

**VILLAGE OF DOWNERS GROVE**  
**COUNCIL ACTION SUMMARY**

**INITIATED:** \_\_\_\_\_ Applicant \_\_\_\_\_ **DATE:** June 21, 2005 \_\_\_\_\_  
(Name)

**RECOMMENDATION FROM:** Plan Commission **FILE REF:** PC #12-05 \_\_\_\_\_  
(Board or Department)

**NATURE OF ACTION:**

- Ordinance
- Resolution
- Motion
- Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt "AN ORDINANCE APPROVING A LOT SPLIT WITH EXCEPTIONS FOR THE PROPERTY COMMONLY KNOWN AS 5733 LYMAN AVENUE", as presented.



**SUMMARY OF ITEM:**

At their meeting of May 2, 2005 the Plan Commission recommended to approve a lot split with exceptions with regard to lot width for the property commonly known as 5733 Lyman Avenue.

**RECORD OF ACTION TAKEN:**

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

**AN ORDINANCE APPROVING A LOT SPLIT  
WITH EXCEPTIONS FOR THE PROPERTY  
COMMONLY KNOWN AS 5733 LYMAN AVENUE**

WHEREAS, the Owner of the property known as 5733 Lyman 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 Plats of Survey dated April 4, 2005 (incorporated herein and attached hereto as (Group Exhibit A) will affect the existing parcel where each resulting lot shall have a lot width of 60 feet; and,

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

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

WHEREAS, the Plan Commission of the Village of Downers Grove has given the required public notice and has conducted a public hearing respecting the proposed lot split with exceptions on May 2, 2005, 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 Plats of Survey attached hereto as Group Exhibit A and dated April 4, 2005;
- b. The staff report findings dated April 29, 2005 regarding File PC-12-05 as well as the conditions and recommendations of the Downers Grove Plan Commission as set forth in their findings during the meeting of May 2, 2005;
- c. The existing structure shall be removed, relocated or otherwise modified to ensure Zoning Ordinance compliance prior to the issuance of any construction permit.
- d. 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;
- e. Approval of stormwater management requirements and conditions prior to construction permitting;
- f. Compliance with all Public Works' requirements and conditions as outlined in their memorandum dated April 28, 2005;
- 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. Changes may require additional review; 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 REPORT**

**To:** Plan Commission  
**Prepared By:** Amanda G. Riordan, Senior Planner  
**Date Prepared:** April 29, 2005  
**Meeting Date:** May 2, 2005  
**Project Title:** PC 12-05; Lyman Avenue Lot Split

**BACKGROUND INFORMATION:**

**Petitioner:** Owners Adam and Ann Marie Schuhmacher  
**Property Address:** 5733 Lyman Avenue, east side of Lyman, 120 feet south of Blanchard Street  
**Existing Zoning:** R-3; Single Family Residential  
**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 20.301, *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 Lyman Avenue approximately 120 feet south of Blanchard 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**

	<b>Existing Zoning</b>	<b>Existing Use</b>	<b>Future Land Use Plan</b>
<b>North</b>	R-3, Single Family Residence	Single Family Residence	Residential at 0-6 d.u. /acre
<b>South</b>	R-3, Single Family Residence	Single Family Residence	Residential at 0-6 d.u. /acre
<b>East</b>	R-3, Single Family Residence	Single Family Residence	Residential at 0-6 d.u. /acre
<b>West</b>	R-4, Single Family Residence	Single Family Residence	Residential at 0-6 d.u. /acre

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. The resulting density would be 2.41 dwelling units per acre.

**Site****Bulk Characteristics**

The subject property is currently comprised of one parcel with dimensions of 120 feet as measured north to south along Lyman Avenue, 301.75 feet in depth as measured east to west, and has a total lot area of approximately 36,210 square feet (0.83 acres). The subject property currently contains a single residence which is intended to be demolished in the event the Requested Action is authorized. 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.

As illustrated on the attached site plan, the petitioner is proposing to divide the property in half, with each resulting lot having dimensions of 60 feet in width, 301.75 feet in depth, and lot areas of 18,105 square feet.

Table 2: Bulk Characteristics

	Proposed Lot Area	% 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	18,105	+72.4	60	(20.0)	301.75	+115.5
Southerly Lot	18,105	+72.4	60	(20.0)	301.75	+115.5

Requested Exception (Lot Width)

Newly created lots in the R-3 District are required to be no less than 75 feet in width, 140 feet in depth, and 10,500 square feet in area. As illustrated above, each of the proposed resulting lots requires approval of a lot width Exception.

The residential neighborhood on the east side of Lyman between 55<sup>th</sup> Street on the north and 59<sup>th</sup> Street on the south is characterized predominantly by lots that were originally platted with lot widths of 260 feet or more, with depths of slightly greater than 300 feet. The original lots have been subsequently parceled into smaller lots of varying width. The zoning on the west side of Lyman Avenue reflects these larger lots with an R-3, Single Family Residence zoning classification.

Of the 28 lots fronting the east side of Lyman Avenue between 55<sup>th</sup> Street on the north and 59<sup>th</sup> Street on the south, 16 lots are less than 100 feet in width: four lots are 65 feet wide; one lot is 67.5 feet wide; two lots are 70 feet wide; and nine lots are 75 feet wide. Of the 11 lots that are 100 feet or greater in width, three are 100 feet wide; three are 120 feet wide; and five lots have the following dimensions in width: 103 feet, 112 feet, 129 feet, 135 feet and 200 feet. (Dimensions are approximate). As the lot width analysis illustrates, the pattern of lot widths on the east side of Lyman Avenue, including the subject property, is inconsistent.

