

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

Call to order

Chairman Beggs called the meeting to order at 7:32 PM.

Roll call

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

Approval of minutes of June 27, 2001 meeting

Chairman Beggs asked if there were any corrections or additions to the minutes as submitted.

Mr. Sleeter said that on page 1, approximately 3/4 of the way down the page, it should read that he had agreed "not" to vote on the minutes.

There being no further changes, Chairman Beggs called for a Motion to approve the minutes as corrected

Mr. Sleeter moved to approve the minutes of June 27, 2001 as corrected. Mr. Lukas seconded the motion.

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

Chairman Beggs declared the motion carried.

Meeting procedures

Chairman Beggs explained the procedures to be followed for the meeting, reviewing the petition before the Board. He explained that the petition involved one large group of properties that are being considered for rezoning, and in this particular situation, Staff and the petitioner are one and the same. He asked anyone in the audience who intended to testify regarding the petition in this public hearing to rise and be sworn in.

Chairman Beggs then asked Ms. Browne to read the published public hearing notice.

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MC-9-01. A petition to rezone certain properties within the Downers Grove Estates and Meadow Lawn Subdivisions located generally south of the intersection of 63rd Street and Main Street. Village of Downers Grove, 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, July 25, 2001 in the Council Chambers of the Village Hall, 801 Burlington Avenue, Downers Grove, Illinois to consider a petition seeking rezoning of certain properties in Downers Grove Estates, Meadow Lawn and Busek’s First Survey Subdivisions which are generally located South of the intersection of 63rd and Main Streets, between 63rd Street on the North and 67th Street on the South, and between Saratoga Avenue on the West and Washington Street on the East. This petition also includes the Divine Savior Church located at the Southwest corner of the intersection of 67th and Main Streets.

The following properties are proposed to be rezoned from Village R-1, Single Family Residence District to Village R-4, Single Family Residence District:

Lots 5, 6, 7, 11, 16 & 17 in Block 2 in Downers Grove Estates being a subdivision of the West Half of the Northwest Quarter of Section 20, Township 38 North, Range 11, East of the Third Principal Meridian in DuPage County, Illinois; (Permanent Index Numbers 09-20-100-001, -005, -006, -007, -015, and -016); and

Lots 6, 7, 13, 14, 15, 16, 17, 18, 19, 21 & 22 in Block 3 in Downers Grove Estates being a subdivision of the West Half of the Northwest Quarter of Section 20, Township 38 North, Range 11, East of the Third Principal Meridian in DuPage County, Illinois; (Permanent Index Numbers 09-20-101-013, -014, -015, -016, -017, -018, -019, -021, -022, -025, and -026); and

Lots 4, 13, 15, 16, 17, 18, 22 & 23 in Block 4 in Downers Grove Estates being a subdivision of the West Half of the Northwest Quarter of Section 20, Township 38 North, Range 11, East of the Third Principal Meridian in DuPage County, Illinois; (Permanent Index Numbers 09-20-108-002, -010, -011, -012, -013, -022, and -024); and

Lots 4, 5, 8, 9, 17, 18, 19, 20, Lot 21 and the West Half of Lot 22 in Block 5 in Downers Grove Estates being a subdivision of the West Half of the Northwest Quarter of Section 20, Township 38 North, Range 11, East of the Third Principal Meridian in DuPage County, Illinois; (Permanent Index Numbers 09-20-109-006, -010, -011, -014, -019, -020, -022 and -023); and

Lot 1 and the East 18 feet of Lot 2, Lots 3, 4 and the West 35 feet of Lot 2, and Lots 6, 7, 9, 17, 18, 19, and 20 in Block 6 in Downers Grove Estates being a subdivision of the West Half of the Northwest Quarter of Section 20, Township 38 North, Range 11, East of the Third

Principal Meridian in DuPage County, Illinois; (Permanent Index Numbers 09-20-102-003, -005, -006, -008, -009, -010, -011, -012, -018, -020, -024, and -025); and

