks for Boundary Road. This recommendation is subject to the payment of the fees as outlined in Mr. Jungwirth's memo as well as the payment of the School and Park District impact fees.

Mr. Rathje clarified that this recommendation is also subject to the razing of the two existing homes.

Mr. Rathje advised he would be glad to answer any questions from the Plan Commission members.

Chairman Jirik asked if there was anyone in the audience who wished to speak for or against this petition. There was no response, and Chairman Jirik closed the public participation portion of the public hearing on File No. 1066.

Chairman Jirik asked if there were any questions or comments from the Plan Commission members. There was no response.

Chairman Jirik then called for a motion.

**MOTION: MR. WLODEK MOVED WITH RESPECT TO FILE NO. 1066 THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE PROPOSED EIGHT LOT, SINGLE FAMILY RESIDENTIAL SUBDIVISION. THIS RECOMMENDATION IS BEING MADE AS THE PETITIONER HAS SUBMITTED A PETITION FOR FINAL PLAT APPROVAL WHICH IS IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF THE SUBDIVISION CONTROL ORDINANCE EXCEPT AS MODIFIED BY THE PREVIOUSLY RECOMMENDED EXCEPTIONS WITH REGARD TO LOT DEPTH FOR LOTS ONE THROUGH FIVE EXCEPT AS MODIFIED BY THE PREVIOUSLY RECOMMENDED EXCEPTION WITH REGARD TO ROADWAY IMPROVEMENTS FOR BOUNDARY ROAD. THIS RECOMMENDATION IS BEING MADE BASED UPON THE FINAL APPROVAL OF THE EXCEPTIONS WHICH WERE APPROVED AS PART OF THE PRELIMINARY SUBDIVISION PLAT APPROVAL AND IS BEING MADE CONTINGENT UPON THE PETITIONER MAKING PAYMENT IN THE AMOUNT OF \$24,222.04 TO THE VILLAGE OF DOWNERS GROVE TO SATISFY THE REQUIRED SCHOOL AND PARK DISTRICT DONATIONS WITH SUCH PAYMENT BEING MADE PRIOR TO FINAL APPROVAL BY THE VILLAGE COUNCIL MR. GRIESBAUM SECONDED THE MOTION.**

Chairman Jirik asked if there were any questions or comments regarding the motion. There was no response, and Chairman Jirik then called for a vote.

**ROLL CALL:**

**AYE: Mr. Wlodek, Mr. Griesbaum, Mr. Kahlke, Mr. Matejczyk, Mrs. Reynolds, Mr. Stark, Mr. Waechtler, Chairman Jirik**

**NAY: None**

**The motion passed unanimously.**

Chairman Jirik pointed out this is a motion to recommend approval. He advised that anyone wishing to follow the stages of this petition as it goes to the Council, should contact Staff. Chairman Jirik asked Staff what the current time frame is for Council approval. Mr. Rathje responded it would probably be about one month before the matter would get to the Village Council due to the Thanksgiving holiday.

**FILE NO. 1068**      **LOT RECONFIGURATION** (Petition includes a request for a lot width exception). The westerly property is commonly known as 908 Prairie Avenue, Downers Grove, IL (PIN 09-08-104-041); Martin and Joyce Sowa, Owners and Petitioners. The easterly property is commonly known as 4730 Washington Street, Downers Grove, IL (PIN 09-08-104-031); Jeffrey and Tamara Querrey, Owners and Petitioners.

Chairman Jirik asked if there was a representative of the petitioner present.

Martin Sowa, 908 Prairie Avenue, Downers Grove explained he and his wife would like to convey a piece of the northern end of their lot to their neighbors at 4730 Washington Street. Mr. Sowa stated the parcel to be conveyed is only 832 square feet which is a very small percentage of their lot. The parcel to be conveyed is located to the north of their garage, and they can barely see it. Adding this parcel to the neighbors' property would very much increase their back yard area. Mr. Sowa noted the neighbors have recently constructed a southerly addition to their house and a two-car garage at the back of their yard. Their back yard is much smaller and conveyance of this land would provide their neighbors with a larger backyard for their children.

Chairman Jirik asked Staff to present its findings.