The neighborhood on the opposite (west) side of Lyman Avenue between 55<sup>th</sup> Street and 59<sup>th</sup> Street is characterized by smaller parcels, the preponderance of which were platted at 50 feet in width by approximately 162 feet in depth, considerably smaller than those lots on the east side of the street. The zoning on the east side of Lyman Avenue reflects these smaller lots with an R-4, Single Family Residence zoning classification.

**Public Works/Engineering**

The Department of Public Works has provided the attached memorandum dated April 28, 2005. A complete stormwater management analysis, including a wetlands delineation and overland flow calculations, will be required to be submitted prior to the construction permitting phase on either of the two resulting parcels. Public Works has commented that ditches, drainage swales and/or storm sewers may be required to route off-site flow through the subject site, but will be determined upon construction permitting.

The petitioner has submitted the attached Plat of Easement providing the standard side and rear yard drainage and utility easements to the Village.

**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**

Staff recommends that the Plan Commission consider granting the petitioner's Requested Action, subject to the following conditions:

1. Approval of stormwater management requirements and conditions prior to construction permitting;
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 Special Use; and
3. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

Attachments



**INTEROFFICE CORRESPONDENCE  
DEPARTMENT OF PUBLIC WORKS**

**TO:** Keith Sbiral, Director of Planning  
**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 Engineer *JH*  
**DATE:** April 28, 2005  
**RE:** Planning / Zoning Petition for Lot Split - 5733 Lyman Avenue  
 Public Works Department Review – 1<sup>st</sup> Review

**Documents Reviewed:**

- Plat of Easement / lot split exhibit dated 4/3/05
- Plat of Easement for proposed north lot dated 4/4/05
- Plat of Easement for proposed south lot dated 4/4/05

**Attachments:**

- None

**Public Works Review Summary:**

Division	Representative	Date	Recommendation	Comments included
Engineering	M. Millette	4/28/05	Place on PC Agenda	X
Stormwater	J. Hall	4/28/05	Place on PC Agenda	X
Water	D. Bird	-	None Required	
Traffic	D. Fera	-	None Required	
Forestry	K. Von der Heide	-	None Required	
Pavement	R. Ebel	-	None Required	

**Recommendation:**

The Public Works Department concurs with placement of the subject petition on the Plan Commission Agenda at this time. Outstanding comments shall be addressed prior to issuance of a building permit.

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## Public Works Department Review:

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### Engineering Review Comments:

Right-of-way standards will be reviewed as part of the building permit phase for each individual house.

### Stormwater Review Comments:

The following comments must be addressed prior to future issuance of any stormwater or building permit for the proposed parcels.

1. Provide a wetland determination with the first building permit submittal.
2. Provide overland flow route calculations that verify accommodation of off-site and on-site stormwater drainage for the 100-year critical duration storm.
3. Provide ditches, swales, and / or storm sewers as necessary to drain the site and tributary off-site areas. Demonstrate that no negative drainage impacts will occur on-site or off-site. Upon initial review, it appears likely that rear yard storm sewers and additional drainage swales will be required to route off-site tributary flow through the site.
4. Provide underdrains as necessary to drain flat areas.
5. Designate a "no disturbance" zone around any tree to be saved. Ensure that no grading is proposed for these areas.

