

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS
APRIL 25, 2001 MINUTES**

Call to order

Chairman Beggs called the meeting to order at 7:45 PM. He apologized for the delay explaining that Mr. White had intended to be present but was unexpectedly detained. He thanked Mr. Lukas for coming to fill the quorum, even though he was not feeling well.

Roll call

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

Approval of minutes of March 28, 2001 meeting

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

Mr. Sleeter moved to approve the minutes of March 28, 2001 as presented. Mr. Detjen seconded the motion.

**Ayes: Mr. Sleeter, Mr. Detjen, Mr. Lukas, Ch. Beggs
Nays: None**

The Motion passed unanimously.

Meeting procedures

Chairman Beggs explained the procedures to be followed for the meeting, providing a review of the petitions before the Board. He asked anyone in the audience who intended to testify in this public hearing in any of the petitions before the Board to rise and be sworn in.

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C-2-01 A petition seeking a special use for a public park to be improved with an indoor recreation building and accessory parking facilities. This matter was first considered by the Zoning Board of Appeals on January 24, 2001 and had been remanded by the Village Council for further hearings before the Board. Property located on the west side of Belmont Road, approximately 800 feet south of the south line of Ogden Avenue and contiguous with the Downers Grove Park District's golf course along its west side, commonly known as 4500

Belmont Road, Downers Grove, IL; Downers Grove Park District Owner; Gerald Brooks, Attorney/Petitioner

Chairman Beggs explained that he would discuss the third petition, C-2-01, regarding the Park District special use first. He stated that the Park District has requested a continuance of this case to the May 23rd Zoning Board of Appeals meeting to allow further review by the Park district and the neighbors of this property concerning the petition. He noted that the public hearing notice would not be republished; however, a mailing would be made to the surrounding neighbors to inform them of the change of date. He then called for a Motion to continue the case.

Mr. Detjen moved to continue case C-2-01 to the May 23, 2001 meeting of the Zoning Board of Appeals. Mr. Lukas seconded the Motion.

AYES: Mr. Detjen, Mr. Lukas, Mr. Sleeter, Ch. Beggs

NAYS: None

Chairman Beggs declared the Motion carried.

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Chairman Beggs asked Mr. Rathje to read the public hearing notice for the next petition.

MC-7-01 A pre-annexation petition seeking rezoning from County R-4, Single Family Residence District to Village R-3, Single Family Residence District for property located southeast of the intersection of Lee Avenue and Boundary Road, commonly known as 6101 Lee Avenue, Downers Grove, Illinois (PIN 09-18-308-004) and 1699 Boundary Road, Downers Grove, Illinois (PIN 09-18-308-003); Cassandra, William L. and Raymond J. Ponstein, Owners; William L. Ponstein, 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, APRIL 25, 2001 IN THE COUNCIL CHAMBERS OF THE VILLAGE HALL, 801 BURLINGTON AVENUE, DOWNERS GROVE, ILLINOIS, ON A PREANNEXTION PETITION SEEKING REZONING FROM COUNTY R-4, SINGLE FAMILY RESIDENTIAL TO VILLAGE R-3, SINGLE FAMILY RESIDENTIAL. THE PROPERTY IS LOCATED SOUTHEAST OF THE INTERSECTION OF LEE AVENUE AND BOUNDARY ROAD, COMMONLY KNOWN AS 6131 LEE AVENUE, DOWNERS GROVE, ILLINOIS (PIN 09-18-308-004) AND 1699 BOUNDARY ROAD, DOWNERS GROVE ILLINOIS (PIN 09-18-308-003) AND IS LEGALLY DESCRIBED AS FOLLOWS:

THE NORTH HALF OF LOT 13 AND ALL OF LOT 14 (EXCEPT THE EAST 200.00 FEET OF SAID LOTS 13 AND 14) IN ARTHUR T. MCINTOSH & COMPANY'S DUNHAM STREET SUBDIVISION OF PORTIONS OF THE

SOUTH HALF, LYING EAST AND WEST OF THE INDIAN BOUNDARY LINE, OF SECTION 18, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 7, 1923, AS DOCUMENT NUMBER 172338, IN DUPAGE COUNTY, ILLINOIS.

