

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
11/10/2015

SUBJECT:	SUBMITTED BY:
15-PLC-0025 Plat of Subdivision for 5307 Victor Street	Stan Popovich, AICP Director of Community Development

SYNOPSIS

A resolution has been prepared to approve a final plat of subdivision with two exceptions to subdivide a single 101-foot wide residential property into two 50-foot wide residential lots.

STRATEGIC PLAN ALIGNMENT

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

FISCAL IMPACT

n/a.

RECOMMENDATION

Denial on the November 17, 2015 active agenda per the Plan Commission's 6:1 vote. The majority of the Plan Commission found that the proposal did not meet the lot width standards of Sections 20.301 and 20.305 of the Subdivision Ordinance and Section 2.030 of the Zoning Ordinance, nor the exceptions standards of Section 20.602 of the Subdivision Ordinance. The dissenting vote was cast because the commissioner felt that the proposal better complimented neighboring existing conditions than what could be constructed by right. Staff recommends following the Plan Commission's majority recommendation to deny the proposed plat of subdivision.

BACKGROUND

Property Information & Zoning Request

The subject property is located on the east side of Victor Street, approximately 130-feet north of 6th Street and is zoned R-3, Residential Detached House 3. The property is improved with a single family residential home and a detached garage. The petitioner is requesting approval of a Final Plat of Subdivision with two lot width exceptions to subdivide an existing single parcel at 5307 Victor Street (101 feet in width) into two residential lots (50 feet in width) where 75-foot-wide lots are required.

Compliance with the Comprehensive Plan

The Comprehensive Plan's Residential Areas Plan section locates the subject property within the traditional grid area containing detached single family residences with standard street layouts and lot widths. The proposed subdivision will not alter the standard street layout, but this area does not have standard lot widths. The surrounding neighborhood is a mix of lot widths varying from 50 feet to over 100 feet. Of the two surrounding blocks, the mix of lot widths is significant with the majority of lot widths being 60 – 69 feet

wide. The proposed subdivision is not consistent with the immediate block, where neighboring lots range in width from 60 feet to 101 feet. The proposed subdivision would create the two smallest lots in this block. The proposed subdivision with two lot width exceptions is not consistent with the Comprehensive Plan.

Compliance with the Zoning Ordinance

The subject property is zoned R-3, Residential Detached House 3. The subdivision of the subject property into two lots would allow for the construction of two single family homes provided all other zoning regulations are met. The new lots would comply with the minimum lot area (10,500 square feet) per Section 2.030 of the Zoning Ordinance, but exceptions are being requested to permit a reduction in lot width from 75 feet to 50.72 feet. Without the exceptions, the proposed subdivision does not comply with the Zoning Ordinance (Section 2.030).

Compliance with the Subdivision Ordinance

The petitioner would provide the required five-foot wide public utility and drainage easements along the side lot lines, and the ten-foot wide public utility and drainage easements along the rear lot lines. Park and school donations in the amount of \$40,018.31 (\$16,519.22 for the Park District, \$15,537.35 for School District 58 and \$7,961.74 for School District 99) is required to be paid to the Village prior to executing the final plat of subdivision.

The two residential lots would meet the minimum lot area requirements outlined in Section 20.301 of the Subdivision Ordinance, however lot width exceptions are required to reduce the required lot widths from 75 feet to 50.72 feet. The requested exceptions are not unique and do not meet the exception standards outlined in Section 20.602. The proposed lots are not consistent with the trend of development in the area nor are they consistent with the surrounding lot widths in the block.

Public Comment

Three neighbors spoke about the petition. Two neighbors were unresponsive of the proposal and expressed concern about the neighborhood makeup, anticipated construction noise and stormwater management. The third resident was supportive of the proposal assuming stormwater management issues were addressed.

ATTACHMENTS

Resolution

Aerial Map

Staff Report with attachments dated September 14, 2015

Draft Minutes of the Plan Commission Hearing dated September 14, 2015

RESOLUTION _____**A RESOLUTION APPROVING THE
FINAL PLAT OF SUBDIVISION WITH EXCEPTIONS
FOR 5307 VICTOR STREET**

WHEREAS, application has been made pursuant to the provisions of Chapter 20 of the Downers Grove Municipal Code for the approval of a Final Plat of Subdivision to subdivide one lot into two lots for the AAA Subdivision, located on the east side of Victor Street, approximately 130 feet north of 6th Street, commonly known as 5307 Victor Street, Downers Grove, Illinois, legally described as follows:

THE WEST HALF OF THE SOUTH HALF OF LOT 58 IN BRANIGAR BROTHER'S EAST GROVE HIGHLANDS, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 25, 1920, IN DUPAGE COUNTY, ILLINOIS

Commonly known as 5307 Victor Street, Downers Grove, IL 60515 (PIN: 09-09-323-013)

WHEREAS, exceptions have been requested pursuant to Section 20.602 of the Downers Grove Municipal Code to permit the following:

1. An Exception from Chapter 20, *Subdivision Ordinance*, Section 20.301; *Lot Widths*, to reduce the required right of way width of 75 feet to 50 feet for Lot 1.
2. An Exception from Chapter 20, *Subdivision Ordinance*, Section 20.301; *Lot Widths*, to reduce the required right of way width of 75 feet to 50 feet for Lot 2.