Lot 2, Lot 3 and the East 40 feet of Lot 4, Lot 5 and the West 13 feet of Lot 4, Lots 7, 8, 9, 14, 15, 16, 17, 18 & 19 in Block 7 in Downers Grove Estates being a subdivision of the West Half of the Northwest Quarter of Section 20, Township 38 North, Range 11, East of the Third Principal Meridian in DuPage County, Illinois; (Permanent Index Numbers 09-20-103-003, -004, -005, -012, -013, -014, -015, -016, -020, -021, and -022); and

Lots 2, 6, 7, 8 and Lot 10 and the West Half of Lot 9, and Lots 20 and 21 in Block 8 in Downers Grove Estates being a subdivision of the West Half of the Northwest Quarter of Section 20, Township 38 North, Range 11, East of the Third Principal Meridian in DuPage County, Illinois; (Permanent Index Numbers 09-20-110-008, -009, -015, -019, -023, -024, -025); and

Lot 23 in Block 9 in Downers Grove Estates being a subdivision of the West Half of the Northwest Quarter of Section 20, Township 38 North, Range 11, East of the Third Principal Meridian in DuPage County, Illinois; (Permanent Index Number 09-20-111-017); and

Lot 13 in Block 11 in Downers Grove Estates being a subdivision of the West Half of the Northwest Quarter of Section 20, Township 38 North, Range 11, East of the Third Principal Meridian in DuPage County, Illinois; (Permanent Index Number 09-20-105-012); and

Lots 1, 3, 6 & 7 in Block 12 in Downers Grove Estates being a subdivision of the West Half of the Northwest Quarter of Section 20, Township 38 North, Range 11, East of the Third Principal Meridian in DuPage County, Illinois; (Permanent Index Numbers 09-20-112-007, -008, -018, and -020); and

Lots 5, 6, 17 & 20 in Block 13 in Downers Grove Estates being a subdivision of the West Half of the Northwest Quarter of Section 20, Township 38 North, Range 11, East of the Third Principal Meridian in DuPage County, Illinois; (Permanent Index Numbers 09-20-113-008, -011, -019, and -020); and

Lots 9, 10, 12, 13, 16, 20 & 21 in Block 14 in Downers Grove Estates being a subdivision of the West Half of the Northwest Quarter of Section 20, Township 38 North, Range 11, East of the Third Principal Meridian in DuPage County, Illinois; (Permanent Index Numbers 09-20-106-002, -003, -016, -019, -020, and -022).

The following properties are proposed to be rezoned from Village R-1, Single Family Residence District to Village R-3, Single Family Residence District:

The North 10 acres of the West Half of the Southwest Quarter of Section 20, Township 38 North, Range 11, East of the Third Principal Meridian, except: the East 50.00 feet and West

35.00 feet of said North 10 acres, all in DuPage County, Illinois, also: the South 40.00 feet of the West Half of the Northwest Quarter of Section 20, Township 38 North, Range 11, East of the Third Principal Meridian, except: the West 50.00 feet and the East 50.00 feet therefrom; also except the South 40.00 feet of said West Half lying South of Lots 22 and 23 in Block 13 of Downers Grove Estates subdivision all in DuPage County, Illinois; (Permanent Index Number 09-20-200-012); and

Lots 8, 14, 15, 20, 21 & 22 in Downers Grove Meadow Lawn being a subdivision of the East Half of the Northwest Quarter of Section 20, Township 38 North, Range 11, East of the Third Principal Meridian, in DuPage County, Illinois; (Permanent Index Numbers 09-20-114-003, -011, and -012; 09-20-115-009; 09-20-118-004 and -005); and

Lot 1 in Busek's First Survey being a subdivision of the East Half of the Northwest Quarter of Section 20, Township 38 North, Range 11, East of the Third Principal Meridian in DuPage County, Illinois; (Permanent Index Numbers 09-20-119-001 and -007).

