

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
SEPTEMBER 18, 2012 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
Zoning Ordinance Map Amendment - 4634 Roslyn Road	Resolution ✓ Ordinance Motion Discussion Only	Tom Dabareiner, AICP Community Development Director

SYNOPSIS

An ordinance has been prepared to permit a zoning ordinance map amendment to rezone the subject property, commonly known as 4634 Roslyn Road, from R-1 Single Family Residence to R-4 Single Family Residence.

STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 identified *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

UPDATE & RECOMMENDATION

This item was discussed at the September 4, 2012 Village Council meeting. Staff recommends approval on the September 18, 2012 Active Agenda.

BACKGROUND

The petitioner has requested to rezone the property to R-4, Single Family Residence to construct a new detached garage. The 24,375-square foot property is currently zoned R-1 Single Family Residence and is improved with an owner-occupied single family residence, detached garage and above-ground pool. The R-4 zoning classification allows the owner to construct the accessory structure (the garage) with less stringent setback requirements.

The R-4 zoning district is the predominant zoning designation in the area. Of the 35 parcels located on this block of Roslyn Road, 32 are zoned R-4 while the three remaining parcels are zoned R-1. The properties to the north, east and west of the subject property are zoned R-4 Single Family Residence. The property immediately south of the subject property is zoned R-1 Single Family Residence.

As a result of the rezoning, some of the setback requirements will change to be consistent with the surrounding properties in the R-4 district. The bulk requirements are outlined in the table below:

4634 Roslyn Road	Existing Site Conditions	R-1 District Bulk Requirements	R-4 District Bulk Requirements
Lot Area	24,375 square feet	20,000 square feet	7,500 square feet
Lot Width	60 feet	100 feet	50 feet

Front Setback	40 feet	40 feet	25 feet
Side Setback	9.7 feet	7 feet	6 feet
Rear Setback	339.7 feet	20 feet	20 feet
Accessory Structure Setback	2.3 feet	6 feet	5 feet
Height	20 feet (estimate)	35 feet	33 feet
Lot Coverage	2,160 square feet	32% (7,800 square feet)	32% (7,800 square feet)

Staff believes the proposed rezoning is consistent with the Comprehensive Plan. The Comprehensive Plan notes the property is located within the single family traditional grid residential area. The traditional grid provides a uniform layout with standard street and lot widths. The Comprehensive Plan recommends residential areas provide a variety of housing and dwelling unit types and densities, generally organized by dwelling types and lot sizes.

An R-4 zoning designation would be consistent with other properties in the neighborhood. Staff believes the proposed R-4 Single Family Residence zoning classification is appropriate for this property.

The Plan Commission considered the petition at their August 6, 2012 meeting. No public comments were received at the hearing. The Commission found that the request met the standards for approval of amendments to the Zoning Ordinance. Based on their findings, the Plan Commission recommended unanimous approval of the rezoning request. Staff concurs with the Plan Commission recommendation.

ATTACHMENTS

Aerial Map

Resolution

Staff Report with attachments dated August 6, 2012

Minutes of the Plan Commission Hearing dated August 6, 2012

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE
OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, CODIFIED AS
CHAPTER 28 OF THE DOWNERS GROVE MUNICIPAL CODE, AS AMENDED
TO REZONE PROPERTY LOCATED AT 4634 ROSLYN ROAD**

WHEREAS, the real estate located on the west side of Roslyn Road, approximately 192 feet north of Chicago Avenue, hereinafter described has been classified as "R-1 Single-Family Residence" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and,

WHEREAS, the owner or owners of said real estate have requested that such property be rezoned as hereinafter provided; and

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 on August 6, 2012 and has made its findings and recommendations respecting said requested rezoning in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, making due allowance for existing conditions, the conservation of property values, the development of the property in conformance to the official Comprehensive Plan of the Village of Downers Grove, and the current uses of the property affected, the Council has determined that the proposed rezoning is for the public good.

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

SECTION 1. The Comprehensive Zoning Ordinance of the Village of Downers Grove, Illinois, codified as Chapter 28 of the Downers Grove Municipal Code (which ordinance as heretofore amended, is hereinafter referred to as the "Zoning Ordinance"), is hereby further amended by changing to "R-4, Single Family Residence" the zoning classification of the following described real estate, to wit:

The North 1/2 of Lot 7 in Block 2 in Arthur T. McIntosh and Company's East Grove Acres, being a subdivision of the East 1,317.36 feet of the South 1,017.72 feet of the Southwest 1/4 of Section 4, also the East 1,317.36 feet of that part of the Northwest 1/4 of Section 9, lying North of the center of Naperville Road, all in Township 38 North, Range 11 East of the Third Principal Meridian, according to the plat thereof recorded October 27, 1920 as Document 14498 and Certificate of Correction filed November 17, 1920 as Document 145282, in DuPage County, Illinois.