Mr. Rathje advised that the petitioner is seeking a lot reconfiguration that is slightly different than the first item on this evening's agenda, the lot split. A lot reconfiguration petition is the conveyance of land between adjoining property owners. In the case at hand, the adjoining property owners are located at 908 Prairie Avenue and 4730 Washington Street, which are juxtaposed at a right angle to one another. Mr. Rathje indicated the proposal is to convey a 16 foot by 52 foot section of the 908 Prairie Avenue property to the 4730 Washington Street property.

Mr. Rathje explained currently the 4730 Washington Street property has a width of 75 feet, a depth of 99 feet and an area of 7,425 square feet. It is improved with a two-story

frame house and a detached garage. This property is located on the west side of Washington Street approximately 135 feet north of the north line of Prairie Avenue.

The 908 Prairie Avenue property measures 66 feet with a depth of 210 feet and an area of 13,860 square feet. This property is located 99 feet west of the west line of Washington Street.

Mr. Rathje stated the petitioners' proposed conveyance and assumption of the 16 foot by 52 foot piece of land will have the impact of increasing the rear yard of the 4730 Washington Street property on a proportional basis by a fairly significant amount. Mr. Rathje referred to the drawings in the packet which were provided by the petitioners. The configuration of the land to be conveyed was dictated largely by the location of the garage on the 908 Prairie Avenue property and the need and desire of the 908 Prairie Avenue property to maintain a reasonable rear yard behind the garage as well as satisfying a reasonable side yard along the east side of the garage.

Mr. Rathje explained, if approved as proposed, the resulting parcels would have the following characteristics: The 908 Prairie Avenue property will have a width of 66 feet for its southerly 158 feet and a width of 50 feet for its northerly 52 feet. This parcel will have a depth of 210 feet for its westerly 50 feet and a depth of 158 feet for its easterly 16 feet. Following its reconfiguration, it will be reduced in area to 13,028 square feet.

The 4730 Washington Street property, which will be the receiving property, will have a width of 75 feet for its easterly 99 feet and a width of 52 feet for its westerly 16 feet. This parcel will have a depth of 115 feet for its northerly 52 feet and will maintain its current depth of 99 feet for its southerly 23 feet. It will increase in area from 7,425 square feet to 8,257 square feet.

The subject property has the same characteristics and the same requirements under the R-4, single family zoning district and the Subdivision Control Ordinance as the property in the first petition; however, in this situation a new lot is not being created; however, excess land area is being conveyed from one parcel to another parcel which is currently non-conforming.

Mr. Rathje explained the proposed Washington Street property does not require any variations because there is no new net non-conformity. There is a provision in the Subdivision Control Ordinance that exempts that from a variation. Mr. Rathje noted we do have to treat the lot width reduction for the 908 Prairie Avenue that will be going from 66 feet to 50 feet as an exception.

The same standards of unique circumstance and hardship apply and the standards for determining that are found in the Subdivision Control Ordinance under Section 20-310(b).

Mr. Rathje reviewed the standards and explained how he believes the standards apply.

**(1) The extent to which the proposed exception impacts on the value or reasonable use of surrounding properties;**

Mr. Rathje stated the Washington Street property would become somewhat deeper. The Prairie Avenue property would still have its existing width for a depth greater than the minimum lot depth standard of the Subdivision Control Ordinance which is 140 feet. The yard requirements all remain the same and do not create any additional opportunities for people to infringe or make their building closer to their neighbor's property.

**(2) Whether the exception is consistent with the trend of development in the area and the surrounding uses;**

Mr. Rathje pointed this is the third petition the Plan Commission has heard involving the 908 Prairie property. The previous two petitions conveyed the full 66 foot width of the 908 property to the two properties north of the 4730 Washington Street property. In this case, the full width could not be conveyed because of the presence of the garage without either razing or relocating the garage. Although not exactly consistent with the trend of previous petitions, certainly to increase the depth of this lot would be a very good thing to support. This petition is not inconsistent with the trend of development in the area

**(3) The characteristics of the property which support or mitigate against the granting of the exception;**

Mr. Rathje stated the 908 Prairie Avenue property has an extraordinary lot depth in contrast to the very shallow depth of the adjoining property along Washington Street. The 908 Prairie Avenue property would not need a lot width exception, if the garage were in a different place, and the owners were able to convey the entire 66 foot width. This is sort of the tail end of the Prairie Avenue lot, which although it will be narrowed, should have no impact on anyone other than the beneficial impact on the 4730 Washington Street property.

