

**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE VILLAGE COUNCIL MEETING  
DECEMBER 7, 2010 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
Special Use for 6092 Chase Avenue	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

**SYNOPSIS**

A Special Use ordinance has been prepared for 6092 Chase Avenue for the construction of an accessory structure (gazebo).

**STRATEGIC PLAN ALIGNMENT**

The Goals 2013 identified *Preservation of Our Residential and Neighborhood Character*.

**FISCAL IMPACT**

N/A.

**UPDATE & RECOMMENDATION**

This item was discussed at the November 16, 2010 Council meeting. Staff recommends approval on the December 7, 2010 active agenda.

**BACKGROUND**

The 21,780-square foot property is zoned R-4 Single Family Residence. The property consists of three (3) adjacent lots of record all owned by the petitioner. There is a single family home with rear deck and a two-car detached garage on the middle lot. The north and south lots do not contain any structures. The petitioner is proposing to build a new gazebo on the north lot.

Residential accessory structures, such as a gazebo, may only be built on a lot which contains a principal structure (e.g. a house), or on a vacant lot adjacent to a second lot which contains a principal structure provided both lots are held in common ownership. In the latter situation, accessory structures may be constructed provided a Special Use is granted by the Village Council.

To be eligible for the Special Use, the two adjacent lots 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% 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 132-foot lot line.

The gazebo will be screened by an existing six-foot high solid fence located around the north lot. The proposed gazebo will meet the bulk requirements of the Zoning Ordinance as outlined in the table below:

<b>6092 Chase Avenue</b>	<b>Required</b>	<b>Proposed</b>
Front Setback	25 ft.	78 ft.
Side Setback	5 ft.	21.5 ft.
Rear Setback	5 ft.	42 ft.
Height	23 ft.	13.6 ft.
Size	1,000 sq. ft. maximum	113 sq. ft.

All standards for the Special Use have been met. The proposal is consistent with the intent of the Future Land Use Plan to maintain the property for residential use and will not diminish the value of the surrounding properties. The proposed accessory structure would compliment the residential uses in the vicinity and will not have an adverse impact on health, safety and welfare, or the existing trend of development in the neighborhood.

The Plan Commission considered the petition at their November 1, 2010 meeting. The Plan Commission found the petition met Special Use standards and recommended approval of the petition. Staff concurs with the Plan Commission recommendation.

**ATTACHMENTS**

Aerial Map

Ordinance

Staff Report with attachments dated November 1, 2010

Minutes of the Plan Commission Hearing dated November 1, 2010

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

**INITIATED:** \_\_\_\_\_ **Applicant** \_\_\_\_\_ **DATE:** \_\_\_\_\_ **December 7, 2010** \_\_\_\_\_  
(Name)

**RECOMMENDATION FROM:** \_\_\_\_\_ **FILE REF:** \_\_\_\_\_ **PC-16-10** \_\_\_\_\_  
(Board or Department)

**NATURE OF ACTION:**

- Ordinance
- Resolution
- Motion
- Other

**STEPS NEEDED TO IMPLEMENT ACTION:**

Motion to Adopt “AN ORDINANCE AUTHORIZING A SPECIAL USE TO PERMIT CONSTRUCTION OF AN ACCESSORY STRUCTURE ON A LOT OF RECORD PRIOR TO THE CONSTRUCTION OF A PRINCIPAL STRUCTURE”, as presented.

**SUMMARY OF ITEM:**

Adoption of the attached ordinance will authorize a special use to permit construction of an accessory structure on a lot of record prior to the construction of a principle structure at 6092 Chase Avenue.

**RECORD OF ACTION TAKEN:**

---

---

---

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

**AN ORDINANCE AUTHORIZING A SPECIAL USE  
TO PERMIT CONSTRUCTION OF AN ACCESSORY STRUCTURE ON A LOT  
OF RECORD PRIOR TO THE CONSTRUCTION OF A PRINCIPAL STRUCTURE**

WHEREAS, the following described property, to wit:

Lots 17, 18 and 19 in Block 8 in Downers Grove Park, being a subdivision of part of the South half of Section 13, Township 38 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded March 23, 1927 as Document 232126 in DuPage County, Illinois

Commonly known as 6092 Chase Avenue Downers Grove, Illinois (PIN #'s 08-13-404-018, -019, -020).

