

VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL WORKSHOP
MARCH 24, 2009 AGENDA

| SUBJECT: | TYPE: | SUBMITTED BY: |
|---|--|--|
| Final Plat of Subdivision – 4736 Linscott Avenue | ✓ Resolution Ordinance Motion Discussion Only | Tom Dabareiner, AICP Community Development Director |

SYNOPSIS

A resolution for the Final Plat of Subdivision has been prepared to consolidate two existing lots into one for the property located at 4736 Linscott Avenue.

STRATEGIC PLAN ALIGNMENT

The Goals 2013 identified *Preservation of our Residential and Neighborhood Character*. Supporting this goal is the objective *Tolerance of Neighborhood Private Development*. Staff believes the proposed development complies with the Strategic Plan.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval on the April 7, 2009 active agenda per the Plan Commission's recommendation.

BACKGROUND

The 13,227-square foot property is zoned R-4 Single Family Residence district and consists of two 50-foot by 132-foot lots. The south lot is improved with a single family residence and a detached garage. The north lot is currently vacant and is used as a yard for the petitioner. The petitioner is requesting approval of the Final Plat of Subdivision to consolidate the two existing lots on the property into one new lot. The request will allow the property owner to construct a future expansion to the existing home.

The petitioner has not requested any exceptions from the Subdivision Ordinance. All required infrastructure currently exists and no new public improvements are required. The proposed lot will include an existing five-foot wide utility easement along the rear property line, and new five-foot wide easements along north and south side property lines which meet the requirement for public utility easements. The proposed lot will exceed all minimum lot dimension requirements for the R-4 Single Family Residence district as specified in the table below:

| 4736 Linscott Avenue | Required | Proposed |
|-----------------------------|-----------------|----------------------------------|
| Frontage | 45 feet | 100 feet |
| Lot Width | 50 feet | 100 feet |
| Lot Depth | 140 feet | 132 feet (existing no change) |
| Lot Area | 7, 500 sq. ft. | 13, 227 sq. ft. |

The petitioner is not proposing any new construction at this time. The proposed consolidation will increase the side yard setback requirement from five feet to ten feet. The petitioner is aware that the existing house, located seven feet from the south side property line, will become a legal nonconforming structure. The petitioner is consolidating the two lots into one larger lot to facilitate construction of an addition to the north side of the existing home. The increase in the side yard setback requirement will allow adequate space for appropriate drainage pattern on the property for any future building addition. Staff believes the proposed lot consolidation is consistent with the Future Land Use Plan and Village Planning documents.

The Plan Commission considered the petition at their March 2, 2009 meeting and found the proposal meets the standards for approval. Based on their findings, the Commission recommended unanimous approval of the Final Plat of Subdivision. Staff concurs with the Plan Commission recommendation.

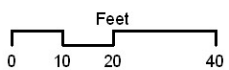
ATTACHMENTS

Aerial Map

Ordinance

Staff Report with attachments dated March 2, 2009

Minutes of the Plan Commission Hearing dated March 2, 2009



4736 Linscott Ave - Lot Consolidation

RESOLUTION _____

**A RESOLUTION APPROVING THE FINAL
PLAT OF RESUBDIVISION FOR 4736 LINSOTT AVENUE**

WHEREAS, application has been made pursuant to the provisions of Chapter 20 of the Downers Grove Municipal Code for the approval of the final Plat of Resubdivision for 4736 Linscott Avenue, located on the West side of Linscott Avenue, approximately 100 feet North of Prairie Avenue, Downers Grove, Illinois, legally described as follows:

Lots 9 and 10 in Block 12 in E. H. Prince and Company's Addition to Downers Grove, being a subdivision in Sections 5, 6, 7 and 8, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded September 30, 1890 as Document 43600, in DuPage County, Illinois.

Commonly known as 4736 Linscott Avenue, Downers Grove, IL (PIN 09-07-205-022,-023)

WHEREAS, notice has been given and hearing held on March 2, 2009 regarding this plat application pursuant to the requirements of the Downers Grove Municipal Code; and,

WHEREAS, the Plan Commission has recommended approval of the final Plat of Subdivision for 4736 Linscott Avenue as requested, subject to certain conditions.

NOW, THEREFORE, BE IT RESOLVED by the Village Council of the Village of Downers Grove that the final Plat of Resubdivision for 4736 Linscott Avenue, be and is hereby approved subject to the following condition:

1. The final Plat of Resubdivision shall substantially conform to the R&J Lawrence Resubdivision plat prepared by Landmark Engineers and Surveyors, dated January 15, 2009 except as such plan may be modified to conform to the Village Codes and Ordinances.

BE IT FURTHER RESOLVED, that the Mayor and Village Clerk are authorized to sign the final plat of subdivision.

BE IT FURTHER RESOLVED, that this resolution shall be in full force and effect from and after its adoption in the manner provided by law.

Mayor

Passed:

Attest: _____
Village Clerk



**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
MARCH 2, 2009 AGENDA**

| SUBJECT: | TYPE: | SUBMITTED BY: |
|----------------------------------|---------------------------|----------------------------------|
| PC-06-09 4736 Linscott Avenue | Final Plat of Subdivision | Damir Latinovic, AICP Planner |

REQUEST

The petitioner is requesting approval of the Final Plat of Subdivision to consolidate two existing lots into one new lot.

