

COUNCIL WORKSHOP ITEM

ITEM: PLAN COMMISSION FILE NO. 13-04; 806 Maple Lot Split: Request for Lot Split with Lot Width Exceptions
DATE: August 17, 2004
PREPARED BY: Joseph Skach, AIA, AICP, NCARB
Director, Department of Planning and Community Development
PURPOSE: Consideration of the Plan Commission's recommendation to approve the Requested Action

DISCUSSION:

The petitioner is requesting approval of a Lot Split with Lot Width Exceptions for 806 Maple Avenue located on Maple Avenue approximately 157 feet east of Belden Avenue on approximately 0.65 acres of land. The lot is located within the Maple Avenue Honorary Historic District. The property currently contains one home, commonly referred to as the Lyman House, with historical significance to the Village as it was built circa 1839.

The petitioner (current owner and developer) is seeking to divide the lot to create two single-family residential zoning lots but to keep and rehabilitate the existing Lyman House. Exceptions from Code are requested in order to allow each proposed lot to be less than the 75-foot lot width requirement for newly created lots. The Lot Width of the west lot is proposed to be 72.72 feet and the Lot Width of the east lot is proposed to be 73.34 feet. At their June 19, 2004 meeting, the Plan Commission considered the Petitioner's request and recommended approval subject to certain conditions, as delineated in the attached Staff Report, and Draft Ordinance.

ATTACHMENTS:

1. Draft Approval Ordinance
2. Staff Report with attachments dated June 19, 2004
3. Draft Minutes of Plan Commission Public Hearing dated June 19, 2004

RECOMMENDATION:

That the Village Council place consideration of the Petitioner's request on an active agenda for September 7, 2004.

C: Riccardo Ginex, Village Manager
David Barber, Director, Public Works
Donald Rosenthal, Director Code Services

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A LOT SPLIT
WITH EXCEPTIONS FOR THE PROPERTY
COMMONLY KNOWN AS 806 MAPLE AVENUE**

WHEREAS, the Owner of the property known as 806 Maple Avenue has requested a lot split with exceptions for lot width to create two 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 westerly lot shall have a lot width of 72.72 feet and the easterly lot shall have a lot width of 73.34 feet; and,

WHEREAS, this property is in the R-4, 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-4, 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 exceptions 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 requested lot split with exceptions for 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. This lot split shall be subject to the following conditions:

- a. The lot split shall be in conformance with the site map attached hereto as Exhibit A and dated July 14, 2004.
- b. The staff report findings dated July 14, 2004 regarding File PC-13-04 as well as the conditions and recommendations of the Downers Grove Plan Commission as set forth in their findings during the meeting of July 19, 2004.
- c. A copy of this ordinance shall be recorded in the Office of the Recorder of Deeds for DuPage County, at the expense of the Applicant.
- d. The Wood Deck and stairs on the existing Lyman house must be removed from the required side yard;
- e. The petitioner should provide proposed plats of survey indicating all appropriate designations including the required stormwater easements prior to Village Council Approval;
- f. Compliance with all Public Works' requirements and conditions as outlined in their memorandum dated July 14, 2004;
- g. Any changes to the conditions presented by the petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. The Village reserves the right to reopen its review process upon receipt of such information; and
- h. It is the petitioner's obligation to maintain compliance with all applicable federal, state and Village laws, ordinances, regulations and policies.

SECTION 3. 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 4. 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

PLANNING & COMMUNITY DEVELOPMENT/STAFF DEVELOPMENT TEAM REPORT

To: Plan Commission
Prepared By: Keith R. Sbiral, Current Development Planner 
Date Prepared: July 14, 2004
Meeting Date: July 19, 2004

Project Title: PC 13-04; 806 Maple Proposed Lot Split

BACKGROUND INFORMATION:

Petitioner: Jacobs-Ziebell, LLC, Owner(s)
 Lou Ziebel, Applicant
Property Address: 806 Maple Avenue, 157 feet east of Belden Avenue
Existing Zoning: R-4, Single Family Residence District
Application/Notice: The application has been filed in conformance with applicable procedural and public notice requirements.

Requested Action:

1. Lot Split approval per Chapter 20, *Subdivision Ordinance*, Section 20-600, *Lot Splits*.
2. Exception from Chapter 20, *Subdivision Ordinance*, Section 301, *Lot Dimensions*, to allow lot widths less than the minimum requirement of 75 feet for both proposed lots.

BACKGROUND**General Description**

The subject property is located on Maple Avenue approximately 157 feet east of Belden Avenue, and is zoned R-4, Single Family Residence. The lot is located within the Maple Avenue Honorary Historic District. The property currently contains one home, commonly referred to as the Lyman House, with historical significance to the Village as it was built circa 1839. The petitioner (current owner and developer) is seeking to divide the lot to create two single-family residential zoning lots but to keep and rehabilitate the existing Lyman House. Exceptions from Code are requested in order to allow each proposed lot to be less than the 75-foot lot width requirement for newly created lots. Requests for Lot Splits with Exceptions require Village Council consideration.

ANALYSIS**Zoning and Future Land Use Plan***Surrounding Land Use and Zoning***Table 1: Surrounding Land Uses and Zoning**

	Existing Zoning	Existing Use	Future Land Use Plan
North	R-6, Multi Family Residence	Single Family Residence	Residential at 25-60 d.u. /acre (Brown)
South	R-4, Single Family Residence	Single Family Residence	Residential at 0-6 d.u. /acre (Yellow)
East	R-4, Single Family Residence	Single Family Residence	Residential at 0-6 d.u. /acre (Yellow)
West	R-4, Single Family Residence	Single Family Residence	Residential at 0-6 d.u. /acre (Yellow)

The proposed lots will retain the existing R-4, Single Family Residence zoning designation. The existing and proposed zoning designation of R-4 is consistent with the existing Future Land Use Map designation of Residential at 0-6 dwelling units per acre, with an effective/resulting density of 0.32 dwelling units per acre.

Site***Bulk Characteristics***

The subject property is currently comprised of one parcel with a total land area of approximately 28,262 square feet (0.65 acres). The subject property currently contains a single residence (Lyman House) located on the easterly portion of the property. The petitioners intend that this single-family residence remain on one of the proposed lots if approved. Lot areas, widths and depths are proposed as noted below, with Exceptions from the minimum lot width requirement of 75 feet being the only exception being requested for each proposed lot.

Table 2: Bulk Characteristics

	Proposed Lot Area (s.f.)	% Difference From lot area requirement of 10,500 s.f.	Proposed Lot Width (ft.)	% Difference from lot width requirement of 75 feet	Proposed Lot Depth (ft)	% Difference from lot depth requirement of 140 feet
Parcel 1 (west)	14,678	+39.8	72.72	-3.0	210.5	+50.4
Parcel 2 (East)	13,584	+29.4	73.34	-2.2	193.5	+38.2

The petitioner has submitted concept plans and has indicated a building footprint on the proposed site plan for the newly proposed Parcel 1 (westerly). With respect to the existing Lyman home (proposed easterly), sketch building elevation information provided to staff indicates minimum yard and setback requirements could be met if the wood deck and stairs are removed. It should be noted that approval of the requested Lot Split would in no way constitute any approval of the indicated building footprint or related Code requirements for the proposed new residential structure. The proposed new structure (westerly) or any modifications to the existing Lyman House will be required to be evaluated on an individual basis, and zoning criteria must be verified based on an individual structure's particular characteristics as delineated in future building permit plans.

Requested Exception (Lot Width)

The petitioner is requesting lot width Exceptions for each of the proposed resulting lots as noted above. The residential neighborhood along Maple Avenue surrounding the subject property is characterized by lots with irregular lot widths ranging from approximately 50 feet up to approximately 155 feet (subject property) in width. The lots immediately to the north of the subject property are approximately 50 feet in width. The goal of the property owner is to split the lot so that the existing historical home may be preserved while providing for a new home on a newly proposed lot without requiring a variation for the existing construction.

The requested Exceptions to reduce the lot widths of each proposed lot below the minimum requirement of 75 feet for all newly created lots require consideration per the criteria in Section 20-602 of the Subdivision Ordinance. Staff reviewed the Code-required criteria and discussed the request with the petitioner, who has elected to proceed with the request. The petitioner must demonstrate that the criteria for granting an Exception in Section 20-602 of the Subdivision Ordinance are met in order for the Plan Commission to consider forwarding a positive recommendation to the Village Council. The petitioner will address these criteria at the Plan Commission public hearing for the Commission's consideration.

Other

It should be noted that the original intent of the petitioner was to construct two new houses. Following a community dialog (see attached newspaper articles) the petitioner has decided to retain the existing (Lyman House) structure; however, the petitioner intends that its existing wood deck and stairs will be removed but the existing Lyman House structure will be rehabilitated. The petitioner will elaborate on intentions/plans for rehabilitation of the existing house at the Plan Commission hearing.

In addition, the petitioner has provided two building elevations depicting two different architectural treatments of the exterior of a possible new home on the westerly lot. Overall, both architectural concepts could complement the historical aesthetic of the homes in the area; however, additional consideration should be given to the *Shingle-Style* influenced concept (Attached noted Model A shown with front porch and turret or oriel bay). Strong consideration should be given to the final selection and use of materials and forms in the new home that reflect what would have likely or commonly been used during the 1800s for homes in this particular area.

Public Works/Engineering

Public Works has reviewed the proposed plans per the attached memo dated July 14, 2004, as summarized below.

Site Engineering and Public Improvements

The Engineering Division has recommended that the petitioner provide drainage and utility easements along each side and rear lot lines of each resulting lot on properly prepared Plats.

Stormwater Management

The Stormwater Management Division notes that no flood plain or Localized Poor Drainage Areas exist on the site.

Traffic

The Traffic Division had no comments with respect to the proposed Lot Split.

Forestry/Landscaping

The Forestry Division requires payment for removed or impacted public trees per Section 24-17 of the Municipal Code.

Other

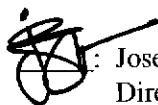
Fire Department

The Fire Prevention Division of the Fire Department has reviewed the proposed Lot Split and has no comments.

RECOMMENDATION

The Staff Development Team has reviewed the petitioner's request and concurs to recommend that the Plan Commission consider forwarding a favorable recommendation to the petitioner's Requested Action subject to the following conditions:

1. The wood deck and stairs on the existing Lyman House must be removed from the required side yard;
2. The petitioner should provide proposed plats of survey indicating all appropriate designations including the required stormwater easements prior to Village Council approval;
3. Compliance with all Public Works requirements and conditions as outlined in their memorandum dated July 14, 2004;
4. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. The Village reserves the right to re-open its review process upon receipt of such information; and
5. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, and Village laws, ordinances, regulations, and policies.



Joseph Skach, AIA, AICP, NCARB
Director, Planning and Community Development

Attachments

c: Riccardo Ginex, Village Manager
David Barber, Director, Public Works
Don Rosenthal, Director, Code Services
Howard Hoffman, Chief, Fire Prevention Division
File

FILE COPY

RECEIVED



**INTEROFFICE CORRESPONDENCE
DEPARTMENT OF PUBLIC WORKS**

JUL 16 2004

Planning and Community
Development

TO: Joseph P. Skach, AIA, AICP, Director of Planning & Community Development
FROM: Jonathan Hall, P.E., Development Engineer / Stormwater Administrator *JH*
DATE: July 15, 2004
RE: Planning / Zoning Petition for Lot Split
806 Maple Avenue
Public Works Department **1st Review - Stormwater Review Addendum**

Additional Documents Reviewed:

- None

Attachments:

- None

Addendum to PW Review Memo Dated July 14, 2004:

After finalization of the Public Works review memo (7/14/04) and the Staff Development Team Report, Staff performed an inspection of the site and determined that inspection by a wetland consultant is not required. This is based on the following factors:

- Well-drained topography
- Full development of the site prior to the current wetland ordinance
- Lack of other wetland indicators

Further wetland review will not be required for this site.

c: David Barber, Director of Public Works
Michael Millette, Asst. Director of Public Works - Engineering
Alicia Hightower, Stormwater Management Engineer
FILE



**INTEROFFICE CORRESPONDENCE
DEPARTMENT OF PUBLIC WORKS**

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JUL 15 2004

Planning and Community
Development

TO: Joseph P. Skach, AIA, AICP, Director of Planning & Community Development
FROM: David H. Barber, P.E., Director of Public Works *DHB*
BY: Michael D. Millette, P.E., Asst. Director of Public Works – Engineering *MDM*
Jonathan C. Hall, P.E., Development Engineering Manager II *JCH*
DATE: July 14, 2004
RE: Planning / Zoning Petition for Lot Split
806 Maple Avenue
Public Works Department **Review 1 (final)**

FILE COPY

Documents Reviewed:

- Petition for Lot Split dated 6/16/04
- Topographic site plan dated 6/4/04

Attachments:

- None

Public Works Review Summary:

Division	Representative	Date	Conclusion	Comments included
PW Director	D. Barber	7/2/04	Place on PC Agenda	
Engineering	M. Millette	7/8/04	Place on PC Agenda	X
Stormwater	J. Hall	7/14/04	Place on PC Agenda	X
Water	D. Bird	7/7/04	Place on PC Agenda	X
Traffic	D. Fera	6/28/04	Place on PC Agenda	
Forestry	K. von der Heide	7/14/04	Place on PC Agenda	X
Pavement	R. Ebel	-	Place on PC Agenda	

Findings:

The Public Works Department concurs with placement of the subject petition on the Plan Commission Agenda at this time. All review comments may be addressed as part of the normal building permit review phase.