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Community Information Officer (630) 434-5550 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. Please call (630) 434-5531 with questions regarding this rezoning petition. The hearing may be continued from time to time without prior public notice. Zoning Board of Appeals, Gregory Beggs, Chairman. Published in the Downers Grove Reporter Friday, July 6, 2001.

Ms. Browne noted that the public hearing notice was exceptionally long, and she summarized the notice. She then presented the petition on behalf of the Village of Downers Grove for rezoning of the properties in the vicinity of 63rd Street and Main Street.

Ms. Browne stated that the Village was acting as petitioner in this proposal to rezone certain recently annexed properties within the Downers Grove Estates and Meadow Lawn Subdivisions located generally south of the intersection of 63rd Street and Main Street.

Ms. Browne noted that the Downers Grove Estates and Meadow Lawn Subdivisions were developed under the jurisdiction of DuPage County. The annexation of certain properties within these subdivisions was the result of pre-annexation agreements which were signed by the owners of the properties in order to connect to Village water services. The properties that comprise the subject area were annexed into the Village on May 15, 2001 and were zoned R-1, Single Family Residential upon their annexation pursuant to Section 28-402 of the Zoning Ordinance. She said the proposed rezoning of the annexed properties is being sought by the Village in order to make the underlying zoning district requirements more consistent with the lot sizes of the properties and the setback characteristics of the existing residences.

Ms. Browne described the location of the Downers Grove Estates Subdivision as west of Main Street and east of Saratoga Avenue, south of 63rd Street and north of 67th Street. The subdivision consists of approximately 236 residential properties, the Community Bible Church, and three commercial properties located at the southwest corner of the intersection of 63rd and Main Streets. Within this subdivision, 61 residential properties and the Community Bible Church were annexed on May 15, 2001, and are proposed to be rezoned from R-1, Single Family Residence to R-4, Single Family Residence.

Ms. Browne then described the location of the Meadow Lawn Subdivision as east of Main Street and south of 63rd Street, and including properties fronting on Washington Street and Meadowlawn Avenue. The subdivision consists of 29 residential properties, as well as two commercial properties located at the southeast corner of the intersection of 63rd and Main Streets. The area also consists of the Busek's First and Second Subdivisions, which are comprised of three lots total. Within this area, 8 residential properties were annexed on May 15, 2001, and are proposed to be rezoned from R-1, Single Family Residence to R-3, Single Family Residence.

In addition, Ms. Browne explained that the unincorporated area also included the 10 acre property located at the southwest corner of the intersection of 67th Street and Main Street, which is owned and occupied by the Divine Savior Church. This property has also been annexed and is proposed to be rezoned from R-1, Single Family Residence to R-3, Single Family Residence. She noted that the two church uses are classified as Special Uses in the R-1 through R-5 Zoning Districts. When annexed, such uses are considered to be lawful special uses pursuant to the provisions of Section 28-1202(f) of the Zoning Ordinance.

Ms. Browne noted that the R-1 Zoning District which was assigned to the subject properties upon annexation carries a minimum lot area requirement of 20,000 square feet; a minimum lot width requirement of 100 feet; and a front yard setback requirement of 40 feet plus one additional foot of setback for every two feet in average height over 20 feet.

With respect to the properties within the Downers Grove Estates Subdivision on the west side of Main Street, Ms. Browne said that the properties which front the east-west streets are typically 50 to 53 feet in width and approximately 155 feet in depth, with lot areas of approximately 7,750 to 8,215 square feet in area. The properties which front Main Street are typically approximately 60 feet wide and 131 feet in depth, with lot areas of approximately 7,860 square feet. Residences in this area were constructed with typical front setbacks of approximately 30 feet.