(hereinafter referred to as the "Property") is presently zoned "*R-4 -Single Family Residence*" 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 28.508 of the Zoning Ordinance be granted to permit construction of an accessory structure on a lot of record prior to the construction of a principle structure.

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 construction of an accessory structure on a lot of record prior to the construction of a principle structure.

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

1. The proposed gazebo shall substantially conform to the plans and specifications attached to Staff Report dated November 1, 2010, except as such plans may be changed to conform to Village codes, ordinances, and policies.

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.

---

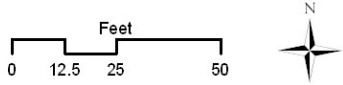
Mayor

Passed:

Published:

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

Village Clerk



6092 Chase Avenue



**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
NOVEMBER 1, 2010 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
PC-16-10 6092 Chase Avenue	Special Use for an Accessory Structure on a Vacant Lot	Damir Latinovic, AICP Planner

**REQUEST**

The petitioner is requesting Special Use approval to construct an accessory structure on a lot of record prior to the construction of a principal structure.

**NOTICE**

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

**GENERAL INFORMATION**

---

**OWNER/APPLICANT:** Michael W. McClement  
6092 Chase Avenue  
Downers Grove, IL 60516

**PROPERTY INFORMATION**

---

**EXISTING ZONING:** R-4, Single Family Residence  
**EXISTING LAND USE:** Residential  
**PROPERTY SIZE:** 21,780 square feet  
**PIN:** 08-13-404-018-019-020

**SURROUNDING ZONING AND LAND USES**

	<b>ZONING</b>	<b>FUTURE LAND USE</b>
<b>North:</b>	R-4, Single Family Residence	Residential (0-6 D.U./Acre)
<b>South:</b>	R-4, Single Family Residence	Residential (0-6 D.U./Acre)
<b>East:</b>	R-4, Single Family Residence	Residential (0-6 D.U./Acre)
<b>West:</b>	R-4, Single Family Residence	Residential (0-6 D.U./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 Summary
3. Plat of Survey
4. Gazebo Drawing

**PROJECT DESCRIPTION**

The subject property is located on the west side of Chase Avenue north of 61<sup>st</sup> Street. The 21,780-square foot property is zoned R-4 Single Family Residence. The property consists of three (3) adjacent lots of record all owned by the petitioner. There is a single family home with rear deck and a two-car detached garage on the middle lot. The north and south lots do not contain any structures. The petitioner is proposing to build a new 13.6-foot high 113-square foot gazebo on the north 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, an accessory structure 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 lots 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% 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 132-foot lot line.

The 13.6-foot high gazebo would be located approximately 78 feet from the front property line and approximately 21.5 feet from side lot lines. A six-foot high solid fence located around the north lot will screen the gazebo on all sides.

**COMPLIANCE WITH FUTURE LAND USE PLAN**

According to the Future Land Use Plan, the subject property is designated as Residential at a density of 0-6 dwelling units per acre. The proposed accessory structure would compliment the residential uses in the vicinity. The proposal is consistent with the intent of the Future Land Use Plan and will not diminish the value of surrounding properties.

**COMPLIANCE WITH ZONING ORDINANCE**

The property is zoned R-4, Single Family Residential. An accessory structure located on a lot prior to the construction of a principal structure is an allowable special use in the R-4 district provided the three criteria listed above are met. The property meets the requirements and is eligible for consideration of the special use. The proposed gazebo will meet the bulk requirements of the Zoning Ordinance as outlined in the table below:

<b>6092 Chase Avenue</b>	<b>Required</b>	<b>Proposed</b>
Front Setback	25 ft.	78 ft.
Side Setback	5 ft.	21.5 ft.
Rear Setback	5 ft.	42 ft.
Height	23 ft.	13.6 ft.
Size	1,000 sq. ft. maximum	113 sq. ft.