c: A. Humphries, Stormwater Management Engineer  
File



0 60 120 240 Feet

PC-12-05; 09-17-200-021

Legend

 Selected Property

Planning & Community Development

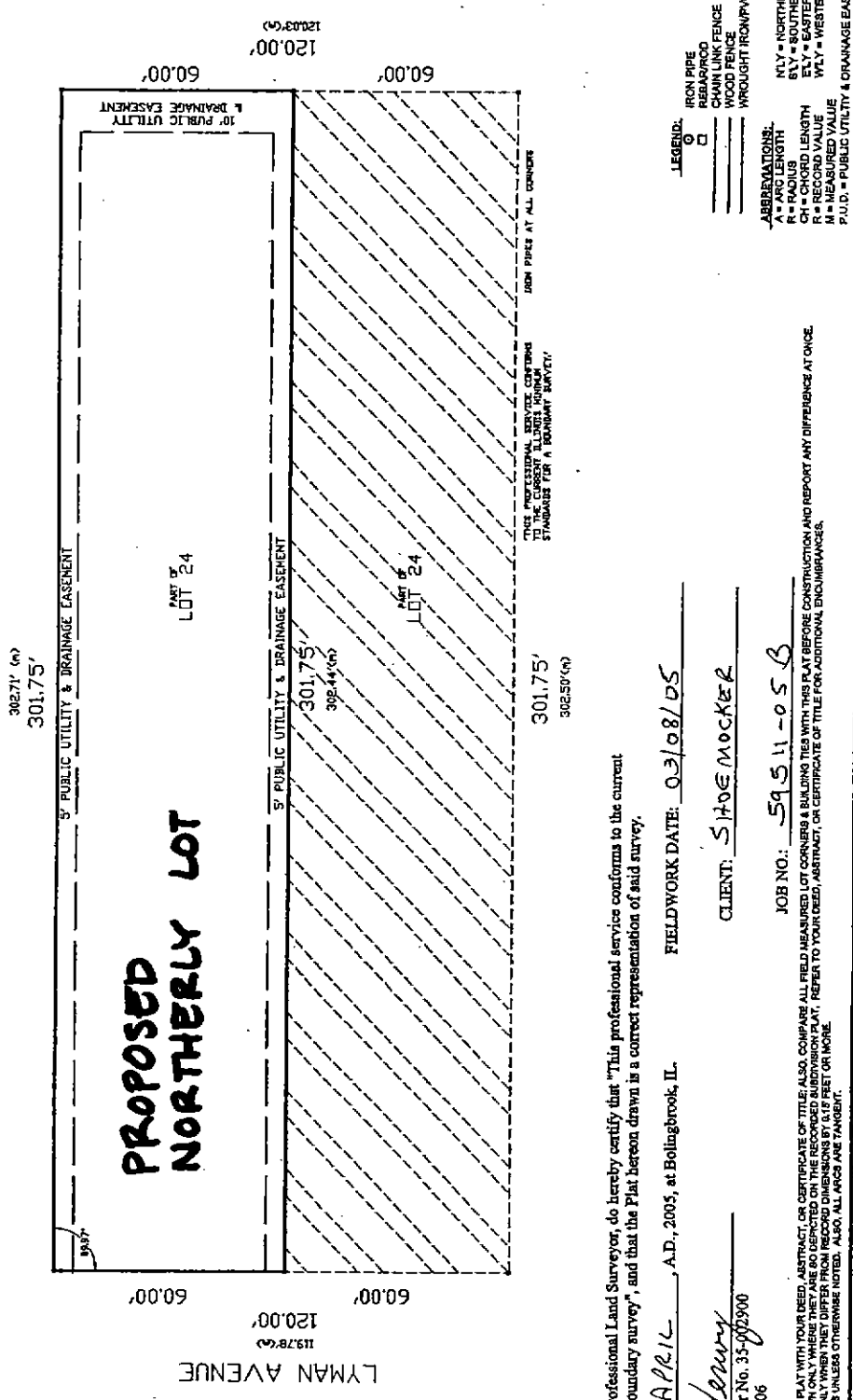


# PLAT OF SURVEY

## Associated Surveying Group, P.C.

Illinois Prof. Design Firm No. 184-009013  
 P.O. Box 810  
 Bollingbrook, IL 60440  
 PH: 630-759-0205 FAX: 630-759-9291

THE NORTH 60 FEET OF LOT 24 IN HIGHLANDS ADDITION TO DOWNERS GROVE, BEING A SUBDIVISION IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 33 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 21, 1912 AS DOCUMENT 106123, IN DUPAGE COUNTY, ILLINOIS.



**PROPOSED  
NORTHERLY LOT**

LYMAN AVENUE



State of Illinois }  
 County of Will } SS

I, Michael G. Henry, an Illinois Professional Land Surveyor, do hereby certify that "This professional service conforms to the current Illinois minimum standards for a boundary survey", and that the Plat hereon drawn is a correct representation of said survey.

Dated, this 4<sup>th</sup> day of APRIL, A.D., 2005, at Bollingbrook, IL.

*Michael G. Henry*  
 Illinois Professional Land Surveyor No. 35-002900  
 License Expires: November 30, 2006

FIELDWORK DATE: 03/08/05

CLIENT: SHOE MOCKER

JOB NO.: 59511-05 B

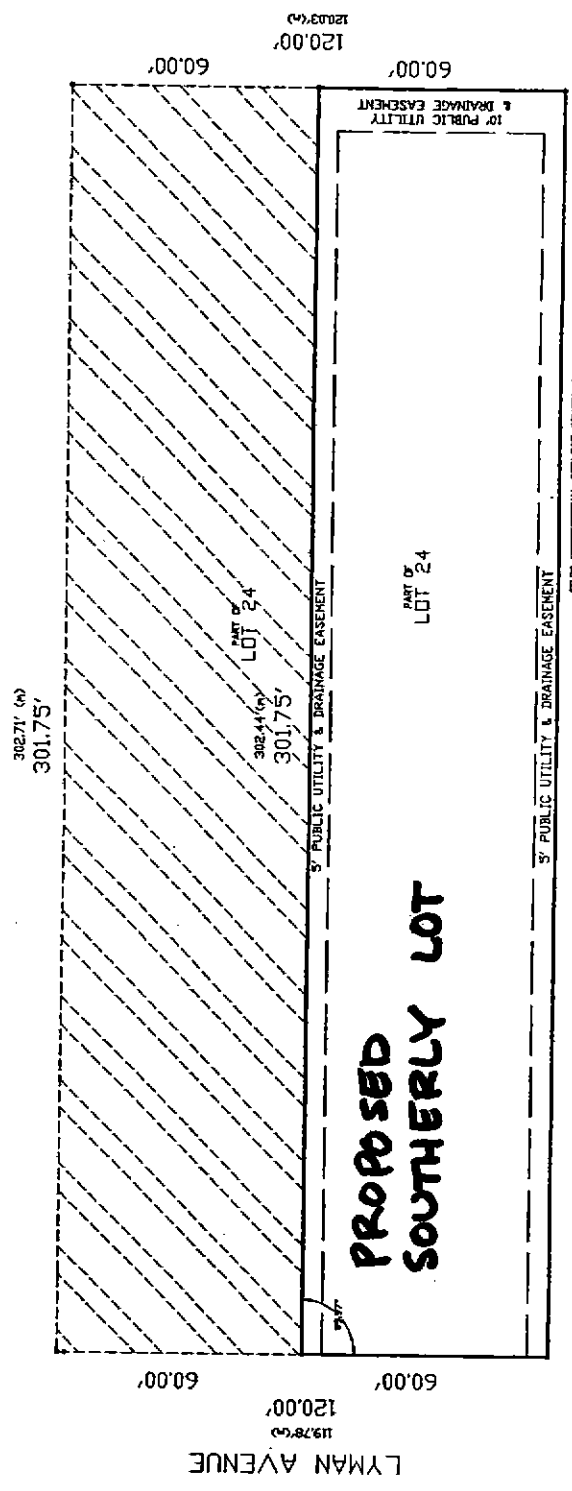
NOTES: 1. PLEASE SEE LEGAL DESCRIPTION ON THIS PLAT WITH YOUR DEED. ABSTRACT, OR CERTIFICATE OF TITLE. ALSO, COMPARE ALL FIELD MEASURED LOT CORNERS & BUILDING TIES WITH THIS PLAT BEFORE CONSTRUCTION AND REPORT ANY DIFFERENCE AT ONCE.  
 2. BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE SHOWN ON THIS PLAT. REFER TO YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE FOR ADDITIONAL ENCUMBRANCES.  
 3. MEASURED LOT DIMENSIONS ARE SHOWN ONLY WHEN THEY DIFFER FROM RECORDED DIMENSIONS BY 1/16 FEET OR MORE.  
 4. CURVED LINES DENOTED WITH ARC LENGTHS UNLESS OTHERWISE NOTED. ALSO, ALL ARCS ARE TANGENT.