Commonly known as 4634 Roslyn Road, Downers Grove, IL (PIN 09-04-311-043)

SECTION 2. The official zoning map shall be amended to reflect the change in zoning classification effected by Section 1 of this ordinance, subject to the following conditions:

1. Any changes to the conditions represented by the Petitioner as the basis for this petition, whether those changes occur prior to or after Village approval, shall be promptly reported to the Village. The Village reserves the right to re-open its review process upon receipt of such information; and

2. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

SECTION 3. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

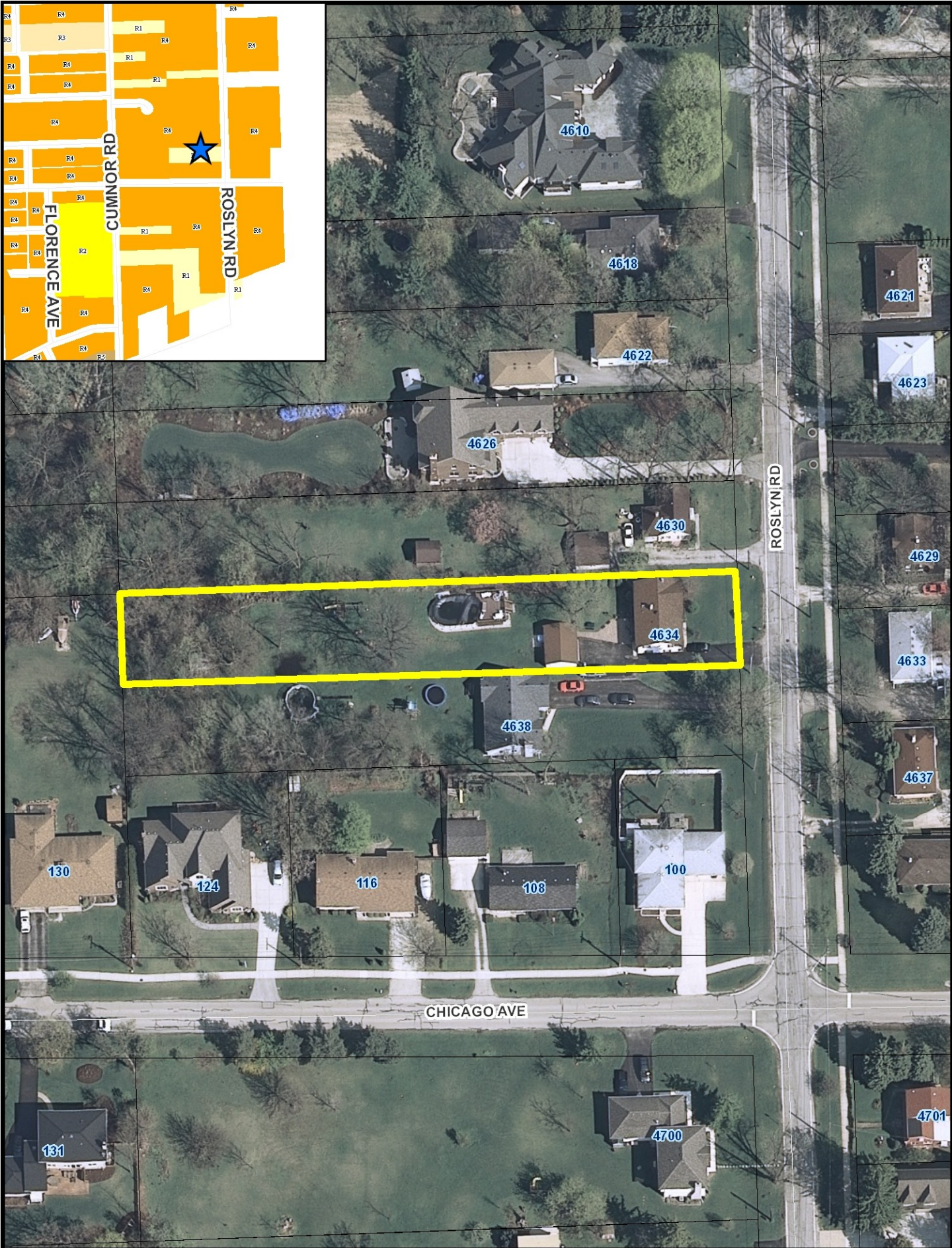
SECTION 4. This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

Mayor

Passed:

Published:

Attest: _____
Village Clerk



0 25 50 75 100 Feet

4634 Roslyn Road Location Map





**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
AUGUST 6, 2012 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
PC-26-12 4634 Roslyn Road	Zoning Ordinance Map Amendment	Stan Popovich, AICP Planner

REQUEST

The petitioner is requesting a Zoning Ordinance Map Amendment to rezone the subject property from R-1, Single Family Residential to R-4, Single Family Residential.