**NEIGHBORHOOD COMMENT**

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

**FINDINGS OF FACT**

Staff believes the standards for the special use outlined below have been met. Staff believes the proposed



use is compatible with the surrounding area and will not have an adverse impact on the development or the existing trend of development in the neighborhood. As such, staff is recommending approval of the special use.

***Section 28.1902 Standards for Approval of Special Uses***

*The Village Council may authorize a special use by ordinance provided that the proposed Special Use is consistent and in substantial compliance with all Village Council policies and land use plans, including but not limited to the Comprehensive Plan, the Future Land Use Plan and Master Plans and the evidence presented is such as to establish the following:*

- (a) That 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.*
- (b) That such 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.*
- (c) That 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 or will comply with any variation(s) authorized pursuant to Section 28-1802.*
- (d) That it is one of the special uses specifically listed for the district in which it is to be located.*

**RECOMMENDATIONS**

---

The proposed special use for the construction of a gazebo at 6092 Chase Avenue is compatible with the surrounding zoning and land use classifications. Based on the findings listed above, staff recommends that the Plan Commission make a positive recommendation to the Village Council regarding this petition subject to the following conditions:

1. The proposed gazebo shall substantially conform to the plans and specifications attached to this report except as such plans may be changed to conform to Village codes, ordinances, and policies.

Staff Report Approved By:

---

Tom Dabareiner, AICP  
Director of Community Development

TD:dl  
-att



**Michael McClement**

6092 Chase Ave  
Downers Grove, IL 60516  
630 964-1458

Dear Plan Commission,

I own 3 adjacent lots At 6092 Chase Ave in Downers Grove.

I would like to obtain a Special Use Permit to construct a gazebo on the Northern lot. My house is on the middle lot and the property line is contiguous for 132'. There is no room to build a gazebo on the middle lot (principal structure lot) because of a garage and driveway in the back and a huge 35+ year Lilac.

My wife has her hummingbird and butterfly garden on the Northern lot and would like a gazebo to take breaks while tending her flowers. She has a bad back and wants something close. It would also provide a place to sit and observe the birds and butterflys as they visit the flowers.

