

## COUNCIL WORKSHOP ITEM

**ITEM:** Case MC-4-00. Request to rezone 3850 Venard Road from Village R-1, Single Family Residential to Village R-3, Single Family Residential. The Property is located at the southwest corner of the intersection of Venard Road and Parrish Court, 3850 Venard Road, Downers Grove, IL (PIN 06-31-407-005).

**DATE:** January 12, 2001

**PREPARED BY:** Kenneth J. Rathje, Director of Planning Services

**PURPOSE:** Obtain approval of an Ordinance rezoning the above referenced property.

### DISCUSSION:

At its December 6, 2000 meeting, the Zoning Board of Appeals unanimously recommended approval of a petition seeking rezoning of 3850 Venard Road from R-1, Single Family Residential to R-3, Single Family Residential. The Board based its recommendation for approval of the petition on the fact that the requested rezoning is appropriate to the property in question and is consistent with the zoning in the surrounding area.

### ATTACHMENTS:

Letter to Mayor and Council regarding Case MC-4-00, dated December 29, 2000  
Draft Minutes of Zoning Board of Appeals Meeting, dated December 6, 2000  
Staff Findings regarding Case MC-4-00

### RECOMMENDATION:

Approval of an Ordinance rezoning property located at 3850 Venard Road (PIN 06-31-407-005) from R-1, Single Family Residential to R-3, Single Family Residential.



January 5, 2001

Village of  
DOWNERS GROVE  
ILLINOIS

Mayor Brian Krajewski and Village Council  
Village of Downers Grove  
801 Burlington Avenue  
Downers Grove, IL 60515

*Civic Center*  
801 Burlington Avenue  
Downers Grove  
Illinois 60515-4776  
630.434.5500  
TDD 630.434.5511  
FAX 630.434.5571

**RE: MC-4-00. Request to rezone 3850 Venard Road from Village R-1, Single Family Residential to Village R-3, Single Family Residential. The property is located at the southwest corner of the intersection of Venard Road and Parrish Court, Downers Grove, IL (PIN No. 06-31-407-005).**

*CBD Redevelopment Office*  
1015 Curtiss Street  
Downers Grove  
Illinois 60515  
630.878-7565  
FAX 630.434.5571

Dear Mayor Krajewski and Village Council,

At its December 6, 2000 meeting, the Zoning Board of Appeals made the following recommendation in regard to the above referenced petition:

*Fire Department Administration*  
3900 Highland Avenue  
Downers Grove  
Illinois 60515-1506  
630.434.5980  
FAX 630.434.5988

**Mr. Detjen moved that in the of case MC-4-00 the Zoning Board of Appeals forward a positive recommendation to the Village Council concerning the rezoning of the property commonly known as 3850 Venard Rd. from Village R-1 to Village R-3. Mr. Lukas seconded the Motion.**

**Aye: Mr. Detjen, Mr. Lukas, Mr. Benes, Mr. Domijan, Mr. Sleeter, Ch. Beggs**  
**Nay: None**

*Police Department*  
825 Burlington Avenue  
Downers Grove  
Illinois 60515-4783  
630.434.5600  
FAX 630.434.5690

**The Motion passed unanimously.**

The Board based its recommendation for approval of the petition on the fact that the requested rezoning is appropriate to the property in question and is consistent with the surrounding area.

*Public Works Department*  
5101 Walnut Avenue  
Downers Grove  
Illinois 60515-4074  
630.434.5460  
FAX 630.434.5495

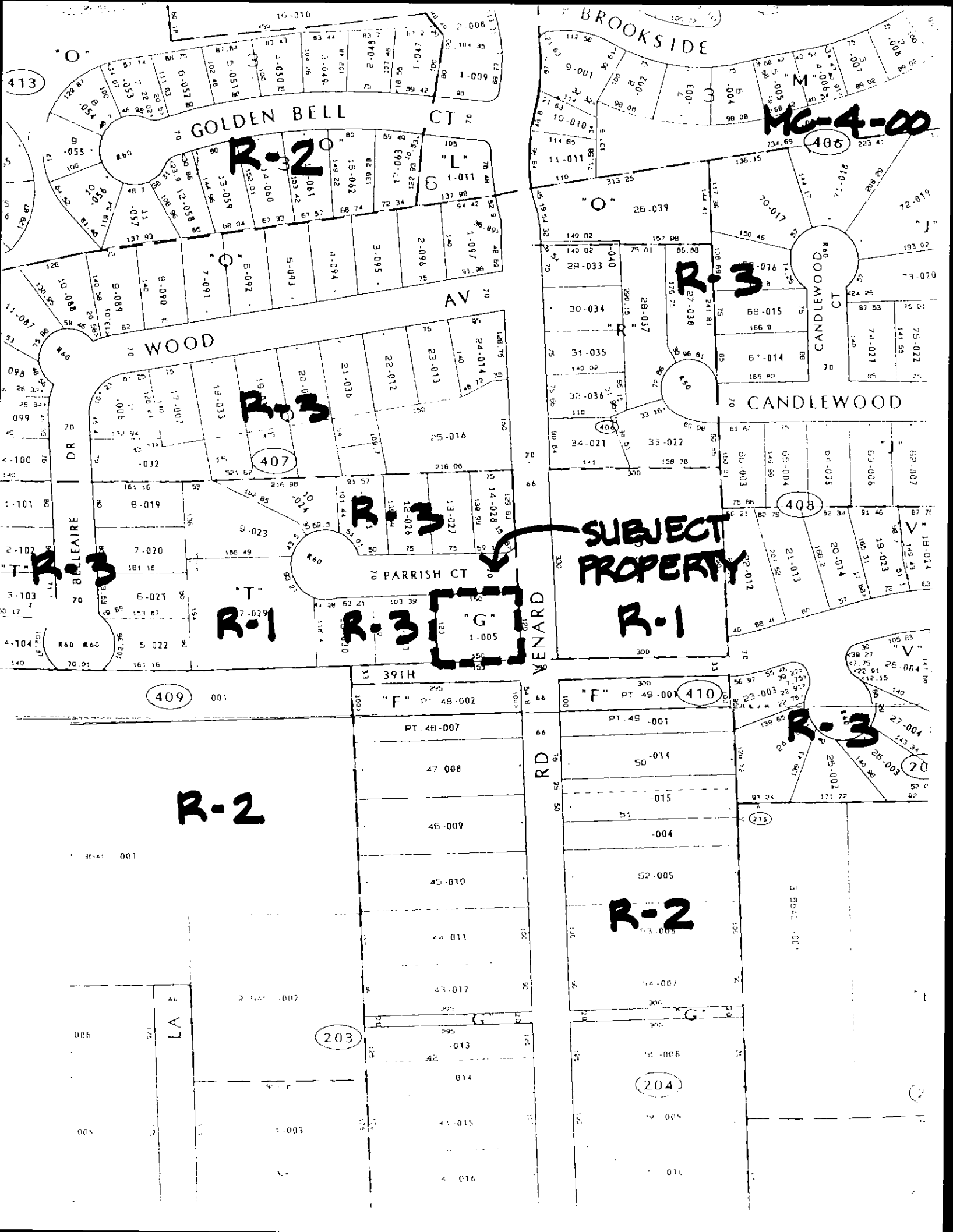
Sincerely,

*Department of Health & Human Resources*  
842 Curtiss Street  
Downers Grove  
Illinois 60515-4761  
630.434.5595  
FAX 630.434.5389

