

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
FEBRUARY 5, 2008 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Special Use 4923-4927 Seeley Avenue	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

A Special Use ordinance has been prepared for 4923-4927 Seeley Avenue for the construction of an accessory structure on a lot of record prior to the construction of a principal structure. The Special Use is being requested for the construction of a gazebo.

STRATEGIC PLAN ALIGNMENT

The Five Year Plan for 2007-2012 identified the *Preservation of Our Residential and Neighborhood Character* as one of the Goals. Supporting this goal is the objective *Continuing Reinvestment in the Neighborhoods*.

FISCAL IMPACT

N/A.

UPDATE & RECOMMENDATION

This item was discussed at the January 22, 2008 Workshop. Staff recommends approval on the February 5, 2008 active agenda.

BACKGROUND

The petitioner owns two adjacent lots of record on Seeley Avenue. There is a single family home on the northern lot, and the southern lot is vacant. The petitioner is proposing to build a new gazebo on the vacant lot. Per the Zoning Ordinance, residential accessory structures may only be built on a lot with a principal structure (e.g. a house), unless there are two adjacent lots held in common ownership. In the latter situation, accessory structures may be constructed prior to a principal structure, provided a Special Use is granted by the Village Council.

To be eligible for the special use, the properties must meet the following conditions:

1. The lots must be held in common ownership.
2. One of the lots must have a principal structure established.
3. The common lot line must be shared for at least 100 feet or 50 percent of the lot line, whichever is greater.

In this case, the lots meet all three of the criteria. The lots are side by side and share a common lot line for approximately 200 feet. The petitioner is not requesting any variations from the Zoning Ordinance. The proposed improvements meet all bulk regulations as noted in the table below:

4923-4927 Seeley Ave	Required	Proposed
Setbacks		
Front (west)	30 feet	178 feet (Gazebo)
Side (south)	6 feet	10 feet (Gazebo)
Rear (east)	6 feet	10 feet (Pavilion)
Lot Coverage (maximum)	32% (3,840 sq. ft.)	10.2% (2,436 sq. ft.)

The Plan Commission considered the petition at its January 7, 2008 meeting and recommended approval of the Special Use with the conditions as noted in the staff report. Staff concurs with the Plan Commission recommendation.

ATTACHMENTS

Ordinance

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Applicant **DATE:** February 5, 2008
(Name)

RECOMMENDATION FROM: Plan Commission **FILE REF:** 04-08
(Board or Department)

NATURE OF ACTION:

STEPS NEEDED TO IMPLEMENT ACTION:

- Ordinance
- Resolution
- Motion
- Other

Motion to Adopt "AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT AN ACCESSORY STRUCTURE AT 4923-4927 SEELEY AVENUE", as presented.

SUMMARY OF ITEM:

At their meeting of January 7, 2008, the Plan Commission recommended that a Special Use be granted on property located at 4923-4927 Seeley Avenue to permit an accessory structure.

RECORD OF ACTION TAKEN:

ORDINANCE NO. _____

**AN ORDINANCE AUTHORIZING A SPECIAL USE
TO PERMIT AN ACCESSORY STRUCTURE AT 4923-4927 SEELEY AVENUE**

WHEREAS, the following described property, to wit:

Lots 86 and 87 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.

Commonly known as 4923-4927 Seeley Avenue, Downers Grove, IL (PIN 09-07-209-010,-011).

(hereinafter referred to as the "Property") is presently zoned in the "*R-3, Single Family Residential District*" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use per Section 28-502(a) of the Zoning Ordinance be granted to allow an accessory structure (gazebo).

WHEREAS, such petition was referred to the Plan Commission of the Village of Downers Grove, and said Plan Commission has given the required public notice, has conducted a public hearing respecting said petition and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, the Plan Commission has recommended approval of the requested Special Use, subject to certain conditions; and,

WHEREAS, the Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish the following:

1. The proposed use at that particular location requested is necessary or desirable to provide a service or a facility which is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
2. The proposed use will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, or general welfare of persons residing or working in the vicinity or injurious to property values or improvements in the vicinity.
3. The proposed use will comply with the regulations specified in this Zoning Ordinance for the district in which the proposed use is to be located.
4. The proposed use is one of the special uses specifically listed for the district in which it is to be located and, if approved with restrictions as set forth in this ordinance, will comply with the provisions of the Downers Grove Zoning Ordinance regulating this Special Use.

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

SECTION 1. That a Special Use of the Property is hereby granted to permit an accessory structure (gazebo) at 4923-4927 Seeley Avenue on a lot prior to the construction of a principal structure.

SECTION 2. This approval is subject to the following conditions:

1. The proposed gazebo shall substantially conform to the plans and specifications prepared by Gazebo Junction, Inc. and Plat of Survey prepared by Jens K. Doe dated June 17, 2004 attached to this report except as such plans may be changed to conform to Village codes, ordinances, and policies.
2. That the gazebo shall be removed prior to the sale of the properties at 4923-4927 Seeley if the properties are not transferred simultaneously to a single entity.
3. The Village shall record the Special Use ordinance with the DuPage County Recorder of Deeds.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Use is granted. Violation of any or all of such conditions shall be deemed a violation of the Village of Downers Grove Zoning Ordinance, the penalty for which may include, but is not limited to, a fine and or revocation of the Special Use granted herein.

SECTION 4. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Mayor

Passed:

Published:

Attest: _____

Village Clerk