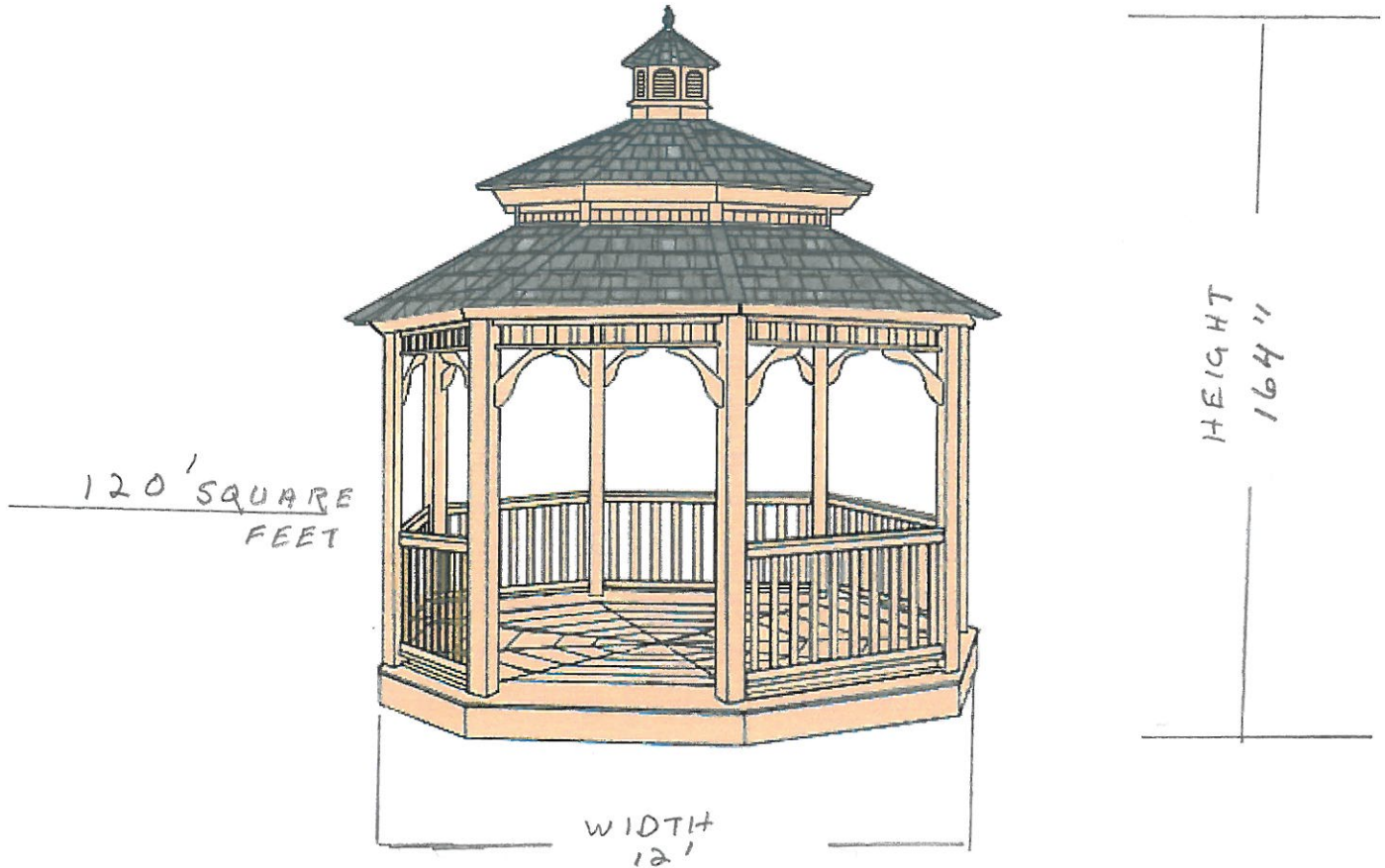
The gazebo would not be detrimental to the neighborhood in any way. There is a 6' privacy fence around the Northern lot and it cannot even be viewed from the street. It would be totally enclosed and meet all the zoning regulations of the Village.

Also, prior to the sale of the properties, if they are not sold together to a single entity, I will dismantle the gazebo.