Gregory Beggs, Chairman  
Zoning Board of Appeals

GB/agg

Village of  
Downers Grove Web site  
http://www.villageofdownersgrove.il.us



413

GOLDEN BELL CT

R-2

BROOKSIDE

MC-4-00

406

AV

WOOD

R-3

407

R-3

CANDLEWOOD CT

CANDLEWOOD

408

R-3

R-3

SUBJECT PROPERTY

R-1

T  
R-1

R-3

G  
1-005

PARRISH CT

VENARD RD

409

R-2

39TH

F PT 48-002

F PT 49-001 410

R-3

R-2

203

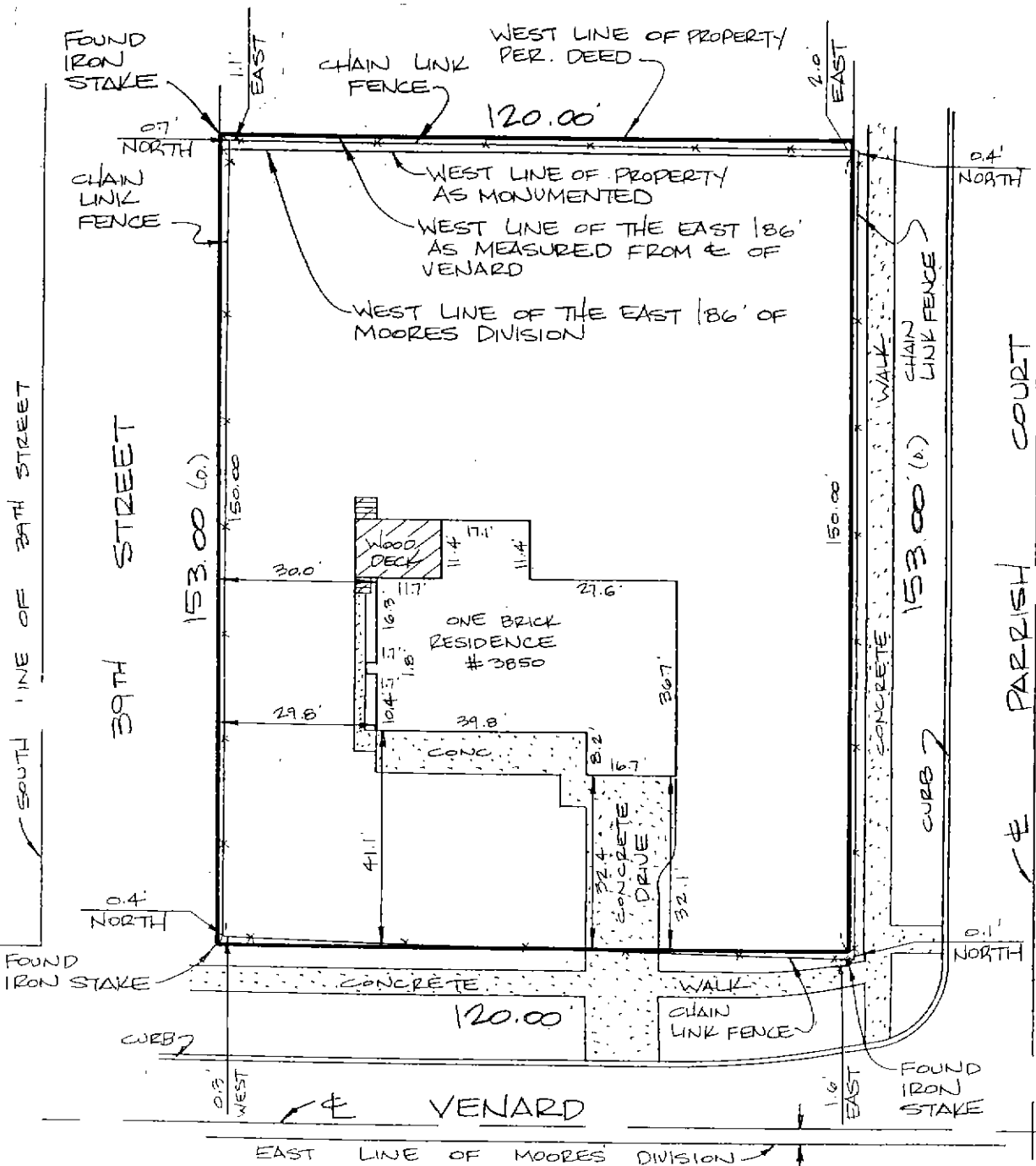
204

LA

# PLAT OF SURVEY

MC-4-00

OF  
 THE EAST 186 FEET OF THE SOUTH 120 FEET (MEASURED FROM THE CENTERLINE OF VENARD ROAD ) OF MOORE'S  
 DIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD  
 PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

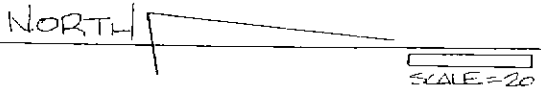


PREPARED FOR: WHITE & WHITE (ATTORNEYS AT LAW)

ADDRESS: 3850 VENARD, DOWNERS GROVE, IL.

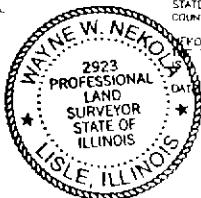
CLIENT: \_\_\_\_\_

JOB NUMBER: 00-09-112



## NEKOLA

**SIGNATURE SURVEY**  
**LAND SURVEYING - ENGINEERING**  
 5100 S. LINCOLN SUITE 200 P.O. BOX 1540  
 LISLE, IL 60532 BOLINGBROOK, IL 60440  
 (630)271-0509 phone (630)271-0922 fax



NEKOLA SIGNATURE SURVEY FOLIO HEREBY CERTIFY THAT I HAS SURVEYED  
 TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT  
 CORRECT REPRESENTATION THEREOF.  
 DATE THIS 2ND DAY OF OCTOBER 2000

*Wayne W. Nekola*  
 IPLS No. 2923

NO IMPROVEMENTS SHOULD BE MADE ON THIS PLAT ALONE.  
 FIELD MEASUREMENTS OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL  
 CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR  
 DEED, ABSTRACT, TITLE POLICY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.



# VILLAGE OF DOWNERS GROVE, ILLINOIS Petition for a Map Amendment to the Zoning Ordinance

The Zoning Board of Appeals  
Village of Downers Grove  
801 Burlington Avenue  
Downers Grove, Illinois 60515-4776

\$400.00 Fee for Individuals and  
Non-Public Bodies  
Application Number MC-4-00  
Date Filed 11/06/00

Application must be filed in TRIPLICATE. Two copies of a Registered Surveyor's Plat of Survey must accompany the application.

- 1. Applicant JAMES E. HUNDMAN Telephone 630-990-5855  
Address 1301 W. 22<sup>ND</sup> ST, SUITE 409, OAK BROOK, IL 60523
- 2. Owner(s) THOMAS & SHIRLEY GRANGE Telephone 630-  
Address 3850 VENARD
- 3. Applicant is (check one)  Attorney  Agent  Other (specify) \_\_\_\_\_  
(NOTE: A letter of authorization from owner must be submitted)
- 4. Present owner acquired title to the property on (date) \_\_\_\_\_
- 5. Location of property 3850 VENARD

Square foot area 120 x 150 Acreage \_\_\_\_\_

6. Legal Description of property and P.I.N. # 06-31-407-005  
THE EAST 150 FEET OF THE SOUTH 120 FEET (UNIMPROVED) TRACT DESCRIBED  
OF MOORE'S DIVISION OF PART OF THE SOUTHWEST 1/4 OF SECTION 31, IN THE  
SOUTH HALF OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 33 NORTH, RANGE 11, EAST OF THE  
DANA HILTON RAILROAD

7. Present zoning classification R1

8. Proposed zoning classification R3

9. Is this a pre-annexation zoning petition?  Yes  No

10. Has applicant previously sought to rezone the property or any part of it?  Yes  No

When? \_\_\_\_\_ To what zoning classification \_\_\_\_\_

11. Is an improvement planned?  Yes  No When? AS SOON AS REZONED

12. What will be the actual use of the improvement? NEW SINGLE FAMILY RESIDENCE

13. A list of the names and addresses of all persons to whom the latest general real estate tax bills were sent for all property situated within 250 feet of the subject property: ATTACHED

(Attach list of names and addresses, if room provided is insufficient.)

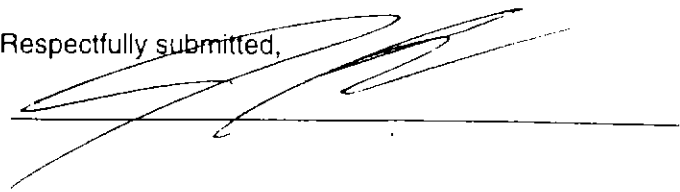
I hereby certify that these statements and all accompanying statements and drawings are true and correct to the best of my knowledge.

MC-4-00

Dated: NOVEMBER 6<sup>TH</sup> 19 2000

Respectfully submitted,

Signature of Applicant:



Date forwarded to Plan Commission \_\_\_\_\_

Recommendation of Plan Commission \_\_\_\_\_  
\_\_\_\_\_

Date of Public Hearing \_\_\_\_\_

Action Taken by the Board \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Chairman: \_\_\_\_\_

Date submitted to Village Council \_\_\_\_\_

Action Taken by the Council \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_ 19 \_\_\_\_\_



1301 W. 22nd Street, Suite 409  
Oak Brook, Illinois 60523  
630-990-5855; Fax: 630-990-5873  
Email: JHundman@aol.com

November 7, 2000

Village of Downers Grove  
Zoning Board of Appeals  
801 Burlington Avenue  
Downers Grove, IL 60515

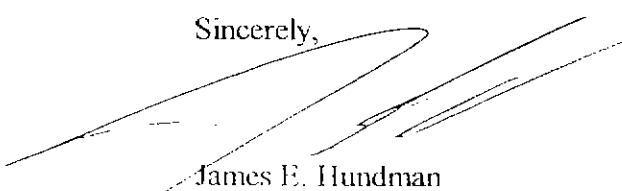
Re: Rezoning Application for 3850 Venard

Dear Zoning Board of Appeals:

My client, Blakely Custom Homes, LLC, is seeking to rezone the parcel at 3850 Venard from R1 to R3. My client has entered into a contract to purchase the property from Thomas & Shirley Grange. The expected closing date is November 29, 2000. This property is located on the corner of Venard and Parrish Ct. It is also adjacent to the 39<sup>th</sup> Street right of way. Accordingly, there are setback requirements on three sides. The lot size is 120' x 153'. Blakely Custom Homes proposes to tear down the existing structure and replace it with a larger single-family house. In order to accommodate a larger house, and to meet all setback requirements, I have filed a Petition for a Map Amendment to the Zoning Ordinance on behalf of my client. A Letter of Authorization from the current owners is attached to the petition. We have requested no further relief other than to rezone the parcel from R1 to R3.

Thank you for your attention to this matter.

Sincerely,



James E. Hundman

Enclosures

Thomas & Shirley Grange  
3850 Venard Drive  
Downers Grove, Illinois 60515

October 31, 2000

Village of Downers Grove  
Zoning Board of Appeals  
801 Burlington Avenue  
Downers Grove, IL 60515

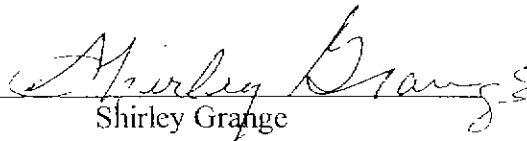
Re: Letter of Authorization

Dear Sir or Madam:

As current owners of 3850 Venard, Downers Grove, we hereby authorize James E. Hundman, attorney for Blakely Custom Homes, LLC, to submit and pursue a Petition to Rezone our property from R1 to R3.