**(4) Whether the exception is in conformance with the general plan and spirit of this Chapter;**

Mr. Rathje noted that making the 4730 Washington Street property larger, giving it some more rear yard and getting it somewhat closer to the minimum depth standard of 140 feet certainly is supportive of some of the objectives of the Subdivision Control Ordinance.

**(5) Whether the exception will alter or be consistent with the essential character of the locality.**

Mr. Rathje referenced Mr. Stark's earlier term, this would take a "helicopter view" in order to notice the change because it is to the rear of both lots, and this is an area where there are a substantial number of exceptionally deep lots on Prairie Avenue and on Highland Avenue to the east. This should not have any deleterious affect on anybody. All that is being done is moving a lot line and giving the owners of 4730 Washington

Street a little bit more useable rear yard. The way it has been reconfigured is that it is in the area generally to the north of the garage which is the more useful portion of the lot anyway.

Mr. Rathje advised the Planning Staff would recommend that the Plan Commission forward a positive recommendation to the Village Council regarding the approval of the requested lot reconfiguration petition including the petitioner's request for a lot width exception to reduce the width for a portion of the 908 Prairie Avenue.

Mr. Rathje concluded by stating he would be pleased to answer any questions from the Plan Commission members.

Chairman Jirik asked if there was anyone in the audience who wished to speak for or against this proposed lot reconfiguration. There was no response. Chairman Jirik then closed the public participation portion of the public hearing.

Chairman Jirik asked the Plan Commission members if there were any comments or questions. Mr. Matejczyk commended the petitioners. Mr. Matejczyk noted the Commission hears a lot of conflict at their meetings, and it is a breath of fresh air to see two neighbors work together like this. Mr. Griesbaum concurred and noted in these trying times it is good to see cooperation between neighbors.

As there were no further comments, Chairman Jirik called for the motion.

**MOTION: MRS. REYNOLDS MOVED WITH RESPECT TO FILE NO. 1068 LOT RECONFIGURATION AND THE REQUEST FOR A LOT WIDTH EXCEPTION FOR PROPERTY KNOWN AS 908 PRAIRIE AVENUE, THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE APPROVAL OF THE REQUESTED LOT RECONFIGURATION PETITION INCLUDING THE PETITIONER'S REQUEST FOR AN EXCEPTION TO REDUCE THE WIDTH OF A PORTION OF THE RESULTING 908 PRAIRIE AVENUE PROPERTY FROM THE UNDERLYING SUBDIVISION CONTROL ORDINANCE'S MINIMUM LOT WIDTH STANDARD OF 75 FEET TO 50 FEET. THIS RECONFIGURATION WILL RESULT IN AN INCREASE TO THE DEPTH OF THE 4730 WASHINGTON STREET PROPERTY, WHICH IS CURRENTLY 99 FEET DEEP, WITHOUT REDUCING THE WIDTH OF THE MAJORITY OF THE 908 PRAIRIE AVENUE PROPERTY, WHICH WILL MAINTAIN ITS CURRENT 66 FOOT WIDTH FOR THE LOT'S SOUTHERLY 158 FEET. MR. WLODEK SECONDED THE MOTION.**

Chairman Jirik asked if there were any questions or comments regarding the motion. There were none.

**ROLL CALL:**

**AYE:** Mrs. Reynolds, Mr. Wlodek, Mr. Griesbaum, Mr. Kahlke, Mr. Matejczyk, Mr. Stark, Mr. Waechtler, Chairman Jirik  
**NAY:** None

**The motion passed unanimously.**

Chairman Jirik asked Staff if there would be a December 4th meeting. Staff advised at this time there were no petitions filed. Chairman Jirik noted the January meeting which would normally be on the first Tuesday of the month will be January 1, 2002, New Year's Day. Mr. Rathje recommended that the Plan Commission members consider Tuesday, January 8, 2002 as the date for the January meeting. Mr. Rathje commented that the Land Bank Planned Development might well be ready for the January, 2002 meeting. Mr. Rathje explained the Village Council would be taking final action this evening on the sale of the property. It was agreed to make January 8th the meeting date. Mr. Rathje asked the Plan Commission members to advise Staff if they find out they will be unavailable for that meeting so that Staff can determine if there will be a quorum.

As there was no further business, Chairman Jirik called for a motion to adjourn. **Mr. Wlodek moved to adjourn the meeting, and Mr. Griesbaum seconded the motion. The motion passed unanimously.** The meeting adjourned at 9:05 p.m.