NOTICE

The application has been filed in conformance with applicable procedural and public notice requirements.

GENERAL INFORMATION

OWNER/APPLICANT: Rodney & Jennifer Lawrence
4736 Linscott Avenue
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: R-4 Single Family Residence District
EXISTING LAND USE: Residential
PROPERTY SIZE: 13,227 square feet
PINS: 09-07-205-022; -023

SURROUNDING ZONING AND LAND USES

| | ZONING | FUTURE LAND USE |
|---------------|--------------------------------------|---------------------------|
| NORTH: | R-4 Single Family Residence District | Residential (0-6 DU/Acre) |
| SOUTH: | R-4 Single Family Residence District | Residential (0-6 DU/Acre) |
| EAST: | R-4 Single Family Residence District | Residential (0-6 DU/Acre) |
| WEST: | R-4 Single Family Residence District | Residential (0-6 DU/Acre) |

ANALYSIS

SUBMITTALS

This report is based on the following documents, which are on file with the Department of Community Development:

1. Application/Petition for Public Hearing
2. Project Narrative
3. Plat of Survey
4. Final Plat of Subdivision

PROJECT DESCRIPTION

The petitioner is requesting approval of the final plat of subdivision to consolidate two existing lots into one.

The property, commonly known as 4736 Linscott Avenue, is zoned R-4 Single Family Residence district and consists of two 50-foot by 132-foot lots of record. The south lot is improved with a single family residence and a detached garage. The north lot is currently vacant and is used as open green space.

The petitioner, owner of both lots, is proposing to consolidate the two lots into one new larger 100-foot wide by 132-foot deep lot to allow for future addition to the single family home.

COMPLIANCE WITH FUTURE LAND USE PLAN

According to the Future Land Use Plan, the subject property is designated for residential use. By consolidating the two lots into one larger lot, the petitioner will be able to construct an addition to the existing single family home and maintain the property for residential use. Staff believes the proposed lot consolidation is consistent with the Future Land Use Plan and Village planning documents.

COMPLIANCE WITH ZONING ORDINANCE

The property is zoned R-4 Single Family Residence District. Existing residential use is a permitted use in the district. By consolidating the two existing lots on the property into one larger lot, the required side yard setback (ten percent of the lot width) will increase from five feet to ten feet. The petitioner is not proposing any new construction at this time. Any future building addition will have to meet all Zoning Ordinance requirements.

COMPLIANCE WITH THE SUBDIVISION ORDINANCE

The proposed new lot will meet all minimum lot dimension requirements for residential lots. The petitioner has not requested any exceptions from the Subdivision Ordinance. The lot dimensions are specified in the table below:

| 4736 Linscott Avenue | Required | Proposed |
|-----------------------------|-----------------|----------------------------------|
| Frontage | 45 feet | 100 feet |
| Lot Width | 50 feet | 100 feet |
| Lot Depth | 140 feet | 132 feet (existing no change) |
| Lot Area | 7, 500 sq. ft. | 13, 227 sq. ft. |

The proposed lot will include an existing five-foot wide utility easement along the rear property line, and new five-foot wide easements along north and south side property lines which meet the requirement for public utility easements.

NEIGHBORHOOD COMMENT

Staff has not received any written neighborhood comments regarding the proposal at this time.

FINDINGS OF FACT

Staff believes the proposed Final Plat of Subdivision to consolidate the two existing lots into one new lot is consistent with the Zoning and Subdivision Ordinances and other planning objectives of the Village. The proposed consolidation will increase the required side yard setbacks from five feet to ten feet and allow adequate space for appropriate drainage pattern on the property for any future building addition.

RECOMMENDATIONS

The proposed Final Plat of Subdivision to consolidate the two existing lots into one new lot is compatible with surrounding zoning and land use classifications. Staff recommends Plan Commission make a *positive* recommendation for the Final Plat of Subdivision associated with PC 06-09 to the Village Council subject to the following conditions:

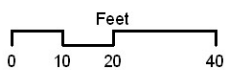
1. The final Plat of Subdivision shall substantially conform to the R&J Lawrence Resubdivision plat prepared by Landmark Engineers and Surveyors, dated January 15, 2009 except as such plan may be modified to conform to the Village Codes and Ordinances.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:dl
-att

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4736 Linscott Ave - Lot Consolidation

Jennifer & Rodney Lawrence
4736 Linscott Ave.
Downers Grove, IL 60515
February 4, 2009

Planning Commission
Village of Downers Grove
801 Burlington Ave.
Downers Grove, IL 60515

Dear Planning Commission:

Please find enclosed our Petition to consolidate our two properties located at 4736 Linscott Ave. in Downers Grove. We wish to consolidate these properties in order to build an addition on the north side of our existing home using both lots. The addition will include a two-car garage, mud room, laundry and an additional second floor study and bathroom. The property PIN numbers are 09-07-205-022 and 09-07-205-023.