WHEREAS, notice has been given and a public hearing held on September 14, 2015 regarding this final plat application pursuant to the requirements of the Downers Grove Municipal Code; and,

WHEREAS, the Plan Commission has recommended denial of the petition for Final Plat of Subdivision of AAA Subdivision with Exceptions, located at 5307 Victor Street, Downers Grove, Illinois, 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 Subdivision of AAA Subdivision, located at 5307 Victor Street, Downers Grove, Illinois, is hereby approved subject to the following conditions:

1. The final plat of subdivision shall substantially conform to the Final Plat of Subdivision for the AAA Subdivision prepared by Professional Land Surveying, Inc., dated June 24, 2015, last revised on August 6, 2015.
2. The petitioner shall pay \$40,018.31 (\$16,519.22 for the Park District, \$15,537.35 for School District 58 and \$7,961.74 for School District 99) for the required donations prior to the Village executing the final plat of subdivision.
3. The petitioner shall pay a \$3,030 fee-in-lieu for the future installation of a sidewalk, which is payable prior to the Village executing the final plat of subdivision.

4. The petitioner shall pay a \$500 fee-in-lieu for one new parkway tree prior to the Village executing the final plat of subdivision.

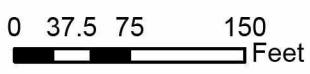
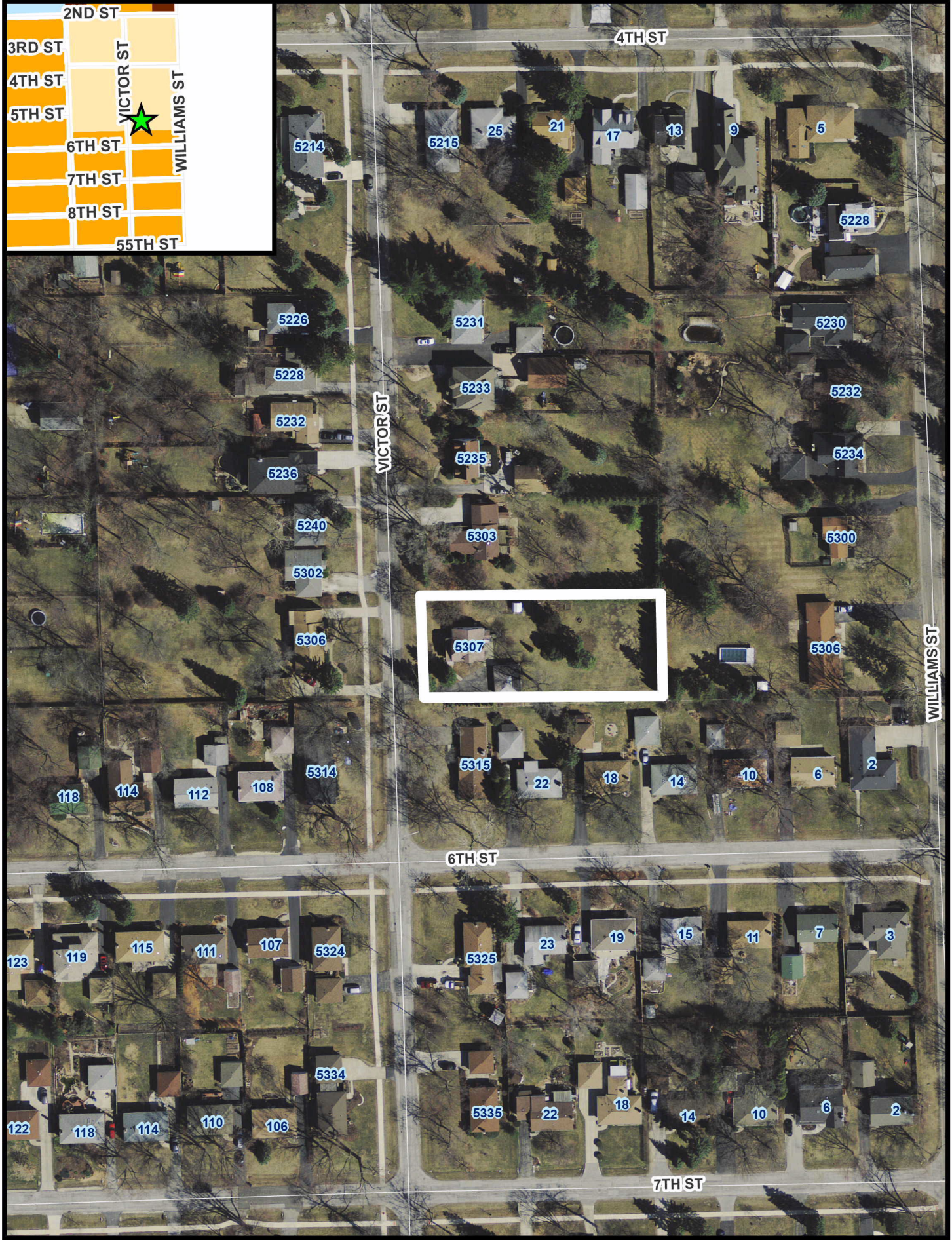
BE IT FURTHER RESOLVED, that the Mayor and Village Clerk are authorized to sign the final plat.

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



5307 Victor Street - Location Map





**VILLAGE OF DOWNERS GROVE
REPORT FOR THE PLAN COMMISSION
SEPTEMBER 14, 2015 AGENDA**

SUBJECT:	TYPE:	SUBMITTED BY:
15-PLC-0025 5307 Victor Street	Final Plat of Subdivision	Stan Popovich, AICP Planning Manager

REQUEST

The petitioner is requesting approval of a final plat of subdivision with two exceptions to subdivide a single 101-foot wide residential property into two 50-foot wide residential lots.