With regard to the proposed R-4 District for the properties within the Downers Grove Estates Subdivision on the west side of Main Street, Ms. Browne said that zoning classification carries a minimum lot area requirement of 7,500 square feet; a minimum lot width requirement of 50 feet; and a front yard setback requirement of 25 feet plus one additional foot of setback for every two feet in average height over 20 feet.

Ms. Browne then described the properties within the Meadow Lawn and Busek's First Subdivisions on the east side of Main Street as typically 95 to 100 feet in width, 185 to 190 feet in depth, with lot areas of approximately 18,500 to 19,000 square feet. She noted that residences in this area were constructed with typical front setbacks ranging from 30 to 40 feet.

The properties within the Meadow Lawn and Busek's Subdivision on the east side of Main Street, as well as the property occupied by the Divine Savior Church at the southwest corner of the intersection of 67th Street and Main Street are proposed to be rezoned to R-3, Single Family Residential. Ms. Browne said this district carries a minimum lot area requirement of 10,500 square feet; a minimum lot width requirement of 75 feet; and a minimum front yard setback requirement of 30 feet plus one additional foot of setback for every two feet in average height over 20 feet.

Ms. Browne informed the Board that on July 3, 2001, the Village Council adopted the Ordinance annexing the remaining unincorporated properties in the area, but has delayed the effective date of the annexation until after January 1, 2002. At such time as the remaining unincorporated properties are annexed, another petition for rezoning will be pursued by the Village, thereby completing the rezoning of the entire area.

Ms. Browne concluded that the Planning Staff is of the opinion that the proposed rezoning will make the underlying zoning district requirements more consistent with the lot sizes of the properties and the setback characteristics of the existing residences. The proposed rezoning is also consistent with the provisions of the Village's Future Land Use Plan.

Mr. Lukas asked why some properties were being annexed and rezoned now, and others at a later date. Ms. Browne explained that the Legal Department had indicated to Staff that there were certain pre-annexation agreements that had expiration dates, and in order for them to remain effective, the Council had to act on them prior to their expiration. The Legal Department's recommendation was to annex only those properties which were still owned by the person who signed the pre-annexation agreement, and that were collectively or individually contiguous to the existing municipal limits. That annexation decreased the remainder of the unincorporated area to less than 50 acres, and because the unincorporated area was then less than 60 acres, the Village could annex the remainder of the properties pursuant to State Statute.

Mr. Sleeter asked whether the properties have to be surrounded by the Village land and Ms. Browne replied that yes, they do. She explained that with the execution of the signed pre-annexation agreements, the annexation essentially from the outside fringe of the unincorporated area and worked its way in. As properties with signed pre-annexation agreements touched one another or were immediately across the street from one another, those agreements were acted upon.

Ms. Browne further explained that there are properties in the center of the unincorporated area that have Village water, but they could not be annexed in the first phase because they were not contiguous. There are also properties which have changed hands since the pre-annexation agreements were signed,

many of which have Village water connections. And, there are also properties that have no signed agreements that are still operating on their private well and/or septic systems.

Ms. Browne clarified that the properties that are the subject of this rezoning petition are only those properties that were annexed back in May. When the Council delayed the effective date of the remainder of the area to be annexed, Staff was instructed to pursue the rezoning of the annexed properties to avoid situations where any planned construction projects might be affected by the increased setback requirements in the default R-1 zoning district.

Mr. Domijan said that the map does not agree with the list of addresses of the properties to be rezoned, specifically in the area of 63rd Street east of Main. Mr. Domijan said that the property with an address of 941 63rd Street appears on the address list but does not appear on the map. Ms. Browne said that the map is accurate, and the property was listed on the address list by mistake. That property was annexed in the first phase in May, but is occupied by a commercial use. Rather than rezone it from R-1, which it was rezoned upon annexation, to R-3, it will remain zoned R-1 only until the second phase of the annexation is proposed for rezoning. There are other commercial properties that will have to be rezoned to B-2, and this property will be included with that future rezoning. Ms. Browne clarified that the second phase of the annexation will be rezoned shortly after the annexation becomes effective in January of 2002.