Regards,

Michael McClement

Amish Country Gazebos - 1.800.700.1777



**YOUR GAZEBO**

**SIZE : 12 FT.**

**MATERIAL : WOOD**

**ROOF : PAGODA**

**SHINGLES : ASPHALT**

**CORNICE : STRAIGHT**

**BRACES : STANDARD**

**POSTS : STRAIGHT**

**STRAIGHT BALUSTERS**

**SCREEN PKG. : YES**

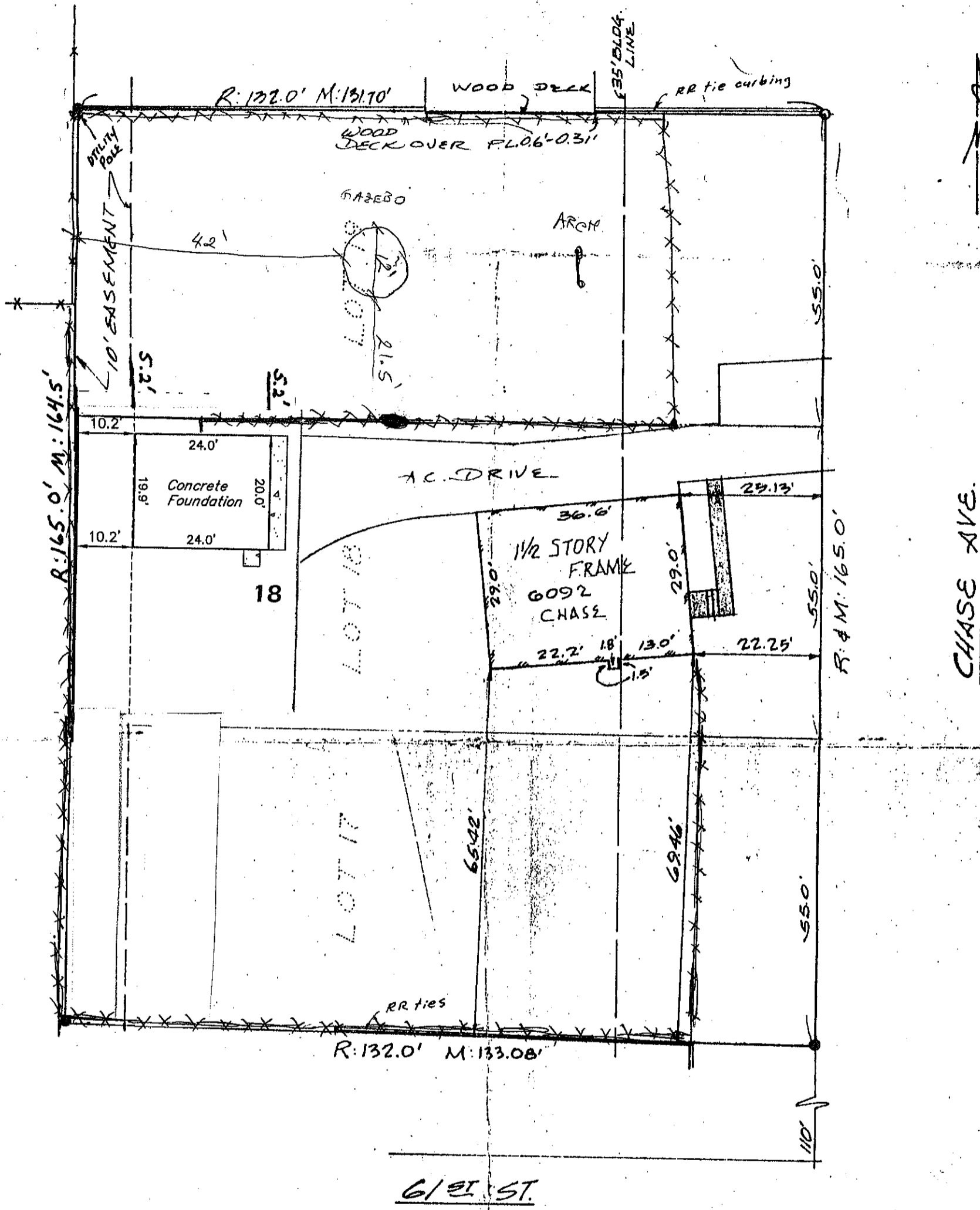
**ELECTRICAL PKG. : YES**

**BENCH SECTIONS : NONE**

**CLEAR WOOD FINISH**

# PLAT OF SURVEY

Of Lots 17, 18 and 19 in Block 8 in Downers Grove Park, being a subdivision of part of the South half of Section 13, Township 38 North, Range 10, East of the Third Principal Meridian, according to the plat thereof recorded March 23, 1927 as Document 232126 in Du Page County, Illinois.



SCHLAF-SEDIG & ASSOCIATES  
100 South Walnut St.  
Itasca, Illinois 60143  
(312) 773-1761

State of Illinois )  
County of Du Page )

Scale 1" = feet

I hereby certify that the above described property has been surveyed, under my supervision, according to the official record and that the above plat correctly represents said survey. All distances are in feet and decimals thereof.

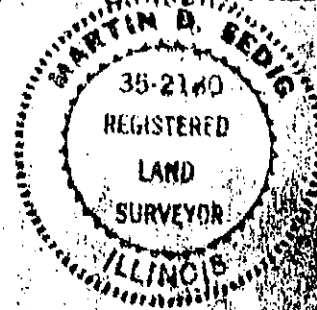
Date of Survey

I hereby further certify that unless otherwise shown, the buildings on the parcel are within property lines and the adjoining improvements do not encroach on the above described property.

**Legend**

- R= record distance
- M= measured distance
- D= deed
- CH= chord
- Found pipe
- Set pipe
- Concrete shown shaded
- Fence line
- Limits of building

*Martin D. Sedig*  
Compare the description of this plat with deed. Refer to title policy for items of record not shown above.











VILLAGE OF SUNNERS GROVE  
PUBLIC HEARING NOTICE  
PLAN COMMISSION  
REGARDING THIS PROPERTY REQUESTING  
**SPECIAL USE**  
DATE: 11-1-10  
TIME: 7:00 PM  
LOCATION: VILLAGE HALL  
FOR MORE INFORMATION CONTACT THE VILLAGE ENGINEER AT 848-5010







DRAFT

VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING  
PUBLIC HEARING

NOVEMBER 1, 2010, 7:00 P.M.

**PC-16-10** A petition seeking a Special Use approval for an accessory structure on a vacant lot for property located on the west side of Chase Avenue approximately 220 feet north of 61<sup>st</sup> Street commonly known as 6092 Chase Avenue, Downers Grove, Illinois (PIN # 08-13-404-018); Michael McClement, Petitioner/Owner.

Chairman Pro tem Webster swore in those individuals who would be speaking on File PC-16-10.

Mr. Latinovic described the location of the R-4 Single-Family (21,780 sq. foot) property, noting it was on the west side of Chase Avenue just north of 61<sup>st</sup> Street. The property, comprising three lots of record and owned by one property owner, currently has on it a single-family residence with detached garage both located on the middle lot. The north and south lots are used as open space. He stated the petitioner was seeking approval for a Special Use in order to construct a gazebo on the north lot. Mr. Latinovic explained that in order to meet the Zoning Ordinance, the request had to meet the following three conditions:

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

Mr. Latinovic confirmed all three conditions are met in this case.

Mr. Latinovic explained that the proposed 13-1/2 foot high gazebo will be located on the northern lot approximately 42 feet from the rear lot line and approximately 21 feet from the north and south lot lines. The accessory structure would complement the residential uses in the area and maintain the property as a residential use. He stated the proposal is consistent with the intent of the Future Land Use Plan and would not diminish the value of the surrounding properties. The gazebo meets all zoning requirements, bulk regulations, and satisfied the above three conditions, as stated. To date, no comments had been received from the neighbors; just general phone call inquiries. Based on staff's findings, the use is compatible with the surrounding area and would not adversely affect the neighborhood or trend of the development. Staff recommended that the Plan Commission forward a positive recommendation to the Village Council subject to the one (1) condition listed in staff's report.

No comments followed from the commissioners.

Mr. Michael McClement, 6092 Chase Avenue, petitioner and owner, stated he was adding a gazebo for his wife. He did not receive comments from any of his neighbors. He currently has a six-foot fence surrounding three sides of the north lot. His wife has a garden and she wanted a place to sit in the shade and rest. He stated that from the sidewalk, no one would be able to see the gazebo due to

DRAFT

the six-foot high fence. Per a question, Mr. McClement does plan on running electric to the gazebo for lighting.

Staff confirmed with Mr. Waechtler that if the property was sold, the petitioner did not have to dismantle the gazebo, but Mr. Latinovic stated a condition to do so could be added by the Plan Commission or the Village Council.

Vice Chairman Webster opened up the mater to public comment. No public comments followed. Public comment was closed. Mr. McClement did not have a closing comment.

**WITH RESPECT TO FILE PC-16-10, MRS. RABATAH MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL, SUBJECT TO THE FOLLOWING CONDITION:**

- 1) THE PROPOSED GAZEBO SHALL SUBSTANTIALLY CONFORM TO THE PLANS AND SPECIFICATIONS ATTACHED TO THE STAFF REPORT DATED NOVEMBER 1, 2010 EXCEPT AS SUCH PLANS MAY BE MODIFIED TO CONFORM TO VILLAGE CODES, ORDINANCES, AND POLICIES.**

**SECONDED BY MR. BEGGS.**

**ROLL CALL:**

**AYE: MRS. RABATAH, MR. BEGGS, MR. MATEJCZYK, MR. WAECHTLER, MR. WEBSTER**

**NAY: NONE**

**MOTION PASSED. VOTE: 5-0**

/s/ Celeste K. Weilandt  
Celeste K. Weilandt  
(As transcribed by MP-3 audio)