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, APRIL 6, 2001.

Petitioner's Presentation:

Mr. William Ponstein of 6012 Hillcrest Court stated he is seeking rezoning, upon annexation, from County R-4 to Village R-3 single-family residential zoning. The Village R-3 zoning closely resembles what the property is zoned at the present time under County jurisdiction. He said he will be appearing before the Plan Commission on May 1 to subdivide the property. Currently all of the surrounding property is residential. Mr. Ponstein added that most of the frontages of surrounding properties are less than what he is seeking under this zoning classification.

Staff's Presentation:

Mr. Kenneth Rathje, Director of Planning Services, stated the petitioner is seeking approval of a pre-annexation zoning petition regarding two contiguous parcels of land located on the easterly side of Boundary Road at Lee Avenue. The petitioner is requesting that the subject property be rezoned from County R-4, single family residential to Village R-3, single family residential upon annexation. This petition is being pursued parallel to a petition for tentative subdivision plat approval which is scheduled to be reviewed by the Plan Commission at its May 1, 2001 meeting.

Mr. Rathje described the subject property as a somewhat wedge-shaped parcel of land made up of two lots. The overall parcel has a frontage at its west lot line along Boundary Road of 389.50 feet, a total east to west depth which is made up of three line segments along its south line of 545.19 feet, a depth as measured along the north of 264.05 feet, and a width as measured along the east of 300 feet. The subject property has a total area inclusive of the Boundary Road right of way of 3.032 acres or approximately 132,074 square feet.

Mr. Rathje explained the proposed R-3, single family residential zoning district has a minimum lot width requirement of 75 feet and a minimum lot area of 10,500 square feet. He said the Village's R-3 zoning district has standards

which are very comparable to the County R-4 zoning district which has a minimum lot width of 75 feet and a minimum lot area of 10,000 square feet.

The zoning of the surrounding area includes County R-4 to the west, north, east and immediate south and Village R-1 to the southwest. The R-1 property includes the District 58 offices and the Indian Trail School property. Other lands which the Village has annexed in the area to the east and southeast have been designated with a Village R-3, single family residential zoning designation. He referred the Board to the drawings attached in their packet and displayed on the overhead projection depicting the surrounding zoning designations. Mr. Rathje added that the subject property appears on the Village's Future Land Use Plan with a designation of Residential @ 0-6 dwelling units per acre. This land use designation is consistent with the Village's R-1 through R-4 zoning districts.

Mr. Rathje concluded by stating that the petitioner's request for the subject property to be rezoned from County R-4 to Village R-3, upon annexation, is a request which is consistent with the surrounding zoning, as well as with the zoning granted on similar property in the general area as such properties have been annexed into the Village. It is also consistent with the provisions of the Village's Future Land Use Plan for the area.

Chairman Beggs asked if the Village's Future Land Use Plan encompasses the entire area. Mr. Rathje responded it does, in that the zoning could range from R-1 to R-4 residential. The specific choice of the zoning district goes by the land use trend in the area, and the existing trend is strongly toward R-3 sized lots, which is why the County designation was R-4.

There being no questions from the Board at this time, Chairman Beggs called for anyone in the audience who wished to speak either in favor of, or in opposition to this petition.

Mr. Joseph LeClercq of 6108 Lee Avenue said he wasn't either in favor of or in opposition to the petition but wanted to know about the Village's plan regarding density for the area. Mr. Rathje referred Mr. LeClercq to the Village's Future Land Use Map on display in the Council Chambers, which is the broad categorical map that designates land use and density for specific areas. Mr. Rathje explained that Mr. Ponstein wants to annex the property into the Village, rezone the property similar to the surrounding properties, and as he proceeds with the design he will appear before the Plan Commission with his specific plan and design. Mr. LeClercq asked whether the public would be allowed to attend that meeting, and Mr. Rathje responded that the Plan Commission meeting is scheduled for Tuesday, May 1, at 7:30 in the Village's Public Works facility and the meeting is a public meeting.

Mr. LeClercq said this was pretty much a "no brainer" for the Board, and Chairman Beggs said, without wanting to pre-judge the case, that the request seems to fit in with the rest of the communities, stressing that this, however, was not a cut and dried situation. Mr. LeClercq then said that this meeting was so that Mr. Ponstein could get city water. Chairman Beggs said the purpose of the public hearing was to provide a forum for the public to come and express any concerns they might have with the petition. Chairman Beggs stated that as a property owner in that specific area, he would probably be annexed into the Village in the near future; however, he noted that the Zoning Board of Appeals has no control whether or not city water will go into a specific area. Their purpose is to question whether or not the zoning category requested by the petition is proper for the particular parcel of land. In further response to Mr. LeClercq's questions regarding the process to take place, Chairman Beggs stated that this meeting concerns only the rezoning of the property. Questions regarding the actual design of the development would be brought to the Plan Commission meeting. He said both the Zoning Board of Appeals and the Plan Commission are recommending bodies. After their review, the Village Council considers the petitions and makes the final decision. Mr. Rathje added that the entire process for a typical subdivision takes about five to six months. Chairman Beggs explained that any comments made by the public concerning their feelings about the petition will be placed in the minutes of the meeting and referred on to the Council.

Mr. LeClercq then said that he is against the rezoning, as this is the first step in the process to develop the area. He stated his reasons will not be logical or intelligent, but asked at what point we stop and say how much is enough. He asked whether we have to develop every piece of land that is not walked on or driven on in this town. Mr. LeClercq said they can have their experts in, but as a homeowner he wanted privacy and peace, and that will be disrupted by Mr. Ponstein.

Ms. Ruth Rossignuolo of 6105 Lee said that however construction trucks access the property, Lee Street or Boundary Street will be torn up. She asked who would be responsible for repaving the streets after construction. She expects this to be an ongoing construction for at least two years. Mr. Rathje said that streets in unincorporated areas are under the Township's jurisdiction. Chairman Beggs said whatever government entity is responsible for maintaining the street would be responsible. He commented that there may be an agreement between the Village and the Township with respect to maintenance, although he does not know if there is. Ms. Rossignuolo said that is her concern, since she sees the Village and the Township both relinquishing responsibility for street maintenance.

Ms. Rossignuolo then said that between Lee and Boundary down to the school there is a small dirt footpath used by about twenty children every day to and

from school. She asked how Mr. Ponstein would accommodate those children who walk to school every day when the area is under construction. These children are not bused to school. That path has always been an access to the school yard. Chairman Beggs said this Board cannot make a decision in that regard, as it is not in its jurisdiction. Ms. Rossignuolo said she is not necessarily against the project, but wants to have these questions addressed. Chairman Beggs said they are appropriate comments, but not with respect to the zoning. They will be included in the minutes of the meeting. He reiterated that the Plan Commission meeting will be held on Tuesday in the Public Works building on Walnut Avenue at 7:30 PM. Mr. Rathje said the first set of plans for tentative subdivision plat approval for the subdivision will be reviewed at that meeting. Other questions regarding taxes may be addressed to the Township Assessor's office.

Mr. John Duever of 6102 Lee stated he wanted to make sure that they are not planning on putting a street through to the 62nd Street right-of-way. Chairman Beggs said that there is no street change requested in the rezoning request. Mr. Rathje recommended that the residents speak with Mr. Ponstein after the meeting to question some of the plans for the subdivision.

Mr. Joseph Bovenzi of 6112 Springside asked about the direction of the stormwater from the subdivision, as there are septic fields in the area. Chairman Beggs explained that there is a stormwater control Ordinance which will not allow water runoff from the subdivision to be any greater than it originally was. He stated there is a Flood Control Ordinance governing the runoff. Mr. Bovenzi stated that the water presently runs north and south and he does not want it running in his direction as he has a septic field on his property. Chairman Beggs stated that there are flood control limitations, however, that is not part of the zoning function. He recommended that this issue be raised at the upcoming Plan Commission hearing.

Ms. Robin Prairie of 6110 Lee said that there are a lot of things that the Board does not know in order to make an informed decision. Her concern is an increase in her taxes, but asked who handles that. She asked how they can make a lot of the decisions they are making when they do not have the information at this meeting. Chairman Beggs said that the decision this Board is asked to make is whether the use of this land fits into the R-3 category of zoning and whether that would be appropriate for that specific location. He said that Mr. Rathje can provide her with all of the limitations and requirements of the zoning regarding the size and restrictions for building on the property. However, he added that for zoning they do not need to know the specific design of the structures. They are talking about whether anything within the zoning limitations fits the property. Ms. Prairie asked why they don't find out what Mr. Ponstein has in mind to help them make the decision. Chairman Beggs repeated that the information is not pertinent to the zoning

decision; however, it is pertinent to the Plan Commission's decision. Ms. Prairie then asked when the Plan Commission would be meeting. Chairman Beggs stated it would be on Tuesday night, May 1st, at the Public Works facility at 7:30 PM on Walnut Avenue.

Mr. Paul Zschau of 6106 South Lee said he is opposed to this just because of the traffic it will bring into the area. If they have eight buildings with a minimum of 16 people, and two cars per house, that many vehicles plus the friends of the owners will create a lot of congestion and he is opposed to it.

Mr. Ponstein stated that his only response to the comments made is under the current County zoning, he would be less restricted than he would be under the Village's classification. He could get by with smaller lots and less lot depth. He is not asking for anything more than what is already there. Mr. Lukas asked Mr. Ponstein to clarify that statement. Mr. Ponstein stated that under the current circumstances, there is a preannexation agreement that would allow him to get the Village water and then subdivide in the County, so rezoning is not necessary for the Village water. He wants to be in the Village for the added services, police protection, etc. Mr. Lukas said he wanted to hear Mr. Ponstein state that his effort to be annexed into the Village is for more than just a water situation. He felt it was important for the public to hear that, and to hear that Mr. Ponstein has every right to develop the property as it is now zoned within the County. Mr. Ponstein repeated that if he kept the property within the County jurisdiction, it would be less restrictive than what he is now requesting.

There being no further comments from the public or the Board members at this time, Chairman Beggs closed the public portion of the hearing.

Board's Deliberation:

Mr. Detjen said that for the purpose of this rezoning, Village R-4 zoning is more restrictive than the County's designation. Mr. Ponstein is the owner of the property and wants to develop it in the Village. He sees no reason why he cannot do that. He has no objection to this petition.

Mr. Sleeter said he would not use the term "no brainer", however, said he believes the requested zoning designation does fit with the surrounding land uses and zoning, and he would be in favor of recommending approval of the request to rezone it upon annexation.

Mr. Lukas said he believes the requested rezoning is appropriate for the area and would recommend that it be granted.

Mr. Detjen said the Board might want to restate that the neighbors expressed concerns which are not within this Board's jurisdiction. He said those

OF THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF VARONI'S DIVISION RECORDED FEBRUARY 18, 1947 AS DOCUMENT 515936 IN DUPAGE COUNTY, ILLINOIS, EXCEPT THE NORTH 100 FEET THEREOF DEDICATED FOR PUBLIC ROAD PURPOSES AS CONTAINED IN DOCUMENTS RECORDED AUGUST 17, 1950 AS DOCUMENT NUMBER 601545 AND OCTOBER 17, 1955 AS DOCUMENT NUMBER 777238 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, APRIL 6, 2001.

Chairman Beggs explained that this petition was before the Board last month, but because of a typographical error in the public hearing notice, the notice was republished and a new file number was assigned to the case for this meeting. He verified with Mr. Rathje that the public hearing notice was correct and in agreement with the petitioner's request.

Petitioner's Presentation:

Mr. Bonifacio Wagan of 7048 Cambridge Road in Woodridge, stated his petition is to rezone the subject property from County R-4 to Village R-3, upon annexation. His sole purpose is to build a single-family home on the site. He then described the general location of the property, stating it is surrounded by residential zoning. This is the only lot that is unincorporated at this time. Mr. Sleeter noted that the property is on the Darien side of the Downers Grove/Darien boundary line. Mr. Wagan verified that everything has been cleared with the City of Darien, and Darien has signed off on the annexation of this property by the Village of Downers Grove.

Staff's Presentation:

Mr. Rathje said the petitioners, as owners of the subject property, are seeking approval of a pre-annexation zoning petition for a parcel of land that is located between Queens Court on the south and the south line of 75th Street on the north at a point approximately 130 feet east of the east line of Florence Avenue.

The petitioner is requesting that the subject property be rezoned from County R-4 to Village R-3, single family residential upon annexation.

Mr. Rathje described the subject property as having a width of 127.92 feet as measured from east to west, a depth of 238.38 feet as measured from north to south and an area of 30,493.6 square feet. Although the property had previously been improved with a single-family residence, the property is currently vacant.

Mr. Rathje described the surrounding zoning of the adjacent properties which include Village R-3 to the east, south and west and Darien B-2 Community Shopping Business District to the north which is improved as a park. The Village's Future Land Use Plan has designated the subject property with a land use designation of Residential @ 0-6 dwelling units per acre which is consistent with the R-1 through R-4 single family residential zoning districts.

Mr. Rathje noted that the subject property is technically located on the Darien side of the boundary agreement line which the Village of Downers Grove and the City of Darien entered into in 1981 and which had subsequently been amended in 1990. In light of the location of the subject property and the development which has occurred since the boundary agreement was adopted, the previous owners of the subject lot approached the City of Darien in 1998 and requested that the City of Darien either agree to amend the boundary agreement or otherwise officially waive any objection to the annexation of this property by the Village of Downers Grove. By the adoption of City of Darien Resolution R-20-98 on August 18, 1998, the City of Darien consented to permit the subject property to be annexed by the Village of Downers Grove.

Mr. Rathje stated that the petitioners' proposed pre-annexation zoning petition, seeking R-3, single family residential zoning upon the annexation of the subject property, is consistent with the zoning of the adjacent properties and is consistent with the land use designation which appears on the Village's Future Land Use Plan for the subject property. He reiterated that the necessary documentation has been obtained from the City of Darien to permit the subject property to be annexed by the Village of Downers Grove even though the subject property falls on the Darien side of the Downers Grove/Darien boundary agreement line.

Mr. Detjen asked how the property ended up on the Darien side of the boundary agreement line. Mr. Rathje responded it was considered carefully at the time by the Village and decided that the boundary line would follow the existing Village limits, which in this case would have allowed the owner to annex the property into Darien's boundary limits.

Mr. Laura Jalette of 7505 Florence said that the only access on that property is from 75th Street. Mr. Rathje said there is frontage both on Queen's Court and on 75th Street. 75th Street is a County highway and it is highly unlikely that they would get direct access off of 75th Street. Annexation to the Village makes no difference. He noted that there is a hierarchy of jurisdiction on streets and highways, and 75th Street is under County jurisdiction. Since the property has an alternate access, they would have to have access off Queen's Court.

Ms. Pat Kapust of 7508 Queens Court said she lives next to that property and is concerned that the property is large enough to build two residential homes. Mr. Wagan said they are only planning to build one home on that lot. Mr. Rathje said this is a request for R-3 zoning and there is only one home allowed per lot. He recommended she may wish to discuss any future plans with the owner.

There being no further discussion by the public or the Board, Chairman Beggs closed the public portion of the hearing.

Board's Deliberation:

Mr. Sleeter said he believed it appropriate to annex the property and rezoning it to the R-3 zoning classification.

Mr. Lukas said he had no contrary opinion.

Mr. Detjen agreed that since the property was surrounded on three sides by Downers Grove R-3 zoning, this annexation and zoning redesignation would be appropriate.

Mr. Sleeter moved that in case MC-8-01 the Board recommend to the Village Council that the rezoning to R-3 single-family residential, upon annexation, be approved. Mr. Detjen seconded the Motion.

AYES: Mr. Sleeter, Mr. Detjen, Mr. Lukas, Ch. Beggs
NAYS: None

Chairman Beggs declared the Motion carried unanimously.

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Mr. Rathje said there were one or two variations scheduled for next month's meeting, in addition to the Park district's special use petition. Mr. Sleeter asked how the order of the agenda is determined, and Mr. Rathje said it is typically in the order in which the petitions were presented to the Village. Chairman Beggs said the order can be changed at the meeting, if necessary.

There being no further discussion, Chairman Beggs adjourned the meeting at 8:40 P.M.

Respectfully submitted,

Tonie Harrington
Recording Secretary