

Chairman Jirik called the November 8, 2000 meeting of the Plan Commission to order at 7:30 p.m.

ROLL CALL

PRESENT: Mr. Fluck, Mr. Matejczyk, Mr. McCombs, Mr. McCormick, Mrs. Reynolds, Mr. Waechter, Chairman Jirik

ABSENT: Mr. Griesbaum, Mr. Wlodek

STAFF

PRESENT: *Kenneth J. Rathje, Director*
Amanda Gibb, Planner
Alice Dornan, Recording Secretary

Chairman Jirik stated the draft minutes of the Plan Commission's October 3, 2000 meeting needed to be reviewed. He asked if there were any additions, deletions or corrections to those minutes. There were none. **Mr. McCombs moved, and Mr. McCormick seconded that the minutes be approved as prepared. The motion passed unanimously.**

Chairman Jirik outlined the procedure for this evening's agenda items. Chairman Jirik explained first, the petitioner, who is the individual proposing to do something with a particular parcel of land, will make a presentation. The petitioner will explain what they are seeking to do and how their proposal conforms to what the Village allows or does not allow.

Chairman Jirik continued second, Village Staff would present its technical review and recommendations. Chairman Jirik noted the third step, the public participation portion of the hearing, is the time for those present who desire to speak to be heard. Chairman Jirik pointed out the proceedings are recorded in the form of minutes. He encouraged those wishing to speak to speak one at a time and to speak clearly and slowly so that detailed minutes can be provided. Those wishing to testify should state their name and address before testifying.

Chairman Jirik explained the final step is the Plan Commission's deliberation of the petition. Plan Commission members can and may ask questions of anyone who speaks regarding the petition so that the Commission members can fully understand an issue or concern. The Plan Commission will hear the petition, discuss it and then make a motion to recommend approval, recommend denial, or recommend approval with changes.

FILE NO. 1053

LOT SPLIT (Petition includes a request for a lot width exception for each proposed lot) – Property located on the west side of Stonewall, approximately 300 feet south of Prairie Avenue, commonly known as 4826 Stonewall Avenue, Downers Grove, IL (PIN 09-07-105-025); Melvin & Darlene Cramm, Owners; James F. Russ, Jr., Attorney/ Petitioner

James F. Russ, Jr., 4915 Main Street, Downers Grove stated he represents Mr. & Mrs. Melvin Cramm who have owned the property since 1994. Mr. Russ advised that the Cramms were present this evening. Mr. Russ noted the property is located on the west side of Stonewall Avenue north of Warren Avenue and south of Prairie Avenue. The existing property is 120 feet by 220 feet with a total square footage of 26,400 square feet. The property is currently zoned Village R-3 which requires a minimum lot width of 75 feet, a minimum depth of 140 feet and a minimum lot area of 10,500 square feet. Mr. Russ advised there is one single family home on the property.

The petition is to create two lots; each lot being 60 feet by 220 feet. Each lot would have a total area of 13,200 square feet. Mr. Russ stated the proposed lots would exceed the minimum requirements for the depth of 140 feet by 80 feet. The proposed lots would exceed the minimum lot area of 10,500 square feet by 2,700 square feet. Mr. Russ pointed out the petitioners are seeking a width variation to reduce the width of the lots from 75 feet to 60 feet which is a 15 foot reduction or a 20% reduction in the required width.

Mr. Russ stated the Plan Commission is authorized to consider and make a recommendation for such a variation subject to certain conditions being considered.

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

Mr. Russ pointed out the new lots with the width reductions should have no effect on the surrounding properties. The proposed lots would be consistent with what surround this piece of property. The proposed division would be consistent with divisions that have occurred in the neighborhood. The new lots would still need to meet the setbacks and yard requirements.

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

Mr. Russ noted the surrounding uses are all single family residences. This lot, if divided, would retain single a family residence use. Mr. Russ advised there is one other remaining 120 foot wide lot mid-block on the west side of Stonewall. There is also one other 120 foot wide lot on the southeast corner of Prairie and Stonewall Avenues;

however, it has been divided along the Prairie frontage of the property. The majority of the other lots along this side of Stonewall have already been divided into 60 foot wide lots. Mr. Russ pointed out the corresponding side of the block which fronts on the east side of Woodward Avenue and stated most of those lots have also been divided into 60 foot wide lots as have the majority of the lots on the corresponding block to the east of the subject property which fronts on Cornell Avenue. The trend in this area is definitely to create narrower lots.

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

Mr. Russ explained this lot as it currently exists is more than two times the required square footage of the R-3, single-family zoning district. It is presently more than one and one-half times the required width. If the lot is split, the minimum depth will be exceeded by 80 feet, and the minimum area will be exceeded by 2,700 square feet. Mr. Russ noted the characteristics of this property do support the exception as the area and depth will exceed the minimums, and the property when split will be consistent with the width of the lots that have already been developed in the area.

(4) WHETHER THE EXCEPTION IS CONSISTENT WITH THE TREND OF DEVELOPMENT IN THE AREA.

Mr. Russ emphasized that the majority of the lots in the area are 60 feet wide which characterizes the trend.

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

Mr. Russ stated the use would remain single family and would be consistent with the character in the area.

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

Hearing no questions, Chairman Jirik asked Staff for its analysis and critique.

As Staff's presentation, Mr. Rathje advised the subject property is located at 4826 Stonewall Avenue about 360 feet south of the south line of Prairie Avenue on the west side of Stonewall. Mr. Rathje explained the property measures 120 feet by 220 feet with an area of 26,400 square feet. It is improved with a one-story, frame residence and an attached two-car garage located on the easterly portion of the property. There is a small, freestanding shed located on the westerly portion of the property. Mr. Rathje stated all the structures are to be razed if the subject lots are approved in order to make way for two future single family residences.

Mr. Rathje indicated the underlying zoning district is R-3, single family residential that has a minimum width of 75 feet and a minimum area of 10,500 square feet. Mr. Rathje explained under the terms of Section 20-301(e)(2) of the Subdivision Control Ordinance new lots are to have a minimum depth of 140 feet.

Mr. Rathje stated as the petitioner is proposing to divide the property equally into two, 60 foot by 220 foot lots, each with areas of 13,200 square feet. The petitioner will be in need of the approval of an exception to reduce the lot width by 20%. Mr. Rathje noted exceptions are authorized under provisions of Section 20-602(b) of the Subdivision Control Ordinance which states that, "Exceptions may be granted only in specific cases where such exceptions do not alter the general plan and spirit of this Chapter and where the Council determines that a requested exception does not adversely impact the public health, safety and welfare."

Mr. Rathje explained in the Plan Commission's deliberation on a petition like this with an exception, Subsection (c) of the aforementioned section states "An exception shall be recommended by the Plan Commission only if it finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this Chapter..." Mr. Rathje pointed out there are five measures in the Ordinance to be used to determine difficulty or particular hardship which include:

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

Mr. Rathje explained that the proposed lots are very consistent with the surrounding area. It must be remembered that the reduction in lot width in no way reduces the developer's obligation to provide the setbacks and in the required side or rear yards. Regardless of the size of the property, those minimum transitions must be satisfied.

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

Mr. Rathje indicated Staff typically uses the block on which the property is located facing the street and the block on the opposite side of the street in order to make a determination of the trend of development in the area. On the west side of Stonewall Avenue between Prairie Avenue on the north and Warren Avenue on the south, there are a total of 19 lots, 14 of which are lots with widths of 60 feet, two lots with widths of 71.22 feet, and one 120 foot wide lot. The corner lot was originally subdivided as a 120 foot wide lot. Because it was a corner lot with two street frontages, it was split so that the resulting lots were more square rather than rectilinear with the additional lot also fronting on Prairie. A lot depth variation had been necessary in order to accommodate that division. With respect to the east side of Stonewall Avenue between Prairie and Warren Avenues, there are a total of 20 lots in that block, 18 of them have widths of 60 feet and one lot has a width of 120 feet. The lot at the northeast corner of Stonewall and Warren Avenues, which had previously been divided, measures 110 feet by 144.32 feet with the 144.32

foot frontage along Stonewall Avenue. Many of these lots have been 60 feet wide for considerably more than 30 years.