NOTICE

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

GENERAL INFORMATION

OWNER: Fikri Osmani
4400 Douglas Road
Downers Grove, IL 60515

APPLICANT: Xhevrije (Jenna) Osmani
4400 Douglas Road
Downers Grove, IL 60515

PROPERTY INFORMATION

EXISTING ZONING: R-3, Residential Detached House 3
EXISTING LAND USE: Detached House
FUTURE LAND USE: Single Family Residential
PROPERTY SIZE: 24,041 square feet (0.552 acres)
PIN: 09-09-323-013

SURROUNDING ZONING AND LAND USES**ZONING**

NORTH: R-3, Residential Detached House 3
SOUTH: R-4, Residential Detached House 4
EAST: R-3, Residential Detached House 3
WEST: R-3, Residential Detached House 3

FUTURE LAND USE

Single Family Residential
 Single Family Residential
 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 and are attached as noted:

1. Application/Petition for Public Hearing
2. Location Map
3. Plat of Survey
4. Final Plat of Subdivision
5. Project Narrative
6. Zoning and Lot Width Exhibit

PROJECT DESCRIPTION

The petitioner is requesting approval of a Final Plat of Subdivision to subdivide an existing single parcel at 5307 Victor Street into two residential lots. The subject property is located on the east side of Victor Street, approximately 130-feet north of 6th Street and is zoned R-3, Residential Detached House 3. The property is improved with a single family residential home and a detached garage.

The half-acre property is improved with a single family home, a detached garage and a shed. The petitioner is proposing to subdivide the existing 101.42' wide by 237' deep lot into two 50' wide lots. The petitioner is requesting exceptions to permit the 50-foot wide lots where 75-foot wide lots are required per Section 20.301 of the Subdivision Ordinance. If approved, the existing home, detached garage and shed must be demolished prior to recording the subdivision.

The block that the subject property sits on is primarily zoned R-3 with the lots fronting on 6th Street zoned R-4, Residential Detached House 4. The block to the north is zoned R-3 while the block to the west is similar to the subject block in that it is primarily R-3, but those properties fronting 6th Street are zoned R-4. The block to the east is within the Village of Westmont, while the block to the south is zoned R-4. The lot widths of subject property's block varies significantly, ranging from 60-foot wide widths up to 110 feet wide, with no lot being less than 60-feet wide. The average lot width of this block is 74.28 feet. A table of the lot widths are shown below:

Table 1. 5307 Victor Block - Lot Widths

Lot Width	Number of Lots	%
50-59 feet	0	0%
60-69 feet	16	64%
70-79 feet	2	8%
80-89 feet	1	4%
90-99 feet	0	0%
100 feet +	6	24%
Total	25	

The block immediately to the west includes more 50-foot wide lots, but 60% of the block contains lot widths in excess of 60 feet with an average lot width of 63.23 feet. The table below identify the various lot widths:

Table 2. 5306 Victor Block – Lot Widths

Lot Width	Number of Lots	%
50-59 feet	12	40%
60-69 feet	10	33%
70-79 feet	3	10%

80-89 feet	2	7%
90-99 feet	1	3%
100 feet +	2	7%
Total	30	

COMPLIANCE WITH COMPREHENSIVE PLAN

The Residential Areas Plan section of the Comprehensive Plan identifies the subject property being within the traditional grid area containing detached single family residences. The traditional grid provides a uniform layout with standard street and lot widths. The proposed subdivision will not alter the standard street layout but this area does not have standard lot widths. The lot widths in this area vary from over 100 feet wide to 50-foot wide lots. There is no standard lot width in this neighborhood.

The Comprehensive Plan notes that redevelopment should be carefully regulated to ensure compatibility with the scale and character of the surrounding and adjacent residential neighborhoods. The surrounding neighborhood is a mix of lot widths. Of the two surrounding blocks, the mix of lot widths is significant, with the majority of lot widths being 60 – 69 feet wide. The proposed 50-foot wide lots are smaller than the majority of the existing lots.

The Comprehensive Plan recommends that residential areas provide a variety of housing and dwelling unit types and densities. The existing property layouts in this area meet this goal while the proposed subdivision will increase density in the area. Additionally, new infill development should be sensitive to local context, maintaining the setback, height, bulk, and orientation similar to that of neighboring properties. The proposed subdivision is not consistent with the block, where neighboring lots range in width from 60 feet to 101 feet.

COMPLIANCE WITH ZONING ORDINANCE

The approximately half-acre property is zoned R-3, Residential Detached House 3. The subdivision of the subject property into two lots with the existing zoning classification would allow for the construction of two single family homes provided all other zoning regulations are met. The new lots will comply with the minimum lot area (10,500 square feet) per Section 2.030 of the Zoning Ordinance but exceptions are being requested to permit lot widths of 50.72-feet where 75-feet is required per Section 2.030 of the Zoning Ordinance. Without the exceptions, the proposed subdivision does not comply with the Zoning Ordinance.

COMPLIANCE WITH THE SUBDIVISION ORDINANCE

The two residential lots will meet the minimum lot area requirements outlined in Section 20.301 of the Village's Subdivision Ordinance but lot width exceptions are requested. The lot dimensions are specified in the table below:

Table 3.

AAA Subdivision	Lot Width (req. 75 ft.)	Lot Depth (req. 140 ft.)	Lot Area (req. 10, 500 sq. ft.)
Lot 1	<i>50.72 ft. (exception requested)</i>	237 ft.	12,021 sq. ft.
Lot 2	<i>50.72 ft. (exception requested)</i>	237 ft.	12,021 sq. ft.

Two lot width exceptions are requested to reduce the required lot widths from 75-feet to 50.72-feet. The reduction of the required lot width allows the construction of two new single family homes but there are no required public improvements or unique circumstances that would cause the reduction in the lot width.