PL-12-05

**Associated Surveying Group, P.C.**  
 Illinois Prof. Design Firm No. 184-003013  
 P.O. Box 810 Bolingbrook, IL 60440  
 PH: 630-759-0205 FAX: 630-759-9291

**PLAT OF SURVEY**

THE SOUTH 60 FEET OF THE NORTH 120 FEET OF LOT 24 IN HIGHLAND'S ADDITION TO DOWNERS GROVE, BEING A SUBDIVISION IN THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 21, 1912 AS DOCUMENT 109123, IN DUPAGE COUNTY, ILLINOIS.



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS STANDARD PRACTICES FOR A BOUNDARY SURVEY.

IRON PIPES AT ALL CORNERS

301.75' 302.50' (60)

State of Illinois }  
 County of Will } SS  
 I, Michael G. Hervey, an Illinois Professional Land Surveyor, do hereby certify that "This professional service conforms to the current Illinois minimum standards for a boundary survey", and that the Plat hereon drawn is a correct representation of said survey.

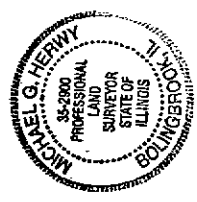
Dated, this 4<sup>th</sup> day of APRIL, A.D., 2005, at Bolingbrook, IL.

*Michael G. Hervey*  
 Illinois Professional Land Surveyor No. 35-002900  
 License Expires: November 30, 2006

CLIENT: SHOEMACKER

JOB NO.: 59511-05A

NOTES:  
 1. COMPARE THE LEGAL DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE. ALSO, COMPARE ALL SETBACKS, LOT CORNERS & BUILDING TIES WITH THIS PLAT BEFORE CONSTRUCTION AND REPORT ANY DIFFERENCE AT ONCE.  
 2. BUILDING LINES AND BASEMENTS ARE SHOWN ONLY WHERE THEY ARE SO DEPICTED ON THE RECORDED SUBDIVISION PLAT. REFER TO YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE FOR ADDITIONAL ENCUMBRANCES.  
 3. CURVED LINES SHOWN ONLY WHEN THEY DIFFER FROM RECORD DIMENSIONS BY 0.12 FEET OR MORE.  
 4. CURVED LINES SHOWN WITH ARC LENGTHS UNLESS OTHERWISE NOTED. ALSO, ALL ARCS ARE TANGENT.



- LEGEND:
- IRON PIPE
  - REBAR/ROD
  - CHAIN LINK FENCE
  - WOOD FENCE
  - WROUGHT IRON/PIVC FENCE
- ABBREVIATIONS:
- A = ARC LENGTH
  - R = RADIUS
  - CH = CHORD LENGTH
  - R = RECORD VALUE
  - M = MEASURED VALUE
  - P.U.D. = PUBLIC UTILITY & DRAINAGE EASEMENT
- Abbreviations for directions:  
 NLY = NORTHERLY  
 SLY = SOUTHERLY  
 ELY = EASTERLY  
 WLY = WESTERLY

SCALE 1" = 30'

PG-12-05



ADAM SCHUHMACHER  
5733 LYMAN AVENUE DOWNERS GROVE, IL 60516  
630-719-9270  
ADAM@ADVANCEDCLINICAL.COM

April 5, 2005

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

Dear Chairman Jirik:

The Petition I have presented to you with regard to the property located at 5733 Lyman Avenue, Downers Grove, Illinois, is a petition for a lot split. This property is located on the east side of Lyman, south of 55<sup>th</sup> street. The property currently exists as one lot with dimensions of 120' by 301.75'. There is currently a single family residence located on a portion of this property.

My Petition proposes to create two new lots. The northern lot would be approximately 60' by 301' with approximately 18,000 sq. ft. The southerly lot would be approximately 60' by 301' 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. My 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 Lyman have 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. There are 3 new homes directly across the street from the subject property and 3 new homes at the end of the block that are all the result of split lots. The majority of the homes on the west side of Lyman on our block are on 50 ft. wide lots. The trend of development in this area is for smaller lots.

April 5, 2005

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 recent 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.

I would like to request a positive recommendation be forwarded to the Village Council with regards to this lot split. Should the Plan Commission require additional information other than that which is outlined in the application packet, I would be happy to provide it to you.

Sincerely,



Adam Schuhmacher

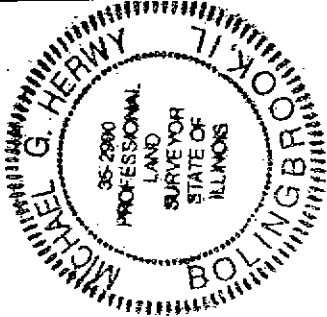
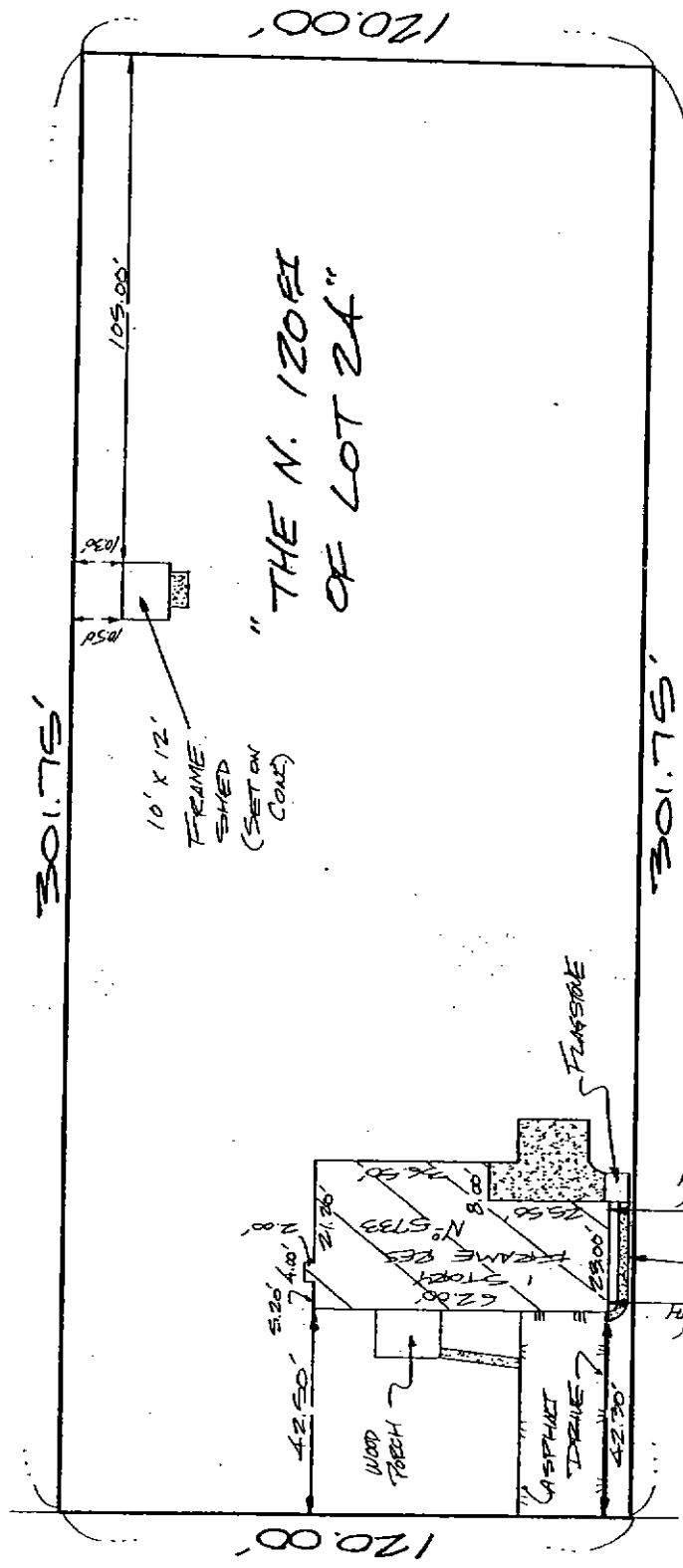
# Initial Surveying Service P.C.

18 Lee Lane Bolingbrook IL 60440

(30) 759-0205 FAX (630) 759-9291

## PLAT OF SURVEY

THE NORTH 120 FEET OF LOT 24 IN HIGHLAND'S ADDITION TO DOWNERS GROVE, BEING A SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 38 NORTH, RANGE 1 EAST, THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 2, 1990, DOCUMENT 109123, IN DUPAGE COUNTY, ILLINOIS.



I, Michael G. Herwy, 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 10th day of NOVEMBER, A.D., 1999, at Bolingbrook, Illinois.

Surveyor No. 05-2880 CLIENT FAYE

JOB No. 30690-99

Restrictions not shown hereon refer to your Deed, Title Policy, Ordinance, etc.

VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING, MAY 2, 2005, 7:30 P.M.

Chairman Jirik called the May 2, 2005 meeting of the Plan Commission to order at 7:30 p.m. and asked for a roll call:

**PRESENT:** Chairman Jirik, Mr. Matejczyk, Mr. McCormick, Mr. Nicholaou, Mr. Quandt, Mrs. Rabatah, Mr. Waechtler

**ABSENT:** Mr. Griesbaum

**STAFF**

**PRESENT:** Keith Sbiral, Director of Planning; Alice Dornan, Recording Secretary  
Chairman Jirik indicated the first order of business was to approve four sets of minutes.

**MARCH 7, 2005 MINUTES.** Chairman Jirik's arrival time was 7:50 p.m. not 8:50 p.m. **MINUTES WERE APPROVED WITH THE NOTED REVISION, ON MOTION BY MR. NICHOLAOU, SECONDED BY MR. MC CORMICK. MOTION CARRIED BY VOICE VOTE OF 7-0.**

**MARCH 14, 2005 MINUTES.** **MINUTES WERE APPROVED AS PRESENTED ON MOTION BY MR. MC CORMICK, SECONDED BY MRS. RABATAH. MOTION CARRIED BY VOICE VOTE OF 7-0.**

**APRIL 4, 2005 MINUTES.** Chairman Jirik noted on page 1 of the minutes to remove his first name from the "Present" heading. **MINUTES WERE APPROVED, WITH NOTED REVISION, ON MOTION BY MRS. RABATAH, SECONDED BY MR. WAECHTLER. MOTION CARRIED BY VOICE VOTE OF 7-0.**

**APRIL 14, 2005 MINUTES.** A correction was noted on page 1, first paragraph, last sentence: Delete "consideration for approval of rezoning of the downtown" and insert "consideration for approval of a Zoning Map Amendment for the Rezoning of the downtown." **MINUTES WERE APPROVED, WITH NOTED REVISION, ON MOTION BY MR. QUANDT, SECONDED BY MR. NICHOLAOU. MOTION CARRIED BY VOICE VOTE OF 7-0.**

Chairman Jirik reviewed the procedures for the Plan Commission public hearing and read the oath to those individuals who would be speaking on behalf of File Nos. PC-12-05, PC 13-05, and PC 14-05, noting all three hearings will be Plan Commission recommendations to the Village Council.

**FILE NO. PC-12-05** Petition seeking approval of a Lot Split to include lot width exceptions. Property located on east side of Lyman Avenue, approximately 120 feet south of the intersection of Blanchard Street and Lyman Avenue, commonly known as 5733 Lyman Avenue, Downers Grove, Illinois. Petitioner: Adam Schuhmacher. Owners: Adam and Ann Marie Schuhmacher.

Mr. Keith Sbiral reviewed the Staff report explaining the Petitioners are seeking a lot split and requesting an exception from Chapter 20, *Subdivision Ordinance*, and an exception to allow lot

widths less than the minimum required 75 feet for both proposed lots. The location of site was identified in the R-3 district, noting all adjacent property east, northeast and south of Lyman Avenue was zoned R-3. Property on the west side of Lyman was zoned R-4. The Future Land Use Map designated the area as residential, single-family, 0 to 6 dwelling units per acre, which is consistent with what is currently there. If split, the lots would retain the R-3 zoning designation with density allowed at 2.4 units per acres. The parcel is located on the east side of Lyman and is 120 feet by 301 feet with an area of 36,210 square feet. The lot is proposed to be split into two, 60 feet by 301.75 feet lots, each having an 18,105 square foot area. The lots will not have the minimum lot width of 75 feet as required by Code and will require an exception of 20%.

Mr. Sbiral noted sites on the east side of Lyman Avenue vary from 65 feet to 200 feet in width with no clear pattern. On the west side of Lyman Avenue, lots were consistently smaller at approximately 50 feet. The Public Works Department indicated in its April 28, 2005 memorandum that a complete stormwater management analysis will be necessary prior to any permit issuance. Final wetland delineation and flow calculations have not been completed. Mr. Sbiral noted review criteria were provided in the Staff report to determine whether the exceptions were appropriate or not. Should the Plan Commission consider a favorable recommendation to the Village Council, Staff recommended adding the three conditions from the Staff report to the Plan Commission's recommendation prior to any building permit and an additional condition be added stating that the existing house on the lot would have to be demolished prior to any additional construction on the lots. A Plat is available should questions be raised by the Commission.

Mr. Nicholaou questioned the wording in Staff's recommendation as it relates to the requested action, wherein Staff clarified the Commissioners were not granting the request but making a recommendation to the Village Council, and Mr. Sbiral would note the clarification prior to forwarding the recommendation to the Village Council. Typically, if there were no exceptions, the Plan Commission would have the final say on this matter; however, since there are exceptions being requested, the Village Council has to review and make the final decision. Staff proceeded to read off the lot width for the property to the south of the parcel, which was 65.6 feet, and was the narrowest lot as noted by Mr. Waechtler. Discussion followed as to the difficulty in comparing the site to other properties zoned R-3, and Mr. Waechtler noted that Staff should have provided the calculations on the map in order for the Commission to determine consistencies or inconsistencies of the properties as they relate to the petition. Mr. Sbiral proceeded to read off the dimensional figures from his map of those lots on the east side of Lyman and the west side of Fairmount for comparison purposes. It was noted only one lot on Fairmount had a 60 foot width.

Staff again clarified it was up to this Commission to forward either a positive or negative recommendation and that Staff had no specific recommendation because the neighborhood was unique and had no specific consistencies. Chairman Jirik proceeded to clarify Staff's recommendation to the attending public.

Mr. Waechtler asked whether the Commission should have any concern about wetlands, drainage issues, etc. on this request, wherein Mr. Sbiral stated he spoke to Stormwater Staff about the project, who felt the overland flow and stormwater issues were such that no additional work would be required prior to the Plan Commission meeting. Where there are no problematic wetland issues or stormwater issues, the Stormwater Staff asked the Petitioner to provide a five-

foot easement along the side of the property and a 10-foot easement to the rear of the property, which the Petitioner provided in the submittal. Staff indicated anything done on the lot, whether split or not, would be subject to the DuPage County Stormwater Management regulations and permitting through the Village. There is no reason to believe structures could not be constructed on the site.

Chairman Jirik opened up the meeting to the public.

Petitioner, Mr. Adam Schuhmacher, 5733 Lyman Avenue, Downers Grove, reiterated he was present to request the split with the lot width exception for both lots. He did speak with some of his neighbors many of whom supported the split and are present this evening. Additionally, he responded to the five criteria for an exception and reviewed his responses, noting that he did not believe the character of the area would be altered. He believed the two lots would be consistent with other recent lot splits in the area and would possibly improve the value of his neighbors' properties.

Mr. Ron Weiss, 5725 Lyman Avenue, Downers Grove, stated he resides north of the property and does not see any negative impacts to splitting the lot. Referring to the character of the neighborhood, Mr. Weiss pointed out the layout of the homes on Fairmont were completely different, and this petition would not impact the neighborhood coming down Lyman Avenue. He believed the site, as compared to the 50-foot wide lots, was not applicable because the contrast was what existed across the street. His lot is 122 feet wide.

Mr. Phillip Balsamo, 5741 and 5747 Lyman Avenue, Downers Grove, owns the two adjacent lots to the south and noted the lots on the block were decreasing in size but were equal or larger than what was located on the west side of Lyman. He believed there were no aesthetic issues with the petition and splitting of the lot would not affect the neighborhood negatively.

Dr. Gordon Goodman, 5834 Middaugh Avenue, Downers Grove, asked about the location of the current house on the parcel since it was not referenced and asked if the house could be modified so that only part of the house could be removed. He also noted Staff's condition of "demolishing" the house may not be the correct condition for Staff's recommendation, and it was not originally brought up in Staff's recommendation and the matter may need more thought. In conclusion, he also supported Mr. Waechter's request that the Commission have the map figures for adjoining lots as well as the petition. He stressed the importance of having representation of existing structures on the property before a recommendation is made by the Plan Commission. He suggested the Commission continue the matter until a full Staff report was available and to clarify his point about preserving the existing structure to meet conformity.

Mr. Sbiral stated the house sat at the south side of the lot and did extend north beyond the 60 foot line which would require demolition per Code and before the lots could be split. However, language in the Code referenced that a building be "removed or relocated" but the word "modify" could be considered. The issue was that if a lot was going to be subdivided, the existing structure could not violate a setback regulation in the Zoning Code. Per Staff, if the building were designed to meet the Zoning Code on the lot, there would not be an issue of having it removed or altered.

Mr. Donald Schwartz, 4728 Montgomery Avenue, Downers Grove, suggested that the Commission determine whether any wetlands issues existed first before demolishing the house, wherein the Chairman explained it was not the purview of the Commission to review that matter. It was the Petitioner's risk if wetland issues existed. Mr. Schwartz pointed out the proposed lot would be the smallest lot on that side of the street and asked the Plan Commission to put in an exception for an adjusted setback so that the houses on the smaller lots do not take up so much of the lot and dwarf the lot. He also asked for information on how to get on the Plan Commission's agenda.

Chairman Jirik indicated under current Code, equal treatment would be granted to the lot depending upon its zoning.

Chairman Jirik closed the public comments portion of the meeting. No further comments followed from the Commissioners or the Petitioner. Petitioner had no closing statement.

As a common thread in discussions, Mr. Matejczyk pointed out neighborhoods are not necessarily defined by streets or zoning maps, which is the case in the current petition, and needs to be considered.

For clarification to the Petitioner, Mr. Nicholaou explained a Petitioner can state in the public record whether he or she wants to tear down a building and would not be held to it. Petitioner Schuhmacher stated that if the split were to occur, his tentative plan is to tear down the current house, sell the other lot and build a new house.

Mr. Waechtler indicated to Staff his understanding was that the lot splits on the west side of Lyman existed for many years. Staff explained lots between 55<sup>th</sup> down to 59<sup>th</sup> show as one subdivision of 50-foot lots, which was done as the very first subdivision on the tax assessment map page. Mr. Sbiral did not have a specific date but estimated it prior to 1960. The lots were platted as 50-foot lots, and no recent activity existed except for a reconfiguration at the corner of Blanchard and Lyman, which resulted in two lots that fronted Blanchard.

Mr. Waechtler further clarified there have been no lot splits west of Lyman, inferring that the 100 foot lots were split into 50 foot lots, therefore, to justify the Petitioner's request. Staff was not aware of any.

Mr. McCormick commented that he visited the site, and the lots were larger on the one side of Fairmount. Mr. Nicholaou said he foresees future splits occurring. Mr. Waechtler believed the current request pushed the limit; however, when viewing the neighborhood, he saw the development trend occurring as well as the trend occurring in the entire village toward smaller lots, which is not a concern. He saw the home that could be built as a positive for the neighborhood. After further review of the matter, his initial concerns were alleviated.

Mr. McCormick recalled a prior split near the Tollway, wherein the neighborhood factor was taken into consideration very highly. Having driven around the neighborhood, he believes the current request is consistent with the neighborhood

Mr. Quandt concurred with prior Commissioners' comments and had a difficult time justifying why it was not consistent. He inquired by splitting the lot did it grandfather in any type of

setback requirements, wherein Staff indicated it did not, and once both lots were split they would be subject to the Code for R-3 lots at the time of permitting. For the record, Staff clarified that two lots across the street may have looked like one lot but were actually two, and the Plan Commission did not see the petition before them because they were platted lots at some prior time.

Mr. Nicholaou also commented he was favoring the Petitioner's request because he heard supporting testimony from his neighbors on both sides of his property.

Chairman Jirik shared his thoughts about the petition indicating it could be viewed one of two ways. One, the petition could be viewed by looking at the general vicinity and realizing that 50% of the parcels were 50 foot wide lots, while the other 50% were wider than 50 feet, and two, viewing the R-3 neighborhood and noting what exists today lies at one end of the bell curve; i.e.; not many 120 foot wide lots exist, while creating the change, one creates something at the other end of the bell curve. Lastly, as to creating a recommendation that provides for flexibility, Chairman Jirik recalled in the past this Commission conveyed that there will be no future building permits issued until the conformity of any structures is achieved and that the conformity is documented. Regarding the recommendation, the Chairman felt that with this particular case, the Village could maintain the necessary authority and the necessary assurances with the careful wording of a recommendation.

Mr. Waechtler pointed out 11 lots along the east side of the line were 100 feet or more and assumed some of those lots would be split. Nine lots were 75 feet or more; two lots were 70 feet or more; one lot was 67.5 feet and four lots were 65 feet. He explained in the past the Commission had been allowed to view the character of the neighborhood. However, about a year ago he recalled the Plan Commission denying a lot split of less than 75 feet for each lot on Fairmount Avenue due to the character of the neighborhood. In this case, he felt the character of the neighborhood was important to preserve, noting the request was for R-3 zoning. He believed the character of the neighborhood would be damaged if the request were granted and did not recommend approval. Additionally, he was not sure if the Plan Commission heard from all of the neighbors.

Further discussion followed on how the Village Council and the Plan Commission viewed subdivisions and the creation of 60-foot wide lots and the controversy surrounding the topic. Mr. Waechtler believed it was time for the Plan Commission to make a decision that it would not create 60-foot wide lots. Mr. Nicholaou also conveyed his frustration in trying to make a decision.

Per Staff, there are a handful of 60-foot wide or less lots on the east side of Fairmount. Staff briefly commented the 50-foot lots west of Lyman have appeared stable with little reconfigurations. However, in the area between Lyman and Fairmount, there were some changes on the east side of Fairmount and much more movement.

Mr. Matejczyk pointed out in the past if there were lots splits that were very controversial, the residents attended the meeting, which was not the case with this Petitioner.

The Chairman proceeded to break out his calculations of the various lot sizes and reiterated his prior comments about how the petition could be viewed in two ways.

Mr. Waechtler noted of the 28 lots listed in Staff's report, 22 were 70 feet or above. As there were no further comments or questions, Chairman entertained a motion.

**MOTION: WITH RESPECT TO FILE NO. PC-12-05, PETITIONER SEEKING APPROVAL OF A LOT SPLIT TO INCLUDE LOT WIDTH EXCEPTIONS, MR. MCCORMICK MOVED THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL ON THE PETITIONER'S REQUESTED ACTIONS SUBJECT TO THE FOLLOWING:**

- 1) APPROVAL OF STORMWATER MANAGEMENT REQUIREMENTS AND CONDITIONS PRIOR TO CONSTRUCTION PERMITTING;**
- 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 COUNCIL APPROVAL, SHALL BE PROMPTLY REPORTED TO THE VILLAGE. CHANGES MAY REQUIRE ADDITIONAL REVIEW OF THE SUCH CHANGES;**
- 3) THE EXISTING STRUCTURE SHALL BE REMOVED, RELOCATED OR OTHERWISE MODIFIED TO ENSURE ZONING ORDINANCE COMPLIANCE PRIOR TO THE ISSUANCE OF ANY CONSTRUCTION PERMIT; AND**
- 4) IT IS THE PETITIONER'S OBLIGATION TO MAINTAIN COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, COUNTY AND VILLAGE LAWS, ORDINANCES, REGULATIONS, AND POLICIES. SECONDED BY MR. MATEJCZYK.**

The Chairman asked Staff if it was typical to have the confirmation of the building/structures prior to recordation or prior to building permit, wherein Staff indicated it was prior to building permit. Prior to this matter going to Village Council, Mr. Waechtler asked that Staff provide a schematic of the existing property on the site; Staff concurred.

**ROLL CALL:**

**AYE: MR. MCCORMICK, MR. MATEJCZYK, MR. NICHOLAOU, MR. QUANDT, MRS. RABATAH, CHAIRMAN JIRIK**

**NAY: MR. WAECHTLER**

**MOTION PASSED. VOTE: 6-1**

Commissioners were polled on their vote:

Mr. McCormick voted in favor because of the characteristic of the neighborhood, the testimony the neighbors and the Petitioner referenced the exceptions to the Chapter 20 Subdivision Control Ordinance, which references were creditable. The bulk characteristics of the two new lots were

72% over the required lot area of 10,500 square feet. Additionally, the lot depth of 301.75 feet was 115% over the required lot depth requirements.

Mr. Matejczyk voted in favor because the proposal was positive and enhanced the neighborhood, and the neighbors have come forward.

Mr. Nicholaou concurred with the above comments and although he initially had concerns about the 60 feet width, this proposal would fall within what is being constructed.

Mr. Quandt concurred with the above comments and believed the proposal did not alter the character of the neighborhood and was consistent with what was occurring in the area.

Mrs. Rabatah initially had concerns but voted in favor because of the adjacent neighbors supporting the proposal.

Mr. Waechtler stated he would not reiterate his above comments on why he did not support the proposal and disagreed with fellow Commissioners. He noted only two out of 25 neighbors appeared. Eighty percent (80%) of the lots on the west side of Lyman Avenue were 70 feet wide and above, and he reiterated that the Village Council struggled with the 60 foot lot width and the proliferation of the 60 foot wide lots in the village. Therefore, he felt the character of this neighborhood might be the first place to draw the line. Regarding point No. 4 in the Petitioner's letter, Mr. Waechtler clarified the Plan Commission does not make judgments on whether or not "real estate taxes generated for the subject property will substantially increase as well."

Chairman Jirik voted in favor because he analyzed the petition in two ways. First, it was highly consistent with the neighborhood. Secondly, the neighbors that spoke were fine with the proposal.

(A five-minute break followed at 9:10 p.m.; the meeting reconvened at 9:20 p.m.)

**FILE NO. PC-13-05** Petition seeking a Special Use for an Automobile Repair Shop with certain variations from the Code. Property located on the north side of Ogden Avenue, approximately 100 feet east of Highland Avenue, commonly known as 946 Ogden Avenue, Downers Grove, Illinois. James Russ, Attorney/Petitioner. Anthony Zangler, Senior Owner.

Mr. Sbiral briefly reviewed his Staff report, stating the petition was for an automobile repair business. The building and adjacent buildings currently exist and will continue to exist. Nothing on the exterior of the building will change. The parking lot to the north was included in a Special Use granted in 1969 for the business's parking. Per Staff, nothing has changed nor will be changed by this Commission's discussion. The interior of the building will include an auto repair shop with four service bays added to the building, as well as a small office/reception area for the A-Len Radiator shop, which is moving into the building. Access includes a back alley adjacent to the property as well as access on to Ogden Avenue. Commissioners were reminded the subject use of automobile repair language was modified in the Ordinance last year and would require one parking space for 600 square feet of building, which the Petitioner meets. The stormwater was not being altered. The Traffic Division conveyed the use of the property did not differ from what already existed, and a traffic study was not required. All fire /safety codes will be met by the time for permitting for the interior work. Signage was subject to the Sign