

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Applicant **DATE:** October 21, 2003
(Name)

RECOMMENDATION FROM: Plan Commission **FILE REF:** 2002
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE APPROVING A LOT SPLIT WITH AN EXCEPTION WITH REGARD TO LOT WIDTH FOR THE PROPERTY COMMONLY KNOWN AS 4914 PERSHING AVENUE ", as presented.



SUMMARY OF ITEM:

At their meeting of September 2, 2003 the Plan Commission recommended to approve a lot split with an exception with regard to lot width for the property commonly known as 4914 Pershing Avenue.

RECORD OF ACTION TAKEN:

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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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
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