Mr. Domijan asked if this address should be stricken from this rezoning petition, and Ms. Browne said they should. Chairman Beggs asked if there were any others on the list that have been stricken and Ms. Browne responded that 941 is the only one. Staff caught this error before the maps were distributed, but the necessary change to the address list simply had not been picked up.

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

Mr. Eric Johnson of 6614 Main Street said they just moved in May 5th, and he was of the impression that they were already annexed when he moved in. He never received any literature and asked for clarification as to his status. Ms. Browne said his property has been annexed. Mr. Johnson then asked whether this would affect his taxes, and Chairman Beggs explained that the Zoning Board of Appeals does not have the authority to declare what will happen with the taxes. Ms. Browne said his taxes would now be assessed at the municipal tax rate. She suggested that he contact the Assessor's Office to make tax-related inquiries.

Mr. Johnson asked why he did not receive any information regarding the annexation. Ms. Browne said that the numerous mailings that were distributed by the Village were sent to the landowner of record, which at that time was the previous owner. She said that if Mr. Johnson acquired this property on the 5th of May, the property owner information which we obtain from the Township Assessor to produce our mailing lists would still have indicated the previous owner as the lot owner of record. At Mr. Johnson's request, Ms. Browne provided general information as to the additional services that the

annexation of his property would bring to him as a Village resident, including non-resident Library and Park District fees, as well as municipal fire and police protection.

Mr. George Petrukovich of 1020 Adelia asked if he was currently in the Village. Ms. Browne said that his property is in the area where the annexation will become effective January 1, 2002. He asked why there was no vote to annex his property since this was negotiated in 1985, and said there should be a vote. He asked whether it is mandatory to connect to the sewer. Ms. Browne said that although she could not speak for the Downers Grove Sanitary District as they are a separate governmental entity, she understood that as long as a private septic system was operational, connection to the sanitary sewer line was not mandatory.

Mr. Holous of 6364 Main Street asked what the annexation would bring and Ms. Browne repeated he would be eligible for municipal fire and police services, as well as resident status for Library and Park District fees. She noted that taxes would be established at the municipal rate per the assessed valuation of the property. She said that she would provide him with a chart which has been prepared by the Village's Finance Department regarding the municipal tax rates.

Mr. Holous asked if the Village would correct the problem with the mailboxes when it is time for snow plowing. Their mailboxes are plowed in and they have trouble receiving their mail. Ms. Browne said she believed the plowing of Main Street is not performed by the Village, as it is not a Village maintained street. The Village will, however, be taking over the responsibility of the interior streets.

Ms. Karen Dietschweiler of 6323 Washington, said her home is adjacent to Park District property. She said she and her husband were happy being under the Darien Fire Protection, as they had a choice of hospitals to go to in an emergency that required ambulance service. She said that right now, the County plows their streets right away, and she feels that when they are annexed, their streets will be the last to be plowed. She said that they will now be paying more taxes not by their choice.

Ms. Dietschweiler asked if she was now annexed, whether there was some rule regarding how far things can be from her property line, as the driveway for the Park District is less than 15 feet from her bedroom windows. The driveway was installed when she was unincorporated, and she believes it is too close to her property line, and she asked whether the annexation will obtain some assistance for her in getting the Park District to move their driveway. Chairman Beggs explained that the question before them this evening was not one of annexation, but one of the rezoning of certain properties that were recently annexed.

Mr. Dietschweiler then came forward and stated that the Park District driveway has contributed to, if not caused flooding on their property. Both Mr. and Mrs. Dietschweiler were opposed to the annexation and rezoning. They were particularly concerned about the setback situation with the Park District driveway and hoped to obtain some assistance with that problem. Chairman Beggs explained again what the jurisdiction of this Board was in relation to that situation, noting that the primary purpose for this hearing was with regard to the rezoning of the subject properties in order for them to be consistent with the Zoning Ordinance.

