

COUNCIL WORKSHOP ITEM

ITEM: **FILE NO. 1072 - LOT SPLIT** (Petition includes a request for a flag lot)
– Property located on the east side of Highland Avenue, approximately 850 feet south of 39th Street, commonly known as 4013 Highland Avenue, Downers Grove, IL (PIN 09-05-105-038); Steve & Gail Ohnsman, Owners/Petitioners

DATE: January 24, 2002

PREPARED BY: Amanda Browne, Planner

PURPOSE: To consider the proposed lot split which includes a request for a flag lot

DISCUSSION:

At their January 8, 2002 meeting, the Plan Commission considered this proposed lot split which includes a request for a flag lot for property located at 4013 Highland Avenue. As outlined in the attached correspondence, the Plan Commission unanimously recommended approval of the proposed flag lot configuration.

ATTACHMENT:

Letter to Mayor & Council Dated January 24, 2002
Draft Minutes Dated January 8, 2002
Staff Findings Dated January 4, 2002

RECOMMENDATION:

Place a Resolution for approval on an Active Agenda

RESOLUTION NO. _____

**A RESOLUTION APPROVING A LOT SPLIT WITH A FLAG LOT
FOR THE PROPERTY AT 4013 HIGHLAND AVE.**

WHEREAS, the Owners of the property commonly known as 4013 Highland Avenue, have requested a lot split with a flag lot pursuant to Sections 20-302, 20-600 and 20-602 of the Downers Grove Municipal Code; and,

WHEREAS, the lot is proposed to be divided as shown on Exhibits A(1) and A (2), attached hereto, which will result in two lots with one of the lots being a flag lot as defined under the Downers Grove Municipal Code; and,

WHEREAS, the Plan Commission of the Village of Downers Grove has given the required public notice and has conducted a public hearing respecting the proposed lot split with a flag lot in accordance with the statutes of the State of Illinois and the Resolutions 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 recommended that the lot split with a flag lot be granted.

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

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

SECTION 2. A lot split with a flag lot as described above is hereby approved for the property located at 4013 Highland Avenue.

SECTION 3. This lot split and flag lot shall be subject to the following conditions:

- a. The lot split shall be in conformance with the site maps attached hereto as Exhibits A(1) and A(2).
- b. The existing attached garage structure located at 4013 Highland Avenue shall be razed or relocated to a conforming location prior to the issuance of any building permits. No building permit shall be issued for any new structure for either lot created by this lot split until this condition is met.
- c. The staff report regarding File 1072 as well as the conditions and recommendations of the Downers Grove Plan Commission as set forth in their findings of January 24, 2002 and the minutes of their meeting of January 8, 2002.

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 split with flag lot.

SECTION 5. This Resolution 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



January 24, 2002

Village of
DOWNERS GROVE
ILLINOIS

Civic Center
801 Burlington Avenue
Downers Grove
Illinois 60515-4776
630.434.5500
TDD 630.434.5511
FAX 630.434.5571

CBD Redevelopment Office
1015 Curtiss Street
Downers Grove
Illinois 60515
630.434.5940
FAX 630.968.6346

*Fire Department
Administration*
3900 Highland Avenue
Downers Grove
Illinois 60515-1506
630.434.5980
FAX 630.434.5988

Police Department
825 Burlington Avenue
Downers Grove
Illinois 60515-4783
630.434.5600
FAX 630.434.5690

Public Works Department
5101 Walnut Avenue
Downers Grove
Illinois 60515-4074
630.434.5460
FAX 630.434.5495

*Department of
Social & Health Services*
842 Curtiss Street
Downers Grove
Illinois 60515-4761
630.434.5595
FAX 630.434.5599

Village of

Downers Grove Web site

<http://www.vil.downers-grove.il.us>

Info Line

630.434.6800

Mayor Brian Krajewski & Village Council
Village of Downers Grove
801 Burlington Avenue
Downers Grove, IL 60515

FILE NO. 1072 **LOT SPLIT** – (Petition includes a request for a flag lot) – Property located on the east side of Highland Avenue, approximately 850 feet south of 39th Street, commonly known as 4013 Highland Avenue, Downers Grove, IL (PIN 09-05-105-038); Steve & Gail Ohnsman, Owners/Petitioners

Dear Mayor Krajewski & Council Members:

The following motion was adopted by the Plan Commission at their meeting on January 8, 2002:

MOTION: MR. WLODEK MOVED WITH RESPECT TO FILE NO. 1072 - LOT SPLIT CONCERNING THE PROPERTY ON THE EAST SIDE OF HIGHLAND AVENUE APPROXIMATELY 850 FEET SOUTH OF 39TH STREET, COMMONLY KNOWN AS 4013 HIGHLAND AVENUE, DOWNERS GROVE, THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE PROPOSED LOT SPLIT WHICH INVOLVES THE CREATION OF A FLAG LOT. THIS RECOMMENDATION IS BEING MADE BASED UPON THE PETITIONER HAVING SUBMITTED AN APPLICATION WHICH HAS BEEN PREPARED IN A MANNER CONSISTENT WITH SECTIONS 20-301, 20-302 AND 20-602 OF THE SUBDIVISION CONTROL ORDINANCE. THIS RECOMMENDATION IS BEING MADE WITH THE SPECIFIC CONDITION THAT PRIOR TO ANY CONSTRUCTION BEING PERMITTED ON THE FLAG LOT THAT THE ATTACHED GARAGE MUST BE RAZED SO THAT THERE IS NO ENCROACHMENT INTO THE ACCESS DRIVE OF THE FLAG LOT AND SO THAT THERE ARE NO SUBSTANDARD SETBACKS FROM THE REQUIREMENTS OF THE VILLAGE'S ZONING

**ORDINANCE. MR. WAECHTLER SECONDED
THE MOTION.**

ROLL CALL:

**AYE: Mr. Wlodek, Mr. Waechtler, Mr. Griesbaum, Mr.
Kahlke, Mr. Matejczyk, Mr. McCormick, Mrs.
Reynolds, Mr. Stark, Chairman Jirik**

NAY: None

The motion passed unanimously.

This recommendation is being forwarded to the Village Council as the Plan Commission was able to determine that the resulting parcels meet the requirements of Section 20-302 Flag Lots of the Subdivision Control Ordinance, and as the Commission was able to make positive findings under the requirements of Section 20-602(c) Exceptions of the Subdivision Control Ordinance.

Sincerely,

VILLAGE OF DOWNERS GROVE



AB:ad

Amanda Browne, Planner
Planning Services

UPON THE RATHER UNLIKELY SITUATION OF ACQUISITION OF ADDITIONAL RIGHT OF WAY FOR EITHER OF THESE ROADWAYS BY MEANS OF FUTURE NEW DEVELOPMENT OR RE-DEVELOPMENT, NOR IS IT LIKELY THAT THE VILLAGE WILL BE AFFORDED AN OPPORTUNITY TO HAVE THE STREET PAVEMENT FOR EITHER OF THESE STREETS WIDENED AS A RESULT OF FUTURE NEW DEVELOPMENT OR REDEVELOPMENT.

MR. WLODEK SECONDED THE MOTION.

Chairman Jirik asked if there were any questions or comments regarding the nature, intent or content of the motion. There was no response.

ROLL CALL:

AYES: Mrs. Reynolds, Mr. Wlodek, Mr. Griesbaum, Mr. Kahlke, Mr. Matejczyk, Mr. McCormick, Mr. Stark, Mr. Waechtler, Chairman Jirik

NAYS: None

The motion passed unanimously.

Chairman Jirik stated it will be a few weeks before the Mayor and Village Council will consider this recommendation and the accompanying body of information. Those wishing to follow this petition as it progresses through the review levels should contact Staff. The Village Council Workshop agendas are published on Fridays in the Village Corner of the Downers Grove Reporter.

FILE NO. 1072 LOT SPLIT – (Petition includes a request for a flag lot) –
Property located on the east side of Highland Avenue, approximately 850 feet south of 39th Street, commonly known as 4013 Highland Avenue, Downers Grove, IL (PIN 09-05-105-038); Steve & Gail Ohnsman, Owners/Petitioners

Chairman Jirik asked if there was a representative of the petitioner present. Mr. Ohnsman, 4013 Highland Avenue, Downers Grove, explained he and his wife bought this property in 1983. At that time the home itself was on a lot that consisted of the front 200 feet of this property. During negotiations for purchase, it became clear that the people who owned the lot at the back, which was a separate deeded lot 300 feet deep, wanted to sell their lot as well. Mr. Ohnsman advised he and his wife were able to purchase both lots and combine them together.

Mr. Ohnsman stated he is now proposing to create a flag lot with a 20 foot wide access drive that would run along the south side of the property from Highland Avenue. The front lot would be approximately 80 feet wide by 200 feet deep and would include the existing home. The 20 foot wide access drive would access the rear lot where a new home could be built. Before any construction would begin on the flag lot, the attached garage on the front lot would be razed so that there would be no encroachment into the access drive of the flag lot.

Mr. Ohnsman pointed out that once the garage is razed, the resulting space between the lot line and the side of the house would be more than 27 feet. There would be a 20 foot wide access drive and 7.5 feet of setback between the edge of the access drive and the existing home.

Mr. Ohnsman explained the flag lot would result in a piece of property over 25,000 square feet in area plus the access drive which is approximately 4,000 square feet in area. The front lot would be close to 16,000 square feet in area. The proposed plan exceeds the depth requirements and the square foot requirements. Both of the newly created lots would far exceed the vast majority of lots in the neighborhood which range between 8,000 to 12,000 square feet.

Mr. Ohnsman pointed out he has talked to the Downers Grove Sanitary District, and they can service the lot in one of two ways. The Sanitary District would have some provisions which would be required, and Mr. Ohnsman stated they would meet those provisions. The Village's Stormwater Engineer, Ms. Rymas, has determined that there should be no flooding problems resulting from the creation of the back lot.

Mr. Ohnsman concluded by stating he and his wife plan to retire this year. They want to be able to maximize the value of their property and also get a high quality home built in the Village of Downers Grove.

Chairman Jirik asked Staff for their presentation.

Ms. Browne advised that the petitioners are seeking approval to divide their property at 4013 Highland Avenue into one flag lot and one regular lot.

Ms. Browne explained the subject property has a width of 99.82 feet as measured along Highland Avenue on the west and a depth ranging from 464.71 feet on the north to 450.3 feet on the south. The total lot area is approximately 45,635.5 square feet, or 1.05 acres.

Ms. Browne stated the subject property is zoned R-4, Single Family Residence, and it is improved with the petitioner's one-story, single family residence with an attached garage. The residence has a front setback as measured at its closest point of 55.41 feet, a northerly side yard of just over 21 feet and a southerly side yard of just over 7 feet as measured to the attached garage.

With regard to newly created lots, Ms. Browne advised that the Subdivision Control Ordinance does require a minimum lot width of 75 feet, a minimum lot area of 10,500 square feet and a minimum lot depth of 140 feet. A flag lot, however, may be created with a frontage as narrow as 20 feet, provided that the creation of a flag lot is created as an exception under the Subdivision Control Ordinance, and it meets all other applicable ordinance requirements. In addition to the minimum land area and width requirements for newly created lots, a flag lot does have a requirement that it has to maintain a minimum depth of 165 feet exclusive of the access drive.

Ms. Browne stated the proposed westerly parcel (the front lot with the existing residence) is proposed to have a lot width of 79.82 feet, a depth of 200 feet, and a lot area of approximately 15,953.9 square feet.

The proposed easterly parcel, the flag lot, exclusive of its access drive, will have a width of approximately 99.82 feet as measured along its front property line on the west and a depth ranging from 264.71 feet on its northerly property line to 250.3 feet as measured along its southerly property line. The "pole" portion of the flag lot is comprised of a 20 foot wide by 200 foot long access drive located immediately to the south of the westerly (front) parcel. The lot area of the flag lot, excluding the area of the access drive, is proposed to be 25,682.7 square feet and including the access drive would be 29,681.6 square feet.

Ms. Browne commented as the property is currently improved, the proposed lot split must not only meet the bulk requirements of the Subdivision Control Ordinance regarding lots, but it is also required to meet the Zoning Ordinance requirements with respect to setbacks for existing structures. The existing garage located on the south side of the residence is located within the area proposed to serve as the 20 foot wide access drive of the flag lot. If the lot split is approved, the petitioner has indicated the attached garage will be demolished in order to comply with the Zoning Ordinance requirements with respect to setbacks which are as follows: The minimum side yard as measured from the residence to the common property line between the front lot and the access drive is required to be no less than 5 feet plus one foot of additional setback for every one foot in structure height over 20 feet. The minimum side yard as measured to the northerly property line is required to be no less than 10 feet as the residence will no longer have an attached garage. The ten foot side yard is intended to accommodate a driveway leading to the rear of that structure. Upon removal of the attached garage, it appears that all of the applicable setbacks will be exceeded.

With respect to the creation of a flag lot, Ms. Browne advised that Section 20-302 of the Subdivision Control Ordinance specifies that a flag lot may be created as part of a lot split subject to certain conditions and requirements:

- (a) THE USE OF A FLAG LOT WOULD MAKE IT POSSIBLE TO BETTER UTILIZE IRREGULARLY SHAPED PROPERTIES.**

Ms. Browne stated in its current configuration, the depth of the lot is greater than five times its width which is a substantial lot width to lot depth ratio. Also, at more than 45,635 square feet in area, which is just over an acre, the subject lot is also very large for a single lot in the R-4, Single Family Residential Zoning District. The proposed lot split, if approved, would result in two parcels both of which would be considerably larger than the requirements of the Subdivision Control Ordinance and of the underlying Zoning Ordinance requirements.

- (1) **THE POLE OF THE FLAG LOT SHALL BE NO LESS THAN 20 FEET WIDE.**

Ms. Browne noted the petitioners' proposal does meet the 20 foot wide pole requirement.

- (2) **AN ACCESS CORRIDOR, INCLUDING A PAVED SURFACE NOT LESS THAN 10 FEET IN WIDTH, SHALL BE MAINTAINED ALONG THE LENGTH OF THE POLE. NO ENCROACHMENTS SHALL BE PERMITTED WITHIN THIS ACCESS CORRIDOR WHICH WOULD INTERFACE WITH EMERGENCY VEHICLE ACCESS.**

Ms. Browne stated the petitioners understand that the development of the proposed flag lot must be made consistent with this requirement of the Ordinance, and they have indicated the garage will be razed to satisfy the side yard setback requirement.

- (3) **THE MINIMUM DEPTH OF THE FLAG LOT, EXCLUSIVE OF THE POLE, SHALL BE AT LEAST 165 FEET DEEP, AND THE LOT SIZE SHALL COMPLY WITH THE PROVISIONS OF SECTION 20-301.**

Ms. Brown explained at its most shallow point the proposed flag lot will be just over 250 feet which exceeds the 165 foot depth requirement of this section by 83 feet. The area of the proposed flag lot is to be 25,682.7 square feet exclusive of the access drive and 29,681.6 square feet inclusive of the access drive which more than doubles the 10,500 square foot requirement for newly created lots.

- (4) **THE FRONT YARD SETBACK SHALL BE MEASURED FROM A LINE PARALLEL TO THE STREET, WHERE THE LOT MEETS THE MINIMUM WIDTH OF THE UNDERLYING ZONING DISTRICT.**

Ms. Browne explained the petitioners understand the obligation regarding the front yard setback for the proposed flag lot which is required to meet the R-4 Zoning District's minimum setback of no less than 25 feet plus one additional foot of setback for every two feet of structure height over 20 feet.

- (5) THE ADDRESS OF THE FLAG LOT MUST BE CLEARLY DISPLAYED WITHIN THREE FEET OF THE PROPERTY LINE ADJACENT TO THE PUBLIC STREET, AND SHALL BE DESIGNED AND MAINTAINED TO CLEARLY DIFFERENTIATE THE FLAG LOT FROM THE ADJACENT PROPERTY.**

Ms. Browne stated the petitioners understand that they or any subsequent owner will be required to post and maintain an address sign consistent with this requirement.

- (6) THE FRONT LOT SHALL COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER INCLUDING MINIMUM AREA, DEPTH AND WIDTH.**

Ms. Browne explained the front lot would exceed all minimum area, depth, and width requirements.

Ms. Browne pointed out Section 20-302(b) of the Subdivision Control Ordinance states that petitions for flag lots shall be processed as an exception, and Section 20-302(d) states that no other exceptions shall be permitted for either the flag lot or for the front lot. Exceptions are provided under Section 20-602 (a), (b), and (c). Section 20-602(c) states 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:

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

Ms. Browne indicated Staff is of the opinion that the proposed lot split will not have a negative impact on either the value or the reasonable use of the surrounding properties as a preponderance of the lots in the surrounding area are of narrower width and shallower depth than as proposed by this flag lot configuration. She pointed out the three lots immediately to the north of the subject property are of comparable size to the subject property, and explained that these three lots are held in common ownership.

The lots to the south of the subject property appear to originally have been of comparable size to the subject property but have been previously divided into two lots each. Immediately to the south of the subject property are two lots: a westerly lot fronting Highland Avenue (Parcel No. 039) which is 99.75 feet in width and 228.15 feet in depth with an area of approximately 22,758 square feet; and an easterly lot with frontage on its easterly property line at the terminus of the 40th Street right of way. This lot has 49.5 feet of frontage on 40th Street and has

an area of approximately 21,367 square feet. The lot split creating these two lots was approved by the Village as a flag lot in 1993 (File Number 927) due to the 49.5 foot frontage along 40th Street.

South of these two lots is another set of two lots. Ms. Browne noted that these two lots are held in common ownership and cannot be used or sold independently of one another due to fact that the easterly property does not front on a public street and does not have an easement of access created prior to April of 1965.

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

Ms. Browne stated in addition to the one Village-approved flag lot configuration south of the subject property, the general trend has been the creation of lots of significantly smaller size and of narrower width than is proposed in this case. As illustrated on the map of the surrounding area included in the Board's packets, properties to the west range from 50 to 75 feet in width and are typically 138 feet in depth. Properties to the east are typically 50 feet in width and approximately 185 feet in depth. And excepting the lots previously noted in item (1), properties to the south are typically 50 feet in width and approximately 160 feet in depth

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

Ms. Browne stated the primary characteristic which supports the granting of the exception for the proposed flag lot is the relationship of the parcel's width to its depth and area. As a single parcel of more than 45,635 square feet, it is considerably larger than the majority of the surrounding lots and is more than four times as large as a lot meeting the minimum 10,500 square foot requirement for newly created lots in the R-4, Single Family Zoning District. If the lot is divided as proposed, the two resulting parcels will have lot areas which exceed the minimum area, width and depth requirements of the Subdivision Control Ordinance.

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

Ms. Browne stated Staff is of the opinion that both of the resulting parcels have width, depth and area characteristics that will readily accommodate very reasonable sized residences, subject to the demolition of the existing attached garage to accommodate the required side yard setback on the south side of the residence.

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

Ms. Browne pointed out as noted under Number (3) above, Staff is of the opinion that the flag lot will not alter the essential character of the area.

With respect to future development of the property, if the proposed flag lot should be approved, Ms. Browne advised that the Village's Stormwater Management Engineer, Ms. Chrys Rymas, has been consulted with respect to the proposed flag lot, and has indicated that through proper design and grading, surface water management would appear to be able to be accommodated should development of the flag lot occur.

The petitioner has also consulted the Downers Grove Sanitary District and has submitted the attached correspondence dated October 29, 2001. The Sanitary District indicated that there are two public sewer mains which could potentially provide sanitary sewer service to the proposed flag lot.

In conclusion, Ms. Browne advised Staff recommends that the Plan Commission forward a positive recommendation to the Village Council for the proposed lot split which involves the creation of a flag lot. This recommendation is being made with the condition that prior to any construction being permitted on the flag lot, the attached garage must be razed so that there is no encroachment into the access drive of the flag lot, and so that there are no substandard setbacks from the requirements of the Village's Zoning Ordinance.

Ms. Browne stated she would be pleased to answer any questions.

Chairman Jirik asked if there were any comments or questions regarding this petition from anyone in the audience. There was no response. Chairman Jirik closed the public participation portion of the hearing closed.

Chairman Jirik asked the Commissioners if there were any comments or questions regarding this flag lot petition.

Mr. Griesbaum asked when the garage is razed, will the driveway for the existing home lead to the back to another garage or will there be two driveways next to each other? Mr. Ohnsman stated their intent is sell the property to a builder who would come in and make the site decisions. His expectation is that the driveway for the existing home will be along the north side as there is 21 feet between the house and the property line. Mr. Ohnsman stated if he were doing the development, he would have the garage attached at the rear of the house on the east and have the driveway come around the house on its north side.

Mrs. Reynolds recalled that the petitioner indicated when they purchased the property in 1983, and she wondered about access to the rear lot they purchased. Mr. Ohnsman

explained he thought the property owner from Naperville was originally the seller of the total property, and he retained the back 300 feet with the hope that 40th Street would go through to Highland. He held onto the property and paid taxes on it for many years. When the Ohnsmans were negotiating to purchase the front portion, he decided to sell his property.

Mr. Waechtler thanked the petitioner for his candor, honesty and excellent presentation. As there were no further questions or comments, Chairman Jirik called for a motion.

MOTION: MR. WLODEK MOVED WITH RESPECT TO FILE NO. 1072 – LOT SPLIT CONCERNING THE PROPERTY ON THE EAST SIDE OF HIGHLAND AVENUE APPROXIMATELY 850 FEET SOUTH OF 39TH STREET, COMMONLY KNOWN AS 4013 HIGHLAND AVENUE, DOWNERS GROVE, THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE PROPOSED LOT SPLIT WHICH INVOLVES THE CREATION OF A FLAG LOT. THIS RECOMMENDATION IS BEING MADE BASED UPON THE PETITIONER HAVING SUBMITTED AN APPLICATION WHICH HAS BEEN PREPARED IN A MANNER CONSISTENT WITH SECTIONS 20-301, 20-302 AND 20-602 OF THE SUBDIVISION CONTROL ORDINANCE. THIS RECOMMENDATION IS BEING MADE WITH THE SPECIFIC CONDITION THAT PRIOR TO ANY CONSTRUCTION BEING PERMITTED ON THE FLAG LOT THAT THE ATTACHED GARAGE MUST BE RAZED SO THAT THERE IS NO ENCROACHMENT INTO THE ACCESS DRIVE OF THE FLAG LOT AND SO THAT THERE ARE NO SUBSTANDARD SETBACKS FROM THE REQUIREMENTS OF THE VILLAGE’S ZONING ORDINANCE. MR. WAECHTLER SECONDED THE MOTION.

Chairman Jirik asked if there were any questions, comments or discussion regarding the motion. There was none. Chairman Jirik called for the roll

ROLL CALL:

AYES: Mr. Wlodek, Mr. Waechtler, Mr. Griesbaum, Mr. Kahlke, Mr. Matejczyk, Mr. McCormick, Mrs. Reynolds, Mr. Stark, Chairman Jirik

NAYS: NONE

The motion passed unanimously.

Chairman Jirik advised that the recommendation and the accompanying documentation will be reviewed by the Village Council in several weeks. Chairman Jirik stated Staff can

be contacted to find out when this recommendation will be placed on a Village Council Workshop agenda.

Mr. Ohnsman recognized the work Ms. Browne did with him. She demonstrated that she is extremely knowledgeable, is a very good representative of the Village and is a pleasant, courteous person to work with on a complex subject.

As there was no further business, Chairman Jirik called for a motion to adjourn. **Mr. Griesbaum moved to adjourn the meeting, and Mrs. Reynolds seconded the motion. The motion passed unanimously.** The meeting adjourned at 9:35 p.m.

**VILLAGE OF DOWNERS GROVE PLAN COMMISSION
PUBLIC WORKS MEETING ROOM
5101 WALNUT AVENUE**

**JANUARY 08, 2002
7:30 P.M.**

AGENDA

- FILE NO. 1070** **PUBLIC HEARING – FINAL PLANNED DEVELOPMENT SITE PLAN APPROVAL – P.D. #35 PARKER’S PLACE, A RESIDENTIAL DEVELOPMENT** – The petitioner is seeking final approval of a planned development for a townhouse residential development which is being requested under the Landbank Development Provisions of the Zoning Ordinance. The property is located on the south side of Gilbert Avenue commencing at a point approximately 130 feet west of Forest Avenue and on the north side of Curtiss Street commencing at a point 220 feet west of Forest Avenue. The common addresses of the properties involved in this petition include: 1137, 1131, 1127, 1123, 1119, 1115 and 1111 Gilbert Avenue and 1128 and 1122 Curtiss Street, Downers Grove, IL (PINS 09-08-301-001, 002, 003, 004, 005, 006, 007 and 09-08-301-012, 013); Rosol Construction, Inc., Owner; Edward Rickert, Attorney/Petitioner
- FILE NO. 1072** **LOT SPLIT** – (Petition includes a request for a flag lot) – Property located on the east side of Highland Avenue, approximately 850 feet south of 39th Street, commonly known as 4013 Highland Avenue, Downers Grove, IL (PIN 09-05-105-038); Steve & Gail Ohnsman, Owners/Petitioners

THIS TENTATIVE REGULAR AGENDA MAY BE SUBJECT TO CHANGE

FILE NO. 1072

LOT SPLIT: (Petition includes a request for an exception for a flag lot).
The property is located on the east side of Highland Avenue, approximately 850 feet south of 39th Street, commonly known as 4013 Highland Avenue, Downers Grove, Illinois (PIN 09-05-105-038); Steve and Gail Ohnsman, Owners/Petitioners.

FINDINGS:

1. The petitioners are seeking approval of a lot split involving their property at 4013 Highland Avenue, which is located on the east side of Highland Avenue, approximately 850 feet south of 39th Street. It is the petitioners' request that the subject property be divided into one flag lot and one regular lot. A flag lot is an exception under the provisions of Section 20-302 of the Subdivision Control Ordinance.
2. The subject property has a width of 99.82 feet as measured along its westerly property line along Highland Avenue, and a depth ranging from 464.71 feet as measured on its northerly property line to 450.3 feet as measured on its southerly property line. The total lot area of the subject property is approximately 45,635.5 square feet, or 1.05 acres.

The subject property is zoned R-4, Single Family Residence, and is improved with a one-story single family residence with an attached garage. The residence has a front setback as measured at its closest point of 55.41 feet, a northerly side yard ranging from 21.16 to 21.24 feet, and a southerly side yard ranging from 7.08 feet to 7.09 feet as measured from the attached garage.

3. Section 20-301 of the Subdivision Control Ordinance requires newly created lots in the R-4 District to be no less than 75 feet in width, 140 feet in depth, and 10,500 square feet in area. However, a flag lot may have a frontage as narrow as 20 feet according to the provisions of Section 20-302(c)1 of the Subdivision Control Ordinance, provided that such request for a flag lot can satisfy all other applicable requirements, and provided that the creation of a flag lot is granted as an exception. In addition to the minimum land area and width requirements for newly created lots, Section 20-302(c)3 of the Subdivision Control Ordinance further requires flag lots to maintain a minimum depth of 165 feet exclusive of the access drive.
4. The proposed westerly parcel (the front lot with the existing residence) is proposed to have a lot width of 79.82 feet, a depth of 200 feet, and a lot area of 15,953.9 square feet.

The main portion of the proposed easterly parcel, the flag lot, will have a width of approximately 99.82 feet as measured along its westerly (front) property line and a depth ranging from 264.71 feet as measured along its northerly property line to 250.3 feet as measured along its southerly property line. The "pole" portion of the flag lot is comprised of a 20 foot wide by 200 foot long access drive located immediately to the south of the westerly (front) parcel. The lot area of the flag lot excluding the area of the access drive is proposed to be 25,682.7 square feet, and including the access drive, would be 29,681.6 square feet.

5. As the subject property is currently improved, the proposed lot split must be configured in such a manner that the resulting division not only meets the bulk requirements for lots, but also the required Zoning Ordinance yard requirements for the existing residential structure. The attached garage located on the south side of the residence is located within the area proposed to serve as the 20 foot wide access drive of the flag lot. The petitioners have indicated that should the lot split be approved as requested, the attached garage will be razed in order to comply with the Zoning Ordinance yard requirements.

Pursuant to Zoning Ordinance Section 28-1111(d), as applied to the residence upon removal of the attached garage, the minimum side yard as measured from the residence to the common property line between the front lot and the access drive is required to be no less than 5 feet plus one foot of additional setback for every one foot in structure height over 20 feet. As the residence will no longer have an attached garage, the minimum side yard as measured to the northerly property line is required to be no less than 10 feet.

Excepting the attached garage which would be required to be removed prior to any development being permitted on the flag lot, all other applicable setback requirements appear to be maintained for the existing structure.

6. Section 20-302 of the Subdivision Control Ordinance specifies that a flag lot may be created as part of a lot split or subdivision for residential purposes in the following instances and with the following stipulations:

(a) THE USE OF A FLAG LOT WOULD MAKE IT POSSIBLE TO BETTER UTILIZE IRREGULARLY SHAPED PROPERTIES.

In its current configuration, the subject property has a substantial lot width to lot depth ratio. The depth of the subject lot is greater than five times its width. At 45,635.5 square feet in area, or 1.05 acres, the subject lot is also very large for a single lot in the R-4 Zoning District. The proposed lot split, if approved, would permit the subject property to be developed with two houses with each of the resulting parcels being considerably larger than the requirements of the Subdivision Control Ordinance and of the underlying Zoning Ordinance requirements.

(1) THE POLE OF THE FLAG LOT SHALL BE NO LESS THAN 20 FEET WIDE.

The petitioners' proposal of a 20 foot wide pole complies with this requirement.

(2) AN ACCESS CORRIDOR, INCLUDING A PAVED SURFACE NOT LESS THAN 10 FEET IN WIDTH, SHALL BE MAINTAINED ALONG THE LENGTH OF THE POLE. NO ENCROACHMENTS SHALL BE PERMITTED WITHIN THIS ACCESS CORRIDOR WHICH WOULD INTERFACE WITH EMERGENCY VEHICLE ACCESS.

The petitioners understand that the development of the proposed flag lot must be made consistent with this requirement of the Ordinance.

- (3) THE MINIMUM DEPTH OF THE FLAG LOT, EXCLUSIVE OF THE POLE, SHALL BE AT LEAST 165 FEET DEEP, AND THE LOT SIZE SHALL COMPLY WITH THE PROVISIONS OF SECTION 20-301.**

The depth of the proposed flag lot is to be 250.3 feet at its shallowest point, which exceeds the 165 foot depth requirement of this section. The area of the proposed flag lot is to be 25,682.7 square feet exclusive of the access drive and 29,681.6 square feet inclusive of the access drive, which more than doubles the 10,500 square foot requirement for newly created lots pursuant to Section 20-301 of the Subdivision Control Ordinance.

- (4) THE FRONT YARD SETBACK SHALL BE MEASURED FROM A LINE PARALLEL TO THE STREET, WHERE THE LOT MEETS THE MINIMUM WIDTH OF THE UNDERLYING ZONING DISTRICT.**

The petitioners understand the obligation regarding the front yard setback for the proposed flag lot, which is required to meet the R-4 Zoning District's minimum setback of no less than 25 feet plus one additional foot of setback for every two feet of structure height over 20 feet.

- (6) THE ADDRESS OF THE FLAG LOT MUST BE CLEARLY DISPLAYED WITHIN THREE FEET OF THE PROPERTY LINE ADJACENT TO THE PUBLIC STREET, AND SHALL BE DESIGNED AND MAINTAINED TO CLEARLY DIFFERENTIATE THE FLAG LOT FROM THE ADJACENT PROPERTY.**

The petitioners understand that if the proposed flag lot is to be built upon, they or any subsequent owner is under the obligation to post and maintain an address sign consistent with this requirement.

- (7) THE FRONT LOT SHALL COMPLY WITH THE REQUIREMENTS OF THIS CHAPTER INCLUDING MINIMUM AREA, DEPTH AND WIDTH.**

As proposed, the front lot will exceed all minimum area, depth, and width requirements.

7. Section 20-302(b) of the Subdivision Control Ordinance states that petitions for flag lots shall be processed as an exception, and Section 20-302(d) states that no other exceptions shall be permitted for either the flag lot or for the front lot. Exceptions are provided under Section 20-602 (a), (b), and (c).

Section 20-602(a) states that the Plan Commission may consider and recommend, and the Council may grant, exceptions from the requirements of this Chapter. Section 20-602(b) further requires that exceptions be granted only in specific cases where the general plan and spirit of the Chapter will not be altered, and where the Council determines that the public health, safety, and welfare will not be adversely impacted. However, no exception may be granted from the previously outlined minimum provisions regarding flag lots.

Section 20-602(c) states 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:

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

Staff is of the opinion that the proposed lot split will not have a negative impact on either the value or the reasonable use of the surrounding properties.

As can be seen from the map of the area within which the subject property is located, the preponderance of the lots in the surrounding area are of narrower width and shallower depth than as proposed by this flag lot configuration. It may be of interest that the three lots immediately to the north of the subject property are of comparable size to the subject property, and are held in common ownership.

The lots to the south of the subject property appear to originally have been of comparable size to the subject property, but have been previously divided into two lots each. Immediately to the south of the subject property are two lots: a westerly lot fronting Highland Avenue which is 99.75 feet in width and 228.15 feet in depth, with an area of approximately 22,758 square feet; and an easterly lot with frontage on its easterly property line at the terminus of the 40th Street right of way. This easterly lot has a width ranging from 49.5 feet on the east to 99.75 feet on the west, a depth ranging from 262.15 feet on the north to 174.8 feet on the south, and an area of approximately 21,367 square feet. The lot split creating these two lots was approved by the Village as a flag lot in 1993 (File Number 927), due to the 49.5 foot frontage of the easterly lot along the 40th Street right-of-way.

South of these two lots is another set of two lots. It may be of interest to note that these two lots are held in common ownership and can not be used or sold independently of one another due to fact that the easterly property does not front on a public street and does not have an easement of access dating back to April of 1965 when the current form of the Zoning Ordinance was adopted.

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

In addition to the one Village-approved flag lot configuration south of the subject property, the general trend has been the creation of lots of significantly smaller size and of narrower width than as proposed by the flag lot configuration. As illustrated on the attached map of the surrounding area, properties to the west range from 50 to 75 feet width and approximately 138 feet in depth. Properties to the east are typically 50 feet in width and approximately 185 feet in depth. And excepting the lots noted in item (1) above, properties to the south are typically 50 feet in width and approximately 160 feet in depth.

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

The primary characteristic which supports the granting of the exception for the proposed flag lot is the relationship of the parcel's width to its depth and area. As a single parcel of 45,635.5 square feet in area, the subject property is considerably larger than the majority of the surrounding lots, and is more than four times as large as a lot meeting the minimum 10,500 square foot requirement of the Subdivision Control Ordinance as it applies in the R-4 District. Further, if the lot is divided as proposed, the two resulting parcels will have lot areas which exceed the minimum area, width and depth requirements of the Subdivision Control Ordinance.

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

Staff is of the opinion that both of the resulting parcels have width, depth and area characteristics which will readily accommodate very reasonable sized residences, subject to the existing attached garage being razed.

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

As noted under number (3) above, Staff is of the opinion that the proposal to divide the subject parcel into a flag lot configuration will not alter the essential character of the area.

8. The Village's Stormwater Management Engineer, Ms. Chrys Rymas, has been consulted with respect to the proposed flag lot, and has indicated that through proper design and grading, surface water management would appear to be able to be accommodated should development of the flag lot occur.

The petitioner has also consulted the Downers Grove Sanitary District with respect to the proposed flag lot, and has submitted the attached correspondence dated October 29, 2001. The Sanitary District has indicated that there are two public sewer mains which could potentially provide sanitary sewer service to the proposed flag lot.

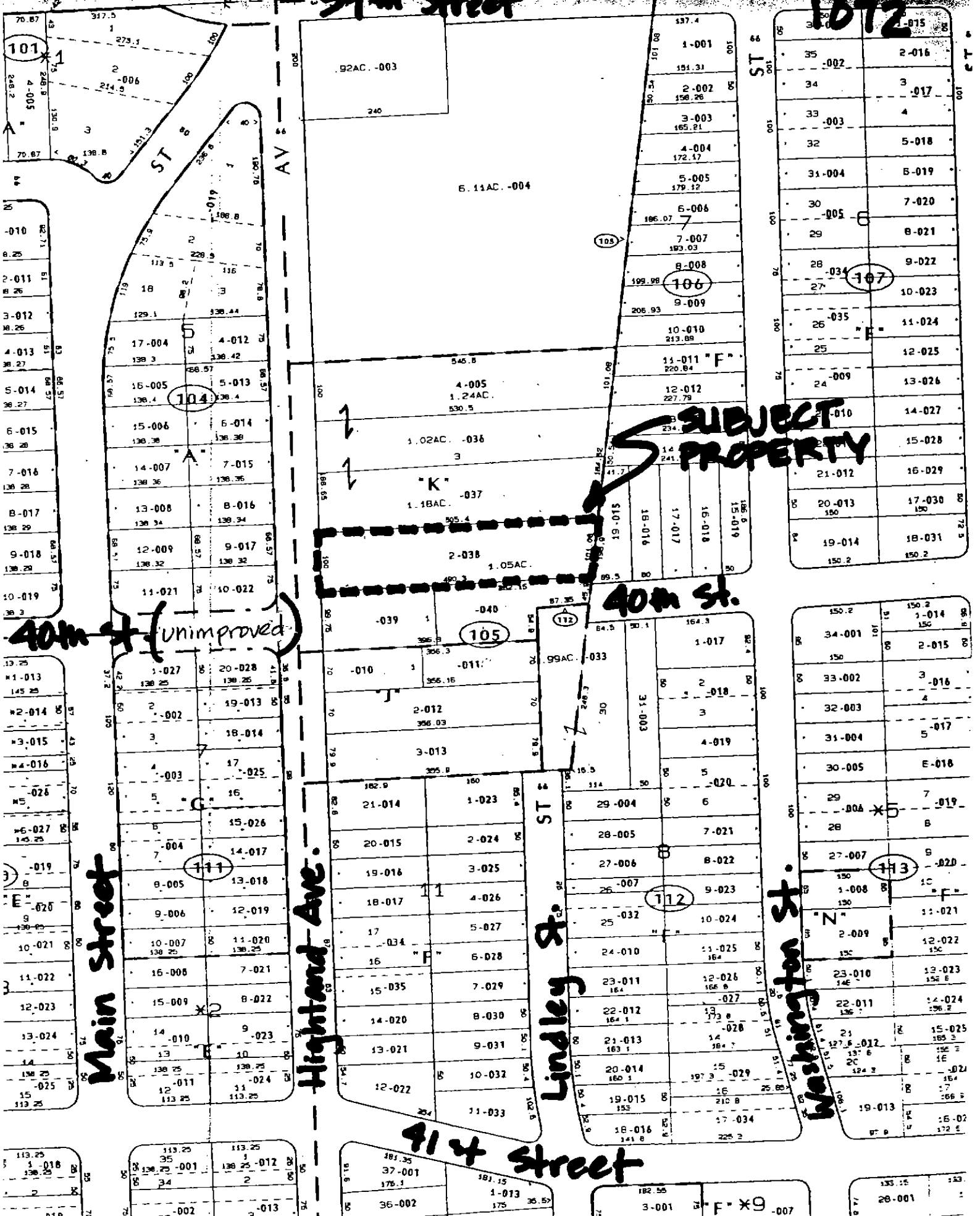
RECOMMENDATIONS:

Staff recommends that the Plan Commission forward a positive recommendation to the Village Council for the proposed lot split which involves the creation of a flag lot. This recommendation is being made as the petitioners have submitted an application which has been prepared in a manner which is or which will be consistent with the requirements of Sections 20-301, 20-302 and 20-602 of the Subdivision Control Ordinance.

This recommendation is being made with the condition that prior to any construction being permitted on the flag lot, the attached garage must be razed so that there is no encroachment into the access drive of the flag lot, and so that there are no substandard setbacks from the requirements of the Village's Zoning Ordinance.

FILE
1072

39th Street



SUBJECT
PROPERTY

40th St (unimproved)

40th St.

Main Street

Hightland Ave.

Lindley St.

Washington St.

41st Street

1-018
136.25
2

1-012
136.25
2

1-013
136.25
2

1-013
178.1
36.5

1-013
175
36.5

3-001
182.55
F X9 -007

28-001
135.15
53

12/13/01

Planning Commission
Village of Downers Grove
801 Burlington Ave.
Downers Grove, IL 60515

Commissioners:

Please review the attached application and information for a "flag lot" exception for our lot at 4013 Highland Avenue. We bought this property in 1983, at which time it was made up of two lots (approximately 100' X 200' and 100' X 300').

The current lot size is 99.82' X 504.71' X 101.08' X 490.3'. Lot sizes in this neighborhood vary widely; this one is much larger than normal. We are requesting a split that would create two lots; the front one 79.82' X 200' X 80' X 200'; rear 100' X 264.71' X 101.08' X 250.3'.

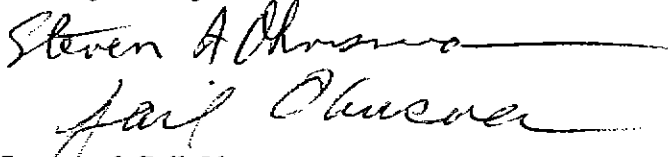
A request for a lot split at 4017 Highland (creating two similar sized lots) was approved several years ago.

A driveway would run from Highland Avenue along the south side of the property to the flag lot. Please note that we would remove the existing garage to allow for the required 20' for the driveway and 7.38' between the "flagpole" and the wall of the existing house.

We enclose a letter from the Sanitary District related to this request.

Ms. Chris Rymas has reviewed this property. Her findings show that the property contains no depression areas, no flood plain, and no standing water.

Thank you for your time and consideration in this matter.



Steve and Gail Ohnsman
4013 Highland Ave.
Downers Grove, IL 60515

Board of Trustees

Donald E. Eckmann
President

Wallace D. Van Buren
Vice President

David J. Morrill
Clerk

Downers Grove

Sanitary District

2710 Curtiss Street
P.O. Box 1412
Downers Grove, IL 60515-0703
Phone: 630-969-0664
Fax: 630-969-0827

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Providing a Better Environment for South Central DuPage County

October 29, 2001

Mr. Steve Ohnsman
4013 Highland Avenue
Downers Grove, IL 60515

RE: Proposed Flag Lot at 4013 Highland Avenue

Dear Mr. Ohnsman:

The District has two public sewer mains which could potentially provide sanitary sewer service to the proposed flag lot. The first is the public main in Highland Avenue. The District would need a topographic survey to determine whether this could be a gravity building service sewer or a force main/pump system. The second location is at 40th Street and Lindley, this location would require an easement from the adjacent property owner to the south (See enclosure).

If you have any questions, please call.

Sincerely,
DOWNERS GROVE SANITARY DISTRICT



Theodore T. Cherwak
Administrative Assistant

TTC
CC: Ken Rathje – VDG Planning Service