NOTICE

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

GENERAL INFORMATION

APPLICANT\OWNER: Sean and Elizabeth Fleming
4634 Roslyn Road
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: R-1, Single Family Residential
EXISTING LAND USE: Single Family Residential
PROPERTY SIZE: 24,375 square feet
PINS: 09-04-311-043

SURROUNDING ZONING AND LAND USES

	ZONING	FUTURE LAND USE
NORTH:	R-4, Single Family Residential	Single Family Residential
SOUTH:	R-1, Single Family Residential	Single Family Residential
EAST:	R-4, Single Family Residential	Single Family Residential
WEST:	R-4, Single Family Residential	Single Family Residential

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. Zoning Map and Ordinance
3. Proposal Narrative
4. Plat of Survey

PROJECT DESCRIPTION

The 60-foot wide by 406-foot deep property, commonly known as 4634 Roslyn Road, is located on the west side of Roslyn Road approximately 192 feet north of Chicago Avenue. The property is zoned R-1, Single Family Residential and is currently improved with a single family home, detached garage and above-ground pool with an accompanying deck. The petitioner is requesting to rezone the property to R-4, Single Family Residential so that the property is consistent with surrounding zoning classifications and to take advantage of less restrictive accessory structure setbacks.

This block of Roslyn Road consists of 35 total lots that are between 50 feet and 120 feet wide. Of these lots, 32 of them are zoned R-4, Single Family Residential. Only three lots (4542, 4634 and 4638 Roslyn Road) are zoned R-1 Single Family residential. Additionally, parcels located immediately west of the subject property are also zoned R-4.

The petitioner is proposing to construct a garage addition in the near future but no other improvements are planned at this time. Under the current R-1 classification, the garage addition would have to be six feet from the side property line. Under an R-4 classification, the garage addition can be five feet from the side property line. The petitioner wishes to take advantage of the five-foot accessory structure setback allowed within the R-4 zoning classification.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The Residential Area Plan section of the Comprehensive Plan identifies the property being within the single family traditional grid residential area. The traditional grid provides a uniform layout with standard street and lot widths. The subject single family property is similar in lot size and width to adjacent residential lots. The Comprehensive Plan recommends residential areas provide a variety of housing and dwelling unit types and densities, generally organized by dwelling types and lot sizes as identified in the Land Use Plan. Staff believes the proposed rezoning of the property from R-1 to R-4 is consistent with the Comprehensive Plan.

COMPLIANCE WITH THE ZONING ORDINANCE

The property is zoned R-1, Single Family Residential. A single family home and associated accessory structures are permitted uses in this district. The petitioner is proposing to rezone the property so that it is consistent with surrounding zoning classifications and to take advantage of the less restrictive accessory structure setback requirements of the R-4 zoning district.

The existing site conditions and bulk requirements of both the R-1 and R-4 zoning classification are compared in the table below:

4634 Roslyn Road	Existing Site Conditions	R-1 District Bulk Requirements	R-4 District Bulk Requirements
Lot Area	24,375 square feet	20,000 square feet	7,500 square feet
Lot Width	60 feet	100 feet	50 feet
Front Setback	40 feet	40 feet	25 feet
Side Setback	9.7 feet	7 feet	6 feet
Rear Setback	339.7 feet	20 feet	20 feet
Accessory Structure Setback	2.3 feet	6 feet	5 feet
Height	20 feet (estimate)	35 feet	33 feet
Lot Coverage	2,160 square feet	32% (7,800 square feet)	32% (7,800 square feet)

The petitioner is proposing an addition to their existing garage. The rezoning would allow the addition to be five feet from the property line.

Staff believes the proposed R-4, Single Family Residential zoning classification is appropriate for this property and is consistent with the zoning classifications in the area.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners 250 feet or less from the property in addition to posting the public hearing notice sign and publishing the legal notice in the *Downers Grove Reporter*. Staff spoke with two residents who expressed no concerns regarding this petition.

FINDINGS OF FACT

Section 28.1702 Standards for Approval of Amendments to the Zoning Ordinance

Village Council and Plan Commission consideration and approval of any amendment, whether text or map, is a matter of legislative discretion that is not controlled by any one standard. However, in making its decisions and recommendations regarding map amendments, the Village Council and Plan Commission shall consider the following factors:

(1) *The existing uses and zoning of nearby property.*

The property is located in a single family neighborhood with lot widths ranging from 50 feet to 120 feet. The subject property, the property immediately south of the subject property and one additional property located 540 feet to the north are zoned R-1. The remaining 32 lots within this block of Roslyn Road are zoned R-4. Staff believes the exiting single family use and the change to R-4 zoning are both consistent with the single family neighborhood along this block of Roslyn Road. Staff believes this standard has been met.