Public Works Department Review:

Engineering Review Comments:

1. Provide drainage and utility easements. The required widths are five (5) feet inward from each side property line and ten (10) feet inward from each rear property line (total width = 10 feet between lots).
2. Right-of-way standards will be addressed during the building permit phase.

Stormwater Review Comments:

1. The area of the existing parcel is less than 3.0 acres. For single-family residential development, stormwater detention will not be required.
2. No flood plain or LPDAs are located on the subject site.
Provide a professional consultant's wetland determination prior to permit issuance.
3. Connect all proposed footing drain sump pump discharge lines to a public storm sewer.
4. The development shall not negatively impact neighboring properties.
Consideration must be given to directing the entire proposed roofs toward Maple Avenue or another public storm sewer via specially-designed gutter systems.
5. Individual grading plans must be submitted during the future building permit phase.

Water Review Comments:

1. Each house must have a separate water service line and meter.
2. All other water construction standards will be addressed during the building permit and right-of-way permit phase.

Forestry Review Comments:

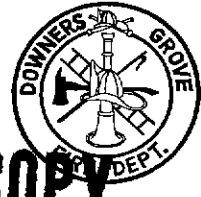
1. Public trees must be protected during construction per Municipal Code Section 24-3 and 24-4.
2. Payment for any removed or impacted public trees shall be made per Municipal Code Section 24-17.

- c: PW Division Managers
D. Rosenthal, Director of Code Services
A. Hightower, Stormwater Management Engineer
C. Chalberg, Administrative Technician



**DOWNERS GROVE FIRE DEPARTMENT
PREVENTION DIVISION**

801 Burlington Ave., Downers Grove, IL 60515
Phone: 630-434-5983 Fax: 630-434-5593



SITE PLAN REVIEW

FILE COPY

06/23/04

To: Keith Sbiral, Planner

From: Howard Division Chief

Re: Proposed lot split 806 Maple

RECEIVED

JUN 23 2004

Planning and Community
Development

Keith,

The Fire Department has reviewed the proposed lot split for 806 Maple with the following comments:

- There are no Fire Prevention or Fire Protection concerns regarding the proposed lot split.
- Preliminary site plan is approved.

This is a review for fire protection and prevention concerns **only**. Other village departments may have issues that need to be addressed. Please feel free to call me at 434-5983 with any questions or concerns.

Sincerely,

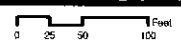
Howard Hoffman
Division Chief
Downers Grove Fire Department
Prevention Division

BURLINGTON AV AV

BURLINGTON AV VAC.



INDIAN BOUNDARY LINE



806 Maple Avenue, 09-08-308-010
 Planning & Community Development

Legend
 Selected Property





DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMO

v: 630.434.5519

f: 630.434.5572

To: File No. PC-10-04
From: Alice M. Dornan
Subject: Telephone Call – Friday, June 18, 2004 12:48 p.m.
Date: June 21, 2004

Jim Russ, attorney for John Jacobs, called J. Skach on Friday to inform him that Mr. Jacobs, owner of the property at 806 Maple has decided to retain the existing house. He and his family plan to move into the home. He will be proceeding with a lot split on the remainder of the property. Upon approval of the lot split, a new residence will be built there.

At this time, it is uncertain as to whether or not Susan Estall will proceed with the lot split for the property at 5512 Main Street, which is the property where the existing house at 806 Maple was going to be moved.

Mr. Russ advised that he would submit drawings, etc. as soon as he received them from Mr. Jacobs.

/amd

C: K. Sbiral

PC-13-04
ATTACHMENTS



JACOBS ZIEBELL, LLC

**806 MAPLE
DOWNERS GROVE, ILLINOIS**

**PETITION FOR PLAN
COMMISSION
PROPOSED LOT SPLIT**

JUNE 16, 2004

RECEIVED

JUN 17 2004

Planning and Community
Development



JACOBS ZIEBELL, LLC

TABLE OF CONTENTS

1. Project Summary/Narrative Letter
2. Petition for Plan Commission
3. Jacobs-Ziebell, LLC Proof of Ownership
4. Proposed Lot Split Layout-Topographical Site Development Plan with Architectural Elevation Renderings
5. Current Plat of Survey
6. Certification of Public Notice Information
7. Certificate of Insurance
8. Illinois Department of Natural Resources Consultation Agency Action Report
9. Land Use Option Application
10. Legal Description of the Property
11. Downers Grove Sanitary District Permit Approval Letter Dated 6/16/04



JACOBS ZIEBELL, LLC

806 MAPLE, DOWNERS GROVE, IL PROJECT SUMMARY/NARRATIVE LETTER 7-15-04 REVISION

- Jacobs-Ziebell, LLC purchased 806 Maple Avenue, Downers Grove, IL 60515 (PIN 09-08-308-010) on 4/27/04
- Jacobs-Ziebell, LLC intends to split the 152.93' x 220.41' irregular shaped parcel into (2) separate parcels. Enclosed is the proposed lot split layout. The dimensions of the parcels, after the lot split, are 76.46' on the south property line. After the 25' setback, the dimensions are 72.72' on parcel #1 and 73.34' on parcel #2. We therefore are asking a exception be granted due to the irregular shape of the lots.
- Jacobs-Ziebell, LLC will design (1) custom, single-family home on parcel #1. Enclosed are preliminary elevation sketches. Precision Contracting Services, LLC will be the general contractor for the custom spec home. Jacobs-Ziebell, LLC will keep the existing structure, The Lyman House, in tact, renovating it so Mr. Jacobs and his family can occupy the structure.
- Jacobs-Ziebell, LLC and Precision Contracting Services, LLC guarantee that all work will be performed in accordance with the codes of the jurisdictions having authority.

Associated Surveying Group, P.C.

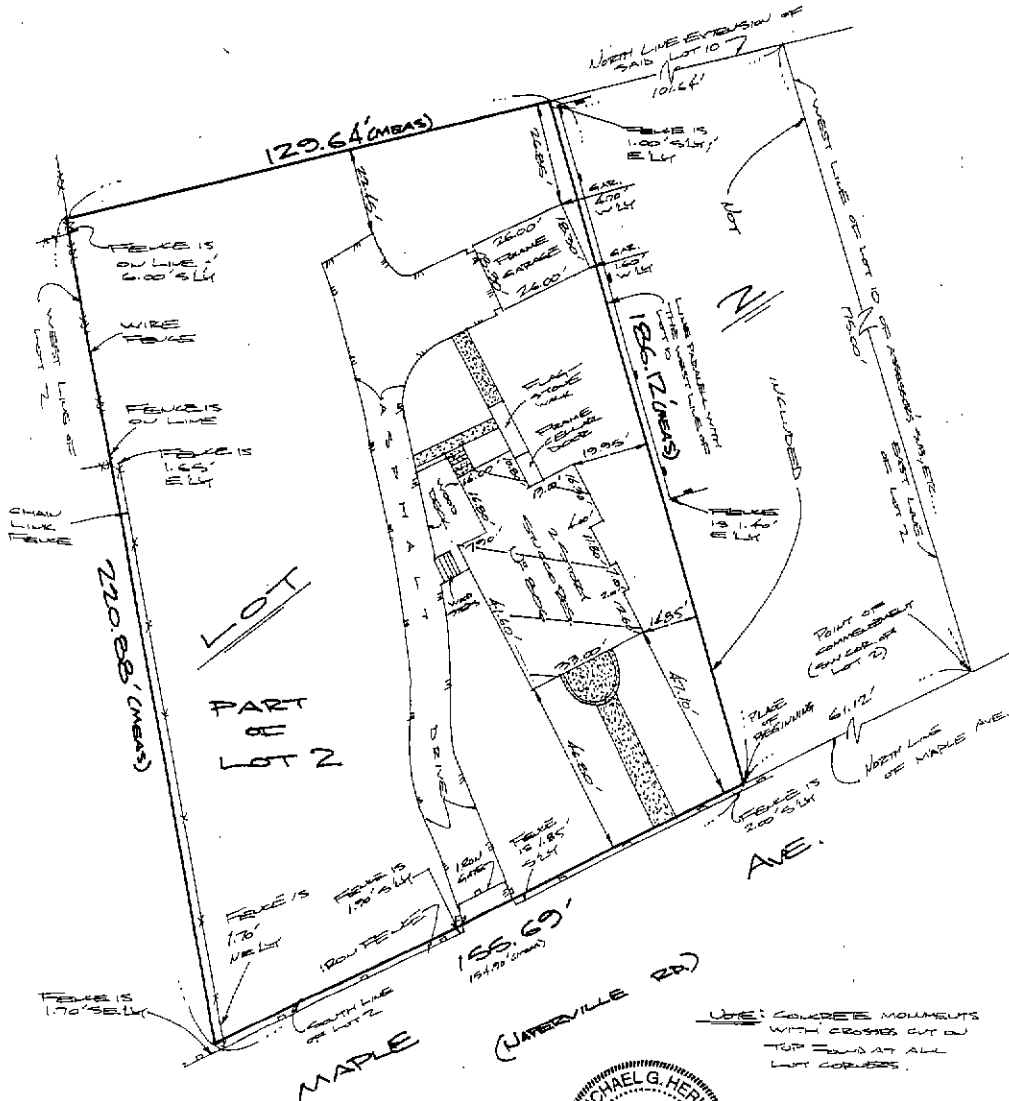
P.O. Box 810 Bolingbrook, IL 60440
 PH (630) 759-0205 FAX (630) 759-9291

PLAT OF SURVEY



SCALE 1" = 30'

THAT PART OF LOT 2 OF THE PLAT OF THE HOMESTEAD OF THOMAS LYMAN, DECEASED, (SAID PLAT BEING RECORDED ON APRIL 25, 1902 AS DOCUMENT 78332) DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 2 IN THE NORTH LINE OF MAPLE AVENUE; THENCE WESTERLY ALONG SAID NORTH LINE, 61.12 FEET TO A STAKE FOR A PLACE OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE WEST LINE OF LOT 10 OF THE ASSESSOR'S SUBDIVISION OF SECTIONS 7 AND 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, TO THE POINT WHERE IT INTERSECTS THE EXTENSION OF THE NORTH LINE OF SAID LOT 10; THENCE SOUTHWESTERLY ALONG THE EXTENSION OF THE NORTH LINE OF SAID LOT 10 TO WHERE IT INTERSECTS THE WEST LINE OF SAID LOT 2; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 2 TO THE SOUTHWEST CORNER THEREOF; THENCE EASTERLY ALONG THE NORTH LINE OF MAPLE 155.69 FEET TO THE PLACE OF BEGINNING IN DUPAGE COUNTY, ILLINOIS.



State of Illinois }
 County of Will } SS

I, Michael G. Herwy, an Illinois Professional Land Surveyor, do hereby certify that I have surveyed the parcel of land hereon described and that the Plat hereon drawn is a correct representation of said survey.

Dated, this 16th day of APRIL, A.D. 20 04 at Bolingbrook, Illinois

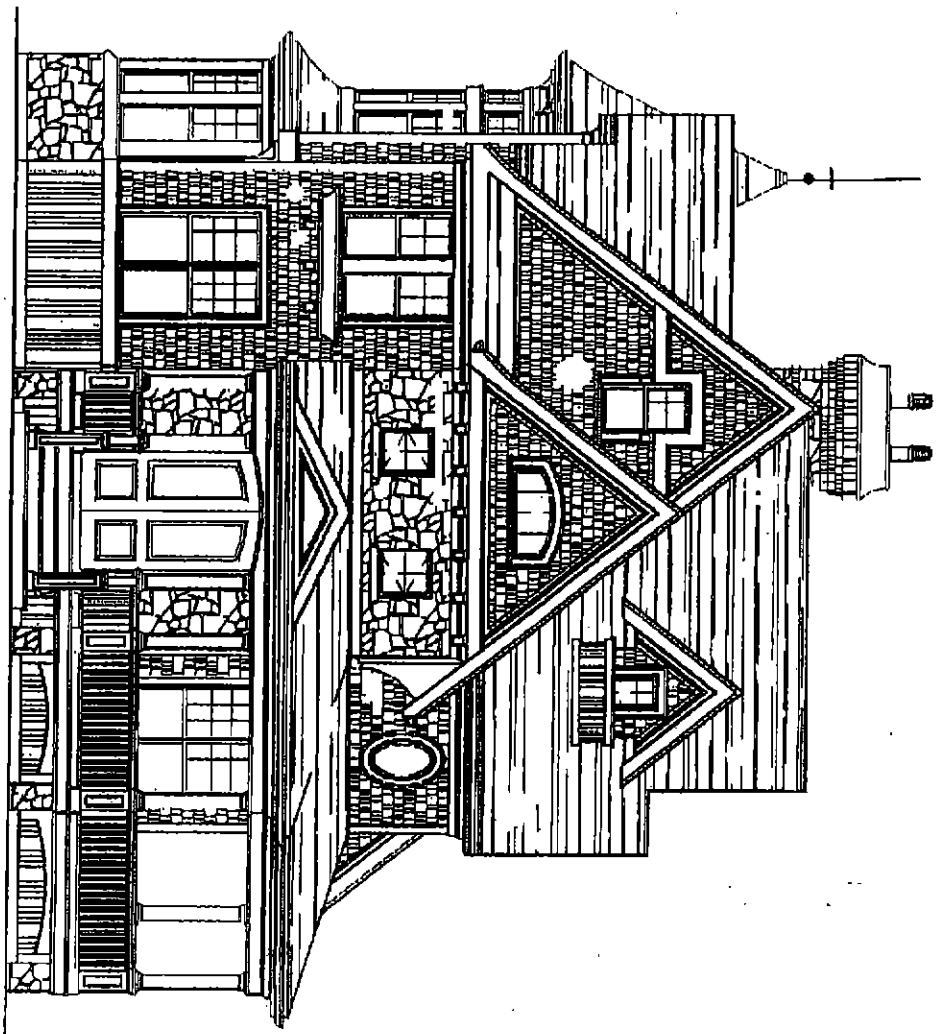
Michael G. Herwy
 Illinois Professional Land Surveyor No. 35-2900
 License Expires Nov. 30, 2004

CLIENT DAVIS

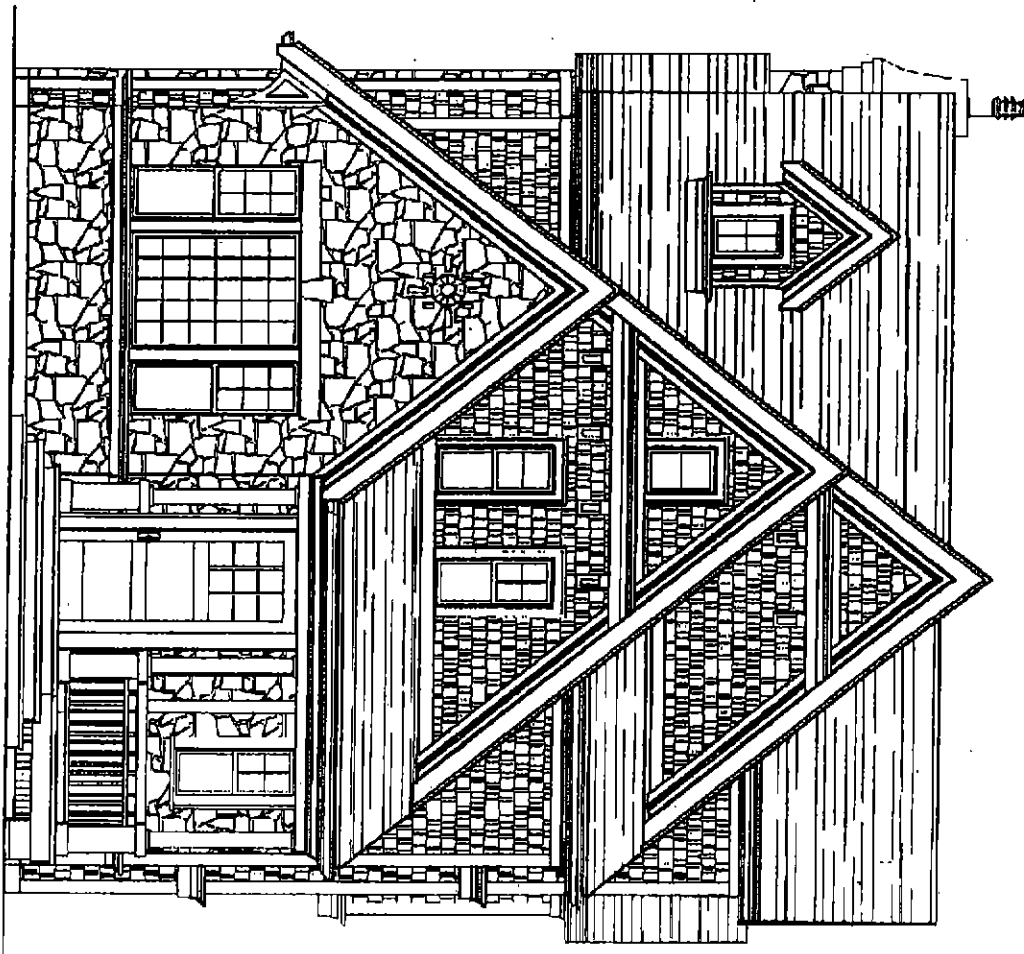
JOB No. 56987-04

For Building Lines, Easements and Other Restrictions not shown hereon refer to your Deed, Title Policy, Ordinance, etc.





Model A



Model 13

BILL OF SALE

Illinois

The undersigned Sellers, CHARLES STEVEN DAVIS and DEBORAH DAVIS, Beneficiaries of HARRIS BANK HINSDALE, Trust No. L-2016, dated 9/1/88, County of DuPage, State of Illinois in consideration of TEN and 00/100 dollars, receipt whereof is hereby acknowledged, does hereby sell, assign, transfer and set over to Buyer(s), JACOBS-ZIEBELL, L.L.C., of 1011 E. Touhy, Suite 210, Des Plaines, Illinois 60018, the following described personal property to-wit:

Per the attached Sales Contract.

Seller hereby represents and warrants to Buyer that Seller is the absolute owner of said property, that said property is free and clear of all liens, charges and encumbrances, and that Seller has full right, power and authority to sell said personal property and to make this bill of sale. All warranties of quality, fitness and merchantability are hereby excluded. If this bill of sale is signed by more than one person, all persons so signing shall be jointly and severally bound hereby.

IN WITNESS WHEREOF, Seller has signed this Bill of Sale at Oak Brook, IL on April 27, 2004.

(SEAL) HARRIS BANK HINSDALE, as Trustee under
Trust No. L-2016

(SEAL)

(SEAL)



(SEAL) x



State of Illinois
County of DuPage

Subscribed and sworn to me on April 27, 2004.

(Impress Seal Here)


(Notary Public)

AFFIDAVIT OF TITLE COVENANT AND WARRANTY

Illinois

State of Illinois

} SS.

County of DuPage

The undersigned affiant, being first duly sworn, on oath says, and also covenants with and warrants to the grantee hereinafter named: JACOBS-ZIEBELL, L.L.C. (grantee(s)).

- The affiant has an interest in the premises described below or in the proceeds thereof or is the grantor in the deed dated April 27, 2004, to the grantee(s), conveying the following described premises:
- Permanent Index Number(s): 09-08-308-010-0000
- Property Address(es): 806 Maple Avenue, Downers Grove, Illinois, 60515

Legal Description:

THAT PART OF LOT 2 OF THE PLAT OF THE HOMESTEAD OF THOMAS LYMAN, DECEASED (SAID PLAT BEING RECORDED ON APRIL 25, 1902 AS DOCUMENT 76332) DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 2 IN THE NORTH LINE OF MAPLES AVENUE; THENCE WESTERLY ALONG SAID NORTH LINE 61.12 FEET TO A STAKE FOR A PLACE OF BEGINNING; THENCE NORTHERLY PARALLEL WITH THE WEST LINE OF LOT 10 OF THE ASSESSOR'S SUBDIVISION OF SECTIONS 7 AND 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, TO THE POINT WHERE IT INTERSECTS THE EXTENSION OF THE NORTH LINE OF SAID LOT 10; THENCE SOUTHWESTERLY ALONG THE EXTENSION OF THE NORTH LINE OF SAID LOT 10 TO WHERE IT INTERSECTS THE WEST LINE OF SAID LOT 2; THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 2 TO THE SOUTHWEST CORNER THEREOF; THENCE EASTERLY ALONG THE NORTH LINE OF MAPLE 155.69 FEET TO THE PLACE OF BEGINNING, IN DU PAGE COUNTY, ILLINOIS.

- That no labor or material has been furnished for premises within the last four months, that is not fully paid for.
- That since the title date of in the report on the title issued by Ticor Title Insurance Company, affiant has not done or suffered to be done anything that could in any way affect the title to the premises, and no proceedings have been filed by or against affiant, nor has any judgement or decree been rendered against affiant, nor is there any judgement, note or other instrument that can result in a judgement or decree against affiant within five days from the date hereof.
- That the parties, if any, in possession of premises are bonafide tenants only, and have paid promptly and in full their rent to date, and are renting from N/A to N/A, and not for any longer term, and have no other or further interest whatsoever in premises.
- That all water taxes, except the current bill, have been paid, and that all the insurance policies assigned have been paid for.
- That this instrument is made to induce, and in consideration of, the said grantee's consummation of the purchase of premises.
- Affiant further states:

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Illinois Department of Natural Resources

One Natural Resources Way - Springfield, Illinois 62702-1271
http://dnr.state.il.us

FILE COPY

Rod R. Blagojevich, Governor

Joel Brunsvold, Director

Dept. of Natural Resources
P. E. CONYER

100-2-2004

CRP
Resource Review & Coord.
240506

RECEIVED

JUL 01 2004

CONSULTATION AGENCY ACTION REPORT

(Illinois Administrative Code Title 17 Part 1075)

Division of Resource Review and Coordination

Stephen K. Davis, P.G., Chief

Planning and Community Development

Date Submitted: June 7, 2004

If this is a resubmittal, include previous IDNR response if available.

FOR DEPARTMENT USE ONLY
PROJCODE: 0405205 DUE DATE: 7/8/04

Applicant: Engineering Resource Associates, Inc.

Phone: 630.262.8689

Contact Person: Jon Green, P.E.

Fax: 630.262.8689

Applicant Address: 426 S. Third St.
Geneva, IL 60134

Email: jgreen@eraconsultants.com

LOCATION OF PROPOSED ACTION A MAP SHOWING LOCATION OF PROPOSED ACTION IS REQUIRED

Project Name: _____ 806 Maple Ave., Downers Grove County: DuPage

Project Address (if available): 806 Maple Ave.

City, State, Zip: Downers Grove, IL 60515

Township/Range/Section (e.g. T45N, R9E, S2): T38N, R11E, 98

Brief Description of Proposed Action: Proposed two-lot residential subdivision (lot split)

Projected Start Date and End Date of Proposed Action: July 2004 - October 2005

Will state funds or technical assistance support this action? [Yes No] If Yes, the Interagency Wetland Policy Act may apply. Contact funding agency or this Division for details.

Local/State Agency with Project Jurisdiction: Village of Downers Grove

Contact: Amanda Brown, Planning Dept.

Phone: 630.434.5519

Address: 801 Burlington Ave., Downers Grove, IL 60515

Fax: 630.434.5572

FOR DEPARTMENT USE ONLY

Are endangered/threatened species or Natural Areas present in the vicinity of the action? [Yes No]

Could the proposed action adversely affect the endangered/threatened species or Natural Area? [Yes No]

Is consultation terminated? [Yes No]

Comments: _____

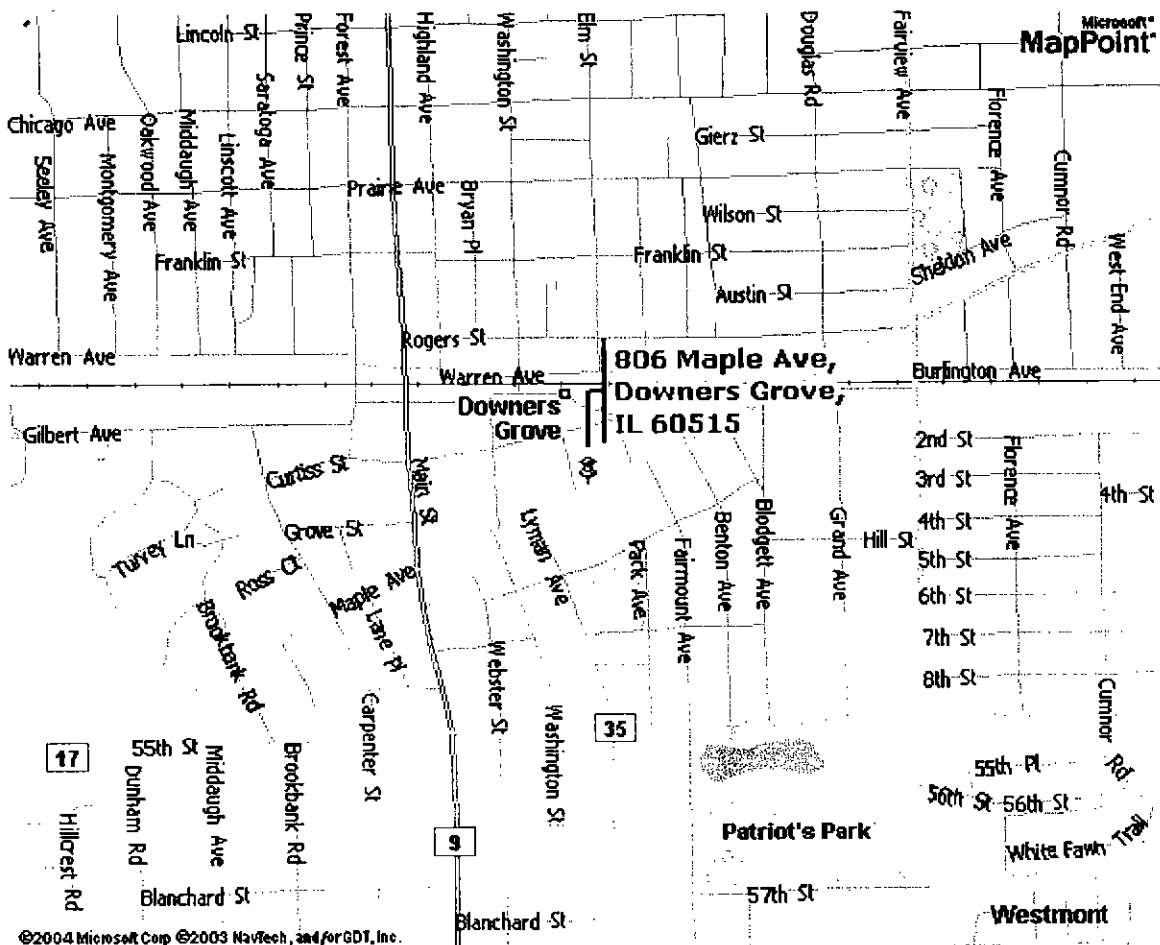
Evaluated by:

Rich Lewis

6-23-04

Division of Resource Review & Coordination (217)785-5500

Date



Kane - DuPage Soil & Water Conservation District

June 18, 2004

Village of Downers Grove
801 Burlington Civic Center
Downers Grove, IL 60515

RECEIVED

JUN 21 2004

Planning and Community
Development

FILE COPY



We have assigned number 04-121 to a Land Use Opinion application from

Precision Contracting Services LLC
Attn: Louis Ziebell
1011 E. Touhy Suite 210
DesPlaines, IL 60018

The site location is:

Downers Grove Township
Section 8, T 38N, R11E

The application was sent to us in compliance with Section 22.02a of the Illinois Soil and Water Conservation Districts Act.

Our review and comments will be completed and sent to you on or before 7-16-04.

According to the information received, this proposed land use change will not have a substantial on the natural resources. Therefore, no further action will be taken by the Soil and Water Conservation District Board.

A processing fee of \$ _____ has been retained, and a refund of \$ _____ is being sent to:

545 S. Randall Road St. Charles, Illinois 60174-1592 630 / 584-7961 Fax: 630 / 584-9534

All programs and services of the Kane-DuPage SWCD are offered on a nondiscriminatory basis, without regard to race, color, national origin, religion, sex, age, marital status, or handicap.

LAND USE OPINION APPLICATION

Kane-DuPage Soil and Water Conservation District
545 S. Randall Road, St. Charles, IL 60174-1592
(630) 584-7961

PETITIONER Precision Contracting Services, LLC
Address Mr. Louis Ziebell
1011 E. Touhy, Suite 210, Des Plaines, IL 60018

NAME, ADDRESS and TELEPHONE NUMBER of person to contact if additional information is needed.

Jan Green, P.E., Engineering Resource Associates, Inc. 630.262.8689
426 S. Third St., Geneva, IL 60134

Please allow 30 days for inspection, evaluation and processing of this report.

OFFICE USE ONLY

LUO# 04-121 Date due 7-16-04
Date initially rec'd RECEIVED JUN 14 2004
Date all rec'd 6-17 Date completed _____
Fee paid 350. Refund due _____

by Jacobs-Ziebell Overpayment
1011 E. Touhy No. Report Nec.
Des Plaines Govt. Agency
60018

Suite 210

Location: Township name: Downers Grove N.

Section(s) 8

Township(s) 38 N N Range(s) 11 E

Project or Subdivision Name 806 Maple Ave., Downers Grove

TYPE OF PROPOSAL:

- CHANGE IN ZONING FROM _____ TO _____
- SUBDIVISION or PLANNED UNIT DEVELOPMENT (PUD)
- VARIANCE - Please describe fully on separate page
- SPECIAL USE PERMIT - Please describe fully on separate page

Unit of Government responsible for permits Village of Downers Grove, IL

Date of public hearing (if applicable) _____

Current use of site Residential Proposed use Residential

Surrounding land use Residential

Location address (if applicable) 806 Maple Ave. Downers Grove, IL 60515

Number of acres _____ or square feet (if under one acre) 28,262 square feet

Proposed type of Storm Water Management Overland Sheet Flow to Storm Sewer

Proposed type of Sewage Disposal System Sanitary Sewer

Proposed Source of Water Public Watermain

IMPORTANT!! INCLUDE ONE COPY EACH OF THE FOLLOWING IMPORTANT!!

Processing will not begin without the following:

- PLAT OF SURVEY/SITE PLAN showing legal description, property measurements.
- SITE PLAN/CONCEPT PLAN showing lots, streets storm water detention, open areas, etc.
- LOCATION MAP (if not on maps above) -include distances from major roadways &/or section lines
- ZONING or LAND USE PETITION filed with unit of government (if relevant)

IF AVAILABLE

- TOPOGRAPHY MAP
- DRAWING SHOWING LOCATION OF FIELD TILE AND/OR DRAINAGE PATTERNS
- COPY OF SOIL BORING AND/OR WETLANDS STUDIES PERFORMED ON SITE

THE FEE, ACCORDING TO THE SCHEDULE, MUST ACCOMPANY THIS APPLICATION

EFFECTIVE July 1, 2000

\$300.00 for 1-5 acres or fraction thereof.

PLUS \$15.00 for each additional acre or fraction thereof from 6-200 acres.

PLUS \$10.00 for each additional acre or fraction thereof over 200 acres.

MAKE CHECKS PAYABLE TO: Kane-DuPage Soil and Water Conservation District

I (we) understand the filing of this application allows the authorized representative of the Kane-DuPage Soil & Water Conservation District to visit and conduct an evaluation of the site above.

Petitioner or authorized agent Jan Green Date 6-8-04

This opinion will be issued on a nondiscriminatory basis without regard to race, color, religion, sex, age, marital status, handicap, or national origin.



Board of Trustees
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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

FAX COVER SHEET

DATE: June 16, 2004
TO: Lou Ziebell
COMPANY: Precision Contracting Services
FAX #: 847-733-2960
FROM: Ted Cherwak, Code Compliance Coordinator
DOWNERS GROVE SANITARY DISTRICT

Number of Pages (including this sheet): 1

Please notify the person this FAX message is directed to immediately upon receipt. If all pages are not received, please call (630) 969-0664. Our fax number is (630) 969-0827.

REFERENCE: 806 Maple Avenue, Downers Grove

The sanitary sewer disconnect permit is ready to be issued. Please have your sewer contractor pick up the permit at our office and schedule the inspection.

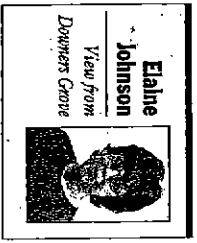
If you have any questions, please call (630.969.6753 x109).

Building a community takes time, commitment

week ago at Heritage Fest. We celebrated our community. Sure, there were rides, food, entertainment and booths, but those attractions are available at similar events throughout the western prairies. It's not the entire nation, but what makes Heritage Fest an essential part of the summer is because it's about us — because longer you live here, the more friends and acquaintances you encounter at Heritage Fest; for that matter, wherever you go around town.

It's that sense of community, that intangible familiarity, which makes this village special to the people who live here. And frankly, I don't think I'd just as soon move to Chicago or New York or Boston, where there are many more diversions but little in the way of neighborhood or community spirit.

So, it's in the context of the community we value that I highlight a couple of recent developments. The first is the decision to spare the old home in Downers Grove from a wrecking ball. The developer purchased the Orange Lyman house at 806 Maple St. has decided to live in it instead of razing it to make way for a new multi-million-dollar residence. He said his business partner will contact themselves with building just one new home on the property's oversized lot. Developer John Jacobs' initial plans for the 1839 home, which he reportedly purchased eight months ago, involved Downers Grove preservationists, who scrambled to find a way to save it. Fortunately, that's no longer necessary, but it's definitely a wake-up call for every resident who carries what sort of town



Elaine Johnson
View from Downers Grove

We leave to future generations. Now is the time to ensure that the legacy of other historic local buildings won't depend on the handiness of developers, but on preservation and building ordinances that protect our community's history and the diversity and scale of its neighborhoods.

The pace of our community is changing, block by block as small homes fall and expensive new edifices rise in their place. It doesn't say much for our town's priorities if we allow our irreplaceable architectural treasures to be among them.

To date, village commissioners have paid only lip service to residents' requests for a building code that addresses these pressing issues. But with enough public pressure, that can change.

Another important community issue, although it may not appear like one at first glance, is the matter of a public pool. I realize I just wrote about this topic, but it bears revisiting in light of comments made at a recent Downers Grove Park Board meeting.

I'm referring to statements by commissioners Mike Salazar and Janis Sleser that the board's reciprocal agreements with neighboring communities, which allow our residents to buy pool passes at their resident rates, could satisfy local

demand for affordable swimming. At the very least, the commissioners reportedly feel moving ahead on a Downers Grove pool would be premature at this point.

Now, I'm sure there are people who live in our suburb, enroll their kids in school in another town, work somewhere else, and spend their leisure hours and dollars in yet another place. But that's not my idea of community, and it may not be yours, either. This is where I live. This is where I'd like to live as much as possible to stay.

Like many Downers Grove residents, I like that my kids walk to school through a neighborhood where they know someone on every block. I feel secure knowing there are other people who can and do look out for them when they're at a local pool or in a local park. And I'm more than happy to do the same for the dozens of kids I've come to know through school or church or just from the neighborhood.

That security, that familiarity, is what makes a community. And in the same way we're willing to invest in our homes to make them more comfortable, we should be willing to put our time, money and effort into making this community a better, more livable place.

One of the bonuses of living in a town the size of Downers Grove is the ability to make our concerns and our voices heard. While I applaud those who do make the effort to affect local policy, I'm surprised that more residents don't take advantage of the opportunity. But that, too, can change.

Contact Elaine Johnson in care of The Sun, P.O. Box 269, Naperville, IL 60566-0269 or at

Letters

on Page 8

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Suzanne Arnato
Co-executive director
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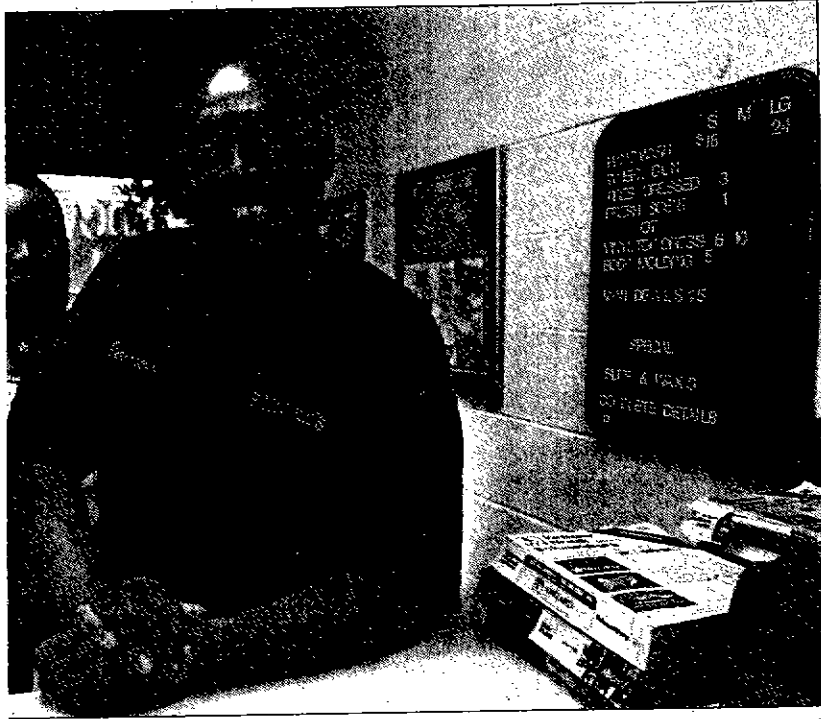
The Sun

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Sun

THE BEAT NEAR WEST

AROUND WESTERN COOK AND EASTERN DUPAGE COUNTIES



Tribune photo by Terry Harris

ter, and his daughter Kahea, 17, a singer, in Sammons' detailing shop.

to detail, spiritual and worldly

ns is a of Jesus Christ," he said. "Folks come here through referrals, friends of ours, or just from kids passing through the neighborhood. They'll see me working on some fancy car and ask about it. Before long, we're talking about things, and I offer to help them with their problems." Sammons estimated he has worked with six to seven dozen youngsters over the years. One

of them, who once lived right behind Sammons' shop but has since moved to Phoenix, wrote to him last month thanking him.

Business at the detail shop has dropped off the past few years, but Sammons finds motivation elsewhere.

"It's the calling I feel and doing what God wants me to do that keep me going," he said.

gain, with Ronald McDonald as guest

ll hold a "Polo is a passport to the world," said Martino. Although it's called the game of kings, Martino said, "it's the sort of thing that binds people together." "It really, surprisingly, is a sport for everyone," she said. In 1978, the fields were sold to the village, and most were converted for other recreational uses, such as golf. In the Chicago area, there are

about 100 players and a half-dozen clubs. The polo season generally runs from June to September. Players usually need at least one horse for each of the games' six chukkers, or periods, said Martino. Although fans are not as plentiful as in the past, the village hopes the Sunday games will help recruit new fans and players, said Martino.

DOWNERS GROVE

This old house keeps its roots

Underground Railroad stop is rescued

After addressing a women's group about her new book, author Susan Estall of Downers Grove bent fact to mimic fiction.

Her book, "The Stone's House Light," which will be published this fall, is a fictional account of two women who move a house that was part of the Underground Railroad. So it was a surprise when someone came up to her after the speech and asked if she had heard about the Lyman house.

Estall hadn't. The home at 806 Maple Ave. is reportedly Downers Grove's first home and once was the residence of Rev. Orange Lyman, an abolitionist who helped slaves escape to freedom on the Underground Railroad.

Until a short time ago, the property was owned by John Jacobs and Louis Ziebell of Precision Contracting Services, who had planned to demolish it. But Jacobs discovered tunnels beneath the house and is planning to restore the structure. After buying out Ziebell, Jacobs is sole owner of the home, according to Gordon Goodman, chairman of Pierce Downers Heritage Alliance.

Before Jacobs changed his plans to raze the house, Estall, with help from members of the Downers Grove Historical Society and Pierce Downers Heritage Alliance, tried to save it by moving it to a property she owns—kind of like what happens in her novel. But now that



Tribune photo by Carl Wagner

The Lyman house at 806 Maple Ave., Downers Grove, will be restored rather than razed or relocated.

Jacobs plans to restore it, the Lyman house will stay put.

Goodman said preservation groups must work together to stave off future demolition proposals.

"I feel we have some choice areas that by accident have been relatively undisturbed—19th and early 20th Century homes on the stretch of Maple Avenue," Goodman said. "As a group, they give a very good feel for what Downers Grove was like in the past."

His three-pronged strategy to preserve the town's past includes trying to improve the village ordinance that regulates redevelopment and demolition assessing the 50 most significant homes, and setting up a preservation commission.

HOW TO CONTACT US

Comments, questions and suggestions about articles in this section are welcome. Write: **Terry Brown, bureau chief**
2000 York Road, Suite 115 Oak Brook, IL 60523
Call: 630-368-4269 Fax: 630-368-4266
Or e-mail: nearwest@tribune.com

approve 's request Reagan

"I am excited that the Tollway acted swiftly on the governor's request to honor President Reagan," said Tollway Chairman John Mitola.

"Now, when people drive on I-88, they'll remember Ronald Reagan and everything he did for our country. They'll remember his strength and convictions. They'll remember the way he restored our belief in the American dream."

Ronald Reagan spent his youth in Illinois.

He was born in Tampico in 1911, moved to Chicago's South Side, Monmouth and back to Tampico before his parents, John and Nelle, settled in Dixon. He saved 77 people from drowning in the Rock River when he was a lifeguard, according to Dixon historians. He lived in Dixon until he was 21.

As the nation grieved the loss of the former president, who died June 5 in California at age 93, the governor issued an executive order renaming the portion of I-88 managed by IDOT as "Ronald Reagan Memorial Highway."

IDOT oversees the stretch of road from Sterling to the Quad Cities, and the interstate's new name took effect immediately. The Tollway and IDOT will coordinate the design and placement of signs on I-88 to reflect its new name.

Staff writer Louise Brass contributed to this story.

Historic house won't be demolished

By Louise Brass
STAFF WRITER

The historic house on Maple Avenue has been saved from the wrecking ball by the developer who at first had a teardown in mind for the 1839 structure, a local historian said Monday.

Susan Estall had been seeking ways to save the Lyman family house, at 806 Maple Ave. in Downers Grove, since she heard about plans to demolish it and build two modern houses on the site. The house is believed to have once been part of the Civil War-era underground railroad.

"I am just elated that it is saved and will stay on the site," she said.

Developer John Jacobs and his partner Lou Ziebell had purchased the property sight unseen, Jacobs said Tuesday. They were not aware of the historic value of the building.

"I didn't realize it was the oldest house in Downers Grove and perhaps in DuPage County. Once we got here and saw how beautiful the house is and got to know about its historic value, we realized it was very rare. Things like that should be saved," Jacobs said.

Last month during a Village Council meeting, Estall and other local people interested in saving Downers Grove's historic homes

put out a plea for someone to help move the house off the site, if that would help save it from being demolished.

Estall and her husband, Martin, were willing, as a last resort, to find a mover to move the house.

That was until June 17, when she went to take one more look at the house and learned from Jacobs, a Downers Grove native who now lives in the northwest suburbs, that he had decided to save the house and move his own family to live there in August.

"A week ago, I had no idea what the answer was going to be. But (Jacobs) liked the house," Estall said Monday.

"The closer it was getting to demolition and the more he learned about the history, he decided to keep the house and renovate it. I told John Jacobs that he was the hero. He saved the house," she said.

This is the first project, Jacobs and Ziebell, also a Downers Grove native, have worked on as partners; they planned on building two, million-dollar homes on the site, Jacobs said.

Now plans are to build only one new house next to the preserved Lyman house.

"It's a win-win situation for everyone. It's a win for the community,

for the integrity of the historic house, and also for our partnership," Jacobs said.

Estall said the original owner is believed to be a distant cousin of Harriet Beecher Stowe, author of "Uncle Tom's Cabin."

"This house is just studded with history. I learned from someone who used to play in the house that there are underground tunnels leading to the house. So it is almost certain that this was part of the underground railroad," she said.

The original owner, Orange Lyman, preached at First Congregational Church and was a Presbyterian. His family members were known abolitionists.

There are only a handful of houses of this age in northern Illinois, said Estall, who is an author and playwright. Her recent play, "The Freedom Well," about the Civil War era, is being read and considered for production.

The stately, two-story Lyman house hardwood floors, a library and several bedrooms. In the 1930s, white stucco was added to the original clapboard exterior, and a half-circle porch with columns was added, giving it a 20th-century look.

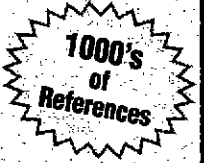
"It's really a wonderful home. It should last for another 165 years," Estall said.



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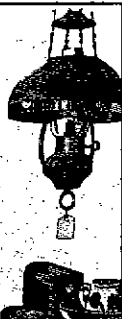
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Reporter

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Wednesday, June 23, 2004

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IIC DEVELOPMENT
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19 GROVE IL 60515

Residents get wish, historic home stays

By Kevin Stahr
Staff writer

The oldest known home in Downers Grove will not be relocated, but instead become the future residence of the developer who originally planned to knock it down.

An outpouring of sentiment from residents interested in preservation helped persuade developer John Jacobs and his partner to rethink plans to demolish the Orange Lyman House at 806 Maple Ave., and build two homes in its place.

Jacobs, a Downers Grove native who attended Downers Grove South High School, said he had no idea of the home's history when he purchased the property sight unseen in April for \$725,000.

The home was built in 1839 on 600 acres of farmland on what came to be known as Maple Avenue, near Belden Avenue. Orange Lyman preached at the First Congregational Church, which was known for aiding the Abolitionist movement and the Underground Railroad during the Civil War. In the 1930s, the home was renovated with a stucco finish, but a majority of the building's interior is original. The home captures the eye of passersby with its decorative iron fence and colorful landscaping.

After seeing the house and hearing the concerns of preservationists, Jacobs and his partner decided to keep the Lyman home and build just one home. In an ironic twist, Jacobs and his family will be the Lyman home's newest residents, starting in August.

"It is a very precious gem of a home," he said. "We're moving to Downers sooner than expected."

Resident Susan Estall, who was preparing to possibly move the 165-year-old structure, called Jacobs "a hero."

"He saved that house," Estall said. "He didn't have to take a phone call from me. He could have just bulldozed the house."

Estall and Jacobs agreed the house could have been moved, but not without spending a substantial amount of money. Possible relocation sites ranged from the Downers Grove Park District Museum property across the street to another park, but the most likely scenario was to relocate it to a vacant lot next to Estall's home in the 5500 block of Main Street.

"People don't understand what it takes to get a house moved," she said. "It has been one of the most intense months."

Estall was even more pleased the house wouldn't have to be moved after she did more research. A genealogy study on Orange Lyman showed a relation to Harriet Beecher Stowe, author of "Uncle Tom's Cabin," Estall said.

Estall also discovered tunnels underneath the house after talking to the previous homeowner.

"The history just became bigger and more connected," she said. "I think everyone feels this is more acceptable than having the house torn down."

See HOME, Page 6




Staff photo by Julie Astrowski

al firefighter

guides Jonathan Warnecke of Downers Grove at Fishel Park in Downers Grove Saturday. The event held its annual Kids' Muster day, featuring family events.

INSIDE

"Come to Smithe for traditional or contemporary - we've got your style."

~ Mark Smithe

Walter E. ...

Residents to buy pool passes at resident rates in the Clarendon Hills, Lombard and the Butterfield park districts works out before moving forward. According to the agreement, residents in the three other park districts can buy annual passes for the Downers Grove Recreation and Fitness Center at a reduced price. With 235 families

swimming is already being met. The reciprocal agreement was brought to the table by Salazar as a temporary measure to provide cheaper swimming while the Park District contemplated a pool. However, Salazar inferred the agreement could be expanded to other communities as a permanent measure to avoid constructing a pool in Downers Grove.

swimmers to gauge the demand level. A communitywide survey was completed several years ago by the district's Pool Advisory Committee. Resident Marc Patno suggested another survey would not be worthwhile, but reforming the committee might help achieve a final outcome.

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DIRECTIONS: FROM CICERO AVE.
Cicero Ave. to 73rd St. West on 73rd St. to warehouse.

ed Wednesdays, Saturday 10am-5pm, Sunday Noon-5pm

Sleeter agreed with Salazar, saying moving too quickly is premature.

"What the residents say about the availability at the other pools would give us some feedback on how we should potentially proceed," Sleeter said. "We know there is some demand, but is there enough to build (our own facility)?"

Under Jaros's plan, the Park Board will try to build a pool without raising property taxes by issuing bonds backed by pool revenue, plus private donations. The site, which is undetermined, would be on district-owned land away from a residential area.

Jaros has spent a year trying to convince his fellow commissioners his plan is viable. The Park Board had rejected or put off his proposal several times before Commissioners Mary Thomson and newly elected Bob Gelwicks threw their support

Jaros and Thomson backed Patno's idea. "If we are going to send this to referendum, we need wider community participation to spring-board this project," Thomson said.

Salazar and Sleeter immediately denounced the idea, saying now was not the right time. Jaros added he plans on revisiting the pool issue in July.

The Park District has conducted a feasibility study at a park located at Burlington and Walnut avenues that indicated a smaller aquatic facility could be built on the site. Jaros has previously said he does not want to limit the district's options solely to that park.

Park officials have agreed to bring any proposal to voters for approval in a referendum. Salazar has said he feels that goal is at least one to two years away, while Jaros believes the timetable is shorter.

Kevin Stahr's e-mail address is: kstahr@libertysuburban.com

Musical evening planned at Cordia Senior Residence

Families are invited to make their own instruments and play improvisational music during the "Make and Shake," a musical family fun night set for 7 to 8 p.m. Friday, June 25, at Cordia Senior Residence, 865 N. Cass Ave. in Westmont.

Featured is Holly Pintozzi playing drums. Participants can make their own instruments at the event and join her with music-making and singing.

Senior citizen admission is free. A child with an adult admission is \$5 if pre-registered, or \$6 at the door. A family rate is available. Reservations are required because space is limited. For more information, pre-registration and reservations, call Mary Van Deven at (630) 964-0534.

HOME

Continued from Page 1

Historical Society President Greg Evans said he was delighted when he heard the news.

"This is the best possible option that could happen," he said.

Evans said he realizes the Historical Society can't save every home in the village from demolition. However, he said he hopes support for the Lyman home captured the full attention of the Downers Grove Village Council. Evans said there have been some initial discussions with village officials about putting together an ordinance addressing historic preservation, based on those in place in Naperville

and Hinsdale.

Jacobs said he's happy the situation was mutually resolved and said there will be other opportunities to develop in Downers Grove. He added there can be a compromise in saving history and building homes that will add to the value of the village and attract new families.

The Lyman house issue sparked the Pierce Downer Heritage Alliance to focus on historic preservation at its June 16 meeting, which drew nearly 60 people, according to the group's secretary, Laurel Bowen.

Bowen added the Heritage Alliance and the Downers Grove Watch, a political watchdog group, may begin circulating petitions to gain support for historic preservation.

Kevin Stahr's e-mail address is: kstahr@libertysuburban.com

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SUN

DOWNERS GROVE

Thursday
July 15, 2004
50 cents

Groups hope pen is mightier than wrecking ball

By Eva Weger
STAFF WRITER

A collective effort that stopped the demolition of the Lyman House on Maple Avenue has inspired three local organizations to continue the mission of preserving the historic character of Downers Grove neighborhoods.

The Pierce Downer's Heritage Alliance, The Downers Grove Watch and the Downers Grove Historical Society joined forces to circulate a petition requesting that the Village Council and Park District Board create a community task force to study preservation options.

With almost 500 signatures on the petition so far, organization members are conducting a door-to-door effort in hopes of collecting at least 1,000 signatures before they present it to the Village Council and the Park District Board, said Laurel Bowen, a Downers Grove Watch and Pierce Downer's Heritage Alliance member.

"The impact of heardowns is so great on the community," Bowen said. "We are trying to minimize the impact and hoping to preserve historic areas and the character of our neighborhoods."

See **Petition**, Page 6



Look, but don't splash

The Reid residence in Downers Grove is one stop on Aquascape Designs' 12th annual Parade of Ponds. Pond aficionados will have the chance to see 230 man-made ponds throughout the Chicago area Saturday and Sunday. Aquascape, based in Batavia, broke

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Church in Middelburg, South Africa, will visit Gloria Dei Lutheran Church in Downers Grove at 6:30 p.m. Tuesday. Khumalo is involved in the fight to control the AIDS and hunger epidemics throughout Africa. St. Peter church operates an AIDS center and a school for local children and also provides medication and food for those who are ill and poor.

During the past year, the youths at Gloria Dei, 4501 Main St., have built a partnership with Khumalo's ministry. In 2003, more than 190 Sunday school, junior high and high school youths at Gloria Dei

Since then, they also have collected and donated shoes and clothing, as well as several hundred dollars, which was used to provide food and medication for the people of Middelburg for a month.

Gloria Dei hopes to provide Khumalo with another gift during his visit. According to Khumalo, St. Peter church spends about \$700 a month to care for those in need in the Middelburg area. St. Peter church is hoping to raise money to buy a used pickup truck so it can reach people in a wider area.

With the help of the community, Gloria Dei in recent years has

through the ELCA Stand With Africa Campaign and through the efforts of Khumalo and St. Peter Confessional Lutheran Church.

If you are interested in making a donation to Khumalo's ministry, write a check payable to Gloria Dei Lutheran Church and put "St. Peter/South Africa" on the memo line.

For information on the ministries of St. Peter Confessional Lutheran Church or the ELCA Stand With Africa Campaign, call Jeff Mikyska or Joyce Pauly at (630) 968-6231 or visit www.gloriadeichurch.org.

Contributed by Gloria Dei Lutheran Church

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Petition

From Page 1

The groups are asking city officials to examine ways to preserve significant 19th- and early 20th-century residences. They are concerned about how the village plans to deal with growth while maintaining the cultural heritage of these homes, Pierce Downer's Heritage Alliance member Jim Cavallo said.

"This is a wake-up call - an opportunity to address these issues and look at how other communities are doing it so we can make the right choice for our village," Cavallo said. "We need to find a balance between individual property rights and preserving community heritage."

The petition is also requesting that city officials tighten controls on demolition permits and take action to ensure the continued preservation of the Lyman House.

The 1839 structure is believed to be the oldest home in Downers Grove and had once been a part of the Civil War-era Underground Railroad. Developers John Jacobs and Lou Ziebell recently bought the property and had planned to tear it down and build a pair of million-dol-

lar homes in its place. By mid-June Jacobs, a Downers Grove native who now lives in the northwest suburbs, changed his mind, opting to save the house by moving his own family into it and building only one of the planned new homes.

Among the signatures on the petition is that of Downers Grove Park District Board President Janis Sleeter, who has a personal connection to the Lyman House. From 1933 to 1945, her maternal grandparents owned the home.

"I am in support of maintaining historic homes in the community. It would be a benefit to have a task force to investigate what could be done," Sleeter said. "There is always a trade-off, though. There has to be a balance between historical merit and property owners' rights."

And although she said it would be beneficial for a Park District representative to play an advisory role in the group, she was quick to point out that the district has no authority to form such a task force, change demolition codes or create village legislation.

She is adopting a wait-and-see attitude, she said.

"It should be discussed by the entire board, and then, as a whole, we

can decide what level of participation we will take," Sleeter said.

Mayor Brian Krajewski has a different take, preferring preservation education to legislation. Although open to changing demolition permits and possibly raising fees, he said there is no need for a historic preservation task force.

Village commissioners are already forming a community dialogue program to discuss the increased teardowns and redevelopment of the past year. The goal is to determine what modifications can be made to codes to remedy the situation, Krajewski said.

The program, expected to begin in September, would involve ongoing discussions among residents, developers, real estate brokers, architects, village staff and council members.

"With information from the community, some of the concerns in the petition will be addressed through the dialogue program," Krajewski said. "If after time we still see a need, we may be open to starting a task force."

For information, visit the Downers Grove Watch Web site at www.downersgrovewatch.org. To sign the petition, contact Laurel Bowen (630) 852-5490.

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PUBLIC HEARING: FILE NO. PC-13-04 – Petition seeking approval of a Lot Split to include Lot Width Exceptions and certain Variations from Code – Property located on the north side of Maple Avenue, approximately 157 feet east of Belden Avenue, commonly known as 806 Maple Avenue, Downers Grove, IL (PIN 09-08-308-010); Lou Ziebell, Petitioner; Jacobs Ziebell LLC, Owners

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

James F. Russ, Jr., of the law firm Weidel, Hudzik, Russ and Phillip, 4915 Main Street, Downers Grove stated he represents the owners. Mr. Russ noted Mr. Lou Ziebell and Mr. John Jacobs, principals of Jacobs Ziebell LLC are present there this evening.

Mr. Russ explained the property is located on the north side of Maple Avenue at 806 Maple Avenue east of Belden Avenue, west of Mackey Place. The existing property has a street frontage of 155.69 feet, a north property line of 129.64 feet, an east property line of 186.12 feet and a west property line of approximately 220.88 feet for a total lot area of 28,262 square feet. The property is currently zoned R-4, Single Family Residential. Mr. Russ noted R-4 zoning requires a minimum width of 50 feet and a minimum lot area of 7,500 square feet.

Mr. Russ stated the proposal before the Plan Commission this evening is to divide this property into two parcels. The western lot would be 72.72 feet by approximately 210.5 feet with approximately 14,678 square feet of area. That lot, if divided, would be a vacant piece of property at this point. The eastern lot would be 73.34 feet by approximately 193.5 feet with an approximate lot area of 13,584 square feet. This is an existing residence on that piece of property. The residence was built in approximately 1839. He recalled the residence was the subject of much discussion within the Village.

Chairman Jirik interrupted Mr. Russ' testimony to advise members of the audience that more information packets were now available.

Mr. Russ advised the original concept with this petition was to demolish the existing residence on this property. The petitioner, after listening to the concerns of the community and being attentive to the requests of the neighbors, revised those plans, and the house will remain. One of the owners will use the residence as his primary residence. The home will be rehabbed and will essentially remain in its current condition. Mr. Russ recalled a previous discussion about moving the home to another location. He advised moving the house is not going to happen. The house will remain on this property.

Mr. Russ stated the proposed lots would exceed the minimum depth of 140 feet and the minimum area of 10,500 square feet under the Subdivision Control Ordinance. Mr. Russ indicated the petitioner is seeking a variation in width on the western lot of 2.28 feet, which is approximately a 3% reduction in the required minimum width. They are also seeking a variation in width on the eastern lot of 1.66 feet or an approximately 2.2% reduction in the required minimum width. Mr. Russ noted the Plan Commission has the authority under Village Ordinances to authorize up to a 50% exception in any lot width.

Their request falls within that purview of the Commission. There are several factors under the Subdivision Control Ordinance, which the Commission is to consider in determining whether the exception shall be recommended:

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

Mr. Russ stated the new lots with or without reductions should really have no affect on the value or the reasonable use of the surrounding properties. The reduction in width is minimal; 2.28 feet and 1.66 feet. The proposed lots will be consistent with the surrounding lots along Maple Avenue. The property values should not be affected. Mr. Russ recalled there was a previous petition along Maple Avenue to the east of this property in the year 2000, which created lots of similar size. Mr. Russ expressed the belief that property values in this area have been maintained after that property was split. He pointed out there is a new home on one of the lots and a second home is currently under construction. Mr. Russ again noted the existing home would remain. The stairs and the deck on the western side of the home will be removed as they encroach into a side yard. Any new construction on this property will have to meet the zoning requirements for the R-4 zoning district.

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

Mr. Russ stated the use would remain as a single-family residential use. In April of 2000, this Commission unanimously recommended a similar lot split in the 700 block of Maple Avenue. The lots that were created under that lot split were 74.1 feet for the western lot and 69.87 feet for the eastern lot. One of those approved lots is actually smaller than these proposed lots.

3. The characteristics of the property which support or mitigate against the granting of the exception;

Mr. Russ pointed out the lot as it currently exists is over two times the required width of the R-4 zoning district. It is 2.6 times the required area of the R-4 zoning district, and its depth does exceed the minimum. The characteristics of the lot do support the exceptions since the lot will still exceed the minimum width and depth. They will be consistent with the surrounding properties. Mr. Russ noted in the Plan Commission packet there were some design concepts for the proposed house on the westerly lot, which indicate the design would be consistent with the nature of the surrounding older homes on Maple Avenue.

4. Whether the exception is in conformance with the general plan and spirit of this Chapter;

Mr. Russ noted he previously covered this.

5. Whether the exception will alter, or be consistent with, the essential character of the locality.

Mr. Russ stated the proposed lots would still be single family. The existing home on the property will remain. The new home to be constructed will have the same or similar architecture of many of the homes in the area. The lots in this area range from 50 to 155 feet in width. There are a great variety of lot sizes in this area, and the proposed lots are definitely within the range of what currently exists along Maple Avenue.

Mr. Russ indicated the petitioners have gone to great lengths to listen to the concerns of the surrounding residents and to come up with a plan, which they feel preserves the integrity of the neighborhood. The petitioners have seen fit to realize that demolition of the existing home is not the best solution for this neighborhood due to the nature of the surrounding properties. The historic home will be saved. The proposed lot split allows the development to be consistent with the surrounding area and acknowledges the petitioner's concern and sensitivity to the surrounding properties and property owners. Mr. Russ concluded the owners are here this evening to answer any questions with regard to the architecture or the placement of the proposed home.

Chairman Jirik asked Staff for their presentation.

Keith Sbiral, Current Development Planner, stated the requested action is a lot split per Chapter 20, the Subdivision Control Ordinance, as well as a lot width exception for each of the two resulting lots for lot width. Mr. Sbiral indicated the property is located on Maple Avenue, approximately 157 feet east of Belden Avenue within the Maple Avenue Honorary Historic District, which the Village Council supported through a resolution some years ago. Mr. Sbiral noted the property currently contains one home, which is commonly referred to as the Lyman House.

With regard to the bulk characteristics of the lot, Mr. Sbiral stated both resulting lots would exceed the required lot area and the lot depth. The lot width exceptions would be roughly 3% for the west lot at 72.72 feet and 2.2% for the east lot at 73.34 feet. Mr. Sbiral indicated no variations are required from zoning even though the existing Lyman House will remain. The petitioner has indicated on the proposed plan as well as in documents submitted to Staff that they intend as part of this petition and the construction and rehabilitation of the house to remove the wooden deck and stairway on the west side of the house, which currently encroaches into the side yards, thus no side yard variation would be necessary.

Mr. Sbiral displayed an exhibit that shows the neighboring properties and their lot widths at the curb line. The requested exceptions are subject to the criteria in Section 20-602 of the Subdivision Control Ordinance previously reviewed by Mr. Russ.

With respect to Public Works and Engineering, Mr. Sbiral indicated there is an extra memo attached to the Staff report. An original condition from Public Works was to have a wetland delineation done. Based on the inspection of the property and the site

topography, the Public Works Staff looked at the site and concluded that wetlands delineation does not need to be completed.

With respect to the Fire Prevention Division, Mr. Sbiral advised that they did not have comments on the petition.

Mr. Sbiral stated should the Plan Commission consider forwarding a favorable recommendation to the Village Council, Staff recommends the following conditions:

1. The wood deck and stairs on the existing Lyman House must be removed from the required side yard;
2. The petitioner should provide proposed plats of survey indicating all appropriate designations including the required stormwater easements prior to Village Council approval;
3. Compliance with all Public Works requirements and conditions as outlined in their memorandum dated July 14, 2004;
4. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. The Village reserves the right to re-open its review process upon receipt of such information; and
5. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State and Village laws, ordinances, regulations and policies.

Mr. Sbiral concluded by stating he was open to any questions from the Plan Commission.

As part of the public participation portion of the public hearing, Chairman Jirik asked if there was anyone in the audience who wished to speak.

Mary Ann Bokholdt, 731 Maple Avenue, Downers Grove asked whether or not the driveway would be moved. Chairman Jirik commented a driveway could not be on someone else's property. Before building permits would be issued, the location of the driveway would have to be in compliance with the Ordinance. Mr. Sbiral pointed out the displayed exhibit shows the relocation of the driveway onto the Lyman House property, and the location of the driveway on the new property would be subject to permit. Mr. Sbiral noted the square shown on the drawing is a proposed building pad but is not approved as part of this drawing. Mr. Sbiral pointed out there is specific language in the Staff report to note that.

Mrs. Bokholdt stated it is very important that the integrity of that specific area be maintained with regard to space between the homes. Mr. Bokholdt advised she lives on a 55-foot wide lot and looks across the street to two very large parcels, which is very pleasant. Mrs. Bokholdt urged the Council to have as much open space as possible between the parcels. She expressed the hope that the Lyman House would not be moved at all.

Chairman Jirik stated he appreciated Mrs. Bokholdt's comments. He explained the nature of this specific petition is a request to take one lot and make it into two lots. While the petitioner was open in stating certain intentions regarding the Lyman House that was not what caused this meeting to occur this evening. The Plan Commission is here to deliberate a request to draw a line on existing Parcel One thus creating a Parcel Two.

Chairman Jirik further explained the remarks about not moving the house and the architectural rendering of the new home were presented voluntarily. The information presented by Mr. Sbiral regarding the footprint, etc. help conceptualize, but the formal request is for the addition of a legally drawn line which would create two separate parcels that could then be developed and would be subject to the ordinances with regard to side yards, height, etc. Chairman Jirik emphasized no variations are being requested.

Mrs. Bokholdt stated what is ultimately decided upon could change the entire area. She indicated part of the reason for keeping the building itself at 806 Maple was to maintain that integrity. She urged the Plan Commission to take that into consideration. She indicated she was not against the lot split but emphasized that the Plan Commission has to think forward. She recommended before the Plan Commission makes any decision they should get something more substantial than a rendering.

John Hebert, 802 Maple Avenue, Downers Grove indicated he lives next door to the subject property. His main concern is not the split. Whatever is built should be consistent with the neighborhood. The setback on the rendering is nowhere near the rest of the houses. Mr. Hebert pointed out the rest of the houses all parallel Maple Avenue and are crooked on the lot. The house shown is square and will be tilted in comparison to all the rest of the houses in the neighborhood and will not be consistent with the rest of the neighborhood. The residents of the neighborhood want something consistent with the rest of the homes. Mr. Hebert noted once the lot split is approved, the neighborhood would no longer have any say. The builder can place the house on the lot as he wishes as long as it is in conformity with the zoning requirements.

Gordon Goodman, 5834 Middaugh Avenue, Downers Grove stated he wanted to address several issues that have already come up and perhaps some that have not. Dr. Goodman indicated as a result of the suggestions and concerns presented this evening the Plan Commission should consider making any conditions that might accompany a favorable recommendation more elaborate. For example, specifically saying the driveway should be relocated onto the east lot if the lot split is approved just as the recommendation by Staff to the Plan Commission to specifically require that the wood deck and stairs of the existing building be eliminated. Dr. Goodman expressed the opinion that there are some more conditions that the Plan Commission might want to consider that would address the concerns being voiced tonight about how the new lot might be utilized. Dr. Goodman stated it is not within the Plan Commission's power at this hearing to establish those conditions of a site plan for the new lot that would be parallel to Maple Avenue and consistent with the neighborhood patterns. Since the Plan Commission is clearly considering whether this lot split is consistent with neighborhood patterns and in order for the Plan Commission and the Village Council to assure themselves it will be, then the

Plan Commission would want to say there may be a necessary condition that is not specified in the Staff report that the Plan Commission wants to add to its recommendation to the Village Council. Whatever site plan is submitted for the new lot must be consistent with the neighborhood patterns as enumerated, and orientation parallel to the street rather than square on the lot, which preserves trees to the extent possible on the private property. Dr. Goodman emphasized one of the things the neighbors are commenting on is that this is a very heavily wooded and very pleasant part of the neighborhood. Dr. Goodman further stated the same thing applies to the relocation of the driveway. It would be most appropriate for the Plan Commission to recommend that the driveway be relocated with the goal of preserving as many trees as possible. As the Plan Commission hears concerns from the residents about the character of the neighborhood and how this lot split would or would not support continuing the character of the neighborhood, Dr. Goodman suggested that the Plan Commission try to transform that into something that is a recommendation to the Village Council of how future actions associated with any lot splits should be conducted.

Dr. Goodman stated he was very pleased that the owners decided the house was worth preserving. The community would be very greatly diminished if the Lyman House was destroyed or even moved off of Maple Avenue. He noted Maple Avenue by some accident has managed to survive as a collection of very distinguished homes from the nineteenth and early twentieth century. There are some 1950's style homes, but in general the atmosphere when you drive down Maple Avenue is one of early Downers Grove. Dr. Goodman stressed it was very important to find some way to preserve this. Dr. Goodman indicated Mr. Jacobs should be congratulated on making an effort to do that.

Dr. Goodman continued first, we need some kind of outcome from this current concern over whether the Lyman House would survive so that we do not have this reoccur again. Dr. Goodman indicated he had good faith that Mr. Jacobs is planning to recondition the home and move his family there. Dr. Goodman stated we need some assurance if it would no longer be desirable for his family to live there, there be some right of first refusal for a public agency or some way in which we can assure ourselves that the Lyman House is not likely to be the subject of a demolition request in the future. Dr. Goodman acknowledged he did not know what the Plan Commission could do about this. Dr. Goodman indicated he would be taking this matter to the Village Council and the Mayor to see what they can do. Dr. Goodman expressed a strong belief it will be done exactly the way the owners have stated on the basis of good will and an understanding of the importance of the Honorary Historic District and particularly the Lyman House as a cornerstone of that district. Dr. Goodman emphasized we need something to come out of this besides the temporary preservation of the Lyman House. We need some plan for the future so we are not likely to have great community uproar and concern if the plans of the Jacobs family change.

Dr. Goodman stated his second point is that there already seems to be a number of questions as to what type of new building façade would compliment and fit in with the 19th and early 20th century atmosphere. Dr. Goodman indicated his fantasy was that

eventually the 1950 homes would be removed, and new Victorian style construction might be added to Maple Avenue. Dr. Goodman noted this type of thing is happening in communities like Geneva where they have a 20-year-old historic district, and it is now taking root with new developments having the character of that historic district. Dr. Goodman noted the Ziebell-Jacobs partnership has a wonderful opportunity to be the first to do this. Dr. Goodman expressed his belief that it was quite possible to design a gracious home with a façade that picks up on the styles of the really nice homes that already exist along Maple Avenue. Dr. Goodman expressed the hope that through good will and encouragement from the Village, the type of design presented this evening could be modified to be something which is much more consistent with the rest of the historic district.

Dr. Goodman advised the Plan Commission that he did a photo survey of the facades on both sides of Maple Avenue between Washington Street and the Burlington tracks. He indicated he would be very glad to make a copy available on a CD for the owners if they would like to see what the existing facades look like. Dr. Goodman expressed the hope that the Plan Commission and the rest of the Village would encourage the owners to adopt a design style that would not stand out but would actually fit into the rest of Maple Avenue.

Robert Zambreno, 405 Hill Street, Downers Grove stated one of his concerns is that the proposed structure is not facing straight towards Maple Avenue but rather on an angle. Mr. Zambreno indicated splitting the lot destroys the integrity of the Lyman House itself. Mr. Zambreno noted if this were Naperville, this would not even be an issue, and none of us would be here this evening. The proposed lot split does not do the property justice. Adding an additional house is an inappropriate use of space. Mr. Zambreno questioned whether there would be enough space on either side of the home to even be able to mow a lawn. Mr. Zambreno asked if the petitioner is proposing to share a driveway. Chairman Jirik interjected that no such request has been made and would not be allowed. Mr. Zambreno asked what the intention was with respect to parking of cars, as there is no parking on Maple Avenue. Mr. Stark indicated parking is allowed on Maple Avenue. Mr. Zambreno again stressed his biggest concern is destroying the integrity of the neighborhood. Adding a giant house on a small lot would not do much for the neighboring homes or for the Lyman House itself. Mr. Zambreno stated it was a common sense thing to restore the home and congratulated the owners for deciding to do that. Mr. Zambreno stated the lot is too small to have two homes placed on it, and in his opinion should be split. Mr. Zambreno noted this is an issue of making money; it is not an issue of just a lot split. If it happens here, Mr. Zambreno guaranteed we would be back here in the near future talking about the property two lots to the right. Mr. Zambreno concluded by stating the line has to be drawn somewhere.

Thomas Weiler, 709 Maple Avenue, Downers Grove stated he lives on the south side of Maple Avenue closer to the Orange property, which was split several years ago, and the old farm house torn down. Mr. Weiler indicated he came here primarily to find out what the plans were for the house. Mr. Weiler noted the comment was made that the lots vary in size from 50 feet to up to 155 feet. Mr. Weiler expressed the concern that with the

way the trend is going there will not be any more 155-foot wide lots. Any lots that can be split are being split. Mr. Weiler stated there is some value in having a variety of lot sizes including larger lots. Mr. Weiler acknowledged the fact that the Orange property was granted a lot split, and he did not see any way that this proposed lot split would not happen. In that respect, Mr. Weiler encouraged the developers to strive to maintain a style of home on the new lot that is consistent with the existing turn of the century vintage homes on Maple Avenue with detached garages toward the rear of the property rather than front loaded garages.

Susan Estall, 5512 Main Street, Downers Grove explained she became unexpectedly involved in learning about the history of the Lyman House. She also got to know John Jacobs. Mrs. Estall stated in a time of increased development, there has to be some type of compromise. She stated she is thrilled the house is going to be saved and commented that the petitioner is doing the right thing, and his partner is supportive of him doing the right thing. Mrs. Estall expressed her opinion that they bought something and did not understand the history or background. Mrs. Estall stated as a citizen of Downers Grove she supports their efforts to save that house. If it means dividing the lot for that to go forward, then that is what should happen. Mrs. Estall noted she did not believe the only intent here is financial. If that were the case, they would not be saving the house. Mrs. Estall stated the Lyman House is one of the most significantly historical houses in Downers Grove. Mrs. Estall recalled when she went before the Village Council with the proposal to move the home rather than have it torn down; they were in strong support of saving the house. Mrs. Estall explained the tunnels under the house also have historical significance. These tunnels may very well have been a part of the Underground Railroad as the house was built before the Civil War. Mrs. Estall stated once she learned that, in her mind the house needed to stay in its current location rather than be moved somewhere else.

Mrs. Estall encouraged the Plan Commission to take into consideration the historical significance of the house, keeping in mind that a compromise has to be made. As there was no one else who wished to speak, Chairman Jirik closed the public participation portion of the public hearing.

Chairman Jirik asked if the Plan Commission had any comments or questions.

Mr. Matejczyk commended the petitioner for being sensitive to the concerns of the neighborhood and the community at large. Mr. Matejczyk expressed disappointment that the Village does not officially recognize historic districts, areas or homes. Such recognition is long overdue. Many villages, towns and cities across the country are taking an increased awareness of their history and are incorporating that into an official recognition. Downers Grove does not have that. Mr. Matejczyk commented it is left up to the Plan Commission. We have heard discussion this evening as to how the proposed house should be situated on the new lot, etc. Currently, these matters are not within the purview of the Plan Commission. Mr. Matejczyk again stressed this Village needs to somehow officially recognize there are areas of the Village that are worth saving.

Mr. Griesbaum expressed agreement with Mr. Matejczyk's statements. Mr. Griesbaum recalled an issue several years ago with the lot split of the Orange property east on Maple Avenue. It was very difficult for the Plan Commission to decide whether that lot split should take place or not because of the historic nature of the home. Mr. Griesbaum recalled there were two members that voted against the lot split which did pass. He acknowledged everyone on the Plan Commission at that time was very torn about making such a decision. For the record, Mr. Griesbaum stated these types of petitions are very difficult because Downers Grove does not have historic standards, rules or guidelines around these types of homes.

Mr. Waechtler asked Staff to again display the exhibit showing the lots fronting on Maple Avenue and their frontage dimensions. Mr. Sbiral pointed out lot width is measured at a line perpendicular to the depth. He noted the subject property is 155 feet wide; other properties on the north side of the street are 50 feet, 107 feet and 101 feet. On the south side of Maple Avenue, the lot widths range from 104 feet, 100 feet, 104 feet, 105 feet, a very narrow lot that does not have a house on it, 50 feet, 50 feet, 50 feet and 100 feet. Behind the subject property, there are 50-foot wide lots on Curtiss. Some of the lots on the west side of Mackie are 50 feet wide, and there is an 80-foot wide lot. There are some 73.02-foot wide lots further west on Maple Avenue, which would be similar to the proposed lots.

Mr. Waechtler referred to the lot split done in the 700 block of Maple Avenue and asked either Staff or Mr. Russ for the dimensions of those lots. Mr. Griesbaum recalled that one of the lots was just shy of 75 feet wide and the other lot was 69 feet wide.

Mrs. Reynolds asked if the square block representing the house to be built on the westerly lot is the developer's permanent footprint for this particular house. Mr. Lou Ziebell, one of the partners in Jacob-Ziebell LLC, responded they are currently in the design development stage for the new home. The perfectly square box shown is only for conceptual purposes. Mr. Ziebell indicated he picked up plans from the architect's office today. At the 25-foot setback line, parcel number one will be 72.72 feet. The current design plan has a 55-56 foot width on the proposed new structure, although that has not been finalized. That width would allow for a large setback on either side to allow for the stormwater drainage easements being discussed.

Mrs. Reynolds asked Mr. Ziebell if he understood the neighbors' concerns. Mr. Ziebell recalled they were out at the site the other day and the way that the existing trees are positioned on Parcel No. One, they would exceed the setbacks requirements significantly in order to pull that house back so that it would not be standing as close to the street as shown. Mr. Ziebell noted there are some beautiful trees on the south property line where they could get the driveway to work through there. He noted the design process is still evolving to make this house reflect the concerns of the residents in the neighborhood.

Chairman Jirik stated, understanding that his question is beyond the jurisdictional authority of the Plan Commission; he is asking it on an informational basis. Chairman Jirik noted there is a default alignment of the fronts of the homes. He recalled one of the

areas of interest was conformity. Chairman Jirik stated he understood plans are still conceptual, but asked Mr. Ziebell if he could show the Commission how the proposed home would conform. Mr. Ziebell answered before he and the civil engineer can determine the location of the structure itself, he and his partner need to finalize the overall size and dimension of the new house. Once they agree upon that and make sure their square footage requirements conform to Code, they can then place the structure on the property. Mr. Ziebell commented at this time he cannot place the cart before the horse. Mr. Ziebell advised they have been to the site on several occasions looking at the setback lines of the house. The last thing they want to do as developers is have a home that is sitting so close to the street it sticks out and has no aesthetic value whatsoever. They want to set the house back consistent with the Lyman House so that it is not visible as you are driving west on Maple and still lend itself to a nice backyard, which is one of the beautiful selling points of this property. With a property depth of 220 feet, Mr. Ziebell indicated they could do that and still be flexible and maintain peaceful co-existence. Mrs. Reynolds commented on the importance of saving trees, and Mr. Ziebell stated they are all about saving trees especially if the driveway can fit between two of them.

With regard to questions asked by the residents about a shared driveway, Mr. Waechtler asked if there was enough room on the new parcel for a driveway. Mr. Ziebell responded there is enough room for a driveway. Mr. Ziebell indicated at this time the driveway and garage are planned to be built within the 55-foot width. Mr. Ziebell stated if the lot split were granted, permits would have to be submitted and approved by the Code Services Department.

Mr. Waechtler stated he walked up and down both sides of Maple Avenue today and was very impressed not only with the Lyman House and the concern for saving the house but also the beautiful piece of land west of the Lyman House. The existing house with the land next to it, the existing trees and the foliage were outstanding. Mr. Waechtler noted it reminded him of something you might see in Savannah, Georgia or Charleston, South Carolina. Mr. Waechtler asked Mr. Ziebell if he really wanted to split the lot and develop it. Mr. Waechtler acknowledged that his question was not within the Plan Commission's purview.

Mr. Ziebell responded they are planning on developing Parcel One. They have a fully executed contract to save the Lyman House and sell it. The fully executed contract is contingent upon this proposed lot split going through. They are also planning on saving as many trees as possible on Parcel One. He is planning on rescinding the demolition permit for the Lyman House, which was submitted weeks ago. The demolition is on the verge of being approved. Mr. Ziebell noted discussion regarding the demolition permit is outside of the jurisdiction of the Plan Commission.

Chairman Jirik stated focus has switched to informational matters. It does not mean that the issues are unimportant; quite to the contrary, they are important. However, until such time as this Commission is given some form of Ordinance or requirement in this venue, the purpose of the Plan Commission is to look at the rules and Ordinances as they are

written and enforced in Downers Grove today. The Commission has heard many heartfelt, eloquent comments as well as discussion regarding those comments. Chairman Jirik asked the Plan Commission to focus on the heart of the matter in which they are empowered to act upon. Chairman Jirik suggested the members of the audience present their advocacy to those who do create policy and adopt Ordinances that guide and govern how development goes forward.

Mr. Waechtler complimented the owners for the preservation of the Lyman House.

Mr. Stark thanked Mr. Russ and the petitioner for such a complete packet. They provided the Plan Commission with so much information that the Commission probably strayed from its purview because of this information. The fact that the petitioners have stated their intentions as to what they are going to do with the property is admirable but outside the Plan Commission's purview. Mr. Stark stated he did not know of any contractual or legal obligation for the petitioners to stick with those stated intentions. The Plan Commission is here to deal with the configuration of lots in Downers Grove. What is on top of the lots in Downers Grove while interesting is not within his control. Mr. Stark indicated he would like to control it, and the Village Council may give the Plan Commission the tools to do that, but right now the tools in his quiver are few. Mr. Stark stated intentions are not equal to obligations.

Mr. Stark next addressed comments made by the public. Dr. Goodman pointed out a wish list of things he would like to have included in the Plan Commission's recommendation. Mr. Stark noted he could address them if he had the tools to do so. As far as the lot split is concerned, Mr. Stark indicated he could not require a certain orientation of the house on the lot. Mr. Stark noted they could build a very small home which we may or may not like. Mr. Stark continued he does not have a tool to deal with what type of landscaping has to appear on that lot, nor does he have a tool to say how many trees are supposed to be on the lot. Mr. Stark explained he could determine the size of the lot or whether or not it could fit with its neighbors. The Plan Commission has looked at lot depths and the way the proposed home would present itself to the street. Mr. Stark stated in his opinion this is a lot that can be split and successfully used to hopefully foster the preservation of one very important piece of property and a complimentary building next to it. Mr. Stark explained right now what Downers Grove has to rely on is market value and market-driven forces to maybe get the developers to keep with the trend because that may be a higher use of the land and a better return on the dollar. Mr. Stark emphasized the Village does not have any ordinances to encumber people in that way. Mr. Stark noted when the Village Council reads these minutes this might be the spark to start them to look at some additional tools to give the Plan Commission or some other body. Mr. Stark stated he cannot encumber the transfer of the property, nor can he encumber the type of house that would be there or the landscaping. Mr. Stark stated his comments were for the record.

Mr. Matejczyk stated he agreed one hundred percent with Mr. Stark's comments.

With regard to the removal of the steps, Mr. Stark stated he asked himself if he would split this lot and still allow the existing deck and stairs to remain. Staff is recommending the granting of the lot split with the removal of the stairs and deck. Mr. Stark noted he would let the petitioners keep the stairs and deck if they are going to keep the house to which they are attached. Several commissioners asked Staff for the reason for removing the deck and stairs. Mr. Sbiral explained the deck and stairs currently sit in the required side yard and as such was made a part of this condition when Staff was determining what the requested action was regarding the lot split and exceptions or variations. Mr. Sbiral stated the deck and stairs would have been an additional variation. Staff contacted the petitioners regarding this, and they indicated they were taking the deck and stairs out anyway.

Mr. Stark suggested to the petitioners that if they wanted to talk about whether or not they wanted that variation added on, they might get a strong advocate for supporting that variation. Chairman Jirik asked Staff for the intensity of the variation. Mr. Sbiral advised keeping the deck and the stairs would require a 10.3 foot side yard. The variation would be less than one foot. Mr. Sbiral noted he did not know how it would affect the driveway. After looking at the drawings, Mr. Sbiral stated right now it appears as though the driveway would go through the wood deck. Mr. Ziebell explained the reason for removing the deck is because it does encroach on the new driveway location if the Lyman House remains there. There is also some deterioration to the deck. Mr. Ziebell stated when he sells the parcel; it will be up to the new homeowner to decide just exactly what he wants to do with that.

Mr. Stark noted since the Plan Commission has already gone outside of its purview on several occasions during this public hearing, he was going to ask a question regarding shared driveways. Mr. Stark commented he did not believe there was a prohibition per se with the Village, but he thought there was an economic problem. Mr. Stark expressed the opinion as the owner of the entire parcel they could create the easement and covenant between the two parcels to have a shared driveway in order to keep the iron fence and the historical feel. Mr. Stark noted that would be something for the Village Council to discuss.

Mr. Ziebell responded his market research tells him the new homeowner will want his own separate driveway.

Mr. Stark asked Mr. Ziebell if they could keep the iron fence. Mr. Ziebell stated they have discussed keeping portions of that wrought iron fence as it lends itself very well to the property. Mr. Ziebell noted he would like to keep as much of it as humanly possible, but they have to get a new driveway in there.

Chairman Jirik stated his comment is relative to the character but is questionable with regard to the purview although one of the variation questions is consistency with the neighborhood. Chairman Jirik observed there is kind of a de facto, extraordinary setback. To the extent that can be accommodated, he would encourage that, but he understood that within the bounds of the Plan Commission's jurisdiction that may be uncertain.

Mr. Waechtler suggested to the petitioner that if they keep to what has been presented here with regard to design of the new home and what was done on the property further east of this lot on Maple Avenue and in recognition of the proximity to the Historical Museum, such action would be greatly appreciated.

Mr. Waechtler added his comments to those of other Plan Commission members as well as Dr. Goodman who raised the issue of the preservation of these homes. Mr. Waechtler complimented the petitioners for doing this on their own. He pointed out there is nothing in the Village Ordinances that would allow such preservation to occur. One of the Plan Commission members mentioned if someone bought the Pierce Downer home, tore it down and built a new home on that property, there is nothing that could prevent that from happening. Mr. Waechtler recalled the Plan Commission raised this issue several times previously, and he suggested the Council needed to address this serious issue.

Mr. Ziebell responded they want to be attentive to the Village's needs and the needs and concerns of the homeowners in the area. Mr. Ziebell noted they plan on doing more development in the Village of Downers Grove not just residential.

Chairman Jirik stated the belief that the Plan Commission has accurately characterized the bounds of its authority and he is now ready to entertain one of three varieties of motion.

Mrs. Reynolds asked for clarification if there are additional variations beyond what has been recommended by Staff. Chairman Jirik advised the request is for exceptions as outlined in the petition. Mrs. Reynolds asked about the deck and stairs. Chairman Jirik recalled there has been discussion regarding the deck and stairs as indicated in the minutes. Mrs. Reynolds asked for clarity if the motion should contain the condition that the deck and stairs be removed. Chairman Jirik responded to avoid any inconsistency; their presence would create the need for a variation. The Plan Commission cannot ignore the deck and stairs.

MOTION: WITH RESPECT TO FILE NO. PC-13-04, MR. GRIESBAUM MOVED THAT THE PLAN COMMISSON FORWARD A POSITIVE RECOMMENDATION TO THE PETITION'S REQUESTED ACTION TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. THE WOOD DECK AND STAIRS ON THE EXISTING LYMAN HOUSE MUST BE REMOVED FROM THE REQUIRED SIDE YARD;**
- 2. THE PETITIONER SHOULD PROVIDE PROPOSED PLATS OF SURVEY INDICATING ALL APPROPRIATE DESIGNATIONS INCLUDING THE REQUIRED STORMWATER EASEMENTS PRIOR TO VILLAGE COUNCIL APPROVAL;**
- 3. COMPLIANCE WITH ALL PUBLIC WORKS' REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED JULY 14, 2004;**
- 4. ANY CHANGES TO THE CONDITIONS PRESENTED BY THE PETITIONER AS THE BASIS FOR THIS PETITION, WHETHER**

THOSE CHANGES OCCUR PRIOR TO OR AFTER VILLAGE APPROVAL, SHALL BE PROMPTLY REPORTED TO THE VILLAGE. THE VILLAGE RESERVES THE RIGHT TO REOPEN ITS REVIEW PROCESS UPON RECEIPT OF SUCH INFORMATION; AND

- 5. IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN 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 or comments regarding the motion. He asked given the small intrusion, the motion seemed to suggest removal of the wood deck and stairs. He asked the maker of the motion for clarification as to removal or made compliant with the side yard requirements. Chairman Jirik suggested such clarification would leave a bit more opportunity as opposed to an outright removal.

Mr. Sbiral clarified that the language in the recommendation states removal from the required side yard. Mr. Griesbaum stated removal from the required side yard meant with the driveway and whatever was needed for the driveway in that required side yard would be taken into account of this removal. Chairman Jirik asked if his comments were an appropriate interpretation of the intent, and Mr. Griesbaum agreed.

Chairman Jirik asked if there were any further questions or discussion regarding the motion. He next asked if there was any further questions or discussion regarding the intent of the motion as proposed. Hearing none, he called for the roll.

ROLL CALL:

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

NAY: None

The motion passed unanimously.

Chairman Jirik noted this motion is a recommendation. Formal action occurs with the Mayor and Council. He asked Staff for a possible Workshop date. Mr. Sbiral advised establishment of a Workshop date would depend on how quickly the new plats of survey are prepared and submitted to Staff. He noted the soonest would be late August but more likely September.

Chairman Jirik advised those members of the audience who wished to follow this petition, notice will be provided via cable TV, in the newspaper or Staff can be contacted to obtain a specific Workshop date.