Sincerely,

  
Thomas Grange

  
Shirley Grange

## List of Homcowners within 250 feet of 3850 Venard

Robert & Susan Wickey  
1421 Parrish Ct.  
Downers Grove, IL 60515  
PIN# 06-31-407-031

Sharon Wesolek  
1431 Parrish Ct.  
Downers Grove, IL 60515  
06-31-407-030

Manuel & Colleen Perez  
1430 Parrish Ct.  
Downers Grove, IL 60515  
06-31-407-037

Shawn & PK Blackwell  
1420 Parrish Ct.  
Downers Grove, IL 60515  
06-31-407-026

David Havel  
1410 Parrish Ct.  
Downers Grove, IL 60515  
06-31-407-027

Greg & Gail Holmer  
1400 Parrish Ct.  
Downers Grove, IL 60515  
06-31-407-028

Michael & Ewa Brayne  
1441 Parrish Ct.  
Downers Grove, IL 60515  
06-31-407-029

Christopher Langan  
1450 Parrish Ct.  
Downers Grove, IL 60515  
06-31-407-023

Sean Neary  
1440 Parrish Ct.  
Downers Grove, IL 60515  
06-31-407-024

Joseph & Dolores Jirka  
3830 Venard  
Downers Grove, IL 60515  
06-31-407-016

James Gerberich  
1441 Wood Ave.  
Downers Grove, IL 60515  
06-31-407-035

School District 58  
1860 63<sup>rd</sup> St.  
Downers Grove, IL 60515  
06-31-409-001

Thomas Douglas  
3904 Venard Rd.  
Downers Grove, IL 60515  
06-31-409-002; 09-06-203-007

Randy & Nikki Dahlin  
3909 Venard  
Downers Grove, IL 60515  
06-31-410-001; 09-06-204-001

Erika & Terrence Knafel  
1270 39<sup>th</sup> St.  
Downers Grove, IL 60515  
06-31-408-002

Lee Custer  
3912 Venard  
Downers Grove, IL 60515  
09-06-203-008

Barbara Gunn  
3917 Venard  
Downers Grove, IL 60515  
09-06-204-014

LEGAL NOTICE: VILLAGE OF DOWNERS GROVE NOTICE OF PUBLIC HEARING - NOTICE IS HEREBY GIVEN THAT A PUBLIC HEARING WILL BE HELD BY THE ZONING BOARD OF APPEALS AT 7:30 P.M. ON WEDNESDAY, DECEMBER 6, 2000, IN THE COUNCIL CHAMBERS OF THE VILLAGE HALL, 801 BURLINGTON AVENUE, DOWNERS GROVE, ILLINOIS, ON A PETITION SEEKING A REZONING FROM VILLAGE R-1 SINGLE FAMILY RESIDENCE DISTRICT TO VILLAGE R-3, SINGLE FAMILY RESIDENCE DISTRICT. THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF VENARD ROAD AND PARRISH COURT, COMMONLY KNOWN AS 3850 VENARD ROAD, DOWNERS GROVE, ILLINOIS (PIN 06-31-407-005) AND IS LEGALLY DESCRIBED AS FOLLOWS:

THE EAST 186 FEET OF THE SOUTH 120 FEET (MEASURED FROM THE CENTERLINE OF VENARD ROAD) OF MOORE'S DIVISION OF PART OF THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 39 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS

INDIVIDUALS WITH A DISABILITY REQUIRING A REASONABLE ACCOMMODATION IN ORDER TO PARTICIPATE IN ANY MEETING SHOULD CONTACT THE COMMUNITY RELATIONS DEPARTMENT (630) 434-5560 PRIOR TO THE MEETING. WHEELCHAIR ACCESS MAY BE GAINED THROUGH THE SIDE (SOUTH) ENTRANCE OF VILLAGE HALL.

ALL INTERESTED PERSONS SHOULD ATTEND THIS HEARING AND WILL BE GIVEN AN OPPORTUNITY TO BE HEARD. THE HEARING MAY BE CONTINUED FROM TIME TO TIME WITHOUT FURTHER PUBLIC NOTICE. ZONING BOARD OF APPEALS, GREGORY BEGGS, CHAIRMAN. PUBLISHED IN THE DOWNERS GROVE REPORTER, FRIDAY, NOVEMBER 17, 2000.

**VILLAGE OF DOWNERS GROVE  
ZONING BOARD OF APPEALS  
DECEMBER 6, 2000**

**Call to order**

Chairman Beggs called the meeting to order at 7:30 PM.

**Roll call**

**Present:** Ch. Beggs, Mr. Benes, Mr. Detjen, Mr. Domijan, Mr. Lukas,  
Mr. Sleeter, Mr. White (arrived 7:38 PM)  
**Absent:** None  
**Others Present:** See attached attendance sheet

**Approval of minutes of July 26, 2000 meeting**

Chairman Beggs asked if there were any corrections or additions to the minutes as submitted. There being none, Chairman Beggs then called for a Motion to approve the minutes as presented.

**Mr. Benes moved to approve the minutes of July 26, 2000 as presented. Mr. Detjen seconded the Motion.**

**Ayes:** Mr. Detjen, Mr. Domijan, Mr. Lukas, Mr. Sleeter,  
Ch. Beggs  
**Nays:** None  
**Abstentions:** Mr. Benes  
**The Motion passed: 5:0:1.**

**Approval of minutes October 25, 2000 meeting**

Chairman Beggs asked if there were any corrections or additions to the minutes as submitted. There being none, Chairman Beggs then called for a Motion to approve the minutes as presented.

**Mr. Domijan moved to approve the minutes of October 25, 2000 as presented. Mr. Benes seconded the Motion.**

**Ayes:** Mr. Domijan, Mr. Benes, Ch. Beggs  
**Nays:** None  
**Abstentions:** Mr. Detjen, Mr. Lukas, Mr. Sleeter  
**The Motion passed 3:0:3**

Chairman Beggs briefly outlined the three cases on the agenda for the evening: Case MC-3-00, a petition seeking rezoning from Village R-5, Two Family Residential to Village B-2, General Retail Business, for the property commonly known as 4940 and 4944 Highland Avenue; Case C-5-00, a petition seeking the approval of a special use for the expansion of an existing special use for an automobile repair and service shop,

including the painting of automobiles, for the property commonly known as 721 Ogden Avenue; and Case MC-4-00, a petition seeking rezoning from Village R-1, Single Family Residential to Village R-3, Single Family Residential, for the property commonly known as 3850 Venard Road.

Chairman Beggs then asked Mr. Rathje to read the published public hearing notice regarding Case MC-3-00.

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**FILE MC-3-00.** A petition seeking rezoning from Village R-5, Two Family Residence District to Village B-2, General Retail Business District. The property is located at the northwest corner of Highland Avenue and Rogers Street, commonly known as 4940 and 4944 Highland Avenue, Downers Grove, Illinois (PIN 09-08-117-021 and -022). The Gertrude M. Novak Living Trust and the Edward B. Novak Living Trust, Owners; Edward B. Novak, Applicant; Roberto T. Tirona, Agent and Attorney.

LEGAL NOTICE: VILLAGE OF DOWNERS GROVE NOTICE OF PUBLIC HEARING – Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals at 7:30 p.m. on Wednesday, December 6, 2000, in the Council Chambers of the Village Hall, 801 Burlington Avenue, Downers Grove, Illinois, on a petition seeking a rezoning from Village R-5, Two Family Residence District to Village B-2, General Retail Business District. The property is located on the northwest corner of Highland Avenue and Rogers Street commonly known as 4940 and 4944 Highland Avenue, Downers Grove, Illinois, (Pin 09-08-117-021 & 09-08-117-022) and is legally described as follows:

Lots 1 and 2 in Roger’s Subdivision of Lot 59 and that part of Lot 58 lying east of Main Street, of Assessor’s Subdivision of Sections 7 and 8, Township 38 north, Range 11, east of the third principal meridian, according to the plat thereto, recorded January 8, 1917 as Document 127751 as amended by certificate recorded March 23, 1917 as Document 128649, in DuPage County, Illinois.

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Community Relations Department (630) 434-5560 prior to the meeting. Wheelchair access may be gained through the side (south) entrance of Village Hall.

All interested persons should attend this hearing and will be given an opportunity to be heard. The hearing may be continued from time to time without further public notice. Zoning Board of Appeals, Gregory Beggs, Chairman. Published in the Downers Grove Reporter, Friday, November 17, 2000.

Chairman Beggs noted that several letters pertaining to this petition have been received, and he asked that they be entered into the record. Chairman Beggs said the Board would not, however, consider these letters or other testimony relating to this petition this evening due to the fact that the petitioner has requested that this petition be withdrawn.

Mr. Rathje confirmed that a letter dated November 21, 2000 requesting withdrawal of the petition was received from Roberto T. Tirona, the attorney for the property owner, Mr. Edward B. Novak.

Mr. Rathje said once this notification of withdrawal was received, Staff sent letters to all surrounding property owners within 250' of the subject property, as well as to anyone who had written to the Village and supplied their address, and to anyone who had signed the attendance sheet at the initial public hearing on October 25, 2000. The letter was sent to inform the interested parties that the petitioner had filed a letter requesting that the petition be withdrawn.