(2) *The extent to which the particular zoning restrictions affect property values.*

The zoning restrictions will not negatively affect property values. By rezoning from R-1 to R-4, the property owner will be able to take advantage setback requirements that are more appropriate for a 60-foot wide property. The less restrictive setback requirements may enhance property values as a future redevelopment of the site would allow a 48-foot wide house in the R-4 district compared to a 46-foot wide house in the R-1 district. Staff believes this standard has been met.

(3) *The extent to which any determination in property value is offset by an increase in the public health, safety and welfare.*

The proposed rezoning will not impact property values or the public health, safety and welfare of the community or neighborhood. Staff believes this standard has been met.

(4) *The suitability of the subject property for the zoned purposes.*

The property is currently zoned single family residential and as proposed will remain a single family residential classification. Typically, properties located within the R-1 zoning classification are at least 100 feet wide, while properties located within the R-4 zoning classification are typically 50 to 60 feet wide. As such, the width of the subject property is more consistent with properties zoned R-4 than properties zoned R-1. The R-4 zoning regulations are more appropriate for this parcel. Staff believes this standard has been met.

(5) *The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity.*

The property is improved with an owner-occupied single family home. The rezoning will allow the subject property to be consistent with the R-4 zoning that is already prevalent in within the neighborhood. Additionally, R-4 zoning is more appropriate than R-1 zoning for 60-foot wide parcels. Staff believes this standard has been met.

(6) *The value to the community of the proposed use.*

The existing and future single family residential use provides value to the community as part of the Village's overall quality housing stock. The Comprehensive Plan identifies quality housing stock as being the most important factor that contributes to the Village's character and identity. Staff believes this standard has been met.

(7) *The standard of care with which the community has undertaken to plan its land use development.*

The Village has carefully planned its land use development as evidenced by the recent adoption of the Comprehensive Plan. Staff believes this standard has been met.

RECOMMENDATIONS

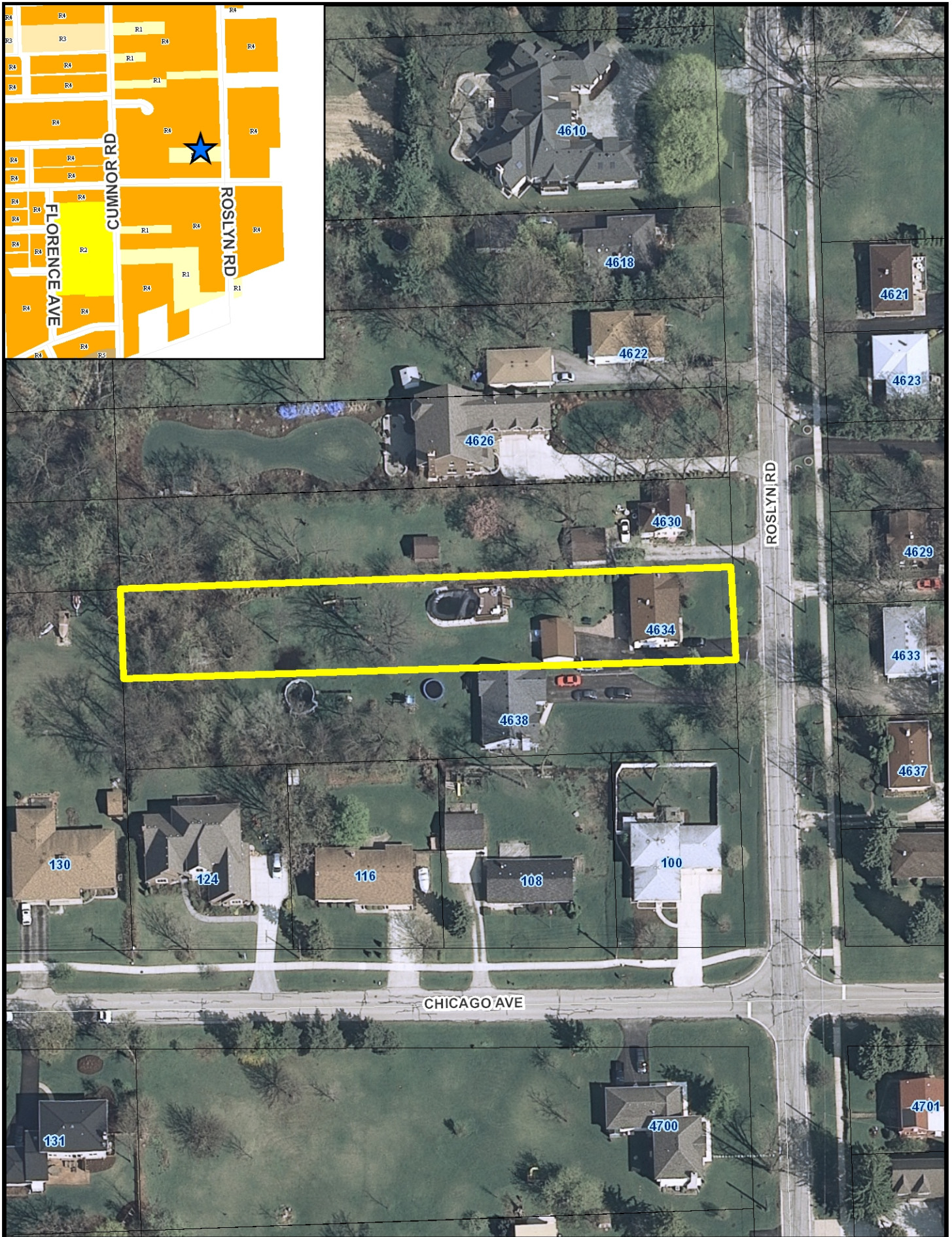
The proposed rezoning of the property is compatible with surrounding zoning and land use classifications. Based on the findings listed above, staff recommends the Plan Commission make a positive recommendation to the Village Council regarding this petition.

Staff Report Approved By:

Tom Dabareiner, AICP
Director of Community Development

TD:sp
-att

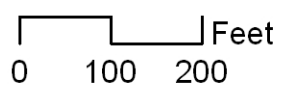
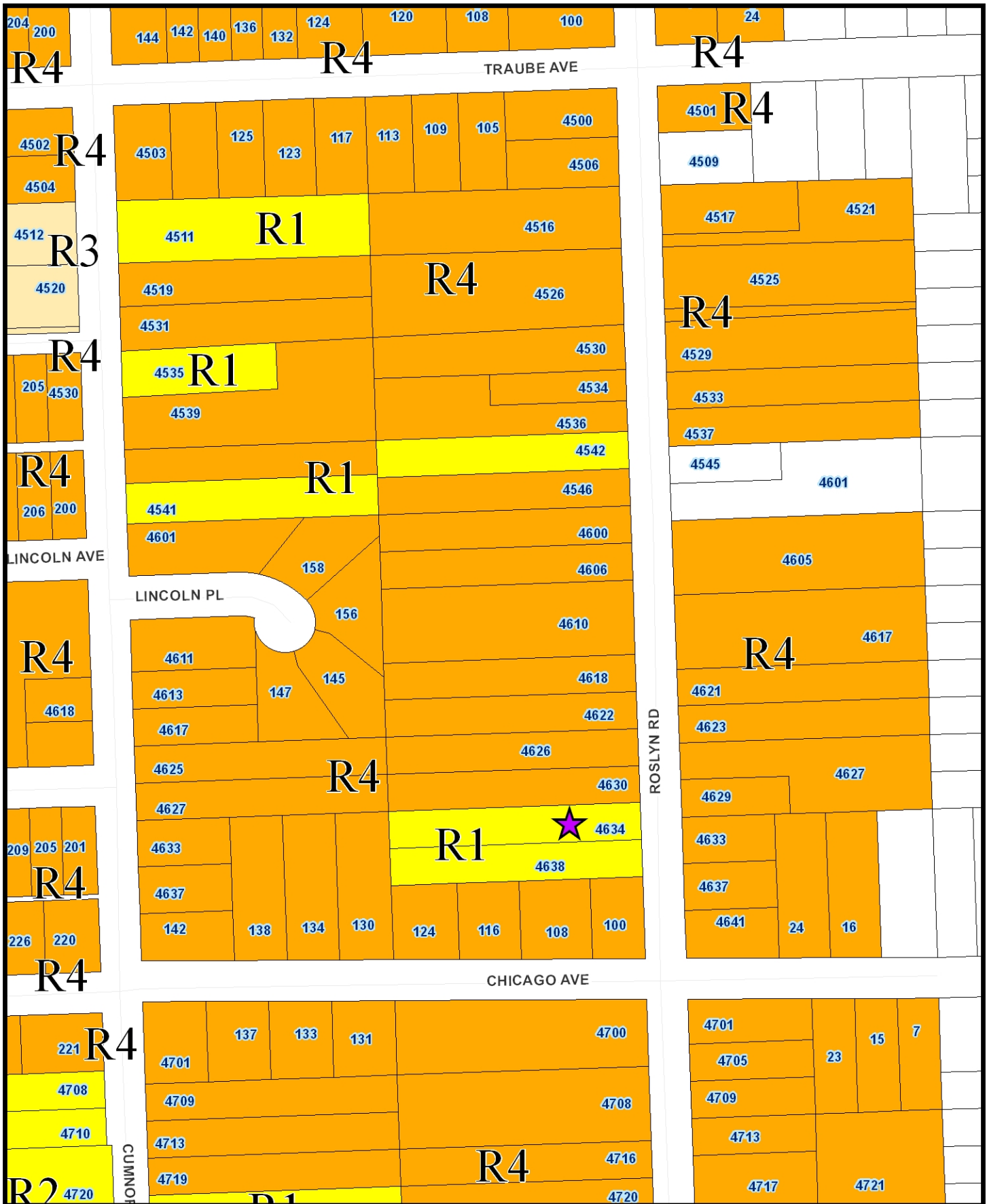
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0 25 50 75 100 Feet

4634 Roslyn Road Location Map





4634 Roslyn Road - Zoning Map

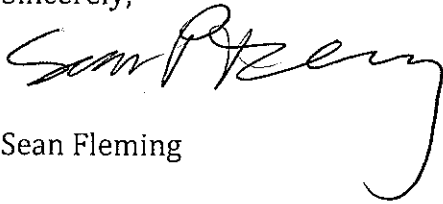


To Whom It May Concern:

My name is Sean Fleming, and I am writing to request a zoning change for my property, 4634 Roslyn Rd., parcel number 04-09-311-043. With the exception of my neighbor just to the south, the homes in my neighborhood are zoned as R-4, while my home is zoned as R-1. As my lot is only 60 feet wide, I feel that R-4 zoning is more applicable to my lot size and will best align my property with the rest of the neighborhood. Additionally, I am building a new garage and would like to take advantage of the 5-foot setback allowed on a property zoned as R-4.

Thank you in advance for considering approving a zoning change for 4634 Roslyn Rd.

Sincerely,

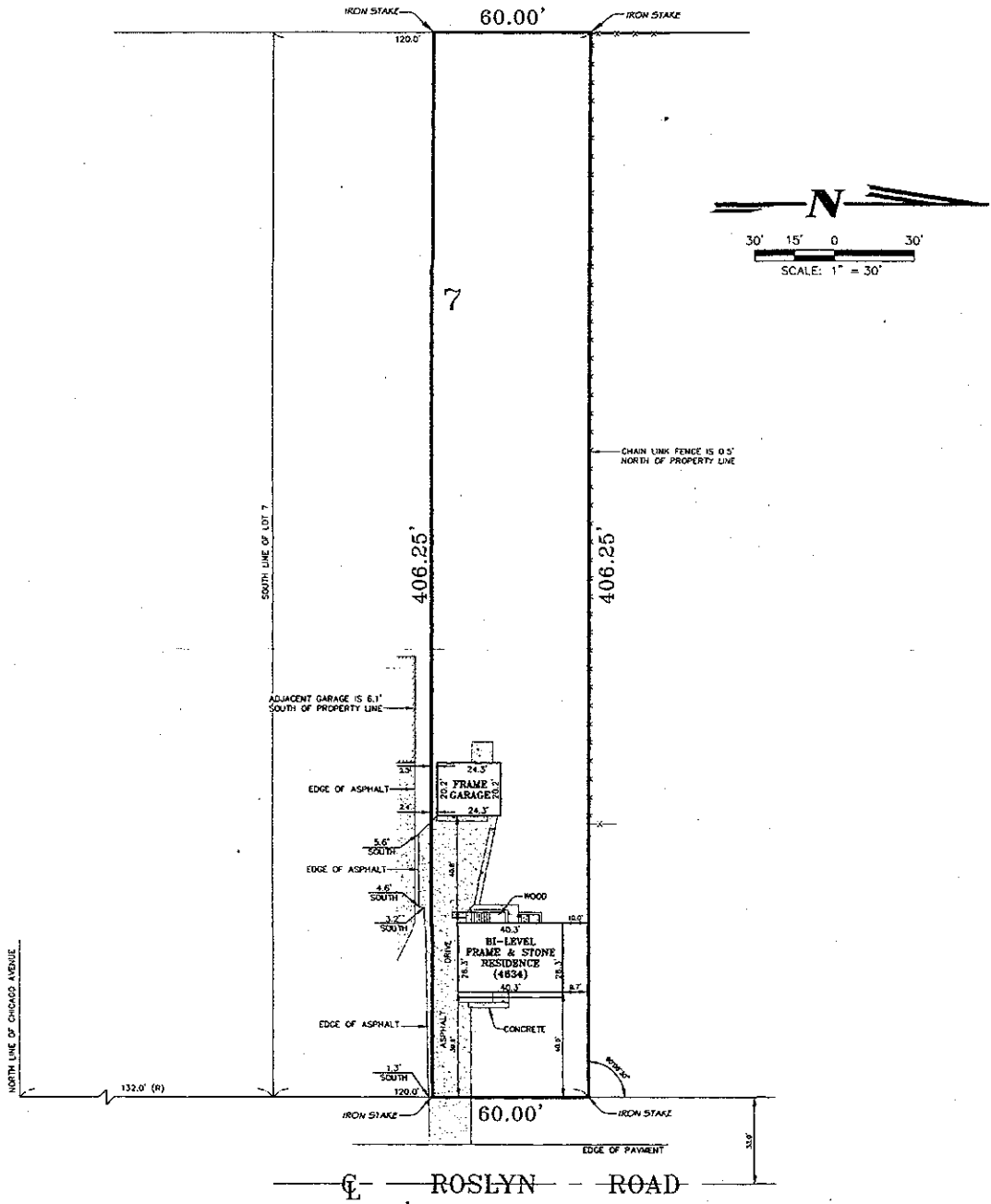
A handwritten signature in black ink that reads "Sean Fleming". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

Sean Fleming

PLAT OF SURVEY

OF

THE NORTH 1/2 OF LOT 7 IN BLOCK 2 IN ARTHUR T. MCINTOSH AND COMPANY'S EAST GROVE ACRES, BEING A SUBDIVISION OF THE EAST 1,317.36 FEET OF THE SOUTH 1,017.72 FEET OF THE SOUTHWEST 1/4 OF SECTION 4, ALSO THE EAST 1,317.36 FEET OF THAT PART OF THE NORTHWEST 1/4 OF SECTION 9, LYING NORTH OF THE CENTER OF MAPERVILLE ROAD, ALL IN TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 27, 1920 AS DOCUMENT 14498 AND CERTIFICATE OF CORRECTION FILED NOVEMBER 17, 1920 AS DOCUMENT 145282, IN DUPAGE COUNTY, ILLINOIS.



PREPARED FOR: TIMOTHY J. CROWLEY (ATTORNEY AT LAW)
 JOB ADDRESS: 4634 N. ROSLYN RD., DOWNERS GROVE, IL
 SELLER/BUYER: MARTIN / FLOWING
 JOB NO: 04-03-0037

NEKOLA
 SIGNATURE SURVEY
 A DIVISION OF MORRIS ENGINEERING
 400 N. SCHMIDT RD., SUITE 209
 BOLLINGBROOK, IL. 60440
 (630)759-0155 phone (630)759-0297 fax

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINES, EASEMENTS AND OTHER RESTRICTIONS NOT SHOWN HEREON, REFER TO YOUR DEED, ABSTRACT, TITLE POOLY, CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCES.

(STATE OF ILLINOIS)
 (COUNTY OF WILL) SS

NEKOLA SIGNATURE SURVEY DOES HEREBY CERTIFY THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

DATED THIS 15TH DAY OF MARCH, 2004.

[Signature]
 PLS No. 2523
 EXPIRATION DATE: 30 NOVEMBER 2004.

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VILLAGE OF DOWNERS GROVE
PLAN COMMISSION MEETING
PUBLIC HEARING

AUGUST 6, 2012, 7:00 P.M.

Chairman Jirik called the August 6, 2012 meeting of the Plan Commission to order at 7:00 p.m. and asked for a roll call:

PRESENT: Chairman Jirik, Mr. Beggs, Mr. Cozzo, Mr. Davenport, Mr. Hose, Mr. Matejczyk, Mrs. Rabatah, Mr. Waechtler

ABSENT: Mr. Quirk, Mr. Webster

STAFF PRESENT: Community Development Planning Manager Jeff O'Brien; Planners Stan Popovich and Damir Latinovic

VISITORS: Mr. Sean Fleming, 4634 Roslyn Road, Downers Grove; Mr. Joseph Wojdyla, 7437 Main Street, Downers Grove; Edward Kalina, Engineering Solutions Team, 4925 Forest, Downers Grove

Chairman Jirik led the Plan Commissioners in the recital of the Pledge of Allegiance.

APPROVAL OF THE JULY, 2012 MINUTES

A change was noted on page one, last paragraph, delete the word "open" and revise to "opened".

THE MINUTES OF THE JULY, 2012 MEETING, WERE APPROVED, WITH NOTED REVISION, ON MOTION BY MR. MATEJCZYK. SECONDED BY MRS. RABATAH. MOTION CARRIED BY VOICE VOTE OF 6-0-1 (MR. WAECHTLER ABSTAINS)

Chairman Jirik reviewed the protocol for the public hearing.

PC-26-12 A petition seeking approval of a Zoning Ordinance Map Amendment to rezone the property from R-1, Single Family Residential to R-4, Single Family Residential. The property is located on the west side of Roslyn Road approximately 192 feet north of Chicago Avenue, and is commonly known as 4634 Roslyn Rd, Downers Grove, IL (PIN 09-04-311-043); Sean and Elizabeth Fleming, Petitioners/Owners.

Chairman Jirik called to order the above petition and swore in those individuals who would be speaking on the petition.

Village Planner, Mr. Stan Popovich, explained the petitioners were seeking a Zoning Ordinance map amendment for the 60 ft. wide by 460 ft. deep property. The Zoning Ordinance map amendment is to rezone the property from R-1 Single Family Residential to R-4 Single Family Residential. Currently, a home with a detached garage existed on the eastern portion of the lot. An above ground pool and deck also existed but were not shown on the survey. Mr. Popovich

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explained the owners wanting to become more consistent with their neighbors' properties, specifically those properties along Roslyn Road between Chicago and Traube Avenues, and to take advantage of some of the R-4 district's setback requirements. Thirty-two (32) of the existing thirty-five (35) lots on Roslyn Road between Chicago and Traube Avenues were zoned R-4.

Per Mr. Popovich, the owner was seeking to add an addition to the detached garage and the current R-1 zoning setbacks were more restrictive. The Comprehensive Plan depicted the area as a "traditional grid" area with uniform layouts and lot widths, with many of the lots being split in half. Staff believed the proposal met the requirements of the Comprehensive Plan and the accessory structures were permitted in the proposed R-4 district. Staff also believed that the lot was annexed into the Village as R-1 and was never rezoned.

Bulk regulations were reviewed for this property. Staff noted that the front yard setback in the R-1 zoning had a 40-foot setback while in the R-4 zoning it was 25 feet for the front yard. Side yard setbacks differed in that the R-1 had a 7-foot requirement while the R-4 had a 6-foot requirement. Lastly, the rear and side yard setback for an accessory structure in the R-1 was 6 feet versus 5 feet in the R-4 district. All proper notification was sent out on this petition and several inquiries were received via telephone with neighbors asking for clarification of the zoning. No issues were raised by the neighbors, however.

Mr. Popovich continued by stating that each of the standards for approval for the amendments to the Zoning Ordinance were met and he recommended that the Plan Commission forward a positive recommendation to the Village Council.

The Chairman opened up the meeting to commissioner comments and/or questions.

Per Mr. Matejczyk concern about the area already having a number of R-4 zoning lots and that more lots may be converting over to R-4 as piece-meal, he questioned staff whether the entire area should be zoned R-4.

Mr. Popovich agreed the neighborhood was zoned R-4, he did not envision there being more lot splits, in terms of new lots being created, because of the Village's Subdivision Ordinance requirements. He stated, however, that there might be a time where staff reviews the Zoning Ordinance map more thoroughly and there may be a time to create new districts or reorganize some of the ase lists which the Plan Commission would have to review.

Because the Village allowed for lots to be annexed as R-1 lots initially, Mrs. Rabatah asked whether the Village looked beyond that to see what the zoning should be, wherein Mr. Popovich stated it was up to the petitioner/land owner to make a change in zoning. Details followed.

The Chairman also reminded the commissioners that the Village's Future Land Use Map addressed intent as it related to good planning, orderly development, etc, and that the Village wanted to see zoning move forward; however, it was up to the owner of the property to move zoning forward.

Mr. Matejczyk could find no disadvantage for the owner to change over to R-4 zoning and assumed the remaining R-1 lots would want to come before the Plan Commission, which he felt was a waste of time and energy for now.

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Per Mr. Hose's question, there were no formal plans drawn for the addition to the garage since the applicant wanted to see the outcome from this commissions meeting and to receive Village Council approval first. Mr. Beggs believed the zoning was appropriate for the lot. For clarification purposes, Chairman Jirik explained that the existing 2.3 foot setback would become legal non-confirming and should the structure received fifty percent or more damage, it would require removal. New construction would then have to meet the current setback requirements.

Applicant, Mr. Sean Fleming, 4634 Roslyn Road, Downers Grove, stated his application did stem from the fact that he possibly wanted to construct a new garage when he found out his lot did not conform with the rest of the neighborhood. He had no plans for the garage to date, as he wanted to see if his application would be approved for rezoning. Should the rezoning occur, he stated he did plan to remove the existing garage and construct a new garage with the new five-foot setback. His current lot was already very narrow with the R-1 zoning and he wanted to gain every possible foot.

No further questions followed. Chairman Jirik opened up the meeting to public comment. No comments were received. Public comment was closed.

Mr. Fleming offered no closing statement at this time. Mr. Hose appreciated staff's input on this matter and believed the solution brought the owner's home in line with the rest of the neighborhood without diminishing property values. Mrs. Rabatah agreed, citing that the standards were met.

WITH RESPECT TO PC-26-12, MR. MATEJCZYK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE CONCIL TO APPROVE THE ABOVE PETITION. SECONDED BY MR. WAECHTLER.

ROLL CALL:

AYE: MR. MATEJCZYK, MR. WAECHTLER, MR. BEGGS, MR. COZZO, MR. HOSE, MRS. RABATAH, CHAIRMAN JIRIK

NAY: NONE

MOTION CARRIED. VOTE: 7-0