

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village Council Meeting**  
**11/3/2015**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
Zoning Map Amendment at 2515 Haddow Avenue	Stan Popovich, AICP Director of Community Development

**SYNOPSIS**

An ordinance has been prepared to amend the zoning ordinance map to rezone the property at 2515 Haddow Avenue from R-1, Residential Detached House 1, to R-4, Residential Detached House 4.

**STRATEGIC PLAN ALIGNMENT**

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

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval on the November 10, 2015 active agenda per the Plan Commission's unanimous recommendation. The Plan Commission found that the proposed rezoning of the property is compatible with the Comprehensive Plan and surrounding zoning and land use classifications and meets all standards for approval of a Zoning Map Amendment found in Section 28.12.030 of the Municipal Code.

**BACKGROUND**

The petitioner is requesting a Zoning Ordinance Map Amendment to rezone the subject property from R-1, Residential Detached House 1, to R-4, Residential Detached House 4. The petitioner is requesting to rezone the property to R-4 to better match the size of the property with an appropriate zoning classification. This property was annexed on January 1, 2012 and was automatically zoned R-1, Residential Detached House 1. Most surrounding properties were annexed into the Village at the same time and are also zoned R-1; however, several nearby properties have rezoned to R-4 because this zoning designation more closely matches the property characteristics of this neighborhood. The petitioner is proposing to redevelop the property with a new single family house.

Compliance with the Zoning Ordinance

The property is currently zoned R-1, Residential Detached House 1, which permits single family detached dwellings. The petitioner is proposing to rezone the property to establish setbacks for a new detached single family home that matches the setbacks found throughout this neighborhood.

The bulk requirements of both the R-1 and R-4 zoning classification applied to the subject property are compared in the tables below:

<b>Zoning Ordinance Lot Regulations</b>	<b>R-1 District Lot Regulations</b>	<b>R-4 District Lot Regulations</b>	<b>Existing Measurements (2515 Haddow Avenue)</b>
Minimum Lot Area	20,000 sq. ft.	7,500 sq. ft.	10,291 sq. ft.
Minimum Lot Width	100 ft.	50 ft.	88 ft.

<b>Zoning Ordinance Bulk Regulations</b>	<b>R-1 District Bulk Requirements</b>	<b>R-4 District Bulk Requirements</b>
Front Setback	40 feet	25 feet
Side Setback	8.8 feet	8.8 feet
Rear Setback	20 feet	20 feet
Building Height	35 feet	35 feet
Building Coverage	32% max. (3,293 sq. ft.)	32% max. (3,293 sq. ft.)

The proposed R-4, Residential Detached House 4, zoning classification is more appropriate for this property as compared to the R-1 designation. The requested rezoning is consistent with the Zoning Ordinance.

#### Compliance with the Comprehensive Plan

The Future Land Use Plan calls for this property to remain single family residential which is the intention of the petitioner. If the property is rezoned, the petitioner will be able to construct a new single family detached house that advances the Comprehensive Plan's goal to provide modern housing throughout the community. The proposed rezoning of the property from R-1 to R-4 is consistent with the Comprehensive Plan.

#### Public Comment

There were no public comments during the Plan Commission meeting in regards to this case.

#### **ATTACHMENTS**

Ordinance

Aerial Map

Staff Report with attachments dated October 12, 2015

Draft Minutes of the Plan Commission Hearing dated October 12, 2015

**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE REZONING CERTAIN PROPERTY  
LOCATED AT 2515 HADDOW AVENUE**

WHEREAS, the real estate located at 2515 Haddow Avenue, on the southeast corner of Haddow and Francisco Avenues, hereinafter described has been classified as "R-1, Residential Detached House 1" under the 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 October 12, 2015 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, 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 Zoning Map of the Village, pursuant to Section 28.12.030 of the Downers Grove Municipal Code, is hereby further amended by rezoning to "R-4, Residential Detached House 4" the zoning classification of the following described real estate, to wit:

Lots 31, 32 and 33, in Block 10, in Carpenter's Addition to Lacton, Being a Subdivision in the Northwest Quarter of Section 12, Township 38 North, Range 10 East of the Third Principal Meridian, According to the Plat Thereof Recorded June 12, 1890 as Document 42886, in DuPage County, Illinois

Commonly known as 2515 Haddow Avenue, Downers Grove, IL 60515  
(PINs 08-12-110-001 & -002)

**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.** That the rezoning meets the requirements of the Zoning Ordinance as follows:

1. The existing use and zoning of nearby property;
2. The extent to which the particular zoning restrictions affect property values;
3. The extent to which any diminution in property value is offset by an increase in the public health, safety and welfare;
4. The suitability of the subject property for the zoned purposes;
5. The length of time that the subject property has been vacant as zoned, considering the context of land development in the vicinity;
6. The value to the community of the proposed use; and
7. The comprehensive plan.

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

SECTION 5. This ordinance shall be in full force and effect from and after its passage and publication in pamphlet form as provided by law.

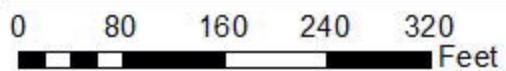
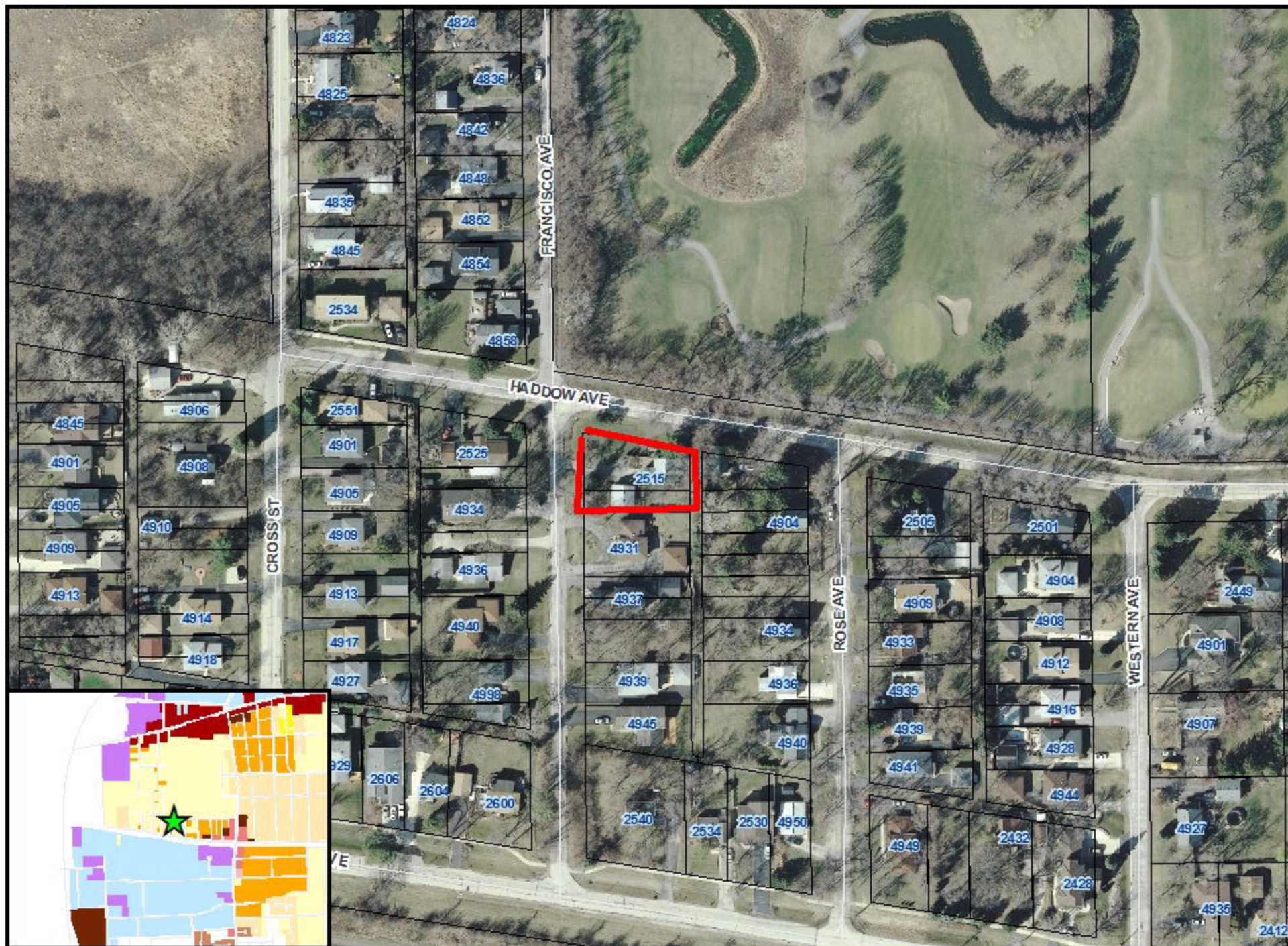
\_\_\_\_\_  
Mayor

Passed:

Published:

Attest: \_\_\_\_\_  
Village Clerk





**2515 Haddow Avenue Location Map**







**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
OCTOBER 12, 2015 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
15-PLC-0037 2515 Haddow Avenue	Zoning Map Amendment	Patrick Ainsworth, AICP Planner

**REQUEST**

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

**NOTICE**

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

**GENERAL INFORMATION**

**OWNER:** Bill Neustadt  
2515 Haddow Avenue  
Downers Grove, IL 60515

**APPLICANT:** Dan Buie  
Cypress Hill Development  
1000 Maple Avenue  
Downers Grove, IL 60515

**PROPERTY INFORMATION**

**EXISTING ZONING:** R-1, Residential Detached House 1  
**EXISTING LAND USE:** Single Family Residential  
**PROPERTY SIZE:** 10,291 square feet  
**PIN:** 08-12-110-001 & -002

**SURROUNDING ZONING AND LAND USES**

	<b>ZONING</b>	<b>FUTURE LAND USE</b>
<b>NORTH:</b>	R-1, Residential Detached House 1	Single Family Residential
<b>SOUTH:</b>	R-1, Residential Detached House 1	Single Family Residential
<b>EAST:</b>	R-1, Residential Detached House 1	Single Family Residential
<b>WEST:</b>	R-1, Residential Detached House 1	Single Family Residential

## **ANALYSIS**

### **SUBMITTALS**

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

Application/Petition for Public Hearing  
Plat of Survey  
Proposal Narrative

### **PROJECT DESCRIPTION**

The subject property, commonly known as 2515 Haddow Avenue, is located on the southeast corner Haddow and Francisco Avenues. Currently the property is zoned R-1, Residential Detached House 1 and is 10,291 square feet in size. The property is improved with a two-story single family detached house and a detached garage on two lots of record. The petitioner is requesting to rezone the property to R-4, Residential Detached House 4, in order to bring the current property conditions closer into compliance with the Zoning Ordinance and to redevelop the property with a new single family dwelling unit.

The subject property was annexed in 2012 as part of a larger annexation program. Under Illinois State Statute, the property was automatically zoned to R-1, Residential Detached House 1 upon annexation. Other surrounding properties were annexed into the Village at the same time and are also zoned R-1. Several nearby properties have rezoned to R-4 because this zoning designation more closely matches the width, depth and area of these properties.

The petitioner is proposing to redevelop the property with a new single family dwelling. Per Section 11.020.B. of the Zoning Ordinance, a single family house can be built on a non-conforming lot; however, the new home must follow the setbacks and bulk regulations of the current zoning designation. If the petitioner were to construct the new single family structure under the current R-1 classification, the house would have to be setback 40 feet from the west and north property line. Under the R-4 classification, the future home can be constructed with a 25 foot street yard setback from the west and north property lines.

### **COMPLIANCE WITH THE COMPREHENSIVE PLAN**

The Comprehensive Plan's Residential Areas Plan identifies the property as part of the traditional grid type of residential development. This area contains grid style street layouts. The subject property is similar in lot size and width to the neighboring residential lots. The proposed rezoning will have no impact on the existing development patterns of this area as the land use will remain single family residential.

The petitioner is proposing to redevelop this property with a new single family dwelling unit. The Comprehensive Plan recommends that housing units be rejuvenated throughout the community. One way to rejuvenate the existing housing stock is to redevelop aging properties. Redeveloping the subject property will continue to ensure that quality housing stock that will remain competitive in the marketplace. The petitioner will be demolishing the existing structure which contains several non-conforming elements and will be improving the property with a new single family detached structure. The proposed rezoning from R-1 to R-4 is consistent with the Comprehensive Plan.

### **COMPLIANCE WITH THE ZONING ORDINANCE**

The property is currently zoned R-1, Residential Detached House 1 which allows for a single family structure. However, the measurements of the subject property do not meet the zoning regulations associated with the R-1 designation. As such, the petitioner is proposing to rezone the property in order to more closely match the size of the property with an appropriate zoning classification. A comparative

analysis of the lot and bulk requirements for both the R-1 and R-4 districts are found in the tables below:

Zoning Ordinance Lot Regulations	R-1 District Lot Regulations	R-4 District Lot Regulations	Existing Measurements (2515 Haddow Avenue)
Minimum Lot Area	20,000 sq. ft.	7,500 sq. ft.	10,291 sq. ft.
Minimum Lot Width	100 ft.	50 ft.	88 ft.

Zoning Ordinance Bulk Regulations	R-1 District Bulk Requirements	R-4 District Bulk Requirements
Street Setback (Francisco Ave)	40 feet	25 feet
Street Setback (Haddow Avenue)	40 feet	25 feet
Side Setback	7 feet	8.8 feet
Rear Setback	20 feet	20 feet
Building Height	35 feet	35 feet
Building Coverage	32% max. (3,293 sq. ft.)	32% max. (3,293 sq. ft.)

The proposed R-4, Residential Detached House 4, zoning classification is more appropriate for this property as compared to the R-1 designation. The requested rezoning is consistent with the Zoning Ordinance.

#### **NEIGHBORHOOD COMMENT**

Notice was provided to all property owners within 250 feet from the property in addition to posting the public hearing notice sign and publishing the legal notice in *Downers Grove Suburban Life*. Staff spoke with a few residents who inquired about the difference between the two zoning classifications, but there were no concerns.

#### **FINDINGS OF FACT**

##### ***Section 28.12.030.I. Review and Approval Criteria for Zoning Map Amendments***

*The decision to amend the zoning map is a matter of legislative discretion that is not controlled by any single standard. In making recommendations and decisions about zoning map amendments, review and decision making bodies must consider at least the following factors:*

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

The property is surrounded by single family residential lots with similar lot widths and lot area. If rezoned to R-4, the property will remain detached single family residential. The proposed use and zoning is consistent with the uses and sizes of the nearby properties. This standard has been met.

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



The proposed rezoning will not negatively affect property values. By rezoning from R-1 to R-4, the petitioner will be able to construct a new single family home that will conform to the Zoning Ordinance. The new single family home may rise property values if the rezoning and the redevelopment of the property occur. 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. The existing use is single family and the proposed use will remain single family residential. 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 will remain a single family residence district if rezoned from R-1 to R-4. However, the two zoning designations contain differences with their associated regulations. Properties located within the R-1 zoning classification require 100 feet in lot width and 20,000 square feet in lot area, where properties zoned R-4 require 50 feet in lot width and 7,500 square feet in lot area. As such, the 88-foot lot width and 10,291 square foot lot area of the subject property are closer to the regulations associated with lots zoned R-4. 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 not currently vacant, but the petitioner is proposing to tear down the subject house and redevelop the property with a new detached single family residence. The proposed R-4 zoning classification is more appropriate for the subject property than R-1 zoning considering the context of the neighborhood. This standard has been met.

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

The Comprehensive Plan identifies quality housing stock as being one of the most important factors that contribute to the Village's character and identity. The future single family residential use contributes value to the community by assisting with modernizing the Village's quality housing stock. This standard has been met.

(7) ***The Comprehensive Plan.***

The Village has carefully planned its land use development as evidenced by the adoption of the Comprehensive Plan in 2011. The subject property is designated for detached single family residential use as identified in the Comprehensive Plan. The petitioner is proposing to redevelop this property with a new single family detached house which follows the Comprehensive Plan. This standard has been met.

## RECOMMENDATIONS

The proposed rezoning of the property is compatible with the Comprehensive Plan and 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:

15-PLC-0037, 2515 Haddow Avenue Zoning Map Amendment  
October 12, 2015

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Stanley J. Popovich, AICP  
Community Development Director

SP:pa  
-att









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2515 Haddow Avenue  
Petition for Re-Zoning  
September 1, 2015



## Project Narrative

The current property owner, Mr. William Neustadt, wishes to replace the existing home and detached garage with a new custom home for his personal use. The existing home is very old and has many functional deficiencies which need to be addressed and the cost of doing so is prohibitive. It is also an existing non-conforming structure with respect to the R-1 zoning it now sits in.

A building permit has been submitted for a proposed new 2800sf home. The new home will have an attached garage and will face Francisco Ave (new address is 4927 Francisco Ave). It would be set well within the requested R-4 zoning setbacks to allow for a large open side and rear yard facing Haddow Ave. The lot coverage would be well below the allowable 32% to preserve open space. The proposed site plan shows the location on the lot as well as the setbacks for the home.

The owner is requesting that the property be changed from R-1 to R-4 zoning. This would allow the front and corner side yards to be 25' in lieu of 40' as required by R-1 zoning. The 40' front and corner side yards required in R-1 zoning make it infeasible to build a home of the size and style required by the owner and appropriate to the area.

## Summary of Evidence

1. Existing properties in the subject property area were previously unincorporated and brought into village under R-1 when annexed. Several properties in the area have already been rezoned to R-4.
2. Rezoning to R-4 from R-1 does not have a significant impact on property values. If anything, building the proposed new home on this lot will actually add to the surrounding properties values.
3. Property value will not decrease due to R-4 zoning. Instead it will likely increase property value.
4. Due to the lot size and configuration, R-4 zoning will make the property more suitable for single family construction. Existing R-1 setbacks have an adverse impact on size of the home to be built. This reduces the value of the property.
5. Subject property currently has a non-conforming single-family home of size and value which is less than the trend of development and current market standards for the area.
6. Rezoning will allow a new custom home to be built which will actually increase the values of the surrounding properties.
7. Rezoning is in line with the village comprehensive plan. The area is currently under consideration by the village for rezoning to R-4.







## DRAFT

**FILE 15-PLC-0037:** A petition seeking approval for a zoning map amendment from R-1, Residential Detached House 1 to R-4, Residential Detached House 4. The property is located at the southeast corner of Haddow and Francisco Avenues, commonly known as 2515 Haddow Avenue, Downers Grove, IL (PINs 08-12-110-001 & -002). Dan Buie, Petitioner; William Neustadt, Owner.

Planner Patrick Ainsworth located the site on the overhead and reviewed the request, as listed above. He noted the property is comprised of a two-story single-family home sitting on three lots of record that was annexed into the village in 2012, with the most restrictive zoning allowed as R-1. Staff did not feel it was an appropriate zoning classification, given the size/area/width of the property. A detached garage was also on the property. The plat of survey was reviewed on the overhead. Should the zoning move forward and be approved, Mr. Ainsworth said the owners planned to construct a new home and consolidate the three lots of record.

Recent rezoning requests in the neighborhood were pointed out with staff explaining the goal was to get the proposed property more in line with the village's current zoning ordinance and reclassified as R-4. Lot area, lot width and side yard requirements were reviewed in depth, with Mr. Ainsworth confirming all standards had been met with this corner lot.

Mr. Ainsworth further explained that staff's reasons to zone the property to the R-4 classification versus R-3 was due to the neighborhood being more appropriate for R-4 zoning, noting all properties north of Burlington Avenue were zoned R-4 or R-1 and not R-3. He agreed this parcel was a somewhat wider lot than others. Per a question, he was not sure if sidewalks would be constructed in the area but could research more and attach it to the manager's memo that would be forwarded to the village council. Sidewalks would not affect the site's setbacks.

Petitioner, Mr. Dan Buie with Cypress Hill Development, introduced himself and said he was hired by the owner, William Neustadt, to construct a custom home. However, it was discovered with the current zoning, it would not have allowed him to construct a reasonable size home and the owner would not have a back yard. The new two-story home would be 2,800 sq. feet and would fit better in the neighborhood and it was on a corner lot.

Mr. Thoman asked staff to confirm the correct size of the lot, to which staff stated it was 10,291 sq. feet as stated in the survey. Staff was then asked to explain how it arrived at the square footage for the R-4 zoning wherein Director Popovich pointed out that when reviewing the lots in the neighborhood more closely, the R-4 classification was more prevalent with 50- to 60-foot wide lots.

Chairman Rickard opened up the meeting to public comment. No comments received. Mr. Buie had no further closing statement. Public comment was closed.

Mr. Cronin asked for clarification regarding the sidewalk discussion and whether the village would have to purchase property from the owner to install them, wherein Director Popovich stated the sidewalks would be installed in the public right-of-way.

**WITH RESPECT TO FILE 15-PLC-0037, MR. THOMAN MADE A MOTION THAT THE PLAN COMMISSION FORWARD A POSITIVE RECOMMENDATION TO THE VILLAGE COUNCIL TO ALLOW THE PROPERTY TO BE REZONED FROM R-1 RESIDENTIAL DETACHED HOUSE TO R-4 RESIDENTIAL DETACHED HOUSE.**

DRAFT

**SECONDED BY MR. QUIRK. ROLL CALL:**

**AYE: MR. THOMAN, MR. QUIRK, MR. CRONIN, MS. HOGSTROM, CHAIRMAN  
RICKARD**

**NAY: NONE**

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

DRAFT