

## COUNCIL WORKSHOP ITEM

**ITEM:** FILE NO. 2002 LOT SPLIT APPROVAL – 4914 PERSHING AVENUE  
(petition includes lot depth exception); Property located on the west side of  
Pershing Avenue, north of Warren Avenue.

**DATE:** October 8, 2003

**PREPARED BY:** Amanda G. Browne, Planner  
Planning and Community Development

**PURPOSE:** Ordinance adoption; Lot Split Approval

### DISCUSSION:

At their September 2, 2003 meeting, the Plan Commission considered the proposed lot split presented in this case. The subject property is commonly known as 4914 Pershing Avenue. The petitioner is proposing to divide the subject property into two single family residential lots, each of which require a lot width exception of 60 feet in lieu of the minimum required 75 feet per code. Aside from the requested lot depth exception for each of the proposed lots, the proposal is consistent with the requirements of the R-3 District, other applicable standards of the Zoning Ordinance and the Subdivision Control Ordinance, and the Future Land Use Plan.

The Plan Commission unanimously recommended that the Council approve the lot split as presented, including the requested lot depth exceptions, subject to the following conditions:

1. That the structures currently located on the subject property be demolished prior to issuance of any construction permit on either resulting lot.
2. Compliance with all applicable Federal, State, and Village laws, ordinances, regulations and policies

### ATTACHMENTS:

1. Plan Commission Minutes, dated September 2, 2003
2. Staff Report, with attachments, dated August 28, 2003
3. Draft Resolution Prepared By Legal Department

### RECOMMENDATION:

To consider the Plan Commission's unanimous recommendation of approval of the proposed lot split including the requested lot depth exceptions, subject to the conditions as outlined above, and to place an ordinance approving the lot split on an active agenda.

C: J. Skach, Director Planning & Community Development

**MOTION: WITH RESPECT TO FILE NO. 2001 – FINAL PLAT APPROVAL – F.E.W. SUBDIVISION, MR. GRIESBAUM MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE APPROVAL OF THE PROPOSED F.E.W. FINAL PLAT OF SUBDIVISION, INCLUDING THE LOT DEPTH EXCEPTIONS AS REQUESTED FOR LOTS 1 AND 2 SUBJECT TO THE FOLLOWING: COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES. MR. KAHLKE SECONDED THE MOTION.**

Chairman Jirik asked if there were any questions regarding the intent of the motion. There were no questions. He next asked if there was any discussion or comments. There was no response. Chairman Jirik called for the roll.

**ROLL CALL:**

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

**NAY: None**

**The motion passed unanimously.**

Chairman Jirik noted that while the lot depth exception is 20%, it is so highly in character with the neighborhood that it was not a significant issue with him. Mr. Griesbaum agreed and recalled when the Plan Commission recommended approval of the lot split, they knew what would be coming to them in the near future. He felt there was no need to discuss the lot depth exceptions any further as the discussion had been done when the lot split petition was before them late last year. Commission members agreed. Mr. Skach clarified that the proposed lot depth exception is just over 7% as opposed to the 20% just stated. Chairman Jirik acknowledged the correction at approximately 7%. Mr. Waechtler recalled that the Commission had looked at the character of the neighborhood and looked favorably on the smaller percentage of the lot depth exception. Chairman Jirik advised the petitioner that Staff would inform him when this recommendation would be heard at a Village Council Workshop meeting.

**FILE NO. 2002 LOT SPLIT** (Petition includes a request for a lot width exception for each resulting lot); Property located on the west side of Pershing Avenue, approximately 463 feet north of Warren Avenue, commonly known as 4914 Pershing Avenue, Downers Grove, IL (PIN 08-12-212-030); John Garcia, Owner; Scott Connolly, Kirwan Builders, Petitioner

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

Scott Connolly, Kirwan Builders, 269 Van Damin, Glen Ellyn advised he represents the owner, Mr. John Garcia. They are asking to divide the property at 4914 Pershing Avenue

into two lots; each lot would be 12,000 square feet as opposed to the 10,500 square foot minimum required in the R-3 zoning district. Mr. Connolly indicated they are asking for a 20% reduction in the lot width, but they will be able to maintain all required setbacks on both lots. Mr. Connolly noted the development would be in keeping with new and existing construction in the surrounding area. Mr. Connolly asked the Plan Commission for its approval.

Chairman Jirik asked Staff for its analysis.

Mr. Skach stated the requested action is approval of a proposed lot split with the petitioner also requesting an exception from lot width dimensions. Mr. Skach advised the existing zoning was R-3, single family residential and is consistent with the Future Land Use Plan, which designates the property as single family residential. Mr. Skach stated the R-3 zoning requires a minimum lot size of 10,500 square feet, and newly created lots require a depth of 140 feet. Both lots are approximately 12,000 square feet in area, which exceeds the minimum area requirements. The 15-foot lot width reduction for each lot is approximately a 20% reduction. Mr. Skach commented this is an in-fill type petition that seeks to continue the existing pattern on the west side of Pershing Road.

Mr. Skach stated the discussion regarding the exceptions is noted in the Staff Report, and the petitioner if requesting favorable consideration based on the dimension of the proposed lot commonly found in this area. Public Works and Engineering have reviewed the proposed lot split and are satisfied that the engineering and stormwater management issues can be satisfactorily addressed for this particular area.

Mr. Skach concluded the Staff Development Team has reviewed the petitioner's request and has recommended that the Plan Commission consider forwarding a positive recommendation to the Village Council subject to two conditions; that the structures currently located on the property are demolished prior to the issuance of any permits and compliance with applicable Federal, State and Village laws, ordinances, regulations and policies.

Chairman Jirik asked if there was anyone present who wished to speak for or against this petition.

Richard Jacoby, 4915 Pershing Avenue, Downers Grove, stated he lives across the street from the subject property. They moved into the house in 1974 and raised their three children in that home.

Mr. Jacoby advised that he did not have a copy of what was being proposed for this property. A copy of the Planning and Community Development Team Report was provided to him, and the Plan Commission allowed him time to review this before making his comments.

(During this break, the Plan Commission discussed Commission Administration. For clarity, this section was moved to the end of these minutes.)

Upon returning, Mr. Jacoby advised that he had reviewed the Staff report and was now prepared to speak before the Plan Commission. He struggled whether or not to address this petition this evening. They really like their neighbors. He indicated that he understood the Plan Commission only deals with specific issues, but he was not sure if he could be that specific. Mr. Jacoby stated when the lot to the north of his lot was subdivided a number of years ago he came home from work one day and there was no house next door. Within the next day or two there was a hole in the ground next to their property line to the north. Mr. Jacoby stated he immediately realized that the hole was in such a location that water from the back of that lot would back up at the base of the basement. He did not realize that the sump pump would also add to that. A problem was created that exists to this day. When it rains a lake is created between his lot and the lot to the north which his neighbor to the north, Mr. Weeks, and he call Lake Wecoby. Both of them have spent money trying to resolve this situation to no avail.

Mr. Jacoby recalled when he brought this up to the contractor building the house he told him not to worry and assured him the situation would be rectified. Because he has had assurances from other contractors that did not turned out to be true, Mr. Jacoby stated he decided to come to this meeting and talk to the Plan Commission.

Mr. Jacoby noted the petitioner is requesting a 20% exception. Mr. Jacoby noted his lot and many others in the area are heavily wooded. On the other hand, Mr. Jacoby pointed out north of Prairie on Pershing, there are three new houses built right next to each other which are considerably taller that the ones previously on those lots. From the street, it looks like a wall. Mr. Jacoby admitted that these new homes are pretty but they are not the character that was there previously.

He pointed out that there is a house in the process of being built to the south of Prairie on the west side of Pershing which is going to be a very high building, possibly 30 feet high. Mr. Jacoby indicated that is certainly much higher than his house or the other houses in the neighborhood. Splitting this lot and building two houses will increase the density and the density of people.

Mr. Jacoby stated on the east side of Pershing stated there is a rental property that concerns him even though it may not concern the Plan Commission. In his opinion, such a home changes the attractiveness of the area. Mr. Jacoby stated all of these issues he has mentioned make him think of the articles he has recently read regarding teardowns in Hinsdale. It appears that community reaction has been negative according to the newspapers.

With regard to drainage, Mr. Jacoby noted Mr. Garcia's home is not contributing an unusual amount toward the drainage problem he described previously. Mr. Jacoby commented two homes would create a larger impervious surface. Even if the lot were not divided, Mr. Jacoby stated he did not believe that a house would take up the area encompassed by two houses in terms of square footage of the basements.

Mr. Jacoby stated several years ago he questioned the drainage with regard to the sidewalk that was installed on the east side of Pershing Avenue. Mr. Jacoby commented he and his wife have worked very hard on their garden, and they are very proud of their efforts. The Village worked with them to a fair degree with regard to the sidewalk, but one thing that did occur afterward was that the drainage did not come out as he had been assured it would.

With regard to traffic on the street, Mr. Jacoby noted it is already increasing and he assumes it is because Belmont Road is busier, and people are skirting over one block east. He acknowledged adding one additional house will not cause too much of an increase, but it will not decrease the traffic.

Mr. Jacoby noted this petition is not like the first petition where the Plan Commission's decision is more difficult. Here the decision is between one house and two houses. Mr. Jacoby asked the Plan Commission to forward a recommendation to the Village Council not to approve this lot split.

Mrs. Reynolds asked Mr. Jacoby if his lot was 120 feet wide, and he responded that his lot is 120 feet wide by 300 feet deep and noted that was the reason they moved there in 1974.

Chairman Jirik asked if there were any other members of the public who wish to speak regarding this petition. There was no response, and Chairman Jirik closed the public participation portion of the hearing.

Chairman Jirik asked if there were any comments or questions from the Plan Commission members. Mr. McCormick stated he wanted to make the Plan Commission's jurisdiction clear with regard to this petition. The Commission has no authority over the size of any homes that might be built on these parcels if the Village Council ultimately approves the lot split.

Chairman Jirik explained the issue this evening is to take a single parcel of land and the request is to draw a line down it in a specified fashion in order to create two parcels. Chairman Jirik noted there is a separate body of regulations that limits the buildable area, the height, setbacks, etc. The Code Services Department reviews the building plans to see that these regulations are followed.

Mr. Waechtler suggested to Mr. Jacoby that if he is still having water problems on his property he should contact the Village's Stormwater Department. Mr. Waechtler wondered how many people have been knocking on Mr. Jacoby's front door to see if he is interested in dividing his 120-foot wide lot.

Mr. Waechtler pointed out to Mr. Jacoby that the Plan Commission with regard to previous petitions looked at the total neighborhood for the size of existing lots. Mr. Waechtler noted up and down Pershing Avenue on both sides of the street the make-up of the neighborhood is 60-foot wide lots.

Chairman Jirik concurred that the preponderance of 60-foot wide lots mitigated the proposed 20% variation.

Mr. Waechter asked the developer to listen to what has been said tonight and if he receives a positive recommendation to be very considerate of how the homes are built on this property to make sure there are no water problems for the neighbors on either side of the property. The petitioner concurred.

As there was no further discussion, Chairman Jirik called for a motion:

**MOTION:**

**WITH RESPECT TO FILE NO. 2002 – LOT SPLIT, MR. KAHLKE MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE APPROVAL OF THE PROPOSED LOT SPLIT INCLUDING THE LOT WIDTH EXCEPTIONS REQUESTED FOR EACH RESULTING LOT SUBJECT TO THE FOLLOWING CONDITIONS: 1. THAT THE STRUCTURES CURRENTLY LOCATED ON THE SUBJECT PROPERTY BE DEMOLISHED PRIOR TO ISSUANCE OF ANY CONSTRUCTION PERMIT ON EITHER RESULTING LOT AND 2. COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES. MRS. REYNOLDS SECONDED THE MOTION.**

Chairman Jirik asked if there were any questions regarding the intent of the motion. There were no questions. He next asked if there was any discussion or comments. There was no response. Chairman Jirik called for the roll.

**ROLL CALL:**

**AYE: Mr. Kahlke, Mrs. Reynolds, Mr. Griesbaum, Mr. Matejczyk, Mr. McCormick, Mr. Nicholaou, Mr. Waechter, Chairman Jirik**

**NAY: None**

**The motion passed unanimously.**

Chairman Jirik advised the petitioner that Staff would inform him when this recommendation would be scheduled to be heard at a Village Council Workshop meeting.

(Discussion regarding Commission administration during break on File #2002 Lot Split: The Plan Commission discussed the possibility of changing their meeting location to the Village Council Chambers in Village Hall, which would necessitate changing the meeting day. The Recording Secretary provided the Plan Commission members with the days the Council Chamber would be available. Chairman Jirik stated if 100% of the

**PLANNING & COMMUNITY DEVELOPMENT/STAFF DEVELOPMENT TEAM REPORT**

**To:** Plan Commission  
**Prepared By:** Amanda G. Browne, Planner, Department of Planning and Community Development  
**Meeting Date:** September 2, 2003  
**Date Prepared:** August 28, 2003  
**Project Title:** Pershing Avenue Lot Split  
**Address:** 4914 Pershing Avenue, west Side of Pershing Avenue, north of Warren Avenue

**BACKGROUND INFORMATION:**

**Petitioner:** Scott Connolly for Kirwan Builders, Contract Purchaser  
**Address:** 269 Van Damin Avenue, Glen Ellyn, IL  
**Existing Zoning:** R-3, Single Family Residence

**Requested Action:**

1. Approval of proposed lot split per Chapter 20, Section 20-600, *Lot Splits*.
2. Exception from Chapter 20, Section 301, *Lot Dimensions*, to allow lot widths of less than the minimum requirement of 75 feet for each resulting lot.

**ANALYSIS****Future Land Use Plan and Zoning**

The petitioner's proposal is consistent with the Future Land Use Plan designating the property as single family residential. The existing zoning designation of R-3, Single Family Residence is consistent with the Future Land Use Plan and surrounding properties.

**Issues Discussion**

1. The petitioner is seeking approval of a lot split of the subject property located at 4914 Pershing Avenue. The area of the subject property is 24,000 square feet (.55 acres). The subject property is currently improved with a single family residence with a garage attached by a breezeway. The petitioner has indicated that this structure is intended to be demolished in the event the proposed lot split is granted as requested.
2. The R-3 zoning district requires a minimum lot area of 10,500 square feet and a minimum lot width of 75 feet. These zoning district requirements are equal to the minimum lot area and width requirements for newly created lots per Section 20-301(b) of the Subdivision Ordinance. In addition, Section 20-301(e) of the Subdivision Ordinance requires newly created lots to have a minimum depth of 140 feet.
3. Each of the two lots are proposed to be 60 feet in width, 200 feet in depth, and 12,000 square feet in area. The petitioner is requesting exceptions to allow each resulting lot to have a lot width of 60 feet in lieu of the minimum requirement of 75 feet. This represents a reduction of 15 feet or 20% for each lot.
4. Exceptions require evaluation per Section 20-602, the Subdivision Control Ordinance. The Staff Development Team has reviewed these conditions and offers the following observations:

**(1) The extent to which the proposed exception impacts on the value or reasonable use of surrounding properties;**

As compared to the minimum lot width requirement of 75 feet, the lot depth exceptions being requested represent deviations of 15 feet or 20% for each proposed lot. The granting of the requested exceptions would not relax the property owners' responsibilities to provide code-compliant homes/structures.

**(2) Whether the exception is consistent with the trend of development in the area and the surrounding uses;**

The trend of development in the area of the subject property is characterized by rectilinear lots of the same

general size and shape of the proposed lots.

Of the 36 lots single family residential lots fronting on the east and west sides of Pershing Avenue between Prairie Avenue on the north and Warren Avenue on the south, 27 (75%) are 60 feet in width; four are 75 feet in width; and five (including the subject property) are greater than 100 feet in width. The lots on the west side of Pershing Avenue have depths of 200 feet while lots on the east side have depths of 300 feet.

**(3) The characteristics of the property that support or mitigate against the granting of the exception;**

It should be noted that the area of each resulting lot will exceed the minimum 10,500 square feet requirement by 1,500 square feet, and the depth of each lot will exceed the minimum 140 feet requirement by 60 feet. Adequate area and depth would be available to accommodate code-compliant homes and structures.

**(4) Whether the exception is in conformance with the general plan and spirit of this chapter;**

As previously indicated, the proposed lots will exceed the minimum area and depth requirements of the Zoning and Subdivision Control Ordinances. The area, shape and width characteristics of the proposed lots could adequately support single-family homes.

**(5) Whether the exception will alter or be consistent with the essential character of the locality.**

The proposed subdivision is considered to be consistent with the overall essential character of the surrounding area.

The petitioner is proposing a lot split that is consistent with local patterns of development, that addresses the Village's Zoning and Subdivision Control Ordinances but that requires exceptions addressing the constraints dictated by the existing property.

- 5. Public Works has reviewed the proposed lot split, and per the attached memorandum dated August 25, 2003, they are satisfied that engineering and stormwater management related issues are routine for single family residential projects and can be addressed during the construction permitting phase.

**RECOMMENDATION:**

The Staff Development Team has reviewed the petitioner's request and concurs to recommend that the Plan Commission consider forwarding a positive recommendation to the Village Council for the approval of the proposed lot split including the lot width exceptions requested for each resulting lot, subject to the following:

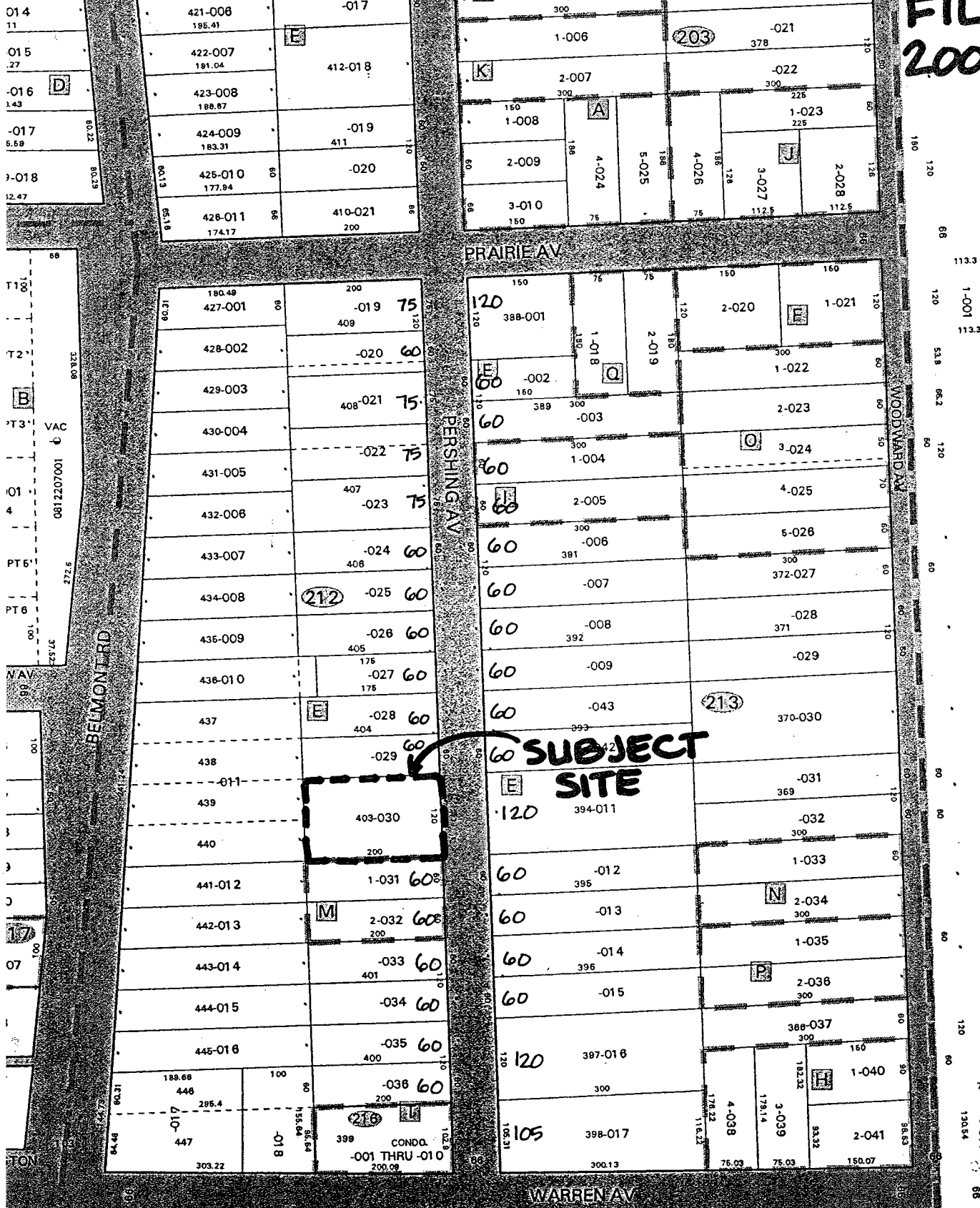
- 1. That the structures currently located on the subject property be demolished prior to issuance of any construction permit on either resulting lot.
- 2. Compliance with all applicable Federal, State, and Village laws, ordinances, regulations and policies.



Director, Planning and Community Development

- c: Riccardo Ginex, Village Manager
- Joseph Skach, Director, Planning and Community Development
- John Bajor, Director, Public Works
- Michael Millette, Assistant Director, Public Works, Engineering
- Jonathan Hall, Development Engineering Manager
- Don Rosenthal, Director, Code Services
- File

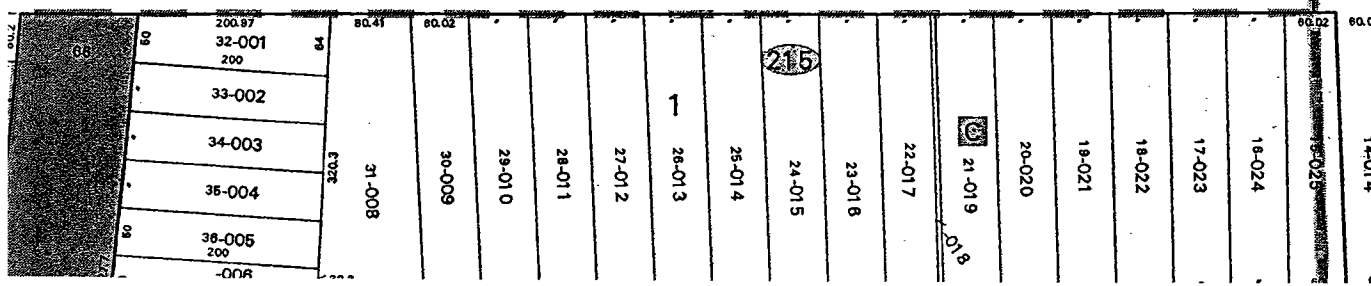
FILE  
2002



- ISAACS' RE
- ROLAND'S F
- GOODLOW
- PERSHING # 950680
- WISE'S RES
- DAUGHTER R1881-008
- COMPTON R1881-008
- CARROLL'S RESUB. R18
- WHITNEY'S R1885-008
- MELTER'S F R1888-007
- WARREN G R1878-008
- AA
- BB
- CC
- DD
- EE
- FF
- GG
- HH
- II
- JJ
- KK
- LL
- MM
- NN
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- PP
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- SS
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- VV
- WW
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- YY
- ZZ

**SUBJECT SITE**

0812502002





**INTEROFFICE CORRESPONDENCE  
DEPARTMENT OF PUBLIC WORKS**

**TO:** Joseph P. Skach, AIA, Director of Planning & Community Development  
**FROM:** John J. Bajor, Jr., Director of Public Works  
**BY:** Michael D. Millette, P.E., Asst. Director of Public Works – Engineering  
Jonathan Hall, P.E., Development Engineering Manager  
**DATE:** August 25, 2003  
**RE:** Lot Split – 4914 Pershing

The Engineering and Stormwater Management Divisions of the Department of Public Works have reviewed the revised preliminary zoning documents for the referenced project

**Comments from Engineering**

It would appear that no other public improvements aside from parkway trees and a new apron will be required.

**Comments from Stormwater Management**

The site does not appear to contain any wetland, flood plain, or localized poor drainage areas (LPDAs). Final determination will be made during the stormwater permit review phase. Because the total parcel area is less than 3.0 acres, detention will not be automatically required. However, the normal stormwater permit process does require the applicant to show that the development will not negatively affect adjacent properties by altering drainage. The site does receive off-site drainage, for which capacity will have to be provided in the swales. The developer's plan to submit a joint grading plan for the two newly created lots should help promote adequate drainage.

It currently appears that all stormwater issues on this project are routine for single-family redevelopment projects, and therefore all may be addressed during the building / stormwater review phase.

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

**AN ORDINANCE APPROVING A LOT SPLIT  
WITH AN EXCEPTION WITH REGARD  
TO LOT WIDTH FOR THE PROPERTY  
COMMONLY KNOWN AS 4914 PERSHING AVENUE**

WHEREAS, the Owner of the property known as 4914 Pershing Avenue has requested a lot split with an exception regarding lot width for both of the resulting parcels pursuant to Section 20-600 and 20-602 of the Downers Grove Municipal Code; and,

WHEREAS, the proposed lot split as depicted on the Site Plan (incorporated herein and attached hereto as Exhibit A) will affect the existing parcel where the northerly lot shall have a lot width of sixty (60) feet and the southerly lot shall have a lot width of sixty (60) feet; and,

WHEREAS, this property is in the R-3, Single Family Residential Zoning District; and,

WHEREAS, Section 20-301(b) of the Downers Grove Municipal Code requires that all newly created lots in the R-3, Single Family Residential Zoning District have a required minimum lot width of seventy-five (75) feet; 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 an exception 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 recommended that the lot split with exception for the lot width of both of the resulting parcels be approved as it was determined that the proposed lot width exception satisfies the conditions necessary for approval of an exception as provided for under Section 20-602 of the Downers Grove Municipal Code.

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 ordinance.

SECTION 2. A lot split with an exception for the lot width of both of the resulting parcels is hereby approved for the property commonly known 4914 Pershing Avenue (PIN 008-12-212-030) (As shown on Exhibit A, attached hereto and made a part hereof.)

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

a. The property may be divided into no more than two parcels, with an exception to permit both the northerly and the southerly lot to have a lot width less than the minimum requirement of seventy-five (75) feet. This division shall be in general conformance with the site plan attached hereto and made a part hereof as Exhibit A.

b. A copy of this ordinance shall be recorded in the Office of the Recorder of Deeds for DuPage County, at the expense of the Applicant.

c. That the structures currently located on the subject property be demolished prior to issuance of any construction permit on either resulting lot.

d. Compliance with all applicable Federal, State, and Village laws, ordinances, regulations and policies.

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.

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

\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_

Village Clerk

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