Chairman Beggs noted that the Board has a request that this petition be withdrawn. He asked for a Motion to close the public hearing and withdraw the case from their agenda.

**Mr. Sleeter moved that in Case MC-3-00, the Zoning Board of Appeals close the public hearing on this request and that the case be withdrawn. Mr. Lukas seconded the Motion.**

**AYES: Mr. Sleeter, Mr. Lukas, Mr. Benes, Mr. Detjen, Mr. Domijan, Mr. White, Ch. Beggs**

**NAYS: None**

**The motion passed unanimously.**

Chairman Beggs asked Mr. Rathje to transmit any necessary correspondence in addition to the minutes to the Village Council. Mr. Rathje agreed.

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With respect to the remaining two cases on the agenda, Chairman Beggs explained the procedures to be followed for the remainder of the meeting. He said each petitioner will be allowed to present his case, then individuals who are opposed to or have concerns about the petition will be allowed to speak, the petitioner will then have a short rebuttal period if desired. Following this, the public hearing portion of the meeting will be closed and the Board will review the petitions. Chairman Beggs said petitioners and interested parties may remain for this portion of the meeting if they wish to do so. He noted that in most cases, the Board reaches a decision on the cases that they have heard that evening. He asked anyone in the audience who intended to testify in either of these public hearings to rise and be sworn in.

Chairman Beggs asked Ms. Gibb to read the published public hearing notice regarding Case C-5-00.

**C-5-00:** A petition seeking the approval of a Special Use for the expansion of an existing Special Use for an automobile repair and service shop including the painting of automobiles. The property is located at the southeast corner of Ogden and Prospect Avenues, 721 Ogden Avenue, Downers

Grove, IL (PIN 09-05-401-001 and -002) James Kastner, Owner; John Angel, Bradford and Kent, Petitioner.

LEGAL NOTICE: VILLAGE OF DOWNERS GROVE NOTICE OF PUBLIC HEARING – Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals at 7:30 p.m. on Wednesday, December 6, 2000, in the Council Chambers of the Village Hall, 801 Burlington Avenue, Downers Grove, Illinois, to consider a Special Use petition for the expansion of an existing Special Use for an automobile repair and service shop including the painting of automobiles. The property is located at the southeast corner of Ogden and Prospect Avenues, commonly known as 721 Ogden Avenue, Downers Grove, Illinois (Pin #09-05-401-001, 002) and is legally described as follows:

Lots 1, 2, and 3 in block 2 in Arthur T. McIntosh and Company's Downers Ogden Development, being a subdivision of Lots 1 and 2, Block 2 Water C. Lyman Addition to Downers Grove in the northwest quarter and southeast quarter of Section 5, Township 38 north, Range 11 east of the third principal meridian, according to the plat of said Arthur T. McIntosh and Company's Downers Ogden Development recorded March 12, 1926 as Document No. 209420, in Du Page County, Illinois.

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Community Relations Department (630) 434-5560 prior to the meeting. Wheelchair access may be gained through the side (south) entrance of Village Hall. All interested persons should attend this hearing and will be given an opportunity to be heard. The hearing may be continued from time to time without further public notice. Zoning Board of Appeals, Gregory Beggs, Chairman. Published in the Downers Grove Reporter, Friday, November 17, 2000.

Chairman Beggs asked the petitioner to present the case.

Mr. Jamie Putnam, C.M. Lavoy and Associates, introduced himself as the Civil Engineer for this project. He said Mr. James Kastner, owner of Auto Rebuilders, and his wife and his son were in the audience as well as John Angel of Bradford and Kent Builders. Mr. Putnam said they are seeking an amendment to the special use under Section 28-609 (c) of the Zoning Ordinance which authorizes "Automobile repair and service shops". Specifically, they would like an amendment to the special use to permit construction of an addition to the existing building that contains an auto repair and service shop which includes the painting of automobiles in a B-3, General Services and Highway Business Zoning District.

Mr. Putnam said Downers Grove Auto Rebuilders was in existence prior to 1991, when all automobile repair and service shops were reclassified as a special use under Section 28-1201(f) of the Zoning Ordinance. Since that time, pre-existing auto repair facilities have been regulated and permitted as a special use in the B-3 Zoning District. He explained that they are seeking approval of an amendment to expand the existing special use.

Mr. Putnam explained that the subject property is located at 721 Ogden Avenue at the southeast corner of Ogden and Prospect Avenues. The overall site is a .58 acre lot, which has frontage along Ogden Avenue on the north and frontage along Prospect Avenue on the west. To the south of the subject property is a 20' alley right of way, which separates it from residential properties which are zoned R-3, Single Family Residence.

Mr. Putnam said the existing building is a one-story masonry block building of approximately 5,071 square feet in area, which contains a body shop, a paint shop, an office area, storage areas, and a restroom. He said they propose to construct a one-story masonry block addition that will match the existing structure. The addition will be 1,712 square feet in area and will house a body shop, paint booth and an additional restroom. The total combined area will be 6,783 square feet.

Mr. Putnam said the proposed addition will comply with setback requirements, as the proposed building will have an easterly side yard setback of 49.89 feet as measured at its southeast corner, and a southerly rear yard setback of 44.79 feet as measured from its southeast corner. The front yard setback requirement along Ogden Avenue is 75 feet as measured from the centerline of Ogden Avenue, and the existing front yard setback will not be decreased, as the addition is proposed to the rear of the building.

Mr. Putnam said they intend to continue to provide the required number of parking spaces. He explained that the total combined area of the building for office space and restrooms will be 556 square feet which requires a minimum of 1 space per 400 square feet or 1.39 parking spaces. The remainder of the building, consisting of the auto repair shop, paint shop and storage areas is 6,227 square feet and requires a minimum of 1 space per 600 square feet or 10.37 parking spaces. Thus, 11.76 parking spaces are required. Mr. Putnam said 12 parking spaces have been provided on site, including one handicapped parking space.

Mr. Putnam explained that the subject property was developed prior to the Village's adoption of the current requirements in Section 28-1006(j), which requires a minimum of 10% greenspace area on the site. Mr. Putnam said the site currently has 6.9% greenspace which includes landscaping in front of the building facing Ogden Avenue and along the west side of the building on Prospect Avenue. Mr. Putnam said the 6.9% greenspace does not include the right-of-way area along Ogden Avenue that has three trees, or the small greenspace area within the Prospect Avenue right of way. Mr. Putnam said the proposed addition would not reduce the existing greenspace, as it will be constructed over an impervious gravel area and a small access roadway.

Mr. Putnam said they contacted Ms. Chrys Rymas, the Village's Stormwater Engineer, to review the drainage situation on the subject property. He said they subsequently received a letter from Ms. Rymas stating that she had no problem with their proposed addition and that their plan satisfied the requirements of the Village Stormwater and Flood Plain Ordinance.

Mr. Putnam said this addition does not afford much opportunity to implement recommendations from the Ogden Avenue Commercial Corridor Master Plan, since the new construction will be at the rear of the property. However, he pointed out that the in accordance with the Master Plan, the site currently has sidewalk along Ogden Avenue and Prospect Avenue, and the addition will have the same masonry finish as the existing building. The existing fence and the landscaped areas are also in conformance with the recommendations of the Master Plan. Mr. Putnam said the fence will be slatted in order to screen the facility and parking from the surrounding residential area.

Mr. Putnam concluded by stating that Downers Grove Auto Rebuilders has been providing it's customers with excellent service for the last fifteen years and the proposed addition is intended to enhance the service and satisfaction of their customers.

Chairman Beggs asked Mr. Putnam the distance between the proposed addition and the residential area to the south. Mr. Putnam said it is 44.79 feet from the southeast corner of the proposed addition to the rear property line, and there is an additional 20-foot wide alley right of way between the rear property line and the adjacent residential property.

**Staff Presentation:**

Ms. Amanda Gibb said that the petitioners are seeking approval of an amendment to a special use under Section 28-609(c) of the Zoning Ordinance which authorizes "Automobile repair and service shops, including automobile laundries, repair and rebuilding, and painting of automobiles" as a special use in the B-3, General Services and Highway Business Zoning District. The petitioners are specifically seeking approval to construct an addition to an existing building, which currently houses an automobile repair, and service shop. More specifically, Ms. Gibb said that Downers Grove Auto Rebuilders, which has been in business at 721 Ogden Avenue for approximately 14 years, is proposing to construct a 1,712 square foot addition to their building, which is intended to accommodate an expanded automobile repair and painting area.

Ms. Gibb noted that until 1991, "automobile repair and service shops, including automobile laundries, repair and rebuilding, and painting of automobiles" were regulated as a permitted use in the B-3 Zoning District. As Downers Grove Auto Rebuilders was in existence prior to the amendment to the Zoning Ordinance in 1991 which reclassified this type of use as a special use, it is now deemed to be a lawful special use according to the provisions of Section 28-1201 (f) of the Zoning Ordinance. Any expansion of this use, however, is subject to seeking approval of an amendment to the existing special use.

Ms. Gibb stated that the subject property is located at the southeast corner of Ogden Avenue and Prospect Avenue. The property has frontage along Ogden Avenue on its northern property line of 154.28 feet and frontage along Prospect Avenue on its western property line of 163.00 feet. The area of the subject parcel is approximately 25,264 square feet, or 0.58 acres. The property is bounded along its southerly property line by a 20-foot wide alley right of way.