Mr. Domijan said he understood the Dietschweilers' question to be whether the access was granted to the Park District because the Dietschweiler's were in the County when the driveway was installed, and whether now that they are in the Village, will the driveway be required to be relocated. For clarification, the location of the Dietschweiler property and of the Park District property was pointed out on the zoning map. Chairman Beggs explained that the Board was considering only what was on Ms. Dietschweiler's property, which when rezoned, will have a front setback requirement of 30 feet.

Ms. Dietschweiler said if the setback is supposed to be 30 feet, the Park District must be in violation. Ms. Browne explained that the setback that Chairman Beggs referred to does not apply to the driveway, as it is not a structure under the terms of the Zoning Ordinance. Mr. Dietschweiler said the Park District laid 4" of blacktop, which created a dam which causes flooding on their property. Chairman Beggs said staff would provide the Dietschweiler's with the zoning information regarding the distance of a roadway from a property line. He indicated that if they object to the annexation, that is not the question before the Zoning Board tonight.

Mr. White said whether or not the property is annexed is decided by the Village Council, which is above the Zoning Board of Appeals. The Board's only consideration is to determine what zoning is appropriate for the properties now that they are annexed.

Ms. Dietschweiler asked whether they would be required to hook into the Village water and sewer. Ms. Browne said that a private well can continue to be utilized until it fails. If the well should dry up or fail for some reason, a new well can not be drilled and the existing well can not be dug any deeper. It is at that point connection to the municipal water line would be required. Regarding septic, it is her understanding that the same general rules apply, in that once the system fails, connection to the sanitary line would be required. Mr. Dietschweiler said their price for connection is ridiculous. Ms. Browne indicated again that the Downers Grove Sanitary District is a separate governmental entity with their own elected body of officials, and questions regarding their services or fees should be directed to them. The Dietschweiler's reiterated that they were opposed to the annexation.

Mr. Holous asked whether the annexation in 2002 can be voted on. Ms. Browne explained the Council has already acted upon both phases of the annexation, but has simply delayed the effective date of the second phase. Public hearings were held by the Council regarding each of the phases of the annexation, and the Village provided extensive public notice regarding those hearings. Mr. Holous said he was notified of this hearing, but not of any other meetings. His two next door neighbors were not notified of this meeting tonight. Ms. Browne said that mail notices were sent to all property owners of record according to the tax assessment records, and that if Mr. Holous received mail notice of this meeting, the previous notice regarding the annexation was sent to the same address.

Mr. Charles Radicek of 1027 Palmer asked what the Village was going to offer the people being annexed. He expressed his opposition to the annexation stating that their services would be going down. He asked whether they would still have to pay for the Darien Woodridge fire services. Ms. Browne said that the Darien Woodridge Fire Department should be contacted directly regarding this

question, but that it is her understanding that there was a debt-service in place, the property owners would have to continue to pay into it until it is depleted.

Mr. Radicek said if the Village were taking them over, they should take over the debt service. He said they were getting no answers from anyone, and Chairman Beggs again explained the Board was reviewing one thing during this hearing, and that is the question of the rezoning. He said that the Board is not authorized to determine whether the property is annexed or not, or any questions regarding taxes or municipal services. He said that Ms. Browne is doing her best to answer those questions or forward you to the appropriate people who can.

Mr. Radicek said he was getting no answers and that his services were going to go down. He asked what would happen to his well, and said he does not know why he would have to close up his well if he connected to Village water. He said he wants some guarantees from the Village as to better services.

Mr. White asked Mr. Radicek what zoning classification he wanted to be in, and Mr. Radicek said he wanted to be unincorporated, but since he can't be unincorporated he wanted to be in commercial zoning, as he is in business for himself. Ms. Browne clarified that Mr. Radicek's property was not subject to rezoning at this point in time. His property is part of the second phase of the annexation that will become effective on January 1, 2002. Mr. Radicek said the Board is not answering anything, they are sidestepping the questions and have their own agenda.