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

Mr. Rathje pointed out the property is 2.5 times the minimum R-3, single family residential lot area standard and 1.58 times the Subdivision Control Ordinance minimum lot depth standard. To refuse the requested lot width exception especially considering the basic trend of development places somewhat of a hardship on a property owner to maintain that much additional land area above the zoning district minimums considering the other factors in the area.

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

Mr. Rathje stated the approval of a lot width exception does not reduce the developability of the subject property as there will be adequate separation between buildings as insured by the application of the standard yard requirements of the Zoning Ordinance. The concept of the Subdivision Control Ordinance is to create reasonably sized lots so that they can be developed in a reasonable manner. Mr. Rathje noted 60 feet is still reasonable.

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

The analysis of the typical lot width areas certainly shows that the characteristic of the locality is strongly represented by 60 foot lots. Given the nature of this particular exception being a lot width exception, the resulting lots would not have any inconsistency with the essential character of the locality.

In conclusion, Mr. Rathje advised the Planning Staff would recommend that the Plan Commission forward a positive recommendation to the Village Council to approve the proposed lot split including the requested lot width exception for the reasons contained in the Staff report. This recommendation is being made subject to the requirement that the existing residence and the accessory shed is to be razed prior to the issuance of building permits for any new residences on the resulting parcels.

Chairman Jirik thanked Mr. Rathje for the thorough analysis and indicated it was time to move on to the public participation portion of the meeting. He asked if anyone present tonight wished to speak for or against this petition. There was no response, and Chairman Jirik declared the public participation portion of the hearing closed.

Chairman Jirik asked if there were any questions or comments from the Plan Commission members. Mr. Matejczyk asked Mr. Rathje what the setbacks are for the current lot. Mr. Rathje responded the R-3 zoning district presumes that the minimum setbacks would be

based on a house with a height of 20 feet or less as measured to the mean of the roof. On that basis, the front yard setback would be a minimum of 30 feet, the rear yard setback would be a minimum of 20 feet, the side yard setback, assuming an attached garage, would be 5 feet on either side. If there is a detached garage, then one side yard would be required to be 10 feet in width in order to allow passage of a vehicle. Mr. Rathje further advised if a house taller than 20 feet is to be built, the Ordinance requires a greater setback to mitigate against the height. The front yard must be increased by one foot for every two feet of building height over 20 feet; the side and rear yards must be increased one foot for each one foot of building height over 20 feet. The taller the house, the smaller the buildable area and the greater the distance between the property line and the neighbor's property.

Mr. Matejczyk commented he lives in the northwest area of the Village and as the value of the land goes up the impetus is to build larger, more expensive structures on a lot. Although most of the lots in this area tend to be 60 feet wide, most of the houses on Stonewall are older homes. As these parcels are redeveloped, the trend in the area is to build larger homes bulking up to the setback limits. Mr. Matejczyk pointed out he is not saying this is bad or good.

Mr. Rathje responded one of the advantages of our Ordinance over one of our neighboring communities to the east which has been criticized very freely, is that a lot of the development that gendered the criticism was based on either a builder's ability to maintain the same often times non-conforming building setbacks of the buildings which had been razed or because they had more static yard requirements that did not take into account the taller you build, the bigger the yard that had to be provided. Mr. Rathje noted Downers Grove's requirements create some reasons not to go to tall because for every one foot of building height over 20 feet, you lose two feet of buildable width and a foot and one-half of buildable depth. For a lot the size of the subject property, the buildable depth is really not an issue because typically such a lot is very deep, but the buildable width issue really runs very quickly into creating an issue of how much usable volume space can be achieved within the structure from north to south if the structure is proposed to be inordinately tall. Mr. Rathje explained the Code Services staff regularly sees significant modification to roof lines by developers in order for a house to fit onto a lot. He noted a roof line can really create a sense of bulk.

Mrs. Reynolds commented there are a lot of older homes being razed, but the new homes being built under these setback requirements are, in her opinion, very nice. Mrs. Reynolds stated she does not find any fault with the current situation at all.

Mr. Rathje pointed out the initial impression of a new house is equivalent to the size of a teenager's nose, ears or chin. Once the teenager has matured, these features take a proper form. The same is true of a new house. There is a softening factor to the visual impression of a house when landscaping and trees are added around a new home. Mr. Rathje pointed out if we looked at a number of older homes in Downers Grove and stripped them of all their vegetation these homes would have the same characteristics of appearing to be disproportionately tall or somehow otherwise objectionably bulky.

Mr. Matejczyk pointed out, as these new homes are being constructed in this northwest neighborhood, the trees are getting thinner. The trees in the northwest area make the neighborhood. When a small home is torn down and replaced with a larger home, trees come down. The character of the neighborhood is now changing.

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

MOTION: MR. WAECHTLER MOVED WITH RESPECT TO FILE NO. 1053 - LOT SPLIT, THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL REGARDING THE APPROVAL OF THE REQUESTED LOT SPLIT INCLUDING THE PETITIONER'S REQUEST FOR AN EXCEPTION TO REDUCE THE WIDTH OF THE RESULTING LOTS FROM THE UNDERLYING SUBDIVISION CONTROL ORDINANCE MINIMUM LOT WIDTH STANDARD OF 75 FEET TO 60 FEET. THIS RECOMMENDATION IS BEING MADE SUBJECT TO THE REQUIREMENT THAT THE EXISTING RESIDENCE AND THE ACCESSORY SHED ARE TO BE RAZED PRIOR TO THE ISSUANCE OF BUILDING PERMITS FOR ANY NEW RESIDENCES ON THE RESULTING PARCELS AND THAT STANDARD SETBACK REQUIREMENTS OF THE ZONING ORDINANCE BE MET. MR. MATEJCZYK SECONDED THE MOTION.

Chairman Jirik asked if there were any questions regarding the content of the motion. There were none. Chairman Jirik next asked if there was any discussion on the motion. There was no response.

Chairman Jirik called for a vote.

MOTION: AYE: Mr. Waechtler, Mr. Matejczyk, Mr. Fluck, Mr. McCombs, Mr. McCormick, Mrs. Reynolds, Chairman Jirik

NAY: None

The motion passed unanimously.

Chairman Jirik stated the Plan Commission's recommendation would be forwarded to the Village Council for final action. Anyone who wishes to follow the progress of this recommendation should contact Staff. Mr. Rathje advised this petition is anticipated to be workshopped by the Village Council on November 28, 2000.

FILE NUMBER 1054: **LOT RECONFIGURATION** (petition includes a lot area exception for each proposed lot) - Property located on the north side of Davis Street, approximately 145 feet east of Douglas Road, commonly known as 436 and 442 Davis Street, Downers Grove, IL (PIN 09-05-417-014, -015 and 016); Sue Robertson and Ed Mazurowski, Owners; Daniel Niemeyer, Attorney and Petitioner.

Chairman Jirik asked if there was a representative of the petitioner present to explain the nature of the petition.

Mr. Edward Mazurowski, owner of 436 Davis Street, Downers Grove, Illinois explained that his attorney Mr. Niemeyer would not be present this evening. Mr. Mazurowski stated Ms. Sue Robertson, who owns 442 Davis Street, is also present. Mr. Mazurowski explained there are two parcels consisting of five, 30 foot wide lots, all of which are 132 feet deep. Mr. Mazurowski pointed out the center lot, which is owned by Ms. Robertson, does not have any buildings on it. Mr. Mazurowski explained that he and Mrs. Robertson are asking for a lot reconfiguration which would split the center 30 foot wide lot into two 15 foot wide pieces with the westerly 15 feet being retained by Ms. Robertson and the easterly portion being transferred to Mr. Mazurowski. He said that this reconfiguration would make both Mr. Mazurowski's and Ms. Robertson's parcels each 75 feet wide by 132 feet deep. Mr. Mazurowski pointed out his lot is currently 60 feet wide by 132 feet deep, and Ms. Robertson's lot is 90 feet wide by 132 feet deep. Mr. Mazurowski stated as the purchaser of the 15 foot wide section, he is planning on tearing down a dilapidated, two-car garage that is currently on his property and building a new garage, moving it over five feet onto this 15 foot portion. This would allow a ten foot side yard between the garage and the new property line.

As Staff's presentation, Ms. Gibb stated the petitioner is seeking approval of a lot reconfiguration petition involving three contiguous lots that are located on the north side of Davis Street approximately 145 feet east of Douglas Road. The petitioner wishes to convey the easterly 15 feet of the westerly parcel to the easterly parcel.

Ms. Gibb explained the westerly lot is comprised of three parcels, each measuring 30 feet in width by 132 feet in depth, and the lot has overall dimensions of 90 feet in width and 132 feet in depth with a lot area of 11,880 square feet. The lot is improved with a two-story, single family residence which is located approximately 23.95 feet east of the westerly property line as measured at the southwest corner of the structure, and a detached garage which is located approximately 6.3 feet east of the westerly property line as measured at its southwest corner.

Ms. Gibb noted the easterly parcel is comprised of two lots, each measuring 30 feet in width by 132 feet in depth and has overall dimensions of 60 feet in width and 132 feet in depth with a lot area of 7,920 square feet. The lot is improved with a two-story, single family residence as well which is located approximately 2.7 feet west of the easterly property line as measured at its northeast corner, and a detached garage which is located

approximately 33.9 feet west of the easterly property line as measured at its northeast corner.

Ms. Gibb explained the petitioner's request is to reconfigure the subject parcels by conveying the easterly 15 feet of the westerly lot to the easterly lot. If approved, the lot reconfiguration will result in two lots with the following characteristics: The westerly lot will have its width reduced from 90 feet to 75 feet, its depth will remain the same at 132 feet, and its area will be reduced from 11,880 square feet to 9,900 square feet. Ms. Gibb pointed out the easterly lot will have its width increased from 60 feet to 75 feet, its depth will remain the same at 132 feet, and its area will be increased from 7,920 square feet to 9,900 square feet.

Ms. Gibb advised the subject lots are located within the R-4, Single Family Residence zoning district. This zoning district has a minimum lot width requirement of 50 feet and a minimum lot area requirement of 7,500 square feet. The Subdivision Control Ordinance, however, requires a larger minimum lot width and lot area for newly created lots. Pursuant to Section 20-301 of the Subdivision Control Ordinance, the minimum required lot width for newly created lots in the R-4 District is 75 feet, the minimum required lot area is 10,500 square feet, and the minimum required lot depth is 140 feet.

As the existing lot depth of 132 feet on both lots is not proposed to be altered as part of the lot reconfiguration request, Ms. Gibb explained Section 20-601(c) of the Subdivision Control Ordinance would permit the lot reconfiguration without seeking exceptions to the lot depth requirement of 140 feet of Section 20-301(e)2, as the lot reconfiguration will not result in an increase to the existing lot depth non-conformity. However, as neither of the resulting lots will meet the minimum required 10,500 square feet in lot area, the petitioner is seeking approval of lot area exceptions under the provisions of Section 20-602 of the Subdivision Control Ordinance.

With respect to the lot area exceptions, Ms. Gibb stated the proposed westerly lot will require a lot area exception to permit its lot area to be reduced from 11,880 square feet to 9,900 square feet in lieu of the minimum required 10,500 square feet, a deviation of 5.71%. Even though the lot area of the proposed easterly lot will increase from 7,920 square feet to 9,900 square feet, a lot area exception from the minimum required 10,500 square feet is still required which is a deviation of 5.71%.

Ms. Gibb continued Section 20-602(b) of the Subdivision Control Ordinance provides the criteria for the evaluation of an exception. There are five criteria to be considered.

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

Ms. Gibb stated it is the Planning Staff's opinion that the reconfiguration of the subject lots as proposed with lot areas of 9,900 square feet each should not have any negative impact either on the value or reasonable use of surrounding lots. The reconfiguration of

the subject lots including the requested exceptions will in no way reduce or eliminate the zoning obligations such as the provision for required yards or the provision of adequate setbacks for existing or proposed structures.

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

Ms. Gibb advised the area in which the subject lots is located has a fair degree of diversity with respect to lot area. The trend of development in the area is characterized by lots that were originally divided well prior to the adoption of the current Zoning and Subdivision Control Ordinances, with a consistent depth of 132 feet for the entire block, and with widths of either 30 feet or 25 feet. This type of division originally allowed purchasers to consolidate two or perhaps three of the lots depending upon their desires in terms of house size and yard size. The result is an area comprised of parcels varying in width generally from 55 to 95 feet, and varying in area generally from 7,260 square feet to 12,540 square feet.

Ms. Gibb pointed out on the north side of Davis Street bounded by Douglas Avenue on the west and Fairview Avenue on the east, there are eight lots; one lot with an area of 12,540 square feet, two lots with areas of 11,220 square feet, four lots with areas of 7,920 square feet, and one lot with an area of 7,260 square feet. On the south side of Davis Street on the same block, there are eleven lots; two lots with areas of 7,260 square feet, seven lots with areas of 7,920 square feet, and two lots with areas of 11,880 square feet. At 9,900 square feet in area, both of the proposed lots will fall within the range existing within the neighborhood.

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

Ms. Gibb state the principal character of the properties which tends to support the requested lot reconfiguration is the location of the houses already existing on the two properties in their current configuration. The center lot, which is 30 feet in width, is proposed to be divided between the two neighboring property owners with no new lots being created.

Ms. Gibb indicated if the lot reconfiguration is approved, the side yards for both residences will exceed the minimum required side yard of five feet. The residence on the westerly lot will maintain a side yard of approximately 25 feet. The side yard of the residence on the easterly lot will increase from approximately 32 feet to approximately 47 feet, and the side yard of the detached garage will increase from 5.35 feet at its closest point at its southwest corner, to 20.35 feet. Ms. Gibb noted any new construction on the lot would be subject to the minimum setback requirements established in the Zoning Ordinance. If the petitioner intends to tear down the existing detached garage, the side and rear yard requirements will have to be met.

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

Ms. Gibb explained the Planning Staff is of the opinion that the requested lot area exceptions would be in conformance with the general plan and spirit of the provisions of the Subdivision Control Ordinance as each of the resulting parcels can support substantially sized residences as well as detached accessory structures while still meeting the standards of the Zoning Ordinance. Additionally, the proposed lot reconfiguration increases the lot area of the easterly lot, bringing it closer to the minimum lot area as required for newly created lots.

(5) WHETHER THE EXCPTION WILL ALTER, OR BE CONSISTENT WITH, THE ESSENTIAL CHARACTER OF THE LOCALITY;

Ms. Gibb concluded the resulting lots will, for all intents and purposes, appear to be in character with the lot sizes that are typical of the surrounding area.

Ms. Gibb stated the Planning Staff recommends that the Plan Commission forward a positive recommendation to the Village Council for the proposed lot reconfiguration and the associated lot area exceptions for each resulting lot for the reasons contained in the Staff findings.

Chairman Jirik asked if there was anyone in the audience who wished to speak for or against this petition. There was no response. Chairman Jirik closed the public participation portion of the meeting.

Chairman Jirik asked the Plan Commission members if they had any questions or comments.

Mr. Waechtler expressed appreciation to the Staff for the breakdown of the different size lots in the area as part of the review of Exception No. 2. He stated he found the specific examples very helpful.

As there were no further questions or comments, Chairman Jirik called for a motion.

MOTION: MRS. REYNOLDS MOVED WITH RESPECT TO FILE NO. 1054 – LOT RECONFIGURATION FOR PROPERTY LOCATED ON THE NORTH SIDE OF DAVIS AT 436 AND 442 DAVIS, THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE PROPOSED LOT RECONFIGURATION AND ASSOCIATED LOT AREA EXCEPTIONS FOR EACH OF THE RESULTING LOTS. BOTH LOTS MEET THE MINIMUM LOT WIDTH REQUIREMENT OF THE SUBDIVISION CONTROL

ORDINANCE ALTHOUGH THE WESTERLY LOT WIDTH AND AREA DECREASES AND REQUIRES AN EXCEPTION FOR ITS LOT AREA. THE WIDTH OF THE EASTERLY LOT WILL INCREASE BRINGING IT CLOSER TO THE MINIMUM LOT AREA REQUIREMENT OF THE SUBDIVISION CONTROL ORDINANCE. MR. MCCORMICK SECONDED THE MOTION.

Chairman Jirik asked if there were any questions regarding the intent of the motion. There were no questions. He then asked if there was any discussion regarding the motion. As there was no response, Chairman Jirik called for the vote.

MOTION: AYE: Mrs. Reynolds, Mr. McCormick, Mr. Fluck, Mr. Matejczyk, Mr. McCombs, Mr. Waechter, Chairman Jirik

NAY: None

The motion passed unanimously.

Chairman Jirik stated the Plan Commission's recommendation would be forwarded to the Village Council for final action. Anyone who wishes to follow the progress of this recommendation should contact Staff.

Chairman Jirik asked the Plan Commission members if there was any interest among the Plan Commission members to schedule a meeting to discuss policy and procedures and how the Plan Commission is doing. There was no interest expressed by the Plan Commission members as the consensus was that Village policies and procedures with regard to the Plan Commission's responsibilities are working satisfactorily.

Mrs. Reynolds asked why there are so many lot exceptions in neighborhoods with narrower lots. She noted that the Subdivision Control Ordinance states newly created lots have to be 75 feet wide. She questioned if there is any way around that, or does the petitioner always have to apply for an exception. Mr. Rathje explained the way the Ordinance is currently structured, there is no way around it. He recalled that the Plan Commission reviewed the Subdivision Control Ordinance over a 7 month period in 1997 at which time the Staff asked the Commission if the R-4, single family zoning district requirements of 50 foot wide lots and 7,500 square feet lot area should be the norm for newly created lots in that zoning district. It was decided to hold to 75 feet and 10,500 square feet even for lots zoned R-4, single family residential. The Village Council accepted the Plan Commission's amendments in 1998. Mrs. Reynolds commented that such a strict regulation seems to cause a big hardship for a large number of property owners. Mr. Rathje pointed out the hardship of having to seek approval of exceptions is really more in added time because the lot split or lot reconfiguration not only has to go to the Plan Commission but also to the Village Council for final approval. Mr. Rathje noted with a lot reconfiguration there is the possibility of a lot area exception. If a petitioner comes in either for a subdivision or a lot split seeking either a lot width or a lot depth exception, there cannot also be a lot area exception.

Mr. Rathje noted this is something the Plan Commission could revisit if the members felt there is an issue that should be reopened with the Village Council.

Mr. Waechtler asked if Staff felt there was anything the Plan Commission should be addressing. Mr. Rathje complimented the Commission members on the good job that they consistently do. He suggested that members might want to consider attending a Village Council Workshop meeting to see how the Council reacts to and deals with some of these Plan Commission petitions. Plan Commission members may gain some benefit by seeing what is important to the Village Council with respect to certain aspects of the various type of petitions especially for the benefit of creating a good record of the Commission's proceedings and the Commission members' decision-making process. Mr. Rathje complimented Chairman Jirik on the good job he does to clarify specific points of some of the more difficult petitions the Plan Commission hears.

Mr. Matejczyk asked if the Village Council members review the minutes ahead of time. Mr. Rathje responded the Village Council members are provided with a copy of the Plan Commission minutes as well as the Staff findings, and he is sure that these records are carefully reviewed based upon the level of understanding that the Council always has.

As there was no further business, Chairman Jirik called for a motion to adjourn. **Mr. McCombs moved to adjourn the meeting, and Mrs. Reynolds seconded the motion. The motion passed unanimously.** The meeting adjourned at 8:25 p.m.