Ms. Gibb explained that the subject property is currently occupied by a single story commercial building that has an area of approximately 5,071 square feet. As shown on the drawings submitted by the petitioner, the addition will be located at the southeast corner of the existing building, and will be approximately 31.3 feet wide as measured in an east-west direction by 54.8 feet deep as measured in a north-south direction. The floor area of the addition is proposed to be approximately 1,712 square feet in area, bringing the total square footage of the building to 6,783 square feet. The addition is proposed to accommodate additional repair areas as well as an enclosed area for the painting of automobiles.

Ms. Gibb said that the petitioners have provided a schedule of existing and proposed floor area calculations for the various activities and spaces, which are as follows: the current floor area of office space will remain unchanged at 355 square feet; the current storage floor area will also remain unchanged at 72 square feet; the construction of an additional restroom within the addition will increase the current floor area of restrooms from 156 square feet to 201 square feet, an increase of 45 square feet; the body shop floor area will increase from 3,235 square feet to 4,452 square feet, an increase of 1,217 square feet; and the floor area of the paint shop will increase from 1,253 square feet to 1,703 square feet, an increase of 450 square feet.

Ms. Gibb explained that the front yard setback requirement along Ogden Avenue is 75 feet as measured from the centerline of Ogden Avenue. The existing building has a front yard setback of 69.93 feet as measured from its northwest corner, which is lawfully nonconforming and will not change as the addition is proposed to be constructed at the southeast corner of the building.

Ms. Gibb said that the front yard setback requirement along Prospect Avenue is 25 feet as measured from the property line. The existing building has a front yard setback as measured from the westerly property line along its Prospect Avenue frontage of 11.5 feet at the northwest corner of the building, which is lawfully nonconforming. Prior to 1991, the front yard setback requirement on streets other than Ogden Avenue was eight feet. This existing setback will not change as part of the proposed construction.

Ms. Gibb explained that the Zoning Ordinance does not require a side yard within the B-3 District. The proposed addition will have an easterly side yard setback of 49.97 feet as measured at its northeast corner and of 49.89 feet as measured at its southeast corner. Although the Zoning Ordinance does not require a rear yard setback for non-residential uses in the B-3 District, Section 28-1113 of the Ordinance requires that a transitional yard must be provided when a commercially zoned property is contiguous to a residentially zoned property. Ms. Gibb said that the property immediately to the south of the subject property is zoned R-3, Single Family Residence. Therefore, the rear yard requirement to the south of the building and the proposed addition is required to be five feet which is equal to the minimum side yard requirement in the adjacent residential district. The proposed addition will have a southerly rear yard setback of 44.79 feet as measured from its southeast corner. Additionally, the two properties are separated by a 20-foot wide alley right of way.

With respect to parking, Ms. Gibb said the proposed business activities fall into three categories within the schedule of parking requirements. For the 355 square feet of the building occupied by office space and the 201 square feet occupied by restrooms, a minimum of one space per 400 square feet, or 1.39 parking spaces, is required. Ms. Gibb explained that for the 6,155 square feet of floor area to be utilized for auto repair and painting, and for the 72 square feet of storage area, the appropriate parking schedule category is entitled “furniture, appliance stores, motor vehicle sales and machinery sales, which requires a minimum of one parking space per 600 square feet of floor area, or 10.37 parking spaces. In total, 11.76 parking spaces must be provided, and the petitioners’ site plan indicates that 12 parking spaces will be provided, including one handicapped parking space. The petitioners’ site plan indicates that the 12 parking spaces will be provided in the northeast corner of the site adjacent to the public entrance to the building.

Ms. Gibb explained that a portion of the subject property is currently paved and will continue to be used for parking purposes with the balance of the lot being in gravel with some landscaped green space. The petitioners have indicated that it is not their immediate plan to pave the area currently in gravel; however, such an improvement could be undertaken in the future outside of the special use. The petitioners have also indicated that they intend to add slats to the existing six-foot tall chain link fence along the southerly and easterly property lines. Section 28-1406 of the Zoning Ordinance requires open parking areas for more than four vehicles be screened from an adjacent residential district by a wall, fence, or densely planted compacted hedge not less than four feet in height.

With respect to open space/landscaped greenspace requirements, Ms. Gibb pointed out that this site was developed prior to the Village’s adoption of the current requirements found under Section 28-1006(j) of the Zoning Ordinance which requires 10% of the site area of a B-3 zoned parcel to be set aside as greenspace. The subject property currently has a landscaped area in the northwesterly portion of the site, which occupies an area of approximately 1,742 square feet, or 6.9% of the lot area. Ms. Gibb said that the petitioner is not required to add any additional landscaped greenspace to the site given the existing lawful nonconformity, and no landscaped green space will be removed as a result of the proposed addition.

Ms. Gibb said the Village’s Stormwater Management Engineer, Ms. Chrys Rymas, has reviewed the petitioner’s proposed plan. In correspondence dated November 10, 2000, Ms. Rymas said neither onsite detention nor improvements to the existing storm sewer system will be required as part of the proposed addition. No new impervious area will be added to the site as the addition is proposed in an area that is currently paved with asphalt or covered in gravel. Ms. Rymas also noted that the petitioners’ proposed plan substantially conforms to the Village’s Stormwater and Floodplain Ordinance.

With respect to the Ogden Avenue Commercial Corridor Master Plan, Ms. Gibb said that because the proposed addition is limited in scope and located to the rear of the existing

building away from Ogden Avenue, there are limited opportunities to implement recommendations as included in the Master Plan. The petitioners note, however, that the addition will replicate the masonry finish of and blend in with the existing building, and that the maintenance and improvements to the existing fence and the existing landscaped areas are aesthetic improvements to the property and are in conformance with the recommendations of the Master Plan. With respect to pedestrian access, which is a significant concern within the scope of the Master Plan, concrete sidewalks are currently present along both the Ogden Avenue and Prospect Avenue frontages of the subject property.

Ms. Gibb stated that the provisions of Section 28-1902 of the Zoning Ordinance provide that “The Village Council may authorize a special use by ordinance provided the evidence presented is such as to establish the following:

- (i) That the proposed use at that particular location requested is necessary or desirable to provide a service or facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
- (ii) That such use will not, under the circumstances of the particular case, be detrimental to the public health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.
- (iii) That the proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located.
- (iv) That it is one of the special uses specifically listed for the district in which it is to be located.

In conclusion, Ms. Gibb said that the petitioners’ request for an amendment to an existing special use to expand an automobile repair facility which includes the painting of automobiles has been submitted in a form consistent with the requirements of the underlying B-3 Zoning District. Ms. Gibb said that the proposed amendment to the existing special use may be recommended by the Zoning Board of Appeals and may be approved by the Village Council subject to the findings required under the provisions of Section 28-1902 of the Zoning Ordinance as noted above.

Mr. Lukas asked if automobile painting was regulated within the B-3 District when Downers Grove Auto Rebuilders was established 14 years ago. Ms. Gibb said it was regulated as a permitted use, which required an administrative construction/use permit, as opposed to a special use permit which is required today. Mr. Lukas asked why this use was changed from a permitted use to a special use. Mr. Rathje explained that in 1991-92 the Village Council, Plan Commission and Zoning Commission conducted an overall Zoning Ordinance review, and all of the various uses were reviewed.

Mr. Rathje explained that a permitted use is one to which a property owner has a right to perform in a given zoning district, provided that all of the standard requirements of the Zoning Ordinance are satisfied. A special use is one which may be an appropriate use in a given zoning district, but only after it goes through a public hearing process before the Zoning Board of Appeals and review and approval of an ordinance by the Village Council. Mr. Rathje said that automobile service, if conducted appropriately, can be compatible with other businesses as well as with residences in the immediate area, if conducted in an inappropriate manner; however, it can be very harmful to property values and uses if it is not conducted in an appropriate manner. Therefore, Mr. Rathje said that automobile uses, including mechanical repair, painting of vehicles, and body and fender work are now classified as a special use in the Business districts. Automobile uses are only listed as permitted uses in the M-1 and O-R-M districts because the surrounding property uses and sensitivity levels are different in manufacturing districts.

Mr. Lukas asked if automobile painting is currently being done on site. Ms. Gibb replied yes.

Chairman Beggs asked what the standard setback requirement is for property along Ogden Avenue. Ms. Gibb replied that the required setback is 75 feet, as measured from the centerline of Ogden Avenue. She added that along Ogden Avenue, setbacks are measured from the centerline of the road for consistency, as the right of way widths along Ogden Avenue vary. Chairman Beggs asked if the present building is 75 feet from the centerline. Ms. Gibb replied no. She explained that the present building, at its northeast corner, has a setback of 69.93 feet, which is lawfully nonconforming.

Chairman Beggs asked what is regarded as a substantial change to a piece of property that has a nonconformity on it. Ms. Gibb said that in this case the length of the building in an easterly-westerly direction will not be increased, and that the addition will not bring the structure any closer to Ogden Avenue. Mr. Rathje clarified that there is an exception in the B-2 and B-3 commercial zoning districts regarding nonconforming setbacks.

