



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

**AN ORDINANCE APPROVING A LOT SPLIT  
WITH EXCEPTIONS WITH REGARD  
TO LOT WIDTH FOR THE PROPERTY  
COMMONLY KNOWN AS 4913 CORNELL AVENUE**

WHEREAS, the Owner of the property known as 4913 Cornell Avenue has requested a Lot Split with Exceptions regarding lot width for each of the resulting parcels pursuant to Section 20-600 and 20-301 of the Downers Grove Municipal Code; and,

WHEREAS, the proposed lot split as depicted on the Site Plan (incorporated herein and attached hereto as Exhibit A) will affect the existing parcel where the northerly lot shall have a lot width of 60.0 feet and the southerly lot shall have a lot width of 60.0 feet; and,

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

WHEREAS, Section 20-301(b) of the Downers Grove Municipal Code requires that all newly created lots in the R-3, Single Family Residential Zoning District have a required minimum lot width of seventy-five (75) feet; and,

WHEREAS, the Plan Commission of the Village of Downers Grove has given the required public notice and has conducted a public hearing respecting the proposed Lot Split with 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 Lot Split with Exceptions for the lot width of both of the resulting lots 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 20-301 of the Downers Grove Municipal Code.

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

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

SECTION 2. A Lot Split with an Exception for the lot width of both of the resulting parcels is hereby approved for the property commonly known 4913 Cornell Avenue (PIN 09-07-107-014) (As shown on Exhibit A, attached hereto and made a part hereof.)

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

- a. The property may be divided into no more than two parcels, with exceptions to permit both the northerly and the southerly lot to have a lot width of sixth (60) feet. This division shall be in general conformance with the staff report dated October 14, 2004 and the site plan attached hereto and made a part hereof as Exhibit A.
- b. A copy of this ordinance shall be recorded in the Office of the Recorder of Deeds for DuPage County, at the expense of the Applicant.
- c. Compliance with all Public Works requirements and conditions as outlined in their memorandum dated September 23, 2004.
- d. 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. Changes may require additional review of the proposed lot split and/or exception(s); and
- e. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, and Village laws, ordinances, regulations, and policies.

SECTION 4. The Village Manager and staff are authorized and directed to take all steps necessary to implement the Village's approval of this lot split.

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

\_\_\_\_\_  
Mayor

Passed:

Published:

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

Village Clerk

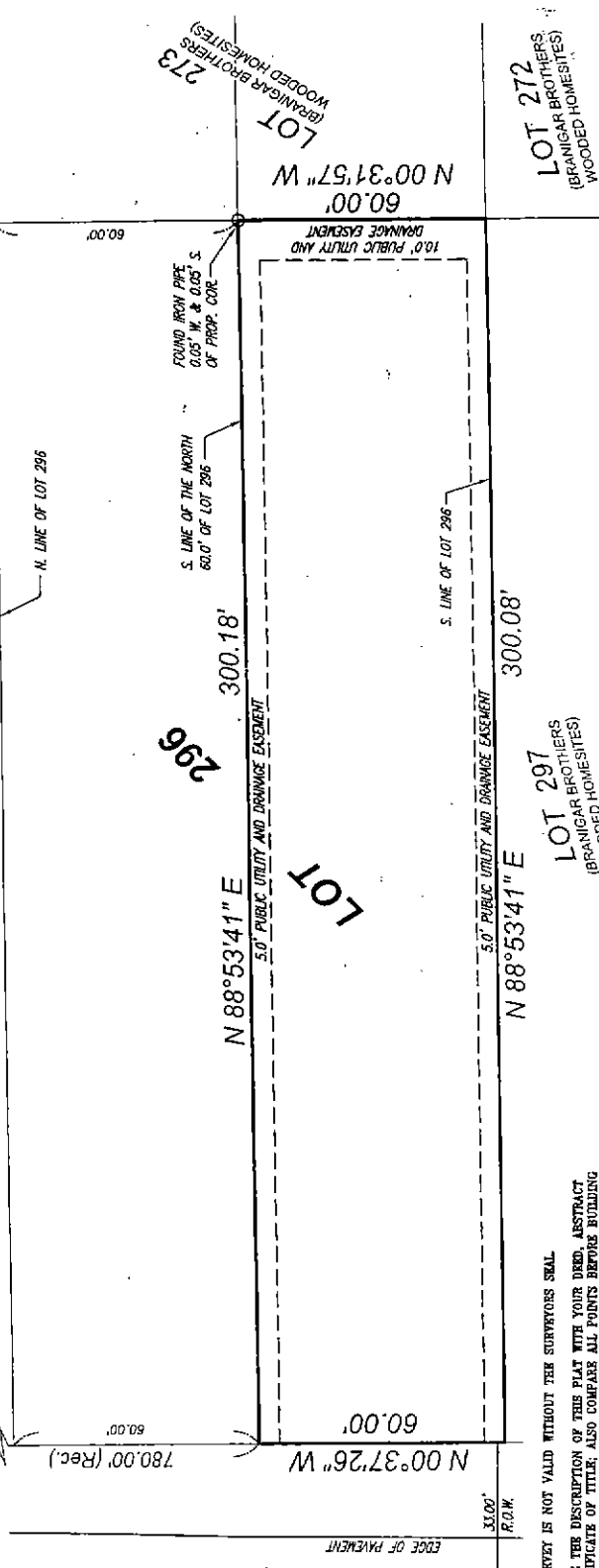
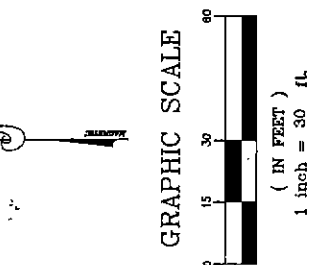


# PLAT OF SURVEY

OF

SOUTH RIGHT-OF-WAY LINE OF PRAIRIE AVENUE

LOT 296 (EXCEPT THE NORTH 60.0 FEET THEREOF) IN BRANIGAR BROTHERS WOODED HOMESITES, BEING A SUBDIVISION IN THE NORTH HALF OF SECTION 7, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND THE NORTH HALF OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 2, 1920 AS DOCUMENT NO. 144598 IN DUPAGE COUNTY, ILLINOIS.

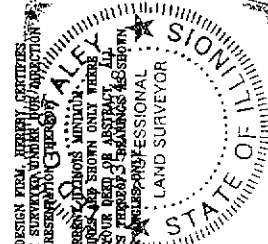


EDGE OF PAVEMENT

THIS SURVEY IS NOT VALID WITHOUT THE SURVEYORS SEAL.

COMPARE THE DESCRIPTION OF THIS PLAT WITH YOUR DEED, ABSTRACT OR CERTIFICATE OF TITLE; ALSO COMPARE ALL POINTS BEFORE BUILDING BY SAKE, AND AT ONCE REPORT ANY DIFFERENCE.

STATE OF ILLINOIS } S.S.  
COUNTY OF DUPAGE }



GENESIS SURVEY, P.C. AN ILLINOIS PROFESSIONAL DESIGN FIRM, HEREBY CERTIFIES THAT THE PROPERTY DESCRIBED HEREON HAS BEEN SURVEYED ACCORDING TO THE STANDARDS AND THAT THIS PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE PROPERTY. THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MAPPING STANDARDS FOR A BOUNDARY SURVEY. BUILDING LINES ARE SHOWN ONLY WHERE THEY ARE SO RECORDED ON THE MAPS. REFER TO YOUR DEED OR ABSTRACT FOR DIMENSIONS AND ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF. BEARINGS ARE ASSUMED AND ARE SO INDICATED FOR INTERIOR ANGLES. PROFESSIONAL DATED THIS 7th DAY OF SEPTEMBER, A.D. 2004

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 2348  
REGISTERED AGENT OF GENESIS SURVEY, P.C.  
LICENSE TO BE RENEWED NOVEMBER 30, 2004

AREA OF PARCEL: 18,008 S.F.

PREPARED BY: GENESIS SURVEY, P.C.  
PROFESSIONAL DESIGN FIRM No. 184-002822  
309270 BUTTERFIELD ROAD, SUITE 106  
WARRERVILLE, ILLINOIS 60555  
PH (630) 636-0630 FAX (630) 636-0933

COMMON ADDRESS: LOT 2, CLAIRMONT RESUBDIVISION, DOWNERS GROVE, IL  
JOB NUMBER: 04-340M2 SCALE 1" = 30'  
DRAWN BY: JTC/DAS  
CLIENT: CLAIRMONT, LTD.

DATE OF FIELD WORK COMPLETION: 8-28-04

REVISIONS:

SEP 09 2004

Planning and Community Development

Ex. A  
(2 of 3)



## PLANNING & COMMUNITY DEVELOPMENT/STAFF DEVELOPMENT TEAM REPORT

To: Plan Commission  
 Prepared By: Keith R. Sbiral, AICP  
 Date Prepared: October 14, 2004  
 Meeting Date: October 18, 2004

KRS

**FILE COPY**

Project Title: PC-19-04; 4913 Cornell Lot Split; Lot Width Exceptions

### BACKGROUND INFORMATION:

**Petitioner:** David B. Sosin, Attorney; Myrna A. Dryfhout, Owner  
**Property Address:** 4913 Cornell Avenue, approximately 515 feet north of Warren Avenue  
**Existing Zoning:** R-3, 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 Cornell Avenue approximately 515 feet north of Warren Avenue and is zoned R-3, Single Family Residence. The petitioner is seeking to divide the subject property to create two single-family residential zoning lots. Exceptions from Code are being requested in order to allow each proposed lot to be less than the 75-foot lot width requirement, which requires Village Council approval.

### 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-3, Single Family Residence	Single Family Residence	Residential at 0-6 d.u. /acre (Yellow)
South	R-3, Single Family Residence	Single Family Residence	Residential at 0-6 d.u. /acre (Yellow)
East	R-3, Single Family Residence	Single Family Residence	Residential at 0-6 d.u. /acre (Yellow)
West	R-3, Single Family Residence	Single Family Residence	Residential at 0-6 d.u. /acre (Yellow)

The proposed lots will retain the existing R-3, Single Family Residence zoning designation, which 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 0.41 dwelling units per acre. 2.43 du./ac

### Site

#### Bulk Characteristics

The subject property is currently comprised of one parcel with a total land area of approximately 36,024 square feet (0.82 acres). The subject property currently contains a single residence located centrally on the property. The existing house must be demolished prior to permit approval for a new house on either lot should the Lot Split be approved. Lot areas, widths and depths are proposed as noted below, with Exceptions from the minimum lot width requirement of 75 feet being requested for each proposed lot.

It should be noted that the submitted Plats of Survey indicating the proposed Lot Split and resulting lot dimensions have been prepared by a licensed professional surveyor and have legal descriptions of the proposed resulting parcels.

**Table 2: Bulk Characteristics**

	<b>Proposed Lot Area</b>	<b>% Difference From lot area requirement of 10,500 s.f.</b>	<b>Proposed Lot Width (ft.)</b>	<b>% Difference from lot width requirement of 75 feet</b>	<b>Proposed Lot Depth (ft)</b>	<b>% Difference from lot depth requirement of 140 feet</b>
<b>Northerly Lot</b>	18,016	+71.6	60	(20.0)	300	+114.3
<b>Southerly Lot</b>	18,011	+71.5	60	(20.0)	300	+114.3

**Requested Exception (Lot Width)**

The petitioner is requesting lot width Exceptions for each of the proposed resulting lots as noted above. The residential neighborhood north of Warren Avenue and south of Prairie Avenue surrounding the subject property is characterized by lots that were originally platted as 120-foot wide lots with depths of approximately 300 feet. Prior to the 1960s, many of the original 120-foot wide lots in this area were subsequently parceled into 60-foot wide lots, with the exception of the corner lots, which have been parceled in varying widths and depths (see attached locator map/aerial photograph).

**Public Works/Engineering**

Public Works has reviewed the proposed plans, per the attached memo dated September 23, 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 a professionally prepared Plat of Easement.

**Stormwater Management**

The Stormwater Management Division notes that the site receives a substantial amount of stormwater runoff from both right-of-way and private properties to the north. Specific stormwater drainage and grading design must be implemented and adequate side yard space must be allocated for this purpose (see memo). A substantial portion of the roof and driveway drainage may need to be diverted toward the required ditch on Cornell Avenue.

**Wetlands**

The Stormwater Management Division has no comments with respect to wetland issues.

**Traffic**

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

**Forestry/Landscaping**

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

**Fire Department**

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

**Review Criteria**

**Exception from Chapter 20, Subdivision Ordinance**

The requested Exceptions to reduce the lot widths of each proposed lot below the minimum requirement of 75 feet

require consideration per the criteria in Section 20-602 of the Subdivision Ordinance. Approval of an Exception may be recommended by the Plan Commission only if it finds that there are practical difficulties or particular hardships in carrying out the strict letter of the Subdivision Ordinance. In its consideration of the standards of practical difficulties or particular hardships, the Plan Commission may consider, but is not limited to, the following:

- (1) The extent to which the proposed Exception impacts on the value or reasonable use of surrounding properties;
- (2) Whether the Exception is consistent with the trend of development in the area and the surrounding uses;
- (3) The characteristics of the property which support or mitigate against the granting of the Exception;
- (4) Whether the Exception is in conformance with the general plan and spirit of the Subdivision Ordinance;
- (5) Whether the Exception will alter, or be consistent with, the essential character of the locality.

Staff has advised the petitioner of the Code-required criteria in relation to the subject petition, as well as the recent Council discussions regarding Lot Split requests and the Community Dialogue discussions. The petitioner has elected to proceed with the request, and has submitted a project summary (attached) to further address these issues to the Plan Commission at the public hearing.

### **RECOMMENDATION**

Should the Plan Commission decide to forward a favorable recommendation to the Village Council regarding the petitioner's Requested Action, Staff recommends that the following conditions be considered:

1. Compliance with all Public Works requirements and conditions as outlined in their memorandum dated September 23, 2004;
2. 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. Changes may require additional review of the proposed Lot Split and/or Exceptions; and
3. This recommendation is further conditioned that it is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

### **Attachments**

- c: Riccardo Ginex, Village Manager  
David Barber, Director, Public Works  
Don Rosenthal, Director, Code Services  
Phil Ruscetti, Chief, Fire Department



**INTEROFFICE CORRESPONDENCE  
DEPARTMENT OF PUBLIC WORKS**

**RECEIVED**

SEP 27 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 *JH*  
**DATE:** September 23, 2004  
**RE:** Planning and Community Development Request  
Lot split with lot width exceptions; 4913 Cornell  
Public Works Department **2nd Review**

**Documents Reviewed:**

- Revised Plat of Easement dated September 7, 2004
- Letter from Clairmont, Ltd. dated September 8, 2004
- Original comment sheet dated August 26, 2004

**Attachments:**

- None

**Public Works Review Summary:**

Division	Representative	Date	Conclusion	Comments included
Public Works	D. Barber	8/20/04	Place on PC Agenda	
Engineering	M. Millette	9/15/04	Place on PC Agenda	X
Stormwater	J. Hall	9/15/04	Place on PC Agenda	X
Water	D. Bird	8/17/04	Place on PC Agenda	X
Traffic	D. Fera	8/18/04	Place on PC Agenda	
Forestry	K. von der Heide	-	No Comments	
Pavement	R. Ebel	8/24/04	No Comments	

**Findings:**

The Public Works Department concurs with placement on the Plan Commission Agenda at this time.

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**Public Works Department Review Details:**

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**Engineering Review Comments:**

1. Provide a Plat of Easement, with signature blocks for the owner, surveyor, Village Clerk, and the County Recorder.
2. Note stormwater comments regarding overland flows.

**Stormwater Review Comments:**

We currently have no indication that any Special Management Areas are located on the subject site.

1. This site receives a substantial amount of stormwater runoff from both right-of-way and private properties off-site to the north. The stormwater drainage and grading design must accommodate this overland flow. This will likely include construction of a drainage ditch within the right-of-way and a storm sewer connection from this ditch to the storm sewer west of Cornell. Such work would be required with construction of the first home.
2. The areas adjacent to the likely new home locations will likely need to be raised in elevation to attain proper drainage away from the foundations. Adequate side yard space must be allocated for this purpose. Window wells and other obstructions to flow should generally be avoided in the side yards.
3. To avoid increases to runoff rates to the southern and eastern neighboring lots, a substantial portion of the roof and driveway drainage may need to be diverted toward the new required ditch on Cornell.

**Traffic Review Comments:**

No Comments

**Forestry Review Comments:**

No Comments

**Water Division Review Comments:**

1. The existing lot at 4913 has a water service and water meter
2. If the lot is split, a separate water tap and service would have to be made for the new proposed lot.

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



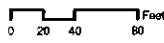
CORNELL AV

WARREN AV

BURLINGTON NORTHERN SANTA FE RAILWAY

502

-001



PC-19-04; 4913 Cornell Avenue, 09-07-107-014  
 Planning & Community Development

**Legend**  
 Selected Property  
 2002 Aerials





**DOWNERS GROVE FIRE DEPARTMENT  
PREVENTION DIVISION**

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



**SITE PLAN REVIEW**

08/17/04

To: Amanda Riordan, Planner

From: Howard Division Chief

Re: 4913 Cornell lot split

**FILE COPY**

.....  
Amanda,

The Fire Department has reviewed the proposed site plan for with the following comments:

- There are no Fire Prevention or Fire Protection concerns regarding the proposed lot split at 4913 Cornell.
- 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

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SEP 15 2004

Planning and Community  
Development

# SOSIN LAWLER & ARNOLD, LLC

ATTORNEYS AT LAW  
11800 South 75<sup>th</sup> Avenue, Suite 300  
Palos Heights, Illinois 60463-1033  
Telephone: (708) 448-8141  
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DAVID B. SOSIN  
TIMOTHY G. LAWLER  
GEORGE J. ARNOLD  
CHARLES M. ZARZECKI  
KELLY B. O'DONNOGHUE

September 13, 2004

Mr. Alan Jirek, Chairman  
Village of Downers Grove Plan Commission  
801 Burlington  
Downers Grove, IL 60515-4776

Dear Chairman Jirek:

The Petition we have presented to you with regard to the property located at 4913 Cornell, Downers Grove, Illinois, is a petition for a lot split. This property is located on the east side of Cornell, south of Prairie Avenue. The property currently exists as one lot with dimensions of 300.27' by 120'. There is currently a single family residence located on a portion of this property. The southern portion of the property remains vacant.

Our Petition proposes to create two new lots. The northern lot would be approximately 60' by 300.27' with approximately 18,000 sq. ft. The southerly lot would be approximately 60' by 300.27 with approximately 18,000 sq. ft. Both of these lots would exceed the minimum depth required under the Subdivision Control Ordinance of 140' and the minimum area required under the Subdivision Control Ordinance of 10,500 sq. ft. Our Petition seeks a reduction in the required minimum width of 75' to 60 on each lot. Pursuant to Chapter 20.602, the Plan Commission may consider and recommend the Council may grant exceptions from the requirements under the Subdivision Control Ordinance in specific cases where such exceptions do not alter the general plan and spirit of this Chapter. When considering an exception, the Plan Commission shall determine that the exception does not adversely impact the public health, safety and welfare. There are several criteria provided for under Section 20-601 (c). Those criteria are as follows:

1. The extent to which the proposed exception impacts on the value or reasonable use of the surrounding properties. The proposed lots shall have no effect on the surrounding property value or reasonable use of the surrounding properties. Many of the properties on Cornell have all been reduced to the same or smaller widths than the lots being proposed in this Petition. All the values have been maintained in this section of town and have not been adversely affected by the reduction in lot sizes.

2. Whether the exception is consistent with trend of development in the area and the surrounding uses. This entire western portion of the community has gone through a substantial change in the last ten years. In that time frame, there have been a substantial number of lot splits requesting lots of the same or similar dimensions as are being proposed under this Petition. The trend of development in this area is for smaller lots.

3. The characteristics of the property which support or mitigate against the granting of the exception. This property's lot width, lot depth and lot area ratios tend to support the requesting lot width exception as the current lot is slightly more than one and one-half times the required lot width of the underlying district and the lot has a depth far in excess of the minimum lot depth required under the Subdivision Control Ordinance. The trend of development in this area is significantly represented by lots with lot widths of less than 75'. This indicates that the exception is in conformance with the general plan and spirit of this Chapter as these lots have been allowed to be developed and created in the past.

4. Whether the exception is in conformance with the general plan and spirit of this chapter. The Village has encouraged continuing improvement of its housing stock. The residence on the property is nearing the end of its useful life. The petition will replace the residence with two new residences, in conformance with the codes and aesthetics required of the Village. Real Estate taxes generated for the subject property will substantially increase as well.

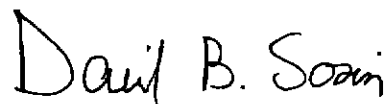
5. Whether the exception will alter or be consistent with the essential character of the locality. The approval of the requested lot split including the request to reduce the width of the resulting northerly and southerly lots will be consistent with the essential character of the area in which the subject property is located as the majority of the existing lots have widths of less dimension than being requested in this Petition.

We would request a positive recommendation be forwarded to the Village Council with regard to this lot split. The existing residence will meet or exceed all setback and building requirements for this parcel and a new construction on the vacant portion of this property will need to meet or exceed all of the bulk requirements of the Village of Downers Grove Zoning and Subdivision Control Ordinance.

I look forward to providing the Plan Commission with further detail and information.

Very truly yours,

SOSIN LAWLER & ARNOLD, LLC



David B. Sosin

DBS/kfn



# Zoning Analysis

Code Requirement	Minimum Requirement	Proposed	%
Lot Area	10,500 sq. ft.	18,008 sq. ft.	172%
Lot Depth	140 feet	300 feet	214%
Lot Width	75 feet	60 feet	80%

**RECEIVED**

AUG 13 2004

Planning and Community  
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