

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

Call to Order

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

Roll call

Present: Mr. Baker, Mr. Gray, Mr. Lukas, Mr. Sleeter, Ch. White

Absent: Mr. Benes, Mr. Domijan

A quorum was established.

Minutes

Mr. Gray moved to accept the minutes of the December 18th, 2002 meeting as presented. Mr. Lukas seconded the Motion.

Mr. Sleeter said that on page 16 he was quoted as saying "the proposal will not reflect the deterioration", which does not make sense. He intended to say "the proposal will not result in a deterioration."

AYES: Mr. Gray, Mr. Lukas, Mr. Baker, Mr. Sleeter, Ch. White

NAYS: None

Chairman White declared the minutes accepted as corrected.

Meeting Procedures

Chairman White explained the procedures to be followed for the meeting, reviewing the petition before the Board. He said that the Board will make a recommendation on this requested rezoning, and the final decision will be 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 Mr. Rathje to read the published public hearing notice for the first petition.

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MC-1-03 A petition seeking rezoning from Village R-1, single family residential to Village R-3, single family residential for property located on the south side of 66th Street approximately 432 feet west of Fairview Avenue (PIN 09-20-211-

016); Downers Grove Community Church Owner; WXR & Associates, Ltd.,
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 January 22, 2003 at the Village of Downers Grove Village Hall, 801 Burlington Avenue, Downers Grove, Illinois, to consider a petition seeking rezoning from Village R-1, Single Family Residence District to Village R-3, Single Family Residence District for property located on the south side of 66th Street, approximately 432 feet west of Fairview Avenue, Downers Grove (PIN 09-20-211-016). The property is legally described as follows:

The west 184 feet of the Southeast Quarter of the Southeast Quarter of the Northeast Quarter, lying north of Janda's Subdivision, (except that part taken or used for 66th Street), in Section 20, Township 38 North, Range 11, 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 Relations Department (630 434-5560) prior to the meeting. Wheelchair access may be gained through the entrance on the south side of the Village Hall. All interested parties 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, Wednesday, January 8, 2003.

Petitioner's Presentation:

Mr. George Johnson, attorney with Hultman & Johnson located at 1303 Ogden Avenue in Downers Grove, stated he was representing the Petitioner, WXR & Associates, Ltd. Mr. Johnson stated that his clients are the contract purchaser for the property owned by Downers Grove Community Church. The subject site is located on 66th Street, approximately 432 feet west of Fairview Avenue, and the property is vacant. They are requesting a zoning change from R-1 zoning to R-3 zoning. He noted that the proposed rezoning is being requested in anticipation of a subdivision of the property into two lots. They desire to build two single-family residences. Mr. Johnson said that the requested R-3 zoning is consistent with the surrounding zoning.

There being no questions from the Board at this time, Chairman White asked Mr. Rathje to present the staff's findings.

Staff Presentation:

Mr. Rathje stated the petitioner is seeking approval of a petition to rezone the subject property from R-1, Single Family Residential to R-3, Single Family

Residential. The subject property is located on the south side of 66th Street, approximately 432 feet west of Fairview Avenue.

Mr. Rathje noted that the petitioners are the contract purchasers of the subject property from the Downers Grove Community Church, which is located immediately to the south and east of the subject property. Although the Church owns the subject property, the subject property has never been part of the Church's special use. The petitioners have indicated their intent to further subdivide the subject property into two single-family residential zoning lots, the proposal for which would be presented in the future to the Plan Commission and Village Council separate from this rezoning petition.

Mr. Rathje described the subject property as approximately 184 feet in width as measured along 66th Street, and approximately 131.98 feet deep as measured on its westerly property line, with a depth of approximately 131.79 feet as measured on its easterly property line. The area of the subject property is approximately 24,206.4 square feet or .577 acres. The property is currently unimproved.

Mr. Rathje said the property is zoned R-1, Single Family Residential and has been zoned as such since the property and its surrounding area were annexed into the Village in August of 1994. Pursuant to Section 28-402 of the Zoning Ordinance, unless requested at the time of annexation, annexed properties are assigned R-1, single family residential zoning. He explained that the existing R-1 zoning district is a single family residential district which requires a minimum lot width of 100 feet and a minimum lot area of 20,000 square feet. The proposed R-3 zoning district is also a single-family residential zoning district. This zoning district requires a minimum lot width of 75 feet and a minimum lot area of 10,500 square feet.

Mr. Rathje then described the surrounding zoning in the area of the subject property as follows: the Downers Grove Community Church located immediately south and east of the subject property is zoned R-1, Single Family Residential. The single family residential lots located along St. James Court to the west, and along Berrywood Street, Davane Lane and 66th Street to the northwest and north are zoned R-3, Single Family Residential. The single family residential lots in this area have been developed with lot dimensions and lot areas consistent with the requirements of the R-3 zoning district.

Mr. Rathje said the Village's Future Land Use Plan depicts the subject property with a land use designation of "Residential at 0-6 dwelling units per acre," which is consistent with the R-1 through R-4 single family residential zoning districts, and he explained that that the requested R-3 rezoning is consistent with the Village's Future Land Use Plan and with the zoning of land in the surrounding area.

Chairman White asked about the nearby pockets of R-1 zoning and whether those parcels were zoned as such by default. Mr. Rathje used the overhead projection to explain that all of the property which Chairman White asked about was annexed under a forced annexation by the Village. He noted there is R-1 zoning north of 65th Street which is the MCI property which was also default zoning. Additional R-1 property north of 65th Street is still unincorporated.

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

Mr. Anthony Ruggiero said he resides at 6601 James Court, and requested that the tree line between the subject property and his property adjacent to the west be maintained. He also asked that if any development is planned in the future for the larger church property, that any possible street would be precluded from extending from Devane Lane if the subject lots were built on.

Mr. George Johnson said his client is interested in saving whatever trees are possible.

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

Board's Deliberation:

Chairman White said this petition does not affect what the petitioner will place on the lots as the request is to rezone the property.

Mr. Lukas said the petition is consistent with the Village's Future Land Use Plan and is also consistent with the zoning of the area, so he would see nothing else to do but to recommend approval of the request.

Mr. Sleeter concurred with Mr. Lukas' statement as did Mr. Gray.

Chairman White said that the Village has many overlapping areas of jurisdiction in order to eventually obtain a building permit for construction. This rezoning designation is one narrow piece in the process, and there are many other rules which must be satisfied regarding matters that are outside the purview of the Zoning Board of Appeals.

Mr. Lukas moved that in case MC-1-03 the Zoning Board of Appeals recommend that the Village Council approve this request for a rezoning from Village R-1 to Village R-3 single-family residential zoning for the subject property. Mr. Sleeter seconded the Motion.

AYES: Mr. Lukas, Mr. Sleeter, Mr. Baker, Mr. Gray, Ch. White

NAYS: None

Chairman White declared the Motion passed.

Chairman White declared the Motion passed and adjourned the meeting at 7:49 PM.

Respectfully submitted,

Tonie Harrington
Recording Secretary