For your review, I have enclosed three copies of the Petition for Plan Commission, the plat of surveys for the current properties, a final subdivision plat (eight sets with one smaller set for distribution), mailing labels for the surrounding property owners and a signed copy of the Certification of Public Notice Information. I have also enclosed a check to cover the fees. Please contact me at 630-649-4601 with any questions.

Thank you in advance for your consideration.

Sincerely,



Jennifer Lawrence

PC-06-09 A petition seeking a Final Plat of Subdivision to consolidate two existing lots into one new lot for the property located on the West Side of Linscott Avenue, approximately 100 feet North of Prairie Avenue, commonly known as 4736 Linscott Avenue, Downers Grove (PIN 09-07-205-022-023); Rodney & Jennifer Lawrence/Petitioners/Owners

Mr. Latinovic explained the petition is for the property commonly known as 4736 Linscott Avenue, zoned R-4 Single-Family Residence District which consists of two lots of record, with the south lot improved with a single-family residence and detached garage. The north lot is vacant and is used as open space by the owners. The petitioner wishes to consolidate the two lots into one 100-foot wide by 132-foot deep lot to allow for a future addition to her home without crossing the property line.

Both the Village's Future Land Use Plan and Land Use Map designate the property as Residential. The consolidation will allow the property owner to add an addition onto the northern part of the residence and maintain the property for residential use. The existing Residential use is a permitted use in the district. Also, the consolidation of the two existing lots into one larger lot will increase the side yard setback from five feet to ten feet. To date, no new construction is being proposed by the petitioner, and any future addition will have to meet all Zoning Ordinance requirements.

The proposed new lot will meet all minimum lot dimension requirements. At this time, the petitioner has not requested any exceptions from the Subdivision Ordinance. The new combined lot will include an existing five-foot wide utility easement along the rear property line and new five-foot wide easements along the north and south property lines, which meet the public utility easement requirements.

Staff has not received any comments from the neighbors. Staff believes the proposed Final Plat of Subdivision to consolidate the two existing lots into one new lot is consistent with the Zoning and Subdivision Ordinances and other planning objectives of the Village.

Staff recommends the Plan Commission make a positive recommendation for the Final Plat of Subdivision associated with PC-06-09 to the Village Council subject to the one condition outlined in the Staff Report.

For clarification to the petitioner, Ms. Hamernick asked if the increase in side yard setback would put the house as a legal non-conforming house. Mr. Latinovic did not recall how far the existing house was from the existing south property line but indicated the change in the required side yard setback could create a legal non-conforming structure, if the existing house is not already a nonconforming structure. If the existing house is less than 10 feet from the south property line it would not comply with the new side yard setback and the house becomes a legal nonconforming structure. If the house is damaged by any means past 50% of its value, it would have to be constructed back in full compliance with the current code, which would require a 10-foot setback from the south property line. Mr. Latinovic stated this issue was discussed with the petitioner, and the petitioner is fully aware of the situation.

Mr. Matejczyk inquired about a swimming pool that used to be on this lot and similar situations were pools are constructed on vacant lots adjacent to homes. Mr. Latinovic stated prior to the zoning change in September 2006, multiple lots of records were considered a one zoning lot, and the owners were allowed to cross boundaries within their property and construct accessory

structures, such as pools on vacant but adjacent lots of record. Now, a zoning lot coincides with a lot of record and all structures must be on one lot of record or a special use must be obtained.

Asked how many lot consolidations the Village was seeing, staff stated the Village has been seeing an increase since the change in the Zoning Ordinance in 2006. Mr. Latinovic recalled the consolidations are being created for larger lots and to clean up the smaller, non-conforming lots, which was the Village Council's intent.

Ms. Jennifer Lawrence, petitioner/owner of the property, reiterated her goal was to consolidate the two lots, which she purchased approximately ten years ago. Eventually she would like to add an addition to the north side of the home but keep a large portion of the current yard. As to relocating the driveway after the addition is added, she intends to have an attached garage on the addition given that a driveway cut already exists on the northern property. The second driveway cut would be removed and restored to a yard.

Chairman Jirik opened up the meeting to public comment. There being no public comment, public participation was closed.

Mr. Matejczyk stated that he is familiar with the property and supports the petition to consolidate the lots to allow for future home expansion.

WITH RESPECT TO FILE PC- 06-09, MS. HAMERNICK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL FOR THE FINAL PLAT OF SUBDIVISION, SUBJECT TO THE FOLLOWING CONDITION:

- **THE FINAL PLAT OF SUBDIVISION SHALL SUBSTANTIALLY CONFORM TO THE R&J LAWRENCE RESUBDIVISION PLAT PREPARED BY LANDMARK ENGINEERS AND SURVEYORS, DATED JANUARY 15, 2009 EXCEPT AS SUCH PLAN MAY BE MODIFIED TO CONFORM TO THE VILLAGE CODES AND ORDINANCES.**

MR. WAECHTLER SECONDED THE MOTION.

ROLL CALL:

AYE: MRS. HAMERNICK, MR. WAECHTLER, MR. BEGGS, MR. COZZO, MR. MATEJCZYK, MR. QUIRK, MRS. RABATAH, MR. WEBSTER, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 9-0