The petitioner is providing the required five-foot wide public utility and drainage easements along the side lot lines and the ten-foot wide public utility and drainage easements along the rear lot lines. Park and school donations are required for the new single family homes but the petitioner has received a credit for the existing two-bedroom house. The total donation amount of \$40,018.31 (\$16,519.22 for the Park District, \$15,537.35 for School District 58 and \$7,961.74 for School District 99) is required to be paid to the Village prior to executing the final plat of subdivision.

ENGINEERING/PUBLIC IMPROVEMENTS

No public improvements are proposed or necessary at this time. The petitioner will be required to provide a \$500 fee-in-lieu for one new parkway tree should the plat of subdivision be approved.

Additionally, a \$3,030 fee-in-lieu will be required for the Village to install a sidewalk on the east side of Victor Street in the future. The fee-in-lieu is required so the Village can install sidewalk along the entire side of the street and to avoid sections of sidewalk that are not connected. The Downers Grove Sanitary District has provided conceptual approval of the proposed two lot subdivision. The existing street lighting is sufficient. Utilities servicing the property will be evaluated at the time of building permit for the new residential homes and any upgrade or additional services will be required and approved at that time.

Any proposed improvements will comply with the Stormwater and Floodplain Ordinance. Based on the ordinance, on-site stormwater detention is not required for the two lot subdivision. The details of compliance will be reviewed at time of building permit.

NEIGHBORHOOD COMMENT

Notice was provided to all property owners within 250 feet of the subject property in addition to posting a public hearing notice sign onsite and publishing the notice in *Downers Grove Suburban Life*. Districts 58 and 99 have also been notified of the proposed subdivision and the public hearing. Staff has received no inquiries related to this request.

FINDINGS OF FACT

The proposed Final Plat of Subdivision to subdivide the existing single parcel into two residential lots does not meet the lot width standards of Sections 20.301 and 20.305 of the Subdivision Ordinance and Section 2.030 of the Zoning Ordinance. The proposed subdivision meets the minimum lot area requirements of Sections 20.301 and 20.305 of the Subdivision Ordinance and Section 2.030 of the Zoning Ordinance

The petitioner is requesting an exception for both lots to permit 50.72-foot lot widths where a minimum of 75-feet is required. The petitioner's difficulty is that the subject property is not wide enough to establish two 75-foot wide lots per the Subdivision and Zoning Ordinances. As such, the petitioner is requesting two lot width exceptions. The standards of approval for the two requested lot width exceptions are outlined below.

Section 20.602 Exceptions

An exception shall be recommended by the plan commission only if it finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the provisions of this subdivision ordinance. In its consideration of the standards of practical difficulties or particular hardships, the Commission may consider, but is not limited to, the following:

- (1) The extent to which the proposed exception impacts on the value or reasonable use of surrounding properties;*

The redevelopment of the subject property could have an impact on the surrounding properties. By permitting the subdivision to create two new 50-foot wide lots, it could lead to the subdivision of other

similar 100-foot wide lots into two similar 50-foot wide lots within the neighborhood. The increase of buildable lots in the neighborhood could increase the density of the neighborhood and change the character of the neighborhood. This standard is not met.

(2) *Whether the exception is consistent with the trend of development in the area and the surrounding uses;*

The area is primarily residential and the proposed 50.72-foot lot widths are not consistent with existing lot widths in the area. Specifically, the block in which the subject property is located is primarily zoned R-3 and has an existing average lot width of 74.28-feet with no lots being less than 60-feet wide as noted in Table 1 above. The lots immediately south of the subject lot are zoned R-4, Residential Detached House 4, and have lot widths in excess of 60-feet where 50-foot minimum lot widths are permitted per Section 2.030 of the Zoning Ordinance. The requested exception would create two lots that would have the smallest widths on the block.

The block just west of the subject property is also primarily zoned R-3 and has an average lot width of 63.23-feet. Similarly, the R-4 zoned properties along 6th Street on this block have lot widths in excess of 60 feet. The lot widths on these two blocks are highly variable, where no clear development pattern can be discerned. This standard is not met.

(3) *The characteristics of the property which support or mitigate against the granting of the exception;*

The petitioner is requesting the lot width exceptions for both lots in order to create two buildable lots. The reasoning for requesting the exceptions is not supported by the need to provide public improvements or limiting physical characteristics of the land. Without unique characteristics, the approval of the request could lead to arbitrary approvals of other exceptions that increase density in the neighborhood or throughout the Village. This standard is not met.

(4) *Whether the exception is in conformance with the general plan and spirit of this Chapter;*

The requested exceptions are not in conformance with the Comprehensive Plan nor are they in conformance with the spirit of the Subdivision Ordinance. The Comprehensive Plan looks to ensure compatibility with the adjacent neighborhood and the proposed exceptions do not accomplish this. The proposed lot widths are not consistent with surrounding lot widths. The requested exceptions are not necessary to comply with other provisions of the subdivision ordinance, whether that is public utilities or easement provisions. This standard is not met.

(5) *Whether the exception will alter, or be consistent with, the essential character of the locality.*

The proposal is not consistent with the character of the locality. If approved, the exception has the potential to change the essential character of the neighborhood by permitting other exceptions in the neighborhood where there are no unique site characteristics. If additional subdivisions occur, the density of the immediate area could substantially increase. This standard is not met.

RECOMMENDATION

The proposed final plat of subdivision with two lot widths exceptions is not consistent with the character of the neighborhood. Staff finds that the request is not consistent with the Comprehensive Plan and does not meet the lot width requirement of the Village's Zoning and Subdivision Ordinances, including the lot width exception standards. Based on the findings listed above, staff recommends that the Plan Commission make a recommendation for denial to the Village Council.

Should the Plan Commission find that the lot width exception standards are met and forward a positive recommendation to the Village Council, the following conditions should apply:

15-PLC-0025, Final Plat of Subdivision, 5307 Victor St.
September 14, 2015

Page 6

1. The final plat of subdivision shall substantially conform to the Final Plat of Subdivision for the AAA Subdivision prepared by Professional Land Surveying, Inc., dated June 24, 2015, last revised on August 6, 2015.
2. The petitioner shall pay \$40,018.31 (\$16,519.22 for the Park District, \$15,537.35 for School District 58 and \$7,961.74 for School District 99) for the required donations prior to the Village executing the final plat of subdivision.
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4. The petitioner shall pay a \$500 fee-in-lieu for one new parkway tree prior to the Village executing the final plat of subdivision.

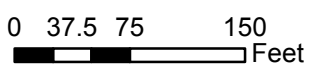
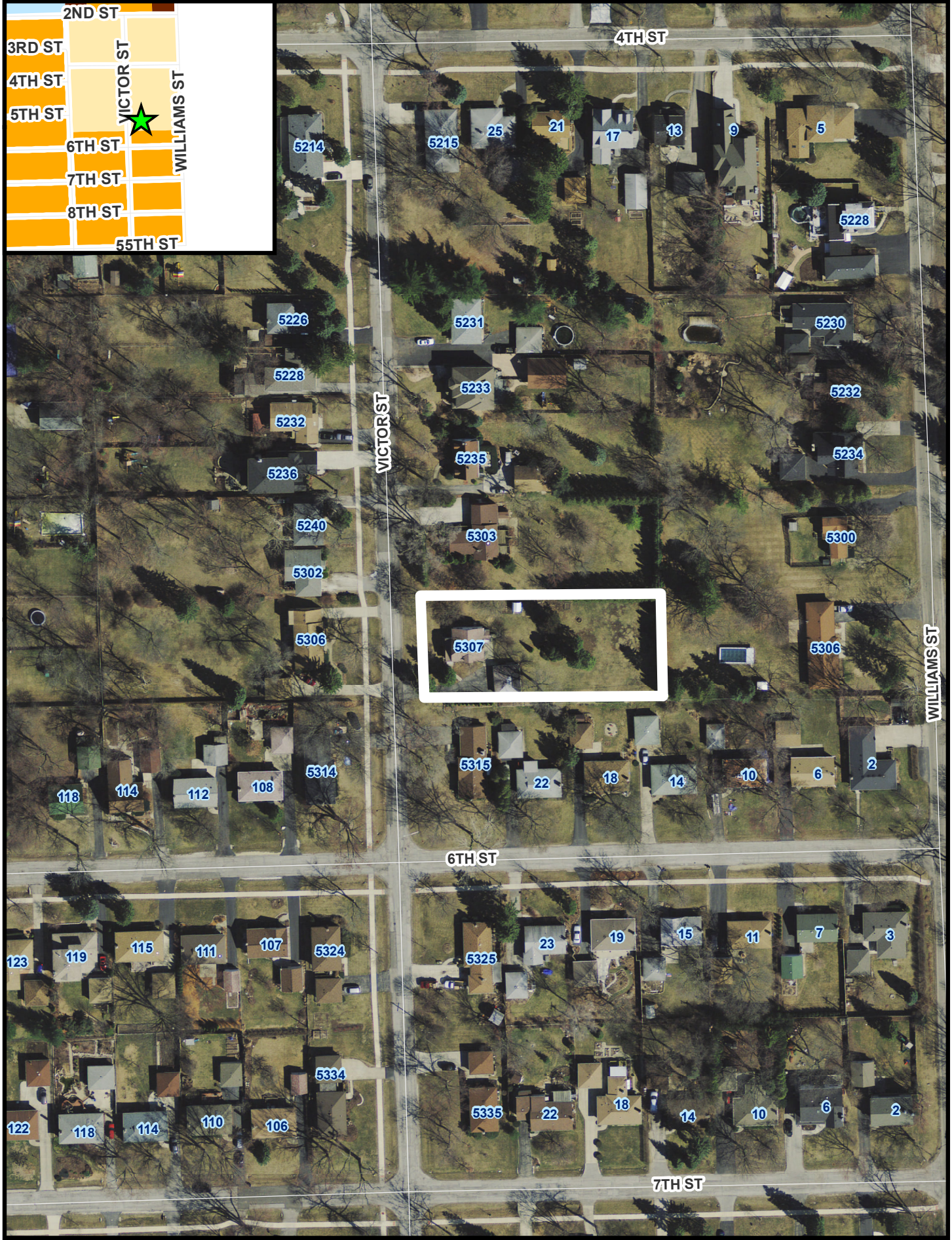
Staff Report Approved By:



Stanley J. Popovich, AICP
Planning Manager

-att

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5307 Victor Street - Location Map



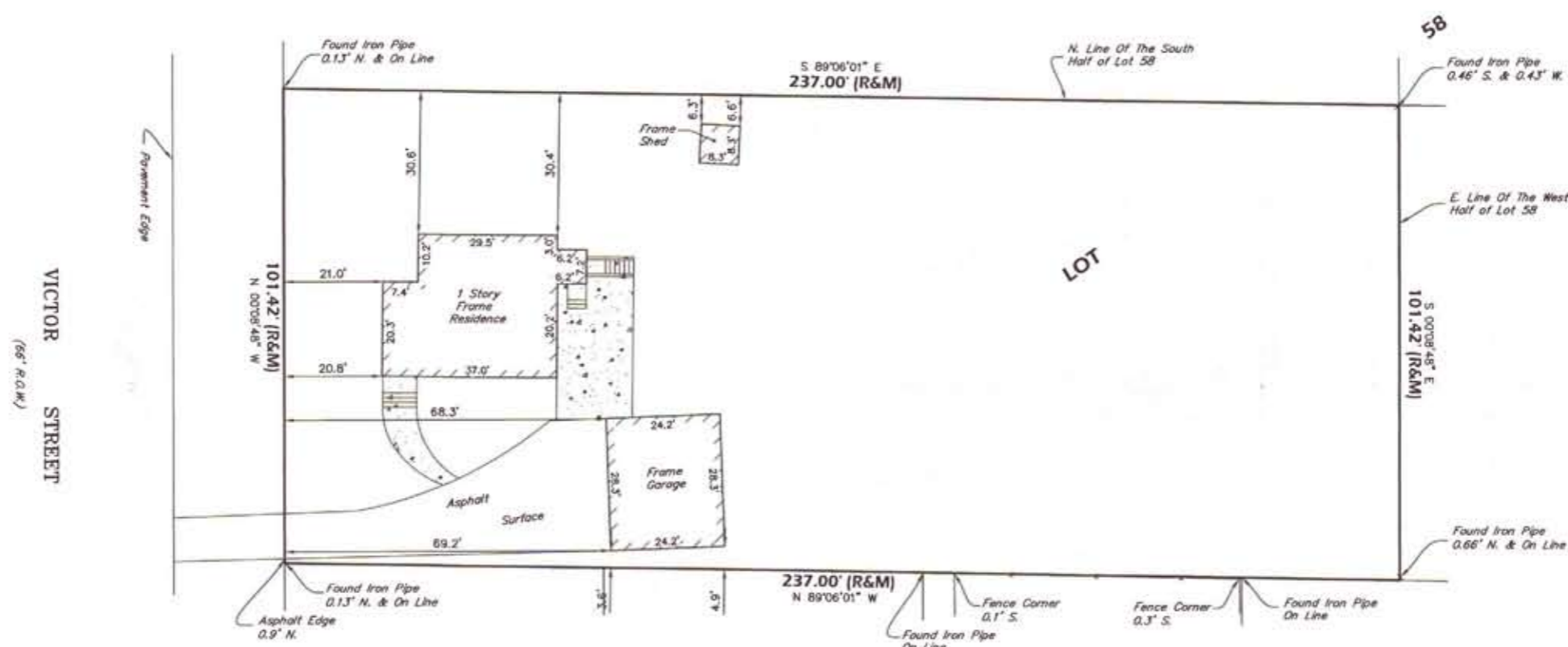
PLAT OF SURVEY

OF

THE WEST HALF OF THE SOUTH HALF OF LOT 58 IN BRANIGAR BROTHER'S EAST GROVE HIGHLANDS, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 25, 1920, IN DUPAGE COUNTY, ILLINOIS.



SCALE: 1"=20'



NOTE: DUE TO HEAVY SNOW COVER AT TIME OF SURVEY SOME FEATURES MAY NOT BE SHOWN.

AREA OF SURVEY:
CONTAINING 24,041± SQ. FT.

REFER TO YOUR DEED, ABSTRACT, TITLE POLICY AND LOCAL BUILDING AND ZONING ORDINANCE FOR ITEMS OF RECORD NOT SHOWN.

STATE OF ILLINOIS) ss
COUNTY OF DUPAGE)

PROFESSIONAL LAND SURVEYING, INC. HEREBY CERTIFIES THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.

FIELD WORK COMPLETED AND DATED
THIS 9th DAY OF JANUARY, 2010.

[Signature]
IPLS No. 3483
MY LICENSE EXPIRES 11/30/10



THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.

PROFESSIONAL DESIGN FIRM NO. 184-004196

SYMBOL LEGEND

- CONCRETE SURFACE
- FENCE LINE
- (R) - RECORD DATA
- (M) - MEASURED DATA

PREPARED FOR: OSMANI CONSTRUCTION
JOB ADDRESS: 5307 VICTOR STREET
DOWNERS GROVE, ILLINOIS

Professional Land Surveying, Inc.
2900 Ogden Avenue Suite 110
Lisle, Illinois 60532
Phone 630.778.1757 Fax 630.778.7757

DRAWN BY: JRP FLD. BK./PG. NO.: 60/15
COMPLETION DATE: 1-09-10 JOB NO.: 95341
REVISED:

FINAL PLAT OF SUBDIVISION

AAA RESUBDIVISION

OF PART OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN.

COMMONLY KNOWN AS: 5307 VICTOR STREET, DOWNERS GROVE, ILLINOIS

VILLAGE COUNCIL CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE)
APPROVED THIS DAY OF , A.D., 20 BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE.

MAYOR
AND
VILLAGE CLERK

PLAN COMMISSION OF THE VILLAGE CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE)
APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE THIS DAY OF , A.D., 20 .

CHAIRMAN

SANITARY DISTRICT CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE)
I, COLLECTOR OF THE DOWNERS GROVE SANITARY DISTRICT, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPORTIONED AGAINST THE TRACT OF LAND INCLUDED IN THIS PLAT.

DATED THIS DAY OF , A.D., 20 .

COLLECTOR

VILLAGE COLLECTORS CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE)
I, COLLECTOR OF THE VILLAGE OF DOWNERS GROVE, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT OR UNPAID CURRENT OR FORFEITED SPECIAL ASSESSMENTS OR ANY DEFERRED INSTALLMENTS THEREOF THAT HAVE NOT BEEN APPORTIONED AGAINST THE TRACT OF LAND, INCLUDED IN THIS PLAT.

DATED THIS DAY OF , A.D., 20 .

COLLECTOR

OWNER'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE)
INDIVIDUALS, HEREBY CERTIFY THAT THEY ARE THE OWNERS (OR OWNER) OF THE ABOVE DESCRIBED PROPERTY AND THEY HAVE CAUSED THE SAME TO BE SURVEYED AND SUBDIVIDED AS SHOWN ON THE PLAT HEREON DRAWN.

DATED THIS DAY OF , A.D., 20 .

OWNER:

ADDRESS:

OWNER:

ADDRESS:

NOTARY CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE)
I HEREBY CERTIFY THAT THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE FOREGOING CERTIFICATE ARE KNOWN TO ME AS SUCH OWNERS.

GIVEN UNDER MY HAND AND SEAL THIS DAY OF , A.D., 20 .

NOTARY PUBLIC

MY COMMISSION EXPIRES:

SURVEYOR'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE)
THIS IS TO CERTIFY THAT, JEFFREY R. PANKOW, ILLINOIS PROFESSIONAL LAND SURVEYOR #3483 HAVE SURVEYED AND SUBDIVIDED THE FOLLOWING DESCRIBED PROPERTY AS SHOWN BY THIS PLAT, WHICH IS A CORRECT REPRESENTATION OF SAID SURVEY AND SUBDIVISION; ALL DIMENSIONS ARE IN FEET OR DECIMALS THEREOF:

THE WEST HALF OF THE SOUTH HALF OF LOT 58 IN BRANIGAR BROTHERS EAST GROVE HIGHLANDS, BEING A SUBDIVISION OF PART OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 23, 1920, IN DUPAGE COUNTY, ILLINOIS.

DATED THIS 25TH DAY OF JUNE, A.D., 2015.

ILLINOIS PROFESSIONAL LAND SURVEYOR #3483
LICENSE EXPIRATION/RENEWAL DATE: NOVEMBER 30, 2016

SURVEYOR'S NOTES:
IRON PIPES OR SURVEYOR'S NAIL ARE SET AT ALL LOT CORNERS UNLESS OTHERWISE NOTED.
ALL MEASUREMENTS AND DISTANCES ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.
ALL EASEMENTS ARE HERETOFORE DEDICATED UNLESS OTHERWISE NOTED.
ALL EASEMENTS DEPICTED ON THE PLAT MAP ARE FOR PUBLIC UTILITIES UNLESS OTHERWISE NOTED.
BEARINGS SHOWN HEREON ARE BASED UPON AN ASSUMED COORDINATE SYSTEM AND ARE INTENDED TO SHOW THE ANGULAR RELATIONSHIP BETWEEN DEPICTED LINES ONLY.

AREA OF SURVEY:
CONTAINING 24,041± SQ. FT. = 0.552 ACRES

PROFESSIONAL LAND SURVEYING, INC.
PROFESSIONAL DESIGN FIRM NO. 184-004196

SCHOOL DISTRICT BOUNDARY STATEMENT
STATE OF ILLINOIS)
COUNTY OF DUPAGE)
THE UNDERSIGNED DO HEREBY CERTIFY THAT, AS OWNERS OF THE PROPERTY DESCRIBED IN THE SURVEYORS CERTIFICATE, AND KNOWN AS TO THE BEST OF OUR KNOWLEDGE AND BELIEF, REASONABLE PROVISION HAS BEEN MADE FOR COLLECTION AND DIVERSION OF SUCH SURFACE WATERS AND PUBLIC AREAS, OR DRAINS WHICH THE SUBDIVIDER HAS A RIGHT TO USE, AND THAT SUCH SURFACE WATERS WILL BE PLANNED FOR IN ACCORDANCE WITH GENERALLY ACCEPTED ENGINEERING PRACTICES SO AS TO REDUCE THE LIKELIHOOD OF DAMAGE TO THE ADJOINING PROPERTY BECAUSE OF THE CONSTRUCTION OF THE SUBDIVISION.

DATED AT , ILLINOIS THIS DAY OF , A.D., 20 .

BY:

DUPAGE COUNTY CLERK'S CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE)
I, COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS, DO HEREBY CERTIFY THAT THERE ARE NO DELINQUENT GENERAL TAXES, NO UNPAID FORFEITED TAXES, AND NO REDEEMABLE TAX SALES AGAINST ANY OF THE LAND INCLUDED IN THIS PLAT.

I, FURTHER CERTIFY THAT I HAVE RECEIVED ALL STATUTORY FEES IN CONNECTION WITH THIS PLAT.

GIVEN UNDER MY HAND AND SEAL OF THE COUNTY CLERK OF DUPAGE COUNTY, ILLINOIS.

THIS DAY OF , A.D., 20 .