Mr. Johnson returned with questions as to the ownership or jurisdiction of Main Street since he wants to tap his sump pump into the storm sewer. He doesn't understand how the Village can determine his setback if they do not own the road. Ms. Browne explained that setbacks apply to private property, and are measured from the common line that divides public property from private property. Mr. Johnson was concerned with the ownership of Main Street and the jurisdiction of work on that street. Ms. Browne said the annexation of property, including public right of way, is not necessarily linked to the maintenance of roads. Numerous roads that are within the Village limits are under the jurisdiction of other levels of government, including County and State jurisdictions.

For clarification to all of the people in the audience, Ms. Browne explained that the Village is made up of many different departments with many different functions. She is not an expert on all of the functions of all of the departments by any means; if you had called the Village regarding a public works question, you would be forwarded to public works, not to her. Specific questions that can not be addressed here tonight should be forwarded to the appropriate Village department or governmental entity, whichever the case may be. Ms. Browne said that the Village has a Community Response Center, the number to which is 434-CALL. Inquiries are fielded by a Village representative, who will direct and forward their inquiries to the appropriate departments.

Mr. Domijan said one issue that came up in the discussion concerned emergency services, and he asked whether the Village would transfer 911 calls to the appropriate jurisdiction. Ms. Browne said that the Village Operations Center is aware of the two phases of the annexation and of their respective effective dates, and automatically directs emergency calls to the appropriate jurisdiction.

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

Board's Deliberations:

Chairman Beggs said every once in a while there is a question of which zoning category to apply to specific properties. He said tonight they heard what he considered to be legitimate complaints from the residents about who will have jurisdiction over their properties for certain services. They are important questions, but not questions that deal with the particular issue at hand, which is one of rezoning.

With respect to the rezoning, Chairman Beggs said that the main issues are lot size and front setbacks. He said the Future Land Use Map is a controlling factor and he would tend to go along with it and agrees with the recommended zoning categories of R-3 and R-4 for the properties under consideration. He said that he drove through the subject area and all of the parcels seem to be suitable for the recommended zoning classifications. He is in favor of recommending the adoption of the rezoning, with the exception of the 941 property, which appears on the list but not on the map.

Mr. Lukas said he agreed with the Chairman's conclusion and looking at the surrounding areas, he sees this proposed rezoning as appropriate. He has no problems with this. He would like to see in the future package that comes in, the correspondence that is sent to the property owners. If someone is getting a letter in a mass mailing, he would like to see what they get.

Ms. Browne said the rezoning notifications that are included in the Board's regular packets are what the residents who reside within 250 feet of the subject property receive, and in this case, what the property owners within the subject area itself also received. With respect to the notification of the annexation, Ms. Browne said that there have been a number of mailings distributed by the Village, including a large packet of information regarding Village services.

Mr. White said he has no problem with the requested rezoning.

There being no contrary opinions, Chairman Beggs then called for a Motion.

Mr. Domijan moved that with respect to Case MC-9-01, the Zoning Board of Appeals recommend approval of the requested map amendment to rezone the subject properties from R-1, Single Family Residence to R-3, Single Family Residence and to R-4, Single Family Residence as proposed, with the exclusion of the property located at 941 63rd Street, which will be rezoned to the appropriate business zoning classification with the rezoning of the remainder of the properties within the Phase II area of the annexation of the Downers Grove Estates and Meadowlawn Subdivisions. Mr. White seconded the motion.

**YEAS: Mr. Domijan, Mr. White, Mr. Lukas, Mr. Sleeter,
Ch. Beggs**

NAYS: None

Chairman Beggs declared the Motion carried 5:0.

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Ms. Browne said there were two related petitions regarding a special use that should be on the agenda for August.

There being no further discussion, Chairman Beggs adjourned the meeting at 8:42 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary