

## COUNCIL WORKSHOP ITEM

**ITEM:** PLAN COMMISSION FILE NO. 14-04; 4905 Woodward Lot Split: Request for Lot Split with Lot Width Exceptions  
**DATE:** September 8, 2004  
**PREPARED BY:** Amanda G. Riordan, Senior Planner  
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 a 0.59 acre property at 4905 Woodward Avenue, approximately 610 feet north of Warren Avenue. The property currently contains a single family residence. The petitioner is seeking to divide the lot to create two single-family residential zoning lots, but to keep the existing residence should the Lot Split be granted.

Exceptions from Code are requested in order to allow each of the proposed lots to be less than the 75-foot lot width as required per Code for newly created lots in the underlying R-3 Zoning District. Each resulting lot is proposed to be 59.97 feet in width, resulting in exceptions of approximately 20% for each lot.

At their July 19, 2004 meeting, the Plan Commission considered the Petitioner's Requested Action and recommended approval subject to certain conditions as outlined in the attached Staff Report and Draft Ordinance. The petitioner has submitted the required Grant of Easement as recommended by the Plan Commission, which has been reviewed and approved by the Public Works Department (copy attached).

### ATTACHMENTS:

1. Draft Approval Ordinance
2. Public Works Memoranda dated August 17, 2004 regarding Grant of Easement
3. Grant of Easement dated August 6, 2004
4. Staff Report with attachments dated July 15, 2004
5. Draft Minutes of Plan Commission Public Hearing dated July 19, 2004

### RECOMMENDATION:

That the Village Council place consideration of the Petitioner's request on an active agenda for September 21, 2004.

C: Riccardo Ginex, Village Manager  
Joseph Skach, Director, Planning and Community Development  
David Barber, Director, Public Works  
Donald Rosenthal, Director Code Services

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

**AN ORDINANCE APPROVING A LOT SPLIT  
WITH AN EXCEPTION WITH REGARD  
TO LOT WIDTH FOR THE PROPERTY  
COMMONLY KNOWN AS 4905 WOODWARD AVENUE**

WHEREAS, the Owner of the property known as 4905 Woodward Avenue has requested a lot split with an exception regarding lot width for both of the resulting parcels pursuant to Section 20-600 and 20-602 of the Downers Grove Municipal Code; and,

WHEREAS, the proposed lot split as depicted on the Site Plan (incorporated herein and attached hereto as Exhibit A) will affect the existing parcel where the northerly lot shall have a lot width of 59.9 feet and the southerly lot shall have a lot width of 59.9 feet; and,

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

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

WHEREAS, the Plan Commission of the Village of Downers Grove has given the required public notice and has conducted a public hearing respecting the proposed lot split with an exception in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove and has reported its findings and recommendations to the Village Council of the Village of Downers Grove pursuant to the provisions of the Downers Grove Municipal Code; and,

WHEREAS, the Plan Commission recommended that the lot split with exception for the lot width of both of the resulting parcels be approved as it was determined that the proposed lot width exception satisfies the conditions necessary for approval of an exception as provided for under Section 20-602 of the Downers Grove Municipal Code.

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

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

SECTION 2. A lot split with an exception for the lot width of both of the resulting parcels is hereby approved for the property commonly known 4905 Woodward Avenue (PIN 09-07-105-009) (As shown on Exhibit A, consisting of two pages, attached hereto and made a part hereof.)

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

- a. The property may be divided into no more than two parcels, with an exception to permit both the northerly and the southerly lot to have a lot width less than the minimum requirement of seventy-five (75) feet. This division shall be in general conformance with the site plan attached hereto and made a part hereof as Exhibit A.
- b. A copy of this ordinance shall be recorded in the Office of the Recorder of Deeds for DuPage County, at the expense of the Applicant.
- c. Compliance with all Public Works requirements and conditions as outlined in their memorandum dated June 8, 2004.
- d. The petitioner provide properly prepared Plats of Survey of each proposed lot, indicating/confirming the proposed Lot Split, revised property descriptions, and addressing engineering issues identified in condition of approval (c) above;
- e. 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
- f. 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



INTEROFFICE CORRESPONDENCE  
DEPARTMENT OF PUBLIC WORKS

RECEIVED

AUG 20 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: August 17, 2004  
RE: Planning / Zoning Request - 4905 Woodward  
Proposed lot split with lot width exceptions for each resulting lot

Documents Reviewed:

- Plat of Easement dated 8/3/04 (received 8/9/04)

Attachments:

- None.

Public Works Review Summary:

Division	Representative	Date	Conclusion	Comments included
Public Works	D. Barber	8/13/04	No Comments	
Engineering	M. Millette	8/17/04	Place on PC Agenda	X
Stormwater	J. Hall	8/17/04	Place on PC Agenda	X
Water	D. Bird	8/10/04	Place on PC Agenda	X
Traffic	D. Fera	8/10/04	No comments	
Forestry	K. von der Heide	-	No Comments	
Pavement	R. Ebel	8/10/04	No Comments	

Findings:

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

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**Public Works Department Review Details:**

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**Engineering Review Comments:**

The provided easement document is acceptable.

**Stormwater Review Comments:**

The provided easement document is acceptable.

**Traffic Review Comments:**

No Comments.

**Forestry Review Comments:**

No Comments.

**Water Division Review Comments:**

1. The current home on that lot has an existing water service and water meter.
2. If a home is built on the half of the lot it would be required to have it's own separate water service and meter.

The above Water comments will be routinely addressed during the building permit review phase.

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



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

**To:** Plan Commission  
**Prepared By:** Amanda G. Riordan, Planner  
**Date Prepared:** July 15, 2004  
**Meeting Date:** July 19, 2004

**Project Title:** PC-14-04; VanCura Lot Split

**BACKGROUND INFORMATION:**

**Petitioner:** Glenn and Sulhee VanCura, Owners, c/o James F. Russ, Jr., Attorney  
**Property Address:** 4905 Woodward Avenue, east side of Woodward, 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 Woodward Avenue approximately 610 feet north of Warren Avenue and is zoned R-3, Single Family Residence. The petitioner is seeking to divide the lot to create two single-family residential zoning lots. Exceptions from Code are requested in order to allow each proposed lot to be less than the 75-foot lot width requirement. 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
<b>North</b>	R-3, Single Family Residence	Single Family Residence	Residential at 0-6 d.u. /acre (Yellow)
<b>South</b>	R-3, Single Family Residence	Single Family Residence	Residential at 0-6 d.u. /acre (Yellow)
<b>East</b>	R-3, Single Family Residence	Single Family Residence	Residential at 0-6 d.u. /acre (Yellow)
<b>West</b>	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. The existing and proposed zoning designation of R-3 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 0.29 dwelling units per acre.

**Site**

***Bulk Characteristics***

The subject property is currently comprised of one parcel of land 120 feet in width and 216.5 feet in depth, with a total land area of approximately 25,980 square feet (0.59 acres). The subject property currently contains a single residence and a detached garage, both of which are intended to remain should the lot split be approved. Available building elevation information indicates that the resulting side yard of the residence will address Code should the lot split be approved.

Lot areas, widths and depths are proposed as noted in Table 2 below, with Exceptions from the minimum lot width requirement of 75 feet 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
Northerly Lot	13,033	+24.1	59.95	-20.1	217.3	+55.2
Southerly Lot	12,988	+23.7	59.95	-20.1	216.6	+54.7

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 surrounding the subject property is characterized by lots that were originally platted as 120-foot wide lots fronting the north-south streets with depths of ranging between 210 and 325 feet (Branigar Brothers Wooded Homesites, recorded October 1920). Prior to the 1960s and prior to current Code requirements, a substantial majority of the original 120-foot wide lots in this area were parceled into 60-foot wide lots, with the exception of the corner lots, which have been parceled in varying widths and depths. Consequently, the area is characterized predominantly by 60-foot wide lots which are provided for per Code (see attached locator map/aerial photograph). The lots immediately to the north, east and across the street to the west of the subject property have remained 120 feet in width.

In addition, a similar petition was considered and approved by the Village at 4914 Pershing Avenue (one block west of the subject property and indicated on the attached locator map) for a Lot Split with lot width Exceptions to allow the creation of two 60 foot wide lots in an R-3 zoning district (PC File 2002). The petitioner is proposing to divide the subject property in the same manner; however, per current Code for newly created lots, approximately a 20% reduction in lot width is needed.

Newly created lots are governed by Chapter 20, Subdivision Ordinance, and are required to be no less than 10,500 square feet in area and 75 feet in width. In this case, these minimum requirements are the same as the R-3 Zoning District. The requested Exception to reduce the lot widths of each proposed lot below the minimum requirement of 75 feet for all newly created lots requires consideration per the criteria in Section 20-602 of the Subdivision Ordinance. Staff reviewed the Code-required criteria and discussed the request with the petitioners' representative, and the petitioners have 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

Should the petitioner's request be approved, efforts should be made to design and locate any new construction so as to not negatively impact the area. All new construction 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. Requests for variations from the Zoning Ordinance should not be required for the future structures, as they can be designed to address code criteria well in advance.

**Public Works/Engineering**

Public Works has reviewed the proposed plans, per the attached memo dated June 8, 2004, as summarized below.

Site Engineering and Public Improvements

The Engineering Division has noted the requirement of a driveway approach and culvert for any new construction, and has also recommended that the petitioner provide revised Plats of Survey showing drainage and utility easements of 5 feet along the side lot lines and 10 feet along the rear lot line of each resulting lot prior to Village Council consideration of the subject petition.

Stormwater Management

The Stormwater Management Division has also recommended the provision of drainage and utility easements of 5 feet along each side lot line and of 10 feet along each rear lot line of each resulting lot. Additionally, re-grading of the ditch will be required during construction.

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.


**Other**Fire Department

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

**RECOMMENDATION AND CONDITIONS REPRESENTED**

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

1. Compliance with all Public Works requirements and conditions as outlined in their memorandum dated June 8, 2004.
2. The petitioner provide properly prepared Plats of Survey of each proposed lot, indicating/confirming the proposed Lot Split, revised property descriptions, and addressing engineering issues identified in condition of approval Number 1 above;
3. 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
4. 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  
Don Rosenthal, Director, Code Services  
File

David Barber, Director, Public Works  
Howard Hoffman, Chief, Fire Prevention Division





**INTEROFFICE CORRESPONDENCE  
DEPARTMENT OF PUBLIC WORKS**

**RECEIVED**

JUN 18 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  
**BY:** Michael D. Millette, P.E., Asst. Director of Public Works – Engineering  
Jonathan C. Hall, P.E., Development Engineering Manager  
**DATE:** June 8, 2004  
**RE:** Planning / Zoning Request  
4905 Woodward Lot Split with Lot Width Exceptions  
Public Works Department - 1<sup>st</sup> Review

**Documents Reviewed:**

- Plat of Survey (Proposed Northerly Lot) dated 4/23/04
- Plat of Survey (Proposed Southerly Lot) dated 4/23/04
- Parcel exhibit from Plat Book dated 5/5/04

**Attachments:**

- None.

**Public Works Review Summary:**

Division	Representative	Date	Conclusion	Comments included
Public Works	D. Barber	5/07/04	No comments	
Engineering	M. Millette	5/18/04	See Attached	X
Stormwater	J. Hall	6/8/04	See Attached	X
Water	D. Bird	5/25/04	No Comments	
Traffic	D. Fera	-	No Comments	
Forestry	K. von der Heide	-	No Comments	
Pavement	R. Ebel	-	No Comments	

**Findings:**

The Public Works Department concurs with placement of the subject petition on the Plan Commission Agenda. The easements must be granted prior to Village Council approval. All other review comments contained herein may be addressed during the building permit review phase.

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**Public Works Department Review Details:**

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**Engineering Review Comments:**

1. Provide drive approach and culvert per Village specifications, for new lot.
2. Provide drainage and utility easements on side and rear lot lines.

**Stormwater Review Comments:**

1. Provide drainage and utility easements (5 feet on each side of each lot and 10 feet along the rear).
2. Re-grading of the ditch will be required during the house construction phase.

**Traffic Review Comments:**

No comments.

**Forestry Review Comments:**

No comments.

**Water Division Review Comments:**

No comments.

c: PW Division Managers  
Director of Code Services  
Stormwater Management Engineer  
M. Dugard, 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**

05/05/04

To: Amanda Browne, Planner

From: Howard Q. Hoffman, Division Chief

Re: Proposed lot split 4905 Woodward

.....  
Amanda,

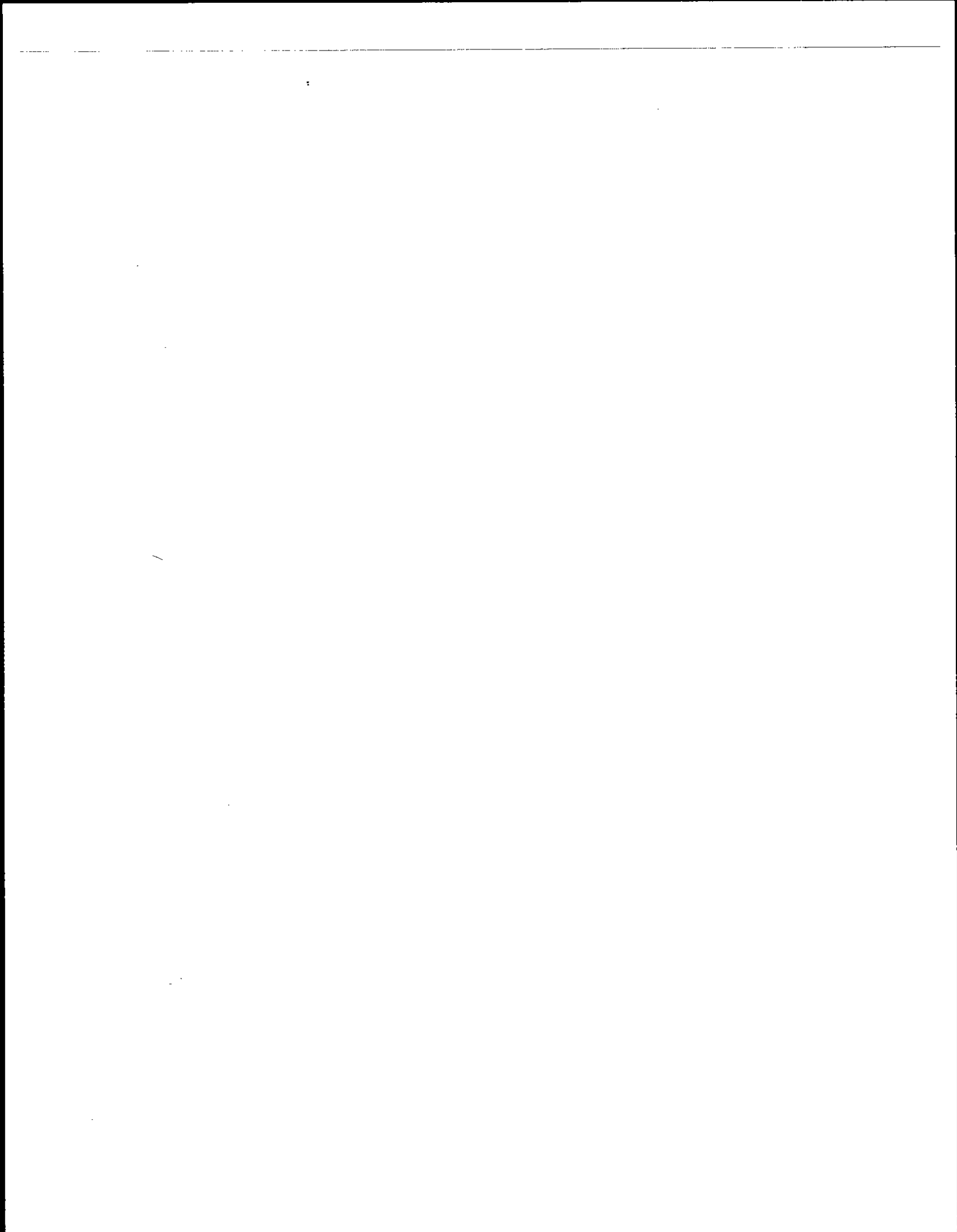
The Fire Department has reviewed the site plan for the proposed lot split at 4905 Woodward and the Fire Department has no issues with this proposal.

**Plans Approved**

This is a review for fire protection and fire prevention concerns **only**. Other village departments may have additional issues or concerns. If you have any questions regarding this review please feel free to contact me at 434-5983.

Sincerely,

Howard Q. Hoffman  
Division Chief  
Downers Grove Fire Department  
Prevention Division



**PC-14-04**  
**ATTACHMENTS**

# WIEDEL, HUDZIK, RUSS & PHILIPP

A Partnership of Professional Corporations  
Attorneys & Counselors  
4915 Main Street  
P.O. Box 578  
Downers Grove, Illinois 60515

Michael C. Wiedel, P.C.  
Richard F. Hudzik, P.C.  
James F. Russ, Jr., P.C.†  
Michael G. Philipp, P.C.

Beth A. Indelicato\*

July 2, 2004

Telephone 630/969-2300  
Fax 630/969-1342

†Also Licensed in Wisconsin  
\*Also Licensed in California

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 4905 Woodward, Downers Grove, Illinois, is a petition for a lot split. This property is located on the east side of Woodward Avenue, north of Warren Avenue and south of Prairie Avenue. The property currently exists as one lot with dimensions of 120' by 217' on the north and 216' on the south property lines. There is currently a single family residence located on the northern 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 217' with approximately 13,020 sq. ft. The southerly lot would be approximately 60' by 216' with approximately 12,960 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 59.7' on each lot. Pursuant to Chapter 20.602, the Plan Commission may consider and recommend and 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. The properties on Woodward Avenue 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 requested 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.

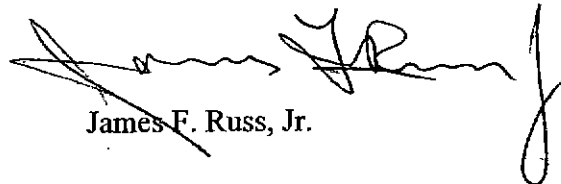
4. Whether the exception will alter or be consistent with the essential character of the locality. The approval of the requested lot split including the request to reduce the width of the resulting northerly and southerly lots will be consistent with the essential character of the area in which the subject 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.

Sincerely,

WIEDEL, HUDZIK, RUSS & PHILIPP



James F. Russ, Jr.

JFR/brd



PC-14-04

PROPOSED SOUTHERLY LOT

THE SOUTH HALF OF LOT 359 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 IN THE NORTH HALF OF SECTION 12, TOWNSHIP 38 NORTH, RANGE 10 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AS DOCUMENT 144598, IN DUPAGE COUNTY, ILLINOIS.

WOODWARD AVENUE

WOODWARD AVENUE

119.94' MEAS.  
120.00' REC.

59.97'

20°-07'-38"

NORTH LINE OF THE SOUTH HALF OF LOT 359  
217.07' MEAS.

NOT INCLUDED

LOT 359

59.93'

120.00' REC.  
119.86' MEAS.

FOUND IRON PIPE  
0.13' N. & 0.05' E.

216.50' REC.  
216.41' MEAS.

FOUND IRON PIPE  
0.05' S. & 0.09' E.

33'

PROPOSED SOUTHERLY LOT

RECEIVE

MAY 05 2004



**PUBLIC HEARING: FILE NO. PC-14-04** – Petition seeking approval of a Lot Split to include Lot Width Exceptions – Property located on the east side of Woodward Avenue, approximately 650 feet north of Warren Avenue, commonly known as 4905 Woodward Avenue, Downers Grove, IL (PIN 09-07-105-009); James F. Russ, Jr., Petitioner; Glen R. & Sulhee VanCura, Owners

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

James F. Russ, Jr., Weidel, Hudzik, Russ and Phillip, 4915 Main Street, Downers Grove stated the property is located on the east side of Woodward Avenue, south of Prairie Avenue, north of Warren Avenue. Mr. Russ advised the property is currently owned by Sulhee and Glen VanCura, and Mr. VanCura is present this evening along with his son Ben.

Mr. Russ explained the property currently is 120 feet wide by approximately 216.5 feet deep, with a lot area of 25,980 square feet. The property is zoned Village R-3, single family residential which requires a minimum width of 75 feet and a minimum area of 10,500 square feet. Mr. Russ noted the property currently has a single-family home erected on it with its orientation to the northern portion of the property. The property is surrounded by R-3 single-family residential zoning to the north, south, east and west.

Mr. Russ stated the petition is to create two lots; the northern lot would be 59.95 feet by approximately 217.3 feet with a lot area of 13,033 square feet; the southern lot would be 59.95 feet with an approximate depth of 216.6 feet and a lot area of 12,988 square feet. Mr. Russ noted the proposed lots exceed the minimum depth and the minimum area. They are seeking an Exception from the minimum lot width in an amount of 15.05 feet or approximately a 20 percent Exception.

Mr. Russ stated the Plan Commission is authorized to grant up to a 50 percent Exception in any of the required widths. This requested lot split is similar to other lot splits that have been granted in this area. Mr. Russ recalled at one time this area consisted of 120-foot wide lots. The majority of the lots in several blocks in this area are now 60 feet wide.

Mr. Russ noted there are five 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 the proposed width reduction should have no effect on the surrounding properties. The proposed lots are consistent with how the surrounding properties have been divided. The new lots will need to meet all of the bulk zoning and Code requirements with regard to setbacks. The existing home on what would be the northern lot does meet all of the setback requirements so that house would remain with

no Exceptions. The value of the homes in this area has consistently remained at a high level. The resale is very good in this area, and most of the lots are 60 feet wide.

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

Mr. Russ pointed out the surrounding area is single family, and this will remain single family. There are three lots left in this area that are still 120 feet wide; the property immediately north of this parcel, a parcel on the west side of Woodward and a parcel to the east which is 120 feet wide. All of the other lots have been divided into 60-foot wide lots or less. The lots in this area range in width from 53.8 feet to 60 feet to the 120-foot wide lots as mentioned. Mr. Russ advised the trend in the area is to create smaller lots via lot splits. Since October of the year 2000, there was a lot split similar to this at 4345 Woodward; there was another one in November of the year 2000 at 4826 Stonewall, May of 2002 at 4727 Cornell and September of 2003 at 4914 Pershing.

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

Mr. Russ stated this lot is almost 2.5 times the required R-3 lot area, 1.6 times the required width and the depths substantially exceed the minimum 140 foot depth per Chapter 20 The Subdivision Control Ordinance. Mr. Russ indicated the characteristics of the lots do support the Exception since the area and depths would substantially exceed the minimum requirements. The lots would be consistent with the surrounding area with regard to the proposed widths.

4. Whether the Exception is in conformance with the general plan and spirit of this Chapter;
- 5.

Mr. Russ noted, as previously stated, there are several lots in this area of lots having been divided from the 120-foot widths to the 60-foot widths.

6. Whether the Exception will alter, or be consistent with, the essential character of the locality.

Mr. Russ commented with the development that has occurred in this area and the previous petitions that were presented and favorable recommendations forwarded to the Village Council, this property would remain consistent with the character of the area. The existing home would remain and meets all of the setback requirements.

In conclusion, Mr. Russ asked for a positive recommendation on this petition. He indicated both he and the petitioner would welcome any questions.

Chairman Jirik asked Staff for their presentation.

Mrs. Riordan stated the petitioners are seeking approval of a lot split with an Exception pertaining to lot width for each of the proposed resulting lots. She noted the property is 120 feet in width with an approximate area of 25,980 square feet. The property and the surrounding area are zoned R-3 Single Family Residential.

The minimum required lot width in the R-3 District is 75 feet, and although each of the resulting parcels would exceed the minimum lot area requirement of 10,500 square feet, each lot would be slightly less than 60 feet in width, and, therefore, would require approval of an Exception from the minimum 75 foot requirement. Each of the lots is proposed to have a width of 59.95 feet, or a deviation of just over 15 feet, or a 20.1% Exception.

Mrs. Riordan stated the subject property contains the existing single residential structure and a detached garage, which are intended to remain. Available building elevation information contained in the Staff report was obtained from the Code Services Department indicates a height that would be adequate to satisfy the height to setback ratio for the side yard as measured to the new common property line between the proposed northerly parcel and the proposed southerly parcel. Mrs. Riordan advised there would be no issue with respect to a Variation for the setback for the existing structure.

Mrs. Riordan pointed out the Staff report provided an analysis of the lot area and width characteristics of the surrounding neighborhood, which was originally platted with lots of 120 feet in width. Prior to the Village's adoption of the current Code requirements for the R-3 zoning district in April of 1965, the majority of the properties were divided from those 120-foot wide lots into 60-foot wide parcels. Mrs. Riordan noted the lots immediately to the north, east and west of the subject property have remained 120 feet in width and have not been divided.

Mrs. Riordan explained a similar petition was considered and approved by the village at 4914 Pershing Avenue, one block west of the subject property, to allow the creation of two 60-foot wide lots in an R-3 zoning district. She noted while that lot was 120 feet wide, it was slightly shallower than the lot being considered this evening, so the lot area was smaller but did exceed the 10,500 square foot requirement.

Mrs. Riordan stated the requested Exception pertaining to lot width requires consideration under the criteria in Section 20-602 of the Subdivision Ordinance, which were reviewed by the petitioner in his presentation.

Mrs. Riordan explained Public Works reviewed the proposed plans and recommended certain conditions of approval, including the submission of a plat of survey indicating easements along the side and rear property lines of the resulting lots prior to the consideration of any recommendation from this Board to the Village Council. Public Works also noted certain standard procedural requirements pertaining to construction, which would have to be satisfied if the lot split were to be approved. The Fire Prevention Bureau also reviewed the proposed plan and had no outstanding issues.

In conclusion, Mrs. Riordan stated Staff recommends that should the Plan Commission consider forwarding a favorable recommendation to the Village Council regarding the subject petition, consideration should be given to the four conditions outlined in the Staff report.

Chairman Jirik asked if there was any member of the public who wished to speak regarding this petition. Hearing no response, Chairman Jirik declared public participation closed.

Chairman Jirik asked if there were any questions or comments from the Plan Commission members.

Mr. Griesbaum noted the existing home on the current lot appears to be situated just as it would be on a 60-foot wide lot. Mr. Griesbaum asked if that was indeed the case. Mrs. Riordan agreed and noted the height as indicated on the building permit elevation is less than one-half of a foot within the threshold based upon the setback as if the builder had planned the height and setback ratio and where the proposed property line would be located.

Mrs. Reynolds recalled two years ago the Plan Commission recommended the same type of lot split in the same neighborhood.

Chairman Jirik noted there is a predominance of 60-foot wide lots in the area.

**MOTION: WITH RESPECT TO FILE NO. PC-14-04, MRS. REYNOLDS MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION OF THE PETITIONER'S REQUESTED ACTION TO THE VILLAGE COUNCIL SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. COMPLIANCE WITH ALL PUBLIC WORKS REQUIREMENTS AND CONDITIONS AS OUTLINED IN THEIR MEMORANDUM DATED JUNE 8, 2004;**
- 2. THE PETITIONER PROVIDE PROPERLY PREPARED PLATS OF SURVEY OF EACH PROPOSED LOT, INDICATING/CONFIRMING THE PROPOSED LOT SPLIT, REVISED PROPERTY DESCRIPTIONS AND ADDRESSING ENGINEERING ISSUES IDENTIFIED IN CONDITION OF APPROVAL NUMBER 1 ABOVE;**
- 3. 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**
- 4. IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL STATE, AND VILLAGE LAWS, ORDINANCES, REGULATIONS AND POLICIES.**

**MR. GRIESBAUM SECONDED THE MOTION.**

Chairman Jirik asked if there were any discussion or questions regarding the motion. There was none.

**ROLL CALL:**

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

**NAY:** None

**The motion passed unanimously.**

Chairman Jirik advised the minutes, the Staff Report and the exhibits would all be forwarded to the Mayor and the Village Council for review and final action. Those wishing to follow this petition through its review can find pertinent information on Downers Grove T.V., the Village Corner section of the newspaper or Staff can be contacted to determine exact dates.

With respect to Item No. 4 on the agenda, PC-15-04, Chairman Jirik explained rather than call the public hearing to order, he asked Staff to explain the note regarding the public hearing notice published for this petition. Mrs. Riordan explained that the petition for this subdivision also includes a rezoning of the subject property, which was not published in the legal notice. As part of the Requested Action of the subdivision, the rezoning has to be included in the notification.

Chairman Jirik asked if there was a need to open the public hearing this evening and then continuing the public hearing to a date certain given the fact that the public hearing notice had been published. He expressed the preference to not convene the public hearing unless someone can identify a hardship. He recommended using the same Case Number when the case again comes before the Plan Commission.

Chairman Jirik asked Staff, pending the correct publication, if this petition would be scheduled for the August 2, 2004 Plan Commission meeting. Mrs. Riordan agreed.

Chairman Jirik recalled the Plan Commission members were given additional meeting dates as the monthly agendas are becoming crowded. Chairman Jirik noted the Recording Secretary had e-mailed the proposed dates to the Plan Commission members. An agreed-to list of meeting dates were provided in this month's packet. Chairman Jirik stressed these dates are in addition to the regularly scheduled meeting dates.

Chairman Jirik recalled in some of the joint meetings with the Economic Development Commission, there was some activity with regard to signs. This is going to be an on-going discussion and rather than engage the entire Plan Commission, Mr. Skach is looking for volunteers from the Plan Commission to serve along with representatives of