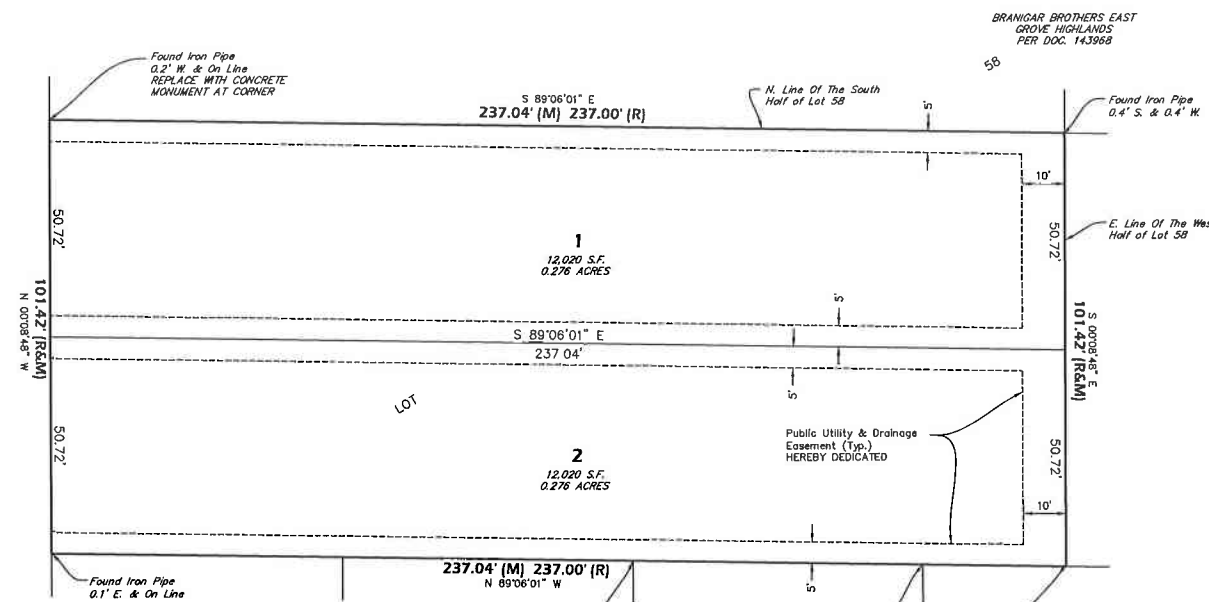
COUNTY CLERK

DUPAGE COUNTY RECORDERS CERTIFICATE
STATE OF ILLINOIS)
COUNTY OF DUPAGE)
THIS PLAT WAS FILED FOR RECORD IN THE RECORDERS OFFICE OF DUPAGE COUNTY, ILLINOIS, ON THE DAY OF , A.D., 20 .

AT O'CLOCK M, AS DOCUMENT NUMBER

RECORDER OF DEEDS

VICTOR STREET
(687' R.O.W. PREVIOUSLY Y EZECHIAHU)



EASEMENT PROVISIONS
AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC AND COMMUNICATION SERVICE IS HEREBY RESERVED FOR AND GRANTED TO:
COMMONWEALTH EDISON COMPANY
AND
SBC - AMERITECH ILLINOIS A.K.A. ILLINOIS BELL TELEPHONE COMPANY, GRANTEES.
THEIR RESPECTIVE LICENSEES, SUCCESSORS AND ASSIGNS JOINTLY AND SEVERALLY, TO CONSTRUCT, OPERATE, REPAIR, MAINTAIN, MODIFY, RECONSTRUCT, REPLACE, SUPPLEMENT, RELOCATE AND REMOVE, FROM TIME TO TIME, POLES GUYS, ANCHORS, WIRES, CABLES, CONDUITS, MANHOLES, TRANSFORMERS, PEDESTALS, EQUIPMENT CABINETS OR OTHER FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY, COMMUNICATIONS, SOUNDS AND SIGNALS IN, OVER, UNDER, ACROSS, ALONG AND UPON THE SURFACE OF THE PROPERTY SHOWN WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) ON THE PLAT AND MARKED 'EASEMENT', 'UTILITY EASEMENT', 'PUBLIC UTILITY EASEMENT', 'P.U.E.' (OR SIMILAR DESIGNATION), THE PROPERTY DESIGNATED IN THE DECLARATION OF CONDOMINIUM AND/OR ON THIS PLAT AS 'COMMON ELEMENTS', AND THE PROPERTY DESIGNATED ON THE PLAT AS 'COMMON AREA OR AREAS', AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHTS TO INSTALL, REQUIRED SERVICE CONNECTIONS OVER OR UNDER THE SURFACE OF EACH LOT AND COMMON AREA OR AREAS TO SERVE IMPROVEMENTS THEREON, OR ON ADJACENT LOTS, AND COMMON AREA OR AREAS, THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES, ROOTS AND SAPLINGS AND TO CLEAR OBSTRUCTIONS FROM THE SURFACE AND SUBSURFACE AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) ON THE PLAT AND MARKED 'EASEMENT', 'UTILITY EASEMENT', 'PUBLIC UTILITY EASEMENT', 'P.U.E.' (OR SIMILAR DESIGNATION) WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEE. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

THE TERM 'COMMON ELEMENTS' SHALL HAVE THE MEANING SET FORTH FOR SUCH TERM IN THE 'CONDOMINIUM PROPERTY ACT', CHAPTER 765 ILCS 0052, AS AMENDED FROM TIME TO TIME.
THE TERM 'COMMON AREA OR AREAS' IS DEFINED AS A LOT, PARCEL OR AREA OF REAL PROPERTY, THE BENEFICIAL USE AND ENJOYMENT OF WHICH IS RESERVED IN WHOLE OR AS AN APPURTENANCE TO THE SEPARATELY OWNED LOTS, PARCELS OR AREAS WITHIN THE PLANNED DEVELOPMENT, EVEN THOUGH SUCH BE OTHERWISE DESIGNATED ON THE PLAT BY TERMS SUCH AS 'OUTLOTS', 'COMMON ELEMENTS', 'OPEN SPACE', 'OPEN AREA', 'COMMON GROUND', 'PARKING' AND 'COMMON AREA'. THE TERM 'COMMON AREA OR AREAS' AND 'COMMON ELEMENTS' INCLUDE REAL PROPERTY SURFACED WITH INTERIOR DRIVEWAYS AND WALKWAYS, BUT EXCLUDES REAL PROPERTY PHYSICALