

**VILLAGE OF DOWNERS GROVE
ZONING BOARD OF APPEALS MINUTES
MAY 22, 2002**

Call to Order

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

Roll call

Present: Mr. Benes, Mr. Domijan, Mr. Lukas, Mr. Sleeter, Ch. White

Absent: Mr. Detjen, Mr. Gray

A quorum was established.

Approval of minutes of April 24, 2002 meeting

Mr. Benes moved to approve the minutes of April 24, 2002 as presented. Mr. Sleeter seconded the motion.

**Ayes: Mr. Benes, Mr. Sleeter, Mr. Lukas, Mr. Domijan,
Ch. White**

Nays: None

Chairman White declared the motion carried.

Meeting Procedures

Chairman White explained the procedures to be followed for the meeting, reviewing the petition before the Board. He said that the recommendation made at this meeting for the rezoning petition is advisory, and that the final decision is made by the Village Council. Chairman White then asked anyone in the audience who intended to testify in this public hearing to rise and be sworn in.

Chairman White asked Ms. Browne to read the published public hearing notice for the first petition.

MC-6-02 A pre-annexation petition seeking rezoning from County R-4, Single Family Residence District to Village R-4, Single Family Residence District upon annexation for property located on the north side of Burlington Avenue, approximately 50 feet west of Rose Avenue, commonly known as 2530 Burlington Avenue, Downers Grove, Illinois (PIN 08-12-110-032). Thomas R. Ciechanowski - Tomco Builders, Inc., Owner/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, May 22, 2002 in the Council Chambers of the Village Hall, 801 Burlington Avenue, Downers Grove, Illinois, on a petition seeking to rezone property from County R-4, Single Family Residence District to Village R-4, Single Family Residence District upon annexation. The property is located on the north side of Burlington Avenue approximately 50 feet west of Rose Avenue, commonly known as 2530 Burlington Avenue, Downers Grove, IL 60515 (PIN 08-12-110-032) and is legally described as follows:

Lot 16 and the south half of the vacated alley lying north and adjoining said lot in Block 10 in Carpenter's Addition to Lacton, in the Northwest Quarter of Section 12, Township 38 North, Range 10 East of the Third Principal Meridian, in DuPage County, Illinois.

Individuals with a disability requiring a reasonable accommodation in order to participate in any meeting should contact the Community Information Officer at (630) 434-5500 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, William White, Chairman. Published in the Downers Grove Reporter, Friday, May 3, 2002.

Petitioner's Presentation:

Mr. Thomas Ciechanowski of Tomco Builders said that he is the owner of the subject property. He said that he is requesting annexation of this property so that he may connect the property to Village water. He said that upon its annexation, he is requesting that it be rezoned to Village R-4 single-family residential zoning. He said that he intends to build a single-family house on the property.

Mr. Benes asked about the house on the adjacent property to the east, and noted that it is located 16' from the property line. Mr. Ciechanowski said he was aware of that, noting that some of the homes were built a long time ago. He said that he did not know if that house would comply with the regulations now, and he noted that property is not in question in this petition, which includes only the vacant lot which he owns.

Chairman White called upon Ms. Browne to present staff's findings.

Staff's Presentation:

Ms. Amanda Browne, Planning Services Department, said that the petitioner is seeking approval of a pre-annexation rezoning petition for the subject property. The property is located on the north side of Burlington Avenue approximately 50 feet west of Rose Avenue and has an address of 2530 Burlington Avenue.

Ms. Browne noted that pursuant to Section 28-402 of the Zoning Ordinance, the zoning designation of annexed properties defaults to R-1, Single Family Residential unless it is otherwise requested. The petitioner is requesting that the property be rezoned from County R-4, Single Family Residential to Village R-4, Single Family Residential upon its annexation.

Ms. Browne said the petitioner desires to connect to the Village's water service, however, there are two items which trigger its immediate annexation in order for the petitioner to do so. First, the property is not located within an area covered by a pre-annexation agreement arrangement which would allow connection to the water service but that could also allow a delay in the annexation. Secondly, the property is contiguous to the Village limits along its entire southerly property line, without a pre-annexation agreement arrangement, immediate annexation is required in order to authorize connection to Village water services.

Ms. Browne referenced the Plat of Survey submitted by the petitioner which depicts the subject property as measuring 50.00 feet in width and 132.00 feet in depth. The area of the subject property is approximately 6,600 square feet, or approximately .151 acres. The subject property is currently unimproved.

Ms. Browne described the zoning adjacent to the subject property as DuPage County R-4, Single Family Residential immediately to the north, east and west of the subject property, and Village M-1, Light Manufacturing to the south on the opposite side of Burlington Avenue and the Burlington Northern Santa Fe Rail Road.

Ms. Browne noted that the subject property appears on the Village's Future Land Use Map with a land use designation of Residential at zero to six dwelling units per acre which is consistent with the Village's R-1 through R-4 zoning districts. She said the petitioner's request for R-4, Single Family Residential zoning upon annexation is consistent with the Village's Future Land Use Plan and with other zoning decisions which have been made for other annexed properties in the surrounding area.

Ms. Browne reviewed the lot and bulk regulations as they apply to the R-1 and R-4 zoning districts. She said that the R-1 district requires a minimum land area of 20,000 square feet and a minimum lot width of 100 feet. The proposed R-4

district requires a minimum land area of 7,500 square feet and a minimum lot width of 50 feet. Ms. Browne noted that the other major difference between the two districts is the front setback requirement, which in the R-1 district is 40 feet, and in the R-4 district is 25 feet. The side and rear yard setbacks are identical in both districts, and all setbacks are subject to the height to setback ratio if the structure exceeds 20 feet in average height.

Mr. Benes said that the R-4 designation requires a 7,500 square foot lot, and this lot is only 6,600 square feet. Ms. Browne responded that although the property is less than the minimum requirement of the R-4 District, it is considered a lawful nonconforming lot of record, in that it was subdivided lawfully while under the zoning jurisdiction of the County. The Zoning Ordinance provides for lots that were created lawfully and that meet at least 75% of the minimum requirement with respect to lot area and lot width. This property satisfies those requirements, and is therefore deemed a buildable lot.

Mr. Benes asked whether the place of contiguity is Burlington Avenue along the northerly line of the right-of-way, and Ms. Browne said that was correct.

Mr. Benes noted that all of the properties along Burlington Avenue that are this size could then be annexed into the Village as legally nonconforming lots. Ms. Browne said that was also correct, and that the Ordinance provisions regarding nonconforming lots are intended to allow the use of lots that are at least within 75% of the minimum lot area and width requirements.

Mr. Sleeter noted that the boundaries of the Village are rather irregular along this portion of Burlington Avenue, and he asked when the properties in that area were annexed into the Village.

Ms. Browne said that she is unaware of the exact history of the various annexations which have taken place in this area. She noted, however, that the area of unincorporated properties extends from Burlington Avenue on the south all the way north to Ogden Avenue. Properties that are within this area that wish to hook up to municipal water must annex if they are contiguous, and if they are not contiguous, they must sign pre-annexation petitions that allow the Village to annex them if at any point they do become contiguous. Village water services have been available in that area for quite a number of years, and the annexations of contiguous properties have occurred as the owners have requested municipal water service.

There being no further questions from the Board, Chairman White called upon anyone who wished to speak either in favor of or in opposition to the petition.

Ms. Kelly Gerrigan of 4940 Rose Avenue asked about the vacated alley located immediately to the north of the subject property. She said that it is her understanding that the alley right of way was vacated and that it was split in half and divided between the two property owners to the north and the south. She said that she is the owner of the property to the north, and that she has never received anything in writing regarding the vacation.

Ms. Browne responded that the alley was not vacated by the Village, as it is not a Village maintained right-of-way. Ms. Browne suggested to Ms. Gerrigan that she contact the County regarding the vacation, and that she would provide Ms. Gerrigan with a phone number following the meeting.

There being no further questions or discussion, Chairman White closed the opportunity for further public comment.

Board’s Deliberation:

Mr. Benes said he was initially concerned about the lot size, but that he understands it is a legal nonconforming lot. He noted that if the property was not annexed, it is still large enough that the owner could build on the lot as it is now.

Mr. Sleeter said he thought this was a routine and straightforward request and he would be in favor of the petition.

Mr. Lukas moved with respect to Case MC-6-02, that the Board forward a positive recommendation to the Village Council to approve the petitioner’s request to rezone the subject property from County R-4, Single Family Residence to Village R-4, Single Family Residence upon its annexation. Mr. Benes seconded the Motion.

**AYES: Mr. Lukas, Mr. Benes, Mr. Domijan, Mr. Sleeter,
Ch. White
NAYS: None**

Chairman White declared the Motion carried unanimously.

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Ms. Browne commented that as of today, there are no cases scheduled for the June meeting, however, the deadline is not until the following week. If any petitions are filed, she said that the members would be contacted.

There being no further discussion, Chairman White adjourned the meeting at 7:45 PM

Respectfully submitted,

Tonie Harrington
Recording Secretary