Chairman Beggs recalled that before any changes can be made to nonconforming signs, they must be made conforming. He wondered if the same requirement would be applied in the case of changes to nonconforming buildings. Mr. Rathje explained that signs are of significantly less value and less permanence than a building, therefore, it was deemed appropriate to require sign nonconformities to be rectified prior to any alterations. With respect to buildings, however, the Ordinance recognizes that nonconformities are more difficult to rectify. He explained that the Ordinance specifically permits modifications, enlargements and additions to buildings which may have a bulk nonconformity, provided the amount, quantity or degree of the nonconformity is not increased. He noted that the proposed addition is to the southeasterly corner of the subject property and there are currently no nonconformities in that section and none would be increased or created with this addition.

Mr. Rathje said when he began working at the Village, there was a provision in the Ordinance that stated essentially, if a property was considered nonconforming on any one

bulk regulation, it was considered completely nonconforming. However, that view was seen as contrary to the idea of allowing people to maintain and improve nonconforming buildings. As buildings are of significant value and have a greater degree of permanence, the Zoning Ordinance has been designed and amended to foster the ability of a property owner to maintain and modify a nonconforming building rather than allowing the building to deteriorate because the owner can't make any modifications to it. However, in the event that a building is completely razed, none of the bulk nonconformities associated with the past building will carry forward for any new structure.

Mr. Rathje pointed out that Downers Grove is an older community with a significant number of buildings that were built prior to 1923 when the first Zoning Ordinance was enacted in the Village. He said that in 1965, the entire Zoning Ordinance was revised significantly and since that time other changes have been made. In 1991, the front setback requirement in commercial zoning districts adjacent to "side streets" such as Prospect Avenue in this case, was increased from 8 feet to 25 feet. Mr. Rathje said there have been changes in the front setback requirements as well as jurisdictional issues with commercial property along Ogden Ave. He explained that much of the property on the west end of Ogden Avenue was built under DuPage County zoning and was subsequently annexed into the Village. Mr. Rathje said the Village Zoning Ordinance must be somewhat open in order to deal with a variety of circumstances for structures that were constructed under different ordinance requirements.

Chairman Beggs asked about the setback provisions for construction of additions to nonconforming buildings. Mr. Rathje said with respect to nonconforming front yard setbacks in the B Districts, the Ordinance provides for an exception that if a building has a lawfully nonconforming setback, the building may be extended at the same setback line without it being considered an increase in the nonconformity. However, the building must have been legally in existence at a lesser setback in order to take advantage of that provision in the Ordinance.

Chairman Beggs asked if it makes sense to allow the construction of an addition to a nonconforming building alongside a lot where new construction is required to provide a greater setback. Chairman Beggs noted that with new construction, the building would be required to have a greater setback. Mr. Rathje agreed. He added that in zoning districts other than the Business Districts, that is how the ordinance works. In the 1970's the Zoning Ordinance was amended to include an exemption in commercial areas to allow buildings to be extended at the lesser setback if that setback was a legal nonconformity.

Chairman Beggs said he has a problem with different rules for commercial and residential properties, which at times are adjacent to each other. Mr. Rathje said the front setback is not an issue in this case, because the addition is being constructed in the rear of the existing building. Chairman Beggs agreed, but added that he was looking at the substantiality of the change, which used to be a consideration.

There being no further questions from the Board at this time, Chairman Beggs asked if there was anyone in the audience who wished to speak either in favor of, or in opposition to the petition.

Ms. Karen Samiec, 4326 Prospect Avenue, said that this type of use is a special use because if a business is not run correctly it can be very detrimental to the community. Ms. Samiec said this establishment has several problems that are detrimental to the community. She said that there are paint odors coming from subject property which have caused her to seek medical attention, and she has lost time at work because of the illness caused by these odors. She said she feels that to allow even more painting will make the situation worse.

Ms. Samiec said that she does not feel that 12 parking spaces on site is adequate, as they are already consistently parking two cars on the street. With those cars, and the cars parked for the bank on the opposite corner of Prospect and Ogden Avenues, at times Prospect is down to one lane of traffic.

Ms. Samiec said there are also noise factors that should be considered. There is a blaring radio on the site that can be heard in the neighborhood because the doors to the facility are open all summer. Ms. Samiec said between the noise and the smell, neighbors are forced to stay in their homes during the summer. She said she has to use her air conditioner to clean the paint fumes out of her home and shut out the noise.

Ms. Samiec said she does not feel an addition that will allow Downers Grove Auto Rebuilders to handle even more cars would be in the best interest of the neighborhood. In reference to Downers Grove Auto Rebuilders' plan to put slats in their fence, Ms. Samiec said there are already slats in the fence and it does very little to screen their property from the surrounding neighborhood. She said she believes that the proposed addition will lower the value of her property.

Mr. Sleeter asked Ms. Samiec if she reported the noise and paint fumes to the Village. Ms. Samiec said she has filed complaints with the Police Department regarding the noise. However, nothing has happened even though she has told the police that she is willing to press charges. Chairman Beggs asked where she filed the complaint. Ms. Samiec said she called the Downers Grove Police Department. He asked if she has registered her complaint with any other agency. She replied no.

Mr. Benes asked if there are any parking restrictions on Prospect. Ms. Samiec replied no. She added that at times Downers Grove Auto Rebuilders has parked cars so close to the corner that it makes it difficult to see oncoming traffic on Ogden Avenue.

Chairman Beggs said the petitioner would now have an opportunity to respond to the comments that have been made by Ms. Samiec.

Mr. Jim Kastner, owner of Downers Grove Auto Rebuilders, clarified that the purpose of the proposed addition is not to increase the number of cars that they handle. Rather, it is

to put in a heated, modern, state-of-the-art spray booth in order to perform their work more quickly and efficiently. He said it is not possible for him to upgrade his current spray booth to a heated booth, and without a heated booth it takes longer for the paint to dry, slowing down the process. Thus, although this addition will increase the square footage of their establishment, he said he has all the business he can handle and has no desire to increase the volume.

Mr. Kastner said in the past year or two the police have come twice and asked his employees to turn down the radio, which they have done. Mr. Kastner said he has not heard of any other complaints, and none of the other neighbors have complained about the fumes. He pointed out that he is one of 10 to 20 body shops along Ogden Avenue, some of which do not even use spray booths. Mr. Kastner said he does not feel he is subjecting the neighborhood to anything worse than other body shops in the area. Mr. Kastner said that even though the current booth is filtered quite well, the new spray booth will have a better filtration system than the current booth. He said the waste thinner he uses is always properly removed, and it is never dumped on the ground. Mr. Kastner said they try to respect the community, and pointed out that the body shop has been at its present location since 1961. Mr. Kastner said he began working at the shop in 1967 and he purchased the business in 1986. He said he is just trying to compete with other area businesses by modernizing his operations.

Chairman Beggs asked if the heat drying system would have any affect on the spread of paint fumes. Mr. Kastner said no. The new process is a baking process and the heating takes place after the paint is sprayed. He said instead of air-drying or using heat lamps as they do now, the new booth will use forced air to dry the paint more quickly.

Mr. Sleeter asked if paints with lower volatile organic compounds (V.O.C.'s) can be used with heat drying. Mr. Kastner said in accordance with State law, they have been using lower volume air guns for 4 or 5 years. These guns put more paint on the vehicle and less paint into the air, which is better for his employees, the environment, as well as being more cost effective.

Mr. Sleeter asked what solvents were used in the paints. Mr. Kastner said they use a lacquer thinner, and the State monitors the pollution levels. Chairman Beggs asked if the emissions were regulated by the State. Mr. Kastner replied yes, and he said that the State keeps public records.

Mr. White asked if they propose to add another paint booth or replace an existing booth. Mr. Kastner said they plan to move the paint shop from the east end of the building to the west end. The current paint booth will be used for storage and small paint jobs, but it will not be used as a second paint shop.

Mr. White asked when the existing paint booth was installed. Mr. Kastner replied 1975. Mr. White asked if the new paint booth would use current technology and have a better filtration system than the existing booth. Mr. Kastner explained that the old booth is a cross-draft booth that was built on a concrete slab, which has filters in the top and in the

sides. It draws air in through the front and filters it out through the top. The new booth is a down-draft booth, which draws air in through the top and out the bottom. Mr. Kastner said the new booth would be filtered better than the old booth.

Mr. White asked if there would be less fumes leaving the property with the new booth than with the current booth. Mr. Kastner replied yes. Mr. Domijan asked if the booth manufacturer has quoted any percent of fume reduction with the new booth. Mr. Kastner said he did not know if any such statistics were available. Mr. Detjen asked if there is any way to guarantee the elimination of all odors, other than to stop painting. Mr. Kastner replied no.

Ms. Samiec pointed out that one problem with the use of the spray booths is that they must be used according to the manufacturers directions. She said the only time the fumes in the neighborhood are bad is when the employees paint with the doors open. She said Mr. Kastner's employees are not using the spray booths according to the manufacturer's recommendations. It appears that they do not care about the fumes because they are bypassing the filtration system. Ms. Samiec said she feels if the employees by-pass the filtration system in the old booth they will do so with the new booth.

Mr. Michael Kastner, Assistant Manager of Downers Grove Auto Rebuilders and son of Mr. James Kastner, said the V.O.C.'s previously mentioned are regulated by the government and that auto rebuilders is a government-registered waste producer, and their reports are on file with the State and are open to inspection. Mr. Kastner said the legal limit for V.O.C.'s is 5.0, and all of the sprayable materials that they use are under the 5.0 limit as mandated by the government. He said their paint has a V.O.C. level of 3.9. The current spray booth is 20 years old, and Mr. Kastner explained that with the new spray booths, 80 % of the paint goes onto the car and the rest is filtered out through the downdraft filtration system. He said he believes that with the new booth, 30% to 40% more paint will go onto the car rather than into the air.

Chairman Beggs asked about Ms. Samiec's comment that at times their employees do not use the spray booth properly. Mr. Kastner said that with the paints used today, cars cannot be painted with the doors open because dust and other particles from the air outside would spoil the paint finish. He said that if cars were painted with the doors open, his business would fail because the jobs would be less than satisfactory.

Chairman Beggs asked if all spray painting is done in the booth. Mr. Kastner replied no; however, he said it is all done in the paint shop. Chairman Beggs asked if they spray paint exposed to the air. Mr. Kastner explained that the paint shop has one spray booth and three other painting stalls. The flat surface jobs, such as hoods, etc., are always done in the booth. Small jobs are done in the paint shop, but not necessarily in the booth, they could be performed in other of the other painting stalls.

Mr. Detjen asked if the Kastner's could replace the existing paint booth without building an addition. Mr. Michael Kastner replied no. He explained that originally, they intended

to do that, however, the new paint booth is too large to fit in the space occupied by the current paint booth.

There being no further comments from the Board or the audience, Chairman Beggs closed the public portion of the hearing.

### **Board's Deliberations:**

Chairman Beggs suggested that the Board consider the petition for the special use for Downers Grove Auto Rebuilders.

Mr. Sleeter said he is sensitive to cases in which there may be a reduction of adjacent property values and he feels the witness raised a valid objection on the basis of paint fumes. However, he said he feels that the new state-of-the-art drying technology and the new heated booth, which would have to be kept closed, should reduce the odors in the air if the addition is approved. Mr. Sleeter said he did not feel this addition would cause an increase in annoyance to the neighborhood or any reduction in property values compared to what would happen if it were not built. Mr. Sleeter said with that concern resolved, he would lean toward recommending approval of this petition.

Mr. Domijan said he feels the technology will give some relief to the area, particularly to the witness who has been repeatedly bothered by some of the emissions from the body shop. He said he too is leaning toward recommending approval of this request.

Mr. Benes said after reviewing the architectural sketches for the addition, it appears that the paint area will be 54 feet north of the two overhead doors in the rear of the building. With regard to this petition, he pointed out that there was a complaint about noise and street parking as well as paint fumes. Mr. Benes said, although the Board keeps the side street parking situation in mind when considering Ogden Avenue improvements, he feels that it is beyond the scope of the Zoning Board of Appeals to recommend parking limitations to ease those problems. Mr. Benes added that he hopes the technology in the new paint booth will alleviate the problem of paint fumes in the surrounding neighborhood; however, the problem of noise will still exist. He said that for the sake of the neighborhood and the witness who spoke tonight, he believes that the management of Downers Grove Auto Rebuilders should take steps to keep noise under control, especially during the summer. If they do not, he suggested that the Village take steps to see that the noise is reduced. Mr. Benes said the noise problem was his only concern with regard to recommending approval of this petition.

Mr. Detjen said he felt the petitioner was proposing this addition in order to improve his business and update his equipment. Mr. Detjen pointed out that only one neighbor voiced a complaint to this petition even though there are other neighbors in the area, although he added that he does not believe that even one complaint should be ignored. He said he feels the updated spray booth and equipment will probably lessen the problem of odors coming from the facility. He said he did not feel the Zoning Board of Appeals can deal with the noise issue, other than to note it in the minutes. He added that it would be more

appropriate for the Parking and Traffic Commission or Police Department to look into any parking problems that might exist in the area rather than having the Zoning Board of Appeals do so. Mr. Detjen said he would be in favor of recommending approval of this petition.

Mr. Lukas said Mr. Kastner testified that he keeps emission records and since he offered to allow the Board to examine them, there probably have been no citations for violation. He added that it appears the petitioner is making improvements that will lessen the problem of spray odors. Mr. Lukas said he feels it in the owner's best interest to maintain a healthy work environment for his employees, as well as for the neighborhood. Mr. Lukas said it appears the petitioner is attempting to address the neighbor's concern. He said he agrees with Mr. Benes's idea that it would be beneficial for the neighborhood if management would control and correct problems as they occur by bringing them to the attention of their employees. Mr. Lukas said, on the whole, he would be in favor of recommending approval of this special use.

Chairman Beggs said it appears that the majority of the Board is in favor of this petition and he called for a Motion on the petition.

**Mr. White moved that in the case of C-5-00 the Zoning Board of Appeals forward a positive recommendation to the Village Council for approval of the special use. Mr. Detjen seconded the Motion.**

**AYES: Mr. White, Mr. Detjen, Mr. Domijan, Mr. Lukas, Mr. Sleeter, Ch. Beggs**

**NAYS: Mr. Benes**

**The motion passed: 6:1:0**

Chairman Beggs said that he voted on the basis of what he feels is an appropriate amendment to the special use taking place on the property. He added that he does not wish his affirmative vote to be interpreted as extending any approval beyond that, i.e. to the nuisances of noise, and/or paint fumes. He said he felt those matters should be controlled by other agencies if they are a problem. Chairman Beggs asked Mr. Rathje to take care of the appropriate correspondence regarding this petition. Mr. Rathje agreed.

Mr. Domijan asked if, in light of the witness's concern about noise, it would be within the Zoning Board of Appeal's jurisdiction to consider a recommendation on extending the greenspace on the subject property. Chairman Beggs replied that the provisions of Section 28-1902 (i) – (iv) of the Zoning Ordinance list the criteria for authorization of a special use. Mr. Domijan agreed that the Board is not under obligation to extend the greenspace; however, he wondered if they could request that the petitioner modify their plans in light of some of the activities at the business. Chairman Beggs pointed out that the vote has already been recorded on the Motion. However, he added if the Board feels it is warranted they do have jurisdiction to recommend conditions to a special use.

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**FILE MC-4-00:** Request to rezone 3850 Venard Road from Village R-1, Single Family Residential to Village R-3, Single Family Residential. The property is located at the southwest corner of the intersection of Venard Road and Parrish Court, Downers Grove, IL (PIN No. 06-31-407-005).

With respect to Case MC-4-00, Mr. White said that he wished the record to show that he has a potential interest in this case in that he helped provide professional services in the transfer of the subject property from Thomas and Shirley Grange to the petitioners. After discussing the matter with Daniel Blondin, the Village Attorney, Mr. Blondin said he did not believe it was technically necessary for Mr. White to recuse himself. However, in the interest of avoiding any appearance of impropriety, he suggested that Mr. White refrain from participating in deliberations and the vote on this matter. Mr. White recused himself accordingly.

Chairman Beggs asked Mr. Rathje to read the public hearing notice for MC-4-00 into the record:

LEGAL NOTICE: VILLAGE OF DOWNERS GROVE NOTICE OF PUBLIC HEARING – Notice is hereby given that a public hearing will be held by the Zoning Board of Appeals at 7:30 p.m. on Wednesday, December 6, 2000, in the Council Chambers of the Village Hall, 801 Burlington Avenue, Downers Grove, Illinois, on a petition seeking a rezoning from Village R-1 Single Family Residence District to Village R-3 Single Family Residence District. The property is located at the southwest corner of Venard Road and Parrish Court, commonly known as 3850 Venard Road, Downers Grove, Illinois (PIN 06-31-407-005) and is legally described as follows:

The east 186 feet of the south 120 feet (measured from the centerline of Venard Road) of Moore's Division of part of the southeast quarter of Section 31, Township 39 north, Range 11 east of the third principal meridian, in DuPage County, Illinois.

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Community Relations Department (630) 434-5560 prior to the meeting. Wheelchair access may be gained through the side (south) entrance of Village Hall.

All interested persons should attend this hearing and will be given an opportunity to be heard. The hearing may be continued from time to time without further public notice. Zoning Board of Appeals, Gregory Beggs, Chairman. Published in the Downers Grove Reporter, Friday, November 17, 2000.

### Petitioner's Presentation

Mr. James Hundman, 1301 West 22<sup>nd</sup> St., Suite 409, Oak Brook, Illinois, said he is an attorney representing the petitioner, Blakely Custom Homes, LLC. The owner, Mr. James White, was also present. Mr. Hundman said they are petitioning the rezoning of a parcel of property at the corner of Venard Road and Parrish Court, known as 3850 Venard. When the petition was originally filed the owners of record were Thomas and

Shirley Grange; however, the property has since been sold to Blakely Custom Homes, LLC.

Mr. Hundman explained that Mr. White plans to raze the current structure and construct a new single family residence; however, the available buildable area is somewhat limited due to the setback requirements on three sides of this parcel. Mr. Hundman explained that the subject property is bordered by Parrish Court on the north, Venard Road on the east, and by the dedicated but unbuilt right of way of 39<sup>th</sup> Street on the south.

Mr. Hundman added that the subject property measures approximately 120 feet from north to south by 153 feet from east to west. Mr. Hundman said the front yard setback requirements on three sides of the lot significantly limit the buildable portion of the property. In order to reduce the setback requirements, they have filed a petition to change the property from the current Village R-1 zoning district to Village R-3. This will allow greater flexibility in designing, creating and positioning a house on the subject property. Mr. Hundman said that at this time they have not decided on the specifications for the new house, although the entrance will face Parrish Court. Mr. Hundman said most of the other lots in the area are zoned Village R-3.

Mr. Benes asked if they plan to subdivide the parcel into two 75-foot wide lots. Mr. Hundman replied no. He explained that because of the three setback requirements and restrictions on lot size variations, the property will remain as one lot which will have one single family residence sited upon it.

### **Staff Presentation:**

Mr. Kenneth Rathje said the petitioner has filed a request to rezone the subject property from R-1, single family residential to R-3, single family residential for the property located at the southwest corner of Parrish Court and Venard Road. The property is currently zoned R-1, Single Family Residential, as the subject property had been annexed into the Village under force annexation proceedings, which took place on July 21, 1980. Mr. Rathje said that under the provisions of Section 28-402 of the Zoning Ordinance, any lands annexed into the Village are automatically designated as R-1, single family residential unless there is petition to have the property rezoned to a different zoning district and such a petition is approved by the Village.

Mr. Rathje described the subject property as having a width of 120 feet as measured from north to south along the Venard frontage of the property and a depth of 153 feet as measured from east to west along the Parrish Court frontage of the property. The overall area of the subject property is 18,360 square feet. The subject property is currently improved with a single family residence.

Mr. Rathje explained that as noted above, the subject property is located at the southwest corner of Parrish Court and Venard Road, but the property also fronts along its south side on a dedicated but unimproved section of 39<sup>th</sup> Street right of way. Based upon the requirements of the Zoning Ordinance, each street frontage of a property is to provide a

front yard setback according to the standards of the underlying zoning district. Under the terms of the existing R-1, single family residential zoning district, a minimum front yard setback of 40 feet from each of the three street frontages of the property must be provided.

Mr. Rathje said that The existing house is somewhat non-conforming as to the setback requirement, as it has a setback of 29.8 feet at its closest point along the 39th Street right of way, a setback 32.1 feet at its closest point along the Venard Road right of way and a setback of approximately 33 feet from the property's Parrish Court right of way. If the property is rezoned to the R-3, single family residential zoning district, the front yard setback requirements will be reduced from 40 feet to 30 feet, adding 10 feet of buildable depth along each of the three rights of way.

Mr. Rathje stated that the proposed R-3, Single Family Residential zoning district has a minimum lot width requirement of 75 feet and a minimum lot area requirement of 10,500 square feet compared to the R-1, single family residential zoning district which has a minimum lot width requirement of 100 feet and a minimum lot area requirement of 20,000 square feet. In addition to the setback relief provided by the proposed R-3 district, the property will also become conforming as to the minimum lot area requirement, as the property is currently non-conforming to the R-1, single family zoning district's minimum area requirement with an area of only 18,360 square feet.

Mr. Rathje said the zoning of adjacent properties includes R-3, Single Family Residential to the west and north, R-2, Single Family Residential to the south and R-1, Single Family Residential to the immediate east. Mr. Rathje added that it may be of interest to note that the property to the immediate east was force-annexed at the same time as the subject property and, therefore, is zoned R-1, Single Family Residential for the same reason as the subject property.

Mr. Rathje said the subject property is depicted on the Village's Future Land Use Plan with a land use designation of Residential at 0-6 dwelling units per acre. This land use designation is compatible with the R-1 through R-4, single family residential zoning districts.

In conclusion, Mr. Rathje said the proposed rezoning is consistent with the zoning of the adjacent properties and is consistent with the anticipated land use as designated on the Village's Future Land Use Plan. He said this is a petition which could be recommended for consideration to the Village Council if the Board believes that the necessary conditions exist.

Mr. Benes asked if there is any restriction on the rear yard. Mr. Rathje said the property has three front yards and one rear yard to the west. From east to west under R-1 zoning, 60 feet of the 153 feet would be required yard area (40 feet of front yard and 20 feet of rear yard), and from north to south, 80 feet of the 120 feet would be required yard area (two 40 foot front yards). However, if the property is rezoned to R-3, from east to west, 50 feet of the parcel would be devoted to required yard area (30 feet of front yard and 20

feet of rear yard), and from north to south, 60 feet would be required yard area (two 30 foot front yards). Mr. Rathje said the subject parcel has a much larger than average amount of property required for yards because it has front yards on three sides, which is a very uncommon situation within the Village. He said it is common for a corner lot to have two frontages, but not so common to have three.

Mr. Benes asked about the setback for the house to the west of the subject property on Parrish Court. Mr. Rathje said the obligation is a setback of 30 feet; however, he said he did not know the actual setback of the neighboring house. Mr. Rathje pointed out that in addition to the base setback applicable within a zoning district, structures in excess of 20 feet in average height are required to provide additional setbacks. Also, some individuals choose to have a greater setback than is required, and voluntarily set their houses back further than what is required by Ordinance.

There being no further comments from the Board or audience, Chairman Beggs closed the public portion of the hearing.

**Board's Deliberations:**

Mr. White had recused himself from the discussion and vote on case MC-4-00 and took a seat in the audience.

Mr. Benes said that at first he thought the petitioner intended to subdivide the subject property into two lots. He said he was glad that was not the case. He noted that some people prefer to have homes on large lots and this will provide an opportunity to do so. Mr. Benes said he felt the request for R-3 zoning is more in keeping with the surrounding zoning on Parrish Court.

Chairman Beggs asked there were any other comments regarding this petition.

Mr. Sleeter noted that most likely this property is zoned Village R-1 because it was annexed from the County rather than because of the character of the neighborhood. Mr. Sleeter felt that if it had not been annexed from the County, it would probably be zoned R-3 already, judging from the zoning of some of the immediately adjacent property. Mr. Sleeter said he is in favor of recommending approval of this petition.

Chairman Beggs then called for a Motion on the petition.

**Mr. Detjen moved that in the of case MC-4-00 the Zoning Board of Appeals forward a positive recommendation to the Village Council concerning the rezoning of the property commonly known as 3850 Venard Rd. from Village R-1 to Village R-3.**

**Mr. Lukas seconded the Motion.**

<b>Aye:</b>	<b>Mr. Detjen, Mr. Lukas, Mr. Benes, Mr. Domijan, Mr. Sleeter, Ch. Beggs</b>
<b>Nay:</b>	<b>None</b>

**The Motion passed unanimously.**

Chairman Beggs asked Mr. Rathje to take care of the necessary correspondence regarding this case. Mr. Rathje agreed.

Chairman Beggs said the next meeting would be the fourth Wednesday in January. Mr. Rathje there are two petitions expected to be heard at that meeting.

Chairman Beggs thanked everyone for attending this evening and adjourned the meeting at 9:05 p.m.

**PUBLIC HEARING:**            **MC-4-00** A petition seeking rezoning from Village R-1, single family residential to Village R-3, single family residential for property located at the southwest corner of Venard Road and Parrish Court, commonly known as 3850 Venard Road, Downers Grove, Illinois (PIN 09-06-31-407-005); Thomas & Shirley Grange, Owners; James E. Hundman, Attorney/Petitioner

**FINDINGS:**

1.     The petitioner has filed a request to rezone the subject property from R-1, single family residential to R-3, single family residential for the property located at the southwest corner of Parrish Court and Venard Road. The property is currently zoned R-1, single family residential as the subject property had been annexed into the Village under a force annexation proceedings which took place on July 21, 1980. Under the provisions of Section 28-402 of the Zoning Ordinance, any lands annexed into the Village are automatically designated as R-1, single family residential unless there is a petition to have the property designated to a different zoning district and such petition is approved by the Village.
2.     The subject property has a width of 120 feet as measured from north to south along the Venard frontage of the property and a depth of 153 feet as measured from east to west along the Parrish Court frontage of the property. The overall area of the subject property is 18,360 square feet. The subject property is improved with a single family residence.
3.     As noted above, the subject property is located at the southwest corner of Parish Court and Venard Road, but the property also fronts along its south side on a dedicated but unimproved section of 39th Street right of way. Based upon the requirements of the Zoning Ordinance, each street frontage of a property is to provide a front yard setback according to the standards of the underlying zoning district. Under the terms of the existing R-1, single family residential zoning district, a minimum front yard setback of 40 feet from each of the three street frontages of the property must be provided. The existing house is somewhat non-conforming to this requirement with a setback of 29.3 feet at the closest point along the 39th Street right of way, a setback at its closest point of 32.1 feet from the Venard Road right of way and a setback of approximately 33 feet from the property's Parrish Court right of way. If the property is rezoned to the R-3, single family residential zoning district, the front yard setback requirements will be reduced to 30 feet.
4.     The proposed R-3, single family residential zoning district has a minimum lot width requirement of 75 feet and a minimum lot area requirement of 10,500 square feet compared to the R-1, single family residential zoning district which has a minimum lot width requirement of 100 feet and a minimum lot area requirement of 20,000 square feet. In addition to the setback relief provided by

the R-3, single family residential zoning district, the property will also become conforming to the minimum lot area requirement of the R-3, single family residential zoning district as the property is currently non-conforming to the R-1, single family zoning district's minimum area requirement with an area of only 18,360 square feet.

5. The zoning of adjacent properties includes R-3, single family residential to the west and north, R-2, single family residential to the south and R-1, single family residential to the immediate east. It may be of interest to note that the property to the immediate east was force annexed at the same time as the subject property and, therefore, is zoned R-1, single family residential for the same reason as the subject property.

The subject property is depicted on the Village's Future Land Use Plan with a land use designation of Residential @ 0-6 dwelling units per acre. This land use designation is compatible with the R-1 through R-4, single family residential zoning districts.

#### **CONCLUSION:**

The proposed rezoning is consistent with the zoning of the adjacent properties and is consistent with the anticipated land use as designated on the Village's Future Land Use Plan.

KJR:amd  
Attachments  
11/30/00