

## COUNCIL WORKSHOP ITEM

**ITEM:** **FILE NO. 1080 LOT RECONFIGURATION** (Petition includes a request for a lot area exception for the westerly parcel) – The easterly property is commonly known as 215 Second Street, Downers Grove, IL (PIN 09-09-309-011); Joseph & Karen Skutas, Owners/Petitioners. The westerly property is commonly known as 219 Second Street, Downers Grove, IL (PIN 09-09-309-010); Lillian Osterreich, Owner

**DATE:** July 16, 2002

**PREPARED BY:** Amanda G. Browne, Planner

**PURPOSE:** Approve a Resolution for a Lot Reconfiguration with a Lot Area Exception

### **DISCUSSION:**

At its July 9, 2002 meeting, the Plan Commission considered this request for a lot reconfiguration to transfer a 15 foot wide strip of land from the westerly property at 219 Second Street to the easterly property at 215 Second Street. Because the lot reconfiguration would reduce the lot area of the 219 Second Street property to an amount below the minimum required lot area of 10,500 square feet for newly created lots in the R-4 zoning district, the petition also includes a request for a lot area exception for this lot.

After consideration of the petitioners' request, the Plan Commission unanimously recommended that the Village Council approve the proposed lot reconfiguration including the requested lot area exception.

### **ATTACHMENT:**

1. Letter to Mayor and Village Council Dated July 26, 2002
2. Draft Plan Commission Minutes Dated July 9, 2002
3. Staff Findings with Attachments dated July 5, 2002
4. Draft Ordinance authorizing the proposed lot reconfiguration

### **RECOMMENDATION:**

To consider the Plan Commission recommendation and to place the item on an active agenda.



July 16, 2002

Village of  
DOWNERS GROVE  
ILLINOIS

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*Fire Department  
Administration*  
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825 Burlington Avenue  
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*Public Works Department*  
5101 Walnut Avenue  
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842 Curtiss Street  
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Mayor Brian Krajewski & Village Council  
Village of Downers Grove  
801 Burlington Avenue  
Downers Grove, IL 60515

**FILE NO. 1080**      **LOT RECONFIGURATION** (Petition includes a request for a lot area exception for the westerly parcel) – The easterly property is commonly known as 215 Second Street, Downers Grove, IL (PIN 09-09-309-011); Joseph & Karen Skutas, Owners/Petitioners. The westerly property is commonly known as 219 Second Street, Downers Grove, IL (PIN 09-09-309-010); Lillian Osterreich, Owner

Dear Mayor Krajewski & Council Members:

The following motion was adopted by the Plan Commission at their meeting on July 9, 2002:

**MOTION:**      **MR. NICHOLAOU MOVED WITH RESPECT TO FILE NO. 1080 – LOT RECONFIGURATION, THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE PROPOSED LOT RECONFIGURATION AND THE ASSOCIATED LOT AREA EXCEPTION FOR THE WESTERLY LOT. THIS RECOMMENDATION IS BEING MADE AS THE PLANNING STAFF AND THE PLAN COMMISSION ARE OF THE OPINION THAT THE RESULTING LOTS ARE OF A SIZE AND CONFIGURATION WHICH IS CONSISTENT WITH THE MAJORITY OF OTHER LOTS IN THE AREA AND AS THE PETITIONER’S REQUESTED LOT AREA EXCEPTION FOR THE WESTERLY LOT IS CONSISTENT WITH THE STANDARDS FOR THE GRANTING OF AN EXCEPTION AS DETAILED IN SECTION 20-602(C) OF THE SUBDIVISION ORDINANCE. MRS. REYNOLDS SECONDED THE MOTION.**

*Village of*  
Downers Grove Web site  
<http://www.vil.downers-grove.il.us>

Info Line  
630.434.6800

**ROLL CALL:**

**AYE:** Mr. Nicholaou, Mrs. Reynolds, Mr. Kahlke, Mr. McCormick, Mr. Stark, Mr. Waechtler, Chairman Jirik

**NAY:** None

**The motion passed unanimously.**

This recommendation is being made as the Plan Commission members determined that the proposed lot area exception satisfies the conditions required for granting an exception as listed in Section 20(602(c) of the Subdivision Control Ordinance.

Sincerely,

VILLAGE OF DOWNERS GROVE

A handwritten signature in black ink that reads "Amanda G. Browne". The signature is written in a cursive style with a long, sweeping tail on the letter 'e'.

Amanda G. Browne, Planner  
Planning Services

AGB:amd

deliberation is complete, the Chairman stated he would entertain a motion to either approve, approve with changes or deny.

Chairman Jirik stated the second item is a continuation of a workshop discussion of flag lots. Anyone who wishes to stay for this discussion is welcome to do so.

**FILE NO. 1080**      **LOT RECONFIGURATION** (Petition includes a request for a lot area exception for the westerly parcel) – The easterly property is commonly known as 215 Second Street, Downers Grove, IL (PIN 09-09-309-011); Joseph & Karen Skutas, Owners/Petitioners. The westerly property is commonly known as 219 Second Street, Downers Grove, IL (PIN 09-09-309-010); Lillian Osterreich, Owner

Chairman Jirik asked if there was a representative of the petitioner present.

Joseph Skutas, 215 Second Street, Downers Grove thanked the Commission for hearing their request for a lot width exception. He introduced his wife Karen and explained she is a 27 year resident of this address, and he has lived there since their marriage in 1985. Mr. Skutas explained they are seeking to purchase 15 linear feet of 219 Second Street which is owned by their neighbor Lillian Osterreich. Mrs. Osterreich is a 90 year resident of 219 Second Street. Mr. Skutas stated they are requesting a lot reconfiguration with an area exception for 219 Second Street.

This request would allow their lot, 215 Second Street, to change from a 45 foot linear frontage to a 60 foot linear frontage. If approved, this would reduce 219 Second Street from its current 90 foot linear frontage to a 75 foot linear frontage, and the lot depths of both lots will remain consistent at 132 feet.

Mr. Skutas advised their property will increase from 5,940 square feet in area to 7,920 square feet which will give his children a decent sized yard in which to play. Mr. Skutas pointed out that they are not asking for any zoning changes.

Mr. Skutas noted Mrs. Osterreich's property at 219 Second Street will decrease from 11,880 square feet to 9,900 square feet which will be 600 square feet under current Ordinance minimum requirement of 10,500 square feet.

Mr. Skutas stated their current yard is so small then when their children play at family gatherings they always use Mrs. Osterreich's property. He commented that she is a grandmother figure to their children. She allows the children the full use of her property on a daily basis. Mr. Skutas advised that the children's trampoline is situated on Mrs. Osterreich's property. Mr. Skutas explained they have included her property as part of their insurance coverage to protect Mrs. Osterreich from any liability.

Mr. Skutas stated Mrs. Osterreich is now considering selling her property to members of her family and has agreed to sell this 15 foot wide portion of her property to them.

Mr. Skutas concluded by asking the Plan Commission to recommend approval of the lot reconfiguration including the lot area exception for the 219 Second Street property.

Chairman Jirik asked Staff for its analysis and review.

Ms. Browne advised the petitioners are seeking approval of a lot reconfiguration for two properties located on the south side of Second Street just west of Cumnor Road. The petitioners desire to convey the easterly 15 feet of the westerly parcel at 219 Second Street to the easterly parcel at 215 Second Street.

The westerly parcel is comprised of three lots, each measuring 30 feet in width by 132 feet in depth, with an overall width of 90 feet and a lot area of 11,880 square feet. The parcel is improved with a single-story single family residence which is located in the north-central portion of the site as well as a detached garage which is located in the southwest corner of the parcel.

Ms. Browne explained the easterly parcel, 215 Second Street, is comprised of two lots; the westerly lot measures 30 feet in width by 132 feet in depth, and the easterly lot measures 15 feet in width by 132 feet in depth. The overall width is 45 feet and the lot area is 5,940 square feet. This parcel is improved with a tri-level, single family residence which is centrally located on the parcel and a detached garage which is located in the southerly portion of the parcel.

The properties are zoned R-4, Single Family Residence which carries a minimum lot width requirement for existing lots of 50 feet and a minimum lot area requirement of 7,500 square feet. In 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.

With respect to the easterly parcel at 215 Second Street, pursuant to Section 28-1203(a) of the Zoning Ordinance, it is currently lawfully nonconforming with respect to its lot area and lot width in that it is a lot of record created prior to the adoption of the current form of the Zoning Ordinance in April of 1965 and it is also within 75% of the minimum lot area and lot width. As a result of the proposed reconfiguration, the lot area will increase from 5,940 square feet to 7,920 square feet, and its lot width will increase from 45 feet to 60 feet. Pursuant to Section 20-601(c) of the Subdivision Control Ordinance. There is no net increase to the existing lot area and lot width nonconformities, therefore, no exceptions are required for the proposed easterly lot.

The westerly parcel at 219 Second Street will have its area reduced from 11,880 square feet to 9,900 square feet, the lot depth will remain the same at 132 feet and its lot width reduced from 90 feet to 75 feet. The lot area reduction to 9,900 square feet is less than the minimum required 10,500 square feet for newly created lots under the Subdivision Control Ordinance and, therefore, will require an exception for the lot area. The reduction is 600 square feet which equals roughly 5.71%.

With regard to the exception, Ms. Browne explained Section 20-602 of the Subdivision Control Ordinance establishes the criteria upon which an exception is considered.

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

Ms. Browne stated it is the Planning Staff's opinion that the reconfiguration should not have any negative impact either on the value or reasonable use of surrounding lots. The reconfiguration of the subject parcels including the requested exception on the westerly parcel will in no way reduce or eliminate the zoning obligations such as the provision of 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. Browne displayed the transparency of the lots in the area on the overhead screen. The general area consists of 14 residential blocks bounded by Fairview Avenue on the west, Cumnor Road on the east, Second Street on the north and 55<sup>th</sup> Street on the south. The majority of the lots in the area, especially the interior lots fronting on east-west streets, were divided with lot widths of 30 feet and with consistent lot depths of 132 feet. This area was divided in 1886, and this type of division originally allowed purchasers to consolidate two or perhaps three lots, depending upon their desires in terms of house size and yard size. In certain instances, as in the case of the easterly subject parcel, one and one-half of the 30 foot wide lots were purchased. As a result, the area is typically comprised of interior parcels fronting on the east-west streets with widths of either 45, 60 or 90 feet and with areas of either 5,940, 7,920 or 11,880 square feet. Lots located on corners and fronting on the north-south streets have varying degrees of lot width and lot area, but are typically 66 feet wide

Ms. Browne explained within the subject block bounded by Second Street on the north, Third Street on the South, Florence Avenue on the west and Cumnor Road on the east, there are 20 single family residential parcels. With respect to lot width, one parcel is 33 feet wide, four parcels are 45 feet wide (including the easterly subject parcel with its current configuration), five parcels are 60 feet wide, six parcels are 66 feet wide, three parcels are 90 feet wide (including the westerly subject parcel), and one parcel is 99 feet wide. With respect to lot areas on the block, one parcel at the corner of third and Florence is 3,960 square feet, three parcels are 5,940 square feet (including the easterly subject parcel in its current configuration), six parcels are 7,920 square feet, four parcels are 8,976 square feet, three are 9,900 square feet and three are 11,880 square feet (including the westerly subject parcel).

Ms. Browne stated it is the opinion of Staff that the lot area and lot width proposed for each lot resulting from the lot reconfiguration will be consistent with the remainder of lots on the subject block.

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

Ms. Browne explained the principal character of the properties which tends to support the requested lot reconfiguration is the location of the structures already existing on the two properties. The easterly lot of the westerly subject parcel, which is 30 feet in width and is vacant, is proposed to be divided in half between two neighboring property owners, and no new lots being created.

If the lot reconfiguration is approved, the side yards for both residences will well exceed the required side yard for the R-4 zoning district which is required to be a minimum of 5 feet. The easterly side yard of the residence on the 219 Second Street will measure approximately 15.5 feet. The westerly side yard of the residence at 215 Second Street will increase from approximately 8.35 feet to approximately 23.25 feet, and the side yard of the detached garage will increase from 12.72 feet to 27.72 feet.

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

Ms. Browne advised the Planning Staff is of the opinion that the requested lot area exception would be in conformance with the general plan and spirit of the provisions of the Subdivision Control Ordinance. Each of the resulting parcels will be able to support the existing structures with respect to their setbacks and would also readily support any new construction that might be proposed in the future well within the standards of the Zoning Ordinance.

Mrs. Browne pointed out the proposed lot reconfiguration also increases the lot area of the easterly parcel in a manner which brings it closer to the minimum required lot area for newly created lots, and it will make it more consistent with the majority of the parcels on the subject block.

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

In addition to the items previously outlined earlier, Ms. Browne stated the resulting lots will appear to be in character with the lot sizes which are typical of the surrounding area. As viewed from the street, the lot reconfiguration will be indiscernible, as no new lots will be created.

In conclusion, Ms. Browne stated the Planning Staff recommends that the Plan Commission forward a positive recommendation to the Village Council regarding the proposed lot reconfiguration and the associated lot area exception for the westerly lot.

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

Chairman Jirik next asked if there were any questions or comments from the Plan Commission members. Mr. Waechtler noted there is another lot just to the east of 215 Second Street and asked if there was a home on that parcel. Ms. Browne pointed out it is also 45 feet in width that is comprised of one 30 foot wide lot and the east half of the original 30 foot wide lot, the other half which is owned by Mr. Skutas.

Hearing no further comments or questions, Chairman Jirik called for a motion.

**MOTION: MR. NICHOLAOU MOVED WITH RESPECT TO FILE NO. 1080 LOT RECONFIGURATION, THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE PROPOSED LOT RECONFIGURATION AND THE ASSOCIATED LOT AREA EXCEPTION FOR THE WESTERLY LOT. THIS RECOMMENDATION IS BEING MADE AS THE PLANNING STAFF AND THE PLAN COMMISSION ARE OF THE OPINION THAT THE RESULTING LOTS ARE OF A SIZE AND CONFIGURATION WHICH IS CONSISTENT WITH THE MAJORITY OF OTHER LOTS IN THE AREA AND AS THE PETITIONER'S REQUESTED LOT AREA EXCEPTION FOR THE WESTERLY LOT IS CONSISTENT WITH THE STANDARDS FOR THE GRANTING OF AN EXCEPTION AS DETAILED IN SECTION 20-602(C) OF THE SUBDIVISION ORDINANCE. MRS. REYNOLDS SECONDED THE MOTION.**

Chairman Jirik asked if there were any questions or comments regarding the motion. There were none.

**ROLL CALL:**

**AYE: Mr. Nicholaou, Mrs. Reynolds, Mr. Kahlke, Mr. McCormick, Mr. Stark, Mr. Waechtler, Chairman Jirik**

**NAY: None**

**The motion passed unanimously.**

Chairman Jirik advised the petitioners that the recommendation and the supporting documentation will be forwarded to the Village Council. Staff will advise you as to the exact date this recommendation will appear on the Council Workshop agenda. Mr. Skutas asked if it was necessary to attend that meeting, and Chairman Jirik responded that it is highly advisable to be in attendance. Mr. Skutas thanked the Plan Commission for its consideration.

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Continuing Discussion of Section 20-302 of the Subdivision  
Control Ordinance Regarding Flag Lots

**FILE NUMBER 1080:**      **LOT RECONFIGURATION** (petition includes a lot area exception for the westerly lot) - The easterly property is commonly known as 215 Second Street, Downers Grove, IL (PIN 09-09-309-011); Joseph and Karen Skutas, Owners/Petitioners. The westerly property is commonly known as 219 Second Street, Downers Grove, IL (PIN 09-09-309-010); Lillian Osterreich, Owner.

**FINDINGS:**

1.     The petitioners are seeking approval of a lot reconfiguration petition involving contiguous lots which are located on the south side of Second Street, approximately 180 feet west of Cumnor Road. The petitioners desire to convey the easterly 15 feet of the westerly parcel (219 Second Street) to the easterly parcel (215 Second Street).
  
2.     The westerly parcel is comprised of three lots, each measuring 30 feet in width by 132 feet in depth, and has overall dimensions of 90 feet in width and 132 feet in depth, with a lot area of 11,880 square feet. The parcel is improved with a single-story single family residence which is located in the north-central portion of the parcel approximately 30.5 feet west of the easterly property line as measured at the northeast corner of the structure, and a detached garage which is located in the southwest corner of the parcel approximately 15.38 feet east of the westerly property line.

The easterly parcel is comprised of two lots; the westerly lot measures 30 feet in width by 132 feet in depth, and the easterly lot measures 15 feet in width by 132 feet in depth. The overall dimensions of the easterly parcel are 45 feet in width and 132 feet in depth, with a total lot area of 5,940 square feet. This parcel is improved with a tri-level, single family residence which is centrally located on the parcel approximately 7.87 feet east of the westerly property line as measured at its southwest corner, and a detached garage which is located in the southerly portion of the parcel approximately 12.72 feet east of the westerly property line as measured at its southwest corner.

3.     The petitioners' request is to reconfigure the subject parcels by conveying the easterly 15 feet of the westerly parcel to the easterly parcel. If approved, the lot reconfiguration will result in two parcels with the following characteristics:

The westerly parcel (219 Second Street) 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. The easterly parcel (215 Second Street) will have its width increased from 45 feet to 60 feet, its depth will remain the same at 132 feet, and its area will be increased from 5,940 square feet to 7,920 square feet.

4.     The subject parcels 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. However, 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.

With respect to the westerly parcel (219 Second Street), as a result of the proposed lot reconfiguration, its lot area will be reduced from 11,880 square feet to 9,900 square feet, which requires an exception to the minimum required lot area of 10,500 square feet under the provisions of Section 20-602 of the Subdivision Control Ordinance, which will be outlined under item number 5 below.

With respect to the easterly parcel (215 Second Street), pursuant to Section 28-1203(a) of the Zoning Ordinance, it is currently lawfully nonconforming with respect to its lot area and lot width in that it is a lot of record created prior to the adoption of the current form of the Zoning Ordinance in April of 1965 that is also within 75% of the minimum lot area and lot width requirements of the underlying R-4 Zoning District. As a result of the proposed lot reconfiguration, its lot area will increase from 5,940 square feet to 7,920 square feet, and its lot width will increase from 45 feet to 60 feet. Pursuant to Section 20-601(c) of the Subdivision Control Ordinance, as there is no net increase to the existing lot area and lot width nonconformities, no exceptions are required for the proposed easterly lot.

As the existing lot depth of 132 feet is not proposed to be altered for either of the subject parcels, the lot reconfiguration will not result in any increase to the existing lot depth nonconformity.

5. In order for the proposed lot reconfiguration to be approved as requested, the westerly lot will require approval of 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 for newly created lots as required by Section 20-301(b) of the Subdivision Control Ordinance. This proposed exception represents a reduction of 5.71%.

Section 20-602(b) of the Subdivision Control Ordinance provides 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."

In the Plan Commission's consideration of making a recommendation regarding an exception, subsection (c) provides that: "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. In its consideration of the standards of practical difficulties or particular hardships, the Commission may consider, but is not limited to, the following:" (Each one of the measures below is followed by Staff findings).

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

It is the Planning Staff's opinion that the proposed reconfiguration should not have any negative impact either on the value or reasonable use of surrounding lots. The reconfiguration of the subject parcels including the requested exception will in no way reduce or eliminate the zoning obligations such as the provision of 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;**

The area in which the subject parcels are located has a fair degree of diversity with respect to lot area and lot width. The area west of Cumnor Road is comprised of lots that were originally divided in 1886, well prior to the adoption of the current Zoning and Subdivision Control Ordinances. The preponderance of the lots in the area, especially interior lots fronting on east-west streets, were divided with lot widths of 30 feet and with consistent lot depths of 132 feet. This type of division originally allowed purchasers to consolidate two or perhaps three lots, depending upon their desires in terms of house size and yard size. In certain instances, as in the case of the easterly subject parcel, one and one-half of the 30 foot wide lots were purchased.

As can be seen on the attached map of the subject area, the area is typically comprised of interior parcels fronting on the east-west streets with widths of either 45, 60 or 90 feet and with areas of either 5,940, 7,920 or 11,880 square feet. Lots located on corners and fronting on the north-south streets have varying degrees of lot width and lot area, but are typically 66 feet wide. It is noteworthy that this land use pattern is common for 14 residential blocks bounded by Fairview Avenue on the west, Cumnor Road on the east, Second Street on the north and 55<sup>th</sup> Street on the south.

Within the subject block bounded by Second Street on the north, Third Street on the South, Florence Avenue on the west and Cumnor Road on the east, there are 20 parcels. With respect to lot width, one parcel is 33 feet wide, four parcels are 45 feet wide (including the easterly subject parcel), five parcels are 60 feet wide, six parcels are 66 feet wide, three parcels are 90 feet wide (including the westerly subject parcel), and one parcel is 99 feet wide. With respect to lot area, one parcel is 3,960 square feet, three parcels are 5,940 square feet (including the easterly subject parcel), six parcels are 7,920 square feet, four parcels are 8,976 square feet, three are 9,900 square feet and three are 11,880 square feet (including the westerly subject parcel).

It is, therefore, the opinion of Staff that the lot area and lot width proposed for each lot resulting from the lot reconfiguration will be consistent with the remainder of lots on the subject block.

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

The principal character of the properties which tends to support the requested lot reconfiguration is the location of the structures already existing on the two properties in their current configuration. The easterly lot of the westerly subject parcel, which is 30 feet in width and is vacant, is proposed to be divided in half between two neighboring property owners, with no new lots being created.

If the lot reconfiguration is approved, the side yards for both residences will well exceed the minimum required side yard of five feet when measured to the new common property line, which is required to be a minimum of 5 feet. The easterly side yard of the residence on the westerly lot (219 Second) will measure approximately 15.5 feet as measured at its northeasterly corner. The side yard of the residence on the easterly lot (215 Second) will increase from approximately 8.35 feet to approximately 23.25 feet, and the side yard of the detached garage will increase from 12.72 feet at its closest point at its southwest corner, to 27.72 feet.

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

The Planning Staff is of the opinion that the requested lot area exception would be in conformance with the general plan and spirit of the provisions of the Subdivision Control Ordinance. Each of the resulting parcels will be able to support the existing residences and detached accessory structures with setbacks in conformance with the Zoning Ordinance and would also readily support any future construction within the standards of the Zoning Ordinance as well.

Additionally, the proposed lot reconfiguration increases the lot area of the easterly parcel in a manner that brings it closer to the minimum required lot area for newly created lots, and will make it more consistent with the majority of the parcels on the subject block.

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

In addition to the items addressed in item number (2) above, the resulting lots will appear to be in character with the lot sizes which are typical of the surrounding area. Additionally, as viewed from the street, the result of the lot reconfiguration will be indiscernible, as no new lots will be created.

**RECOMMENDATION:**

The Planning Staff recommends that the Plan Commission forward a positive recommendation to the Village Council regarding the proposed lot reconfiguration and the associated lot area exception for the westerly lot.

Although the westerly parcel will decrease in lot area and width to an extent that the resulting lot area requires an exception under the terms of the Subdivision Control Ordinance, the lot area exception represents a relatively small reduction of 5.71%, and its lot width will remain conforming with respect to the requirements of the Subdivision Control Ordinance.

Additionally, the lot area and width of the easterly parcel will increase, bringing it closer to the minimum requirements of the underlying Zoning District as well as the Subdivision Control Ordinance.

AGB:amd  
07-05-02  
Attachments

FILE 1080

PEPPERIDGE FARM

SUBJECT LOTS

SECOND

THIRD

FOURTH

FIFTH

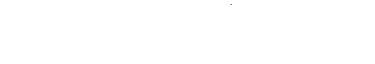
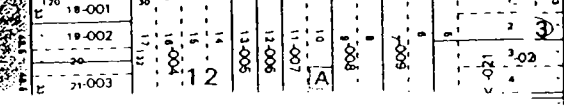
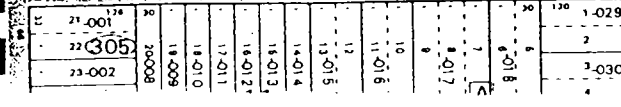
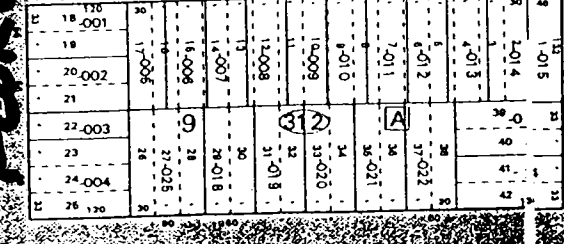
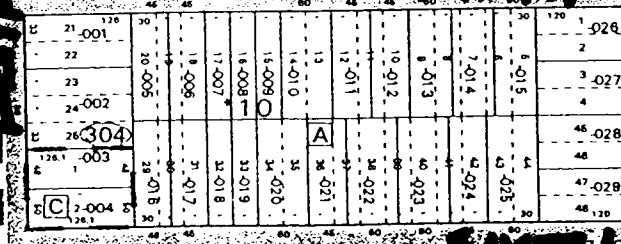
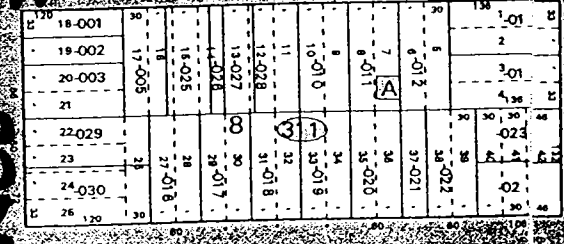
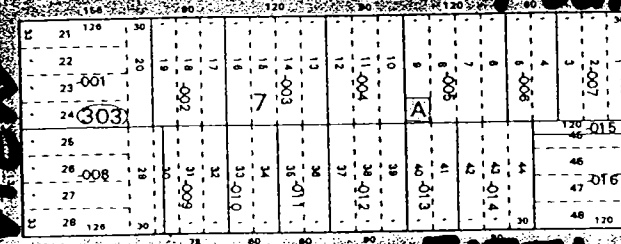
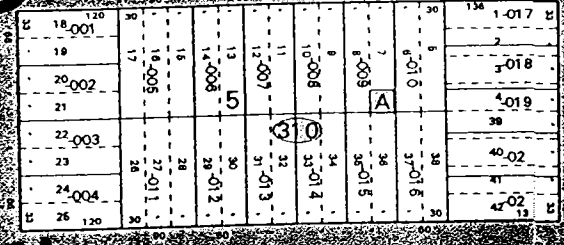
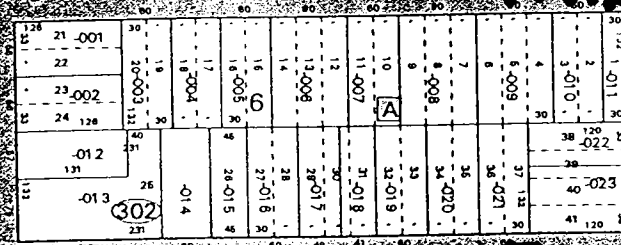
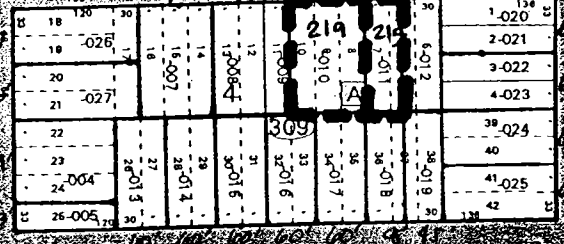
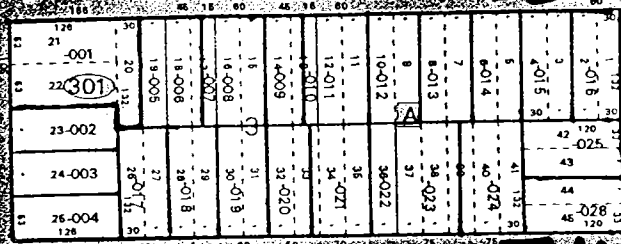
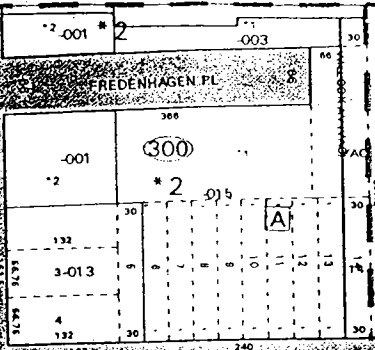
SIXTH

CARVIEW

FLORENCE

WINDY HOLLOW

NORTH



# PLAT OF SURVEY



**WESTERLY PARCEL (219 SECOND):**

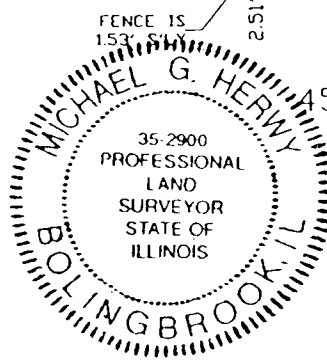
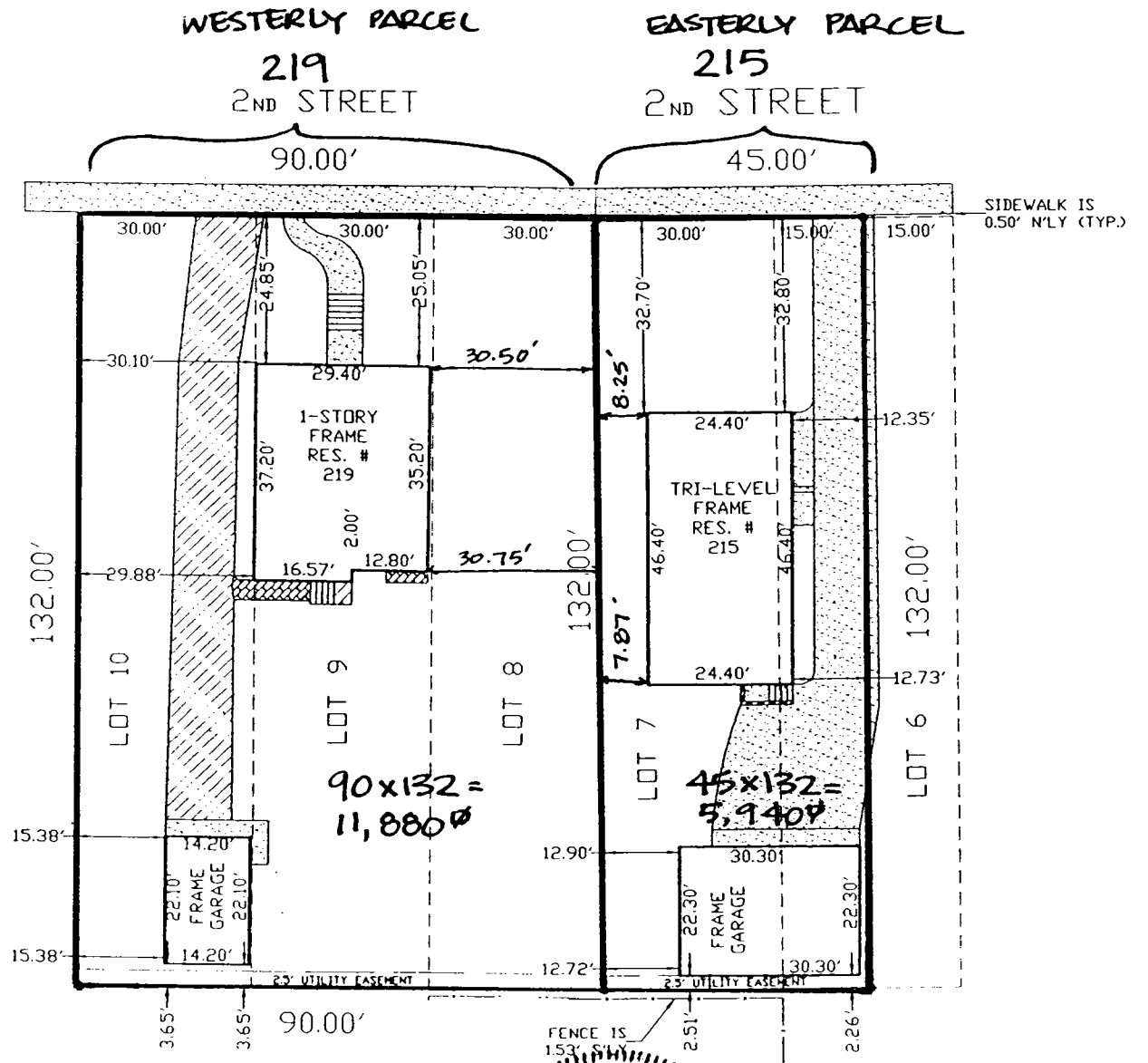
LOT 8, 9 AND 10 IN BLOCK 4 IN THE RE-SUBDIVISION OF BLOCKS 2 TO 16 INCLUSIVE IN VICTOR FREDENHAGEN JR.'S SUBDIVISION AT EAST GROVE, BEING A SUBDIVISION IN THE WEST HALF OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RE-SUBDIVISION RECORDED SEPTEMBER 8, 1886 AS DOCUMENT 36375 IN DUPAGE COUNTY, ILLINOIS.

**EASTERLY PARCEL (215 SECOND):**

LOT 7 AND THE WEST HALF OF LOT 6 IN BLOCK 4 IN THE RE-SUBDIVISION OF BLOCKS 2 TO 16 INCLUSIVE IN VICTOR FREDENHAGEN JR.'S SUBDIVISION AT EAST GROVE, BEING A SUBDIVISION IN THE WEST HALF OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RE-SUBDIVISION RECORDED SEPTEMBER 8, 1886 AS DOCUMENT 36375 IN DUPAGE COUNTY, ILLINOIS.

**FILE  
1080**

## EXISTING LOTS



State of Illinois }  
County of Will } SS

# PLAT OF SURVEY

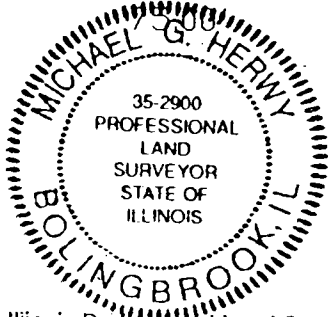
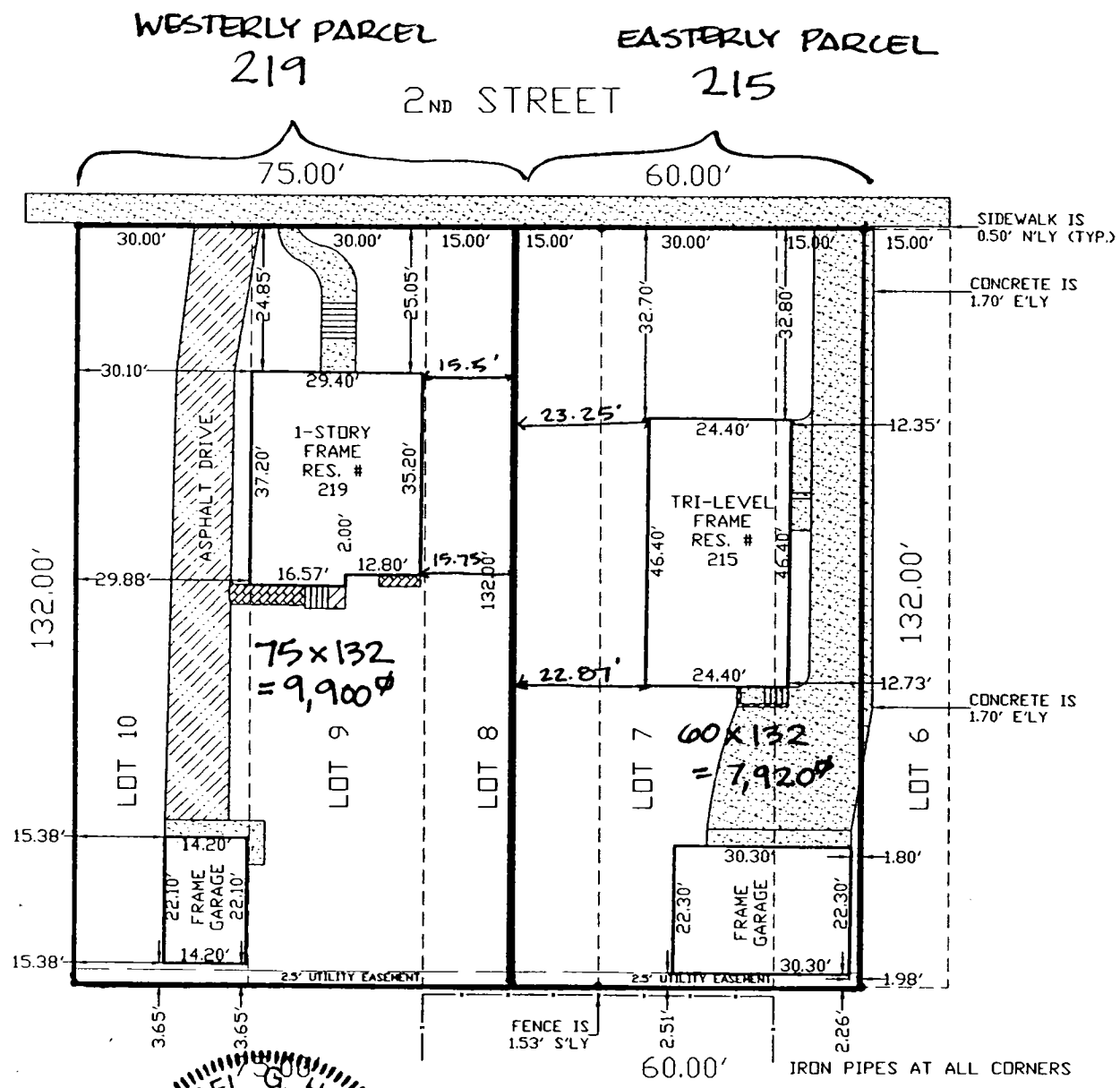
**FILE  
1080**



**PARCEL 1:** THE EAST HALF OF LOT 8, ALL OF LOT 7 AND THE WEST HALF OF LOT 6 IN BLOCK 4 IN THE RE-SUBDIVISION OF BLOCKS 2 TO 16 INCLUSIVE IN VICTOR FREDENHAGEN JR.'S SUBDIVISION AT EAST GROVE, BEING A SUBDIVISION IN THE WEST HALF OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RE-SUBDIVISION RECORDED SEPTEMBER 8, 1886 AS DOCUMENT 36375 IN DUPAGE COUNTY, ILLINOIS.

**PARCEL 2:** THE WEST HALF OF LOT 8, ALL OF LOTS 9 AND 10 IN BLOCK 4 IN THE RE-SUBDIVISION OF BLOCKS 2 TO 16 INCLUSIVE IN VICTOR FREDENHAGEN JR.'S SUBDIVISION AT EAST GROVE, BEING A SUBDIVISION IN THE WEST HALF OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID RE-SUBDIVISION RECORDED SEPTEMBER 8, 1886 AS DOCUMENT 36375 IN DUPAGE COUNTY, ILLINOIS.

## PROPOSED RECONFIGURATION



State of Illinois }  
County of Will } SS

5-30-02

I, Michael G. Herwy, an Illinois Professional Land Surveyor, do hereby certify that the

**VILLAGE OF DOWNERS GROVE  
COUNCIL ACTION SUMMARY**

**INITIATED:** Applicant **DATE:** August 6, 2002  
(Name)

**RECOMMENDATION FROM:** Plan Commission **FILE REF:** 1080  
(Board or Department)

**NATURE OF ACTION:**

- Ordinance
- Resolution
- Motion
- Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt "AN ORDINANCE AUTHORIZING LOT RECONFIGURATION FOR PROPERTIES LOCATED AT 215 SECOND STREET AND 219 SECOND STREET, DOWNERS GROVE, ILLINOIS", as presented.



**SUMMARY OF ITEM:**

At their meeting of July 9, 2002, the Plan Commission unanimously recommend adoption of the attached ordinance which will approve a lot reconfiguration and permit the transfer of 15 feet of the 219 Second Street parcel to the 215 Second Street Parcel. As a result of the lot reconfiguration, the lot area of 219 parcel will be reduced from 11,880 square feet to 9,900 square feet, which is less than the 10,500 square foot minimum requirement for newly created lots in the R-4 District. The ordinance includes approval for a lot area exception in addition to approval of the lot reconfiguration.

**RECORD OF ACTION TAKEN:**

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AUTHORIZING LOT RECONFIGURATION FOR  
PROPERTIES LOCATED AT 215 SECOND STREET AND  
219 SECOND STREET, DOWNERS GROVE, ILLINOIS**

WHEREAS, the owners of the property located at 215 Second Street (PIN #09-09-309-011) and 219 Second Street (PIN #09-09-309-010), Downers Grove, Illinois have petitioned for a lot reconfiguration pursuant to Section 20-601 of the Downers Grove Municipal Code to transfer a 15 foot by 132 foot section of land from the 219 Second Street property to the 215 Second Street property; and

WHEREAS, a lot reconfiguration must be approved by the Downers Grove Village Council if exceptions have been requested or if the Plan Commission determines that the lot reconfiguration increases the net non-conformity of the parcels; and

WHEREAS, upon approval of the requested lot reconfiguration, the 219 Second Street property will have a reduction in lot width from 90 feet to 75 feet, and will have a reduction in lot area from 11,880 square feet to 9,900 square feet; and

WHEREAS, upon approval of the requested lot reconfiguration, the 215 Second Street property will have an increase in lot width from 45 feet to 60 feet, and will have an increase in lot area from 5,940 square feet to 7,920 square feet; and

WHEREAS, pursuant to Section 20-301(b) of the Subdivision Control Ordinance, newly created lots are required to have a minimum 75 feet in lot width and 10,500 square feet in area, although the minimum requirements for existing lots in the R-4, Single Family Residence Zoning District within which the subject properties are located are 50 feet in lot width and 7,500 square feet in lot area; and

WHEREAS an application has been made for an exception to permit the lot area of the 219 Second Street property to be reduced to 9,900 square feet in lieu of the minimum required 10,500 square feet; and

WHEREAS there is no net increase to the nonconforming lot area or the nonconforming lot width of the 215 Second Street property; and

WHEREAS, the Plan Commission has given the required public notice and has conducted a public hearing respecting the proposed lot reconfiguration with an exception for lot area in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove and has reported its findings and recommendations to the Village Council of the Village of Downers Grove pursuant to the provisions of the Downers Grove Municipal Code; and

WHEREAS, the Plan Commission has recommended that the lot reconfiguration with an exception for lot area be granted for the 219 Second Street property.

NOW, THEREFORE, BE IT ORDAINED, by the Council of the Village of Downers Grove, DuPage County, as follows:

SECTION 1. That the provisions of the preamble are incorporated into this ordinance.

SECTION 2. A lot reconfiguration is hereby approved to permit the transfer a 15 foot by 132 foot section of land from the 219 Second Street property to the 215 Second Street property.

SECTION 3. An exception for lot area is hereby approved to permit the lot area of the 219 Second Street property to be 9,900 square feet in lieu of the minimum required 10,500 square feet.

SECTION 4. That this lot reconfiguration and exception are subject to the following conditions:

- a. The properties may be reconfigured into no more than two (2) parcels in general conformance with the Plat of Survey dated May 30, 2002 attached hereto and made a part hereof as Exhibit A.
- b. The owners shall comply with the conditions and recommendations of the Plan Commission as set forth in the minutes of their meeting of July 9, 2002.
- c. A copy of this ordinance shall be recorded in the Office of the Recorder of Deeds for DuPage County, at the expense of the applicants.

SECTION 4. The Village Manager and staff are authorized and directed to take all steps necessary to implement the Village's approval of this lot reconfiguration.

SECTION 5. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

\_\_\_\_\_  
Mayor

Passed:

Attest: \_\_\_\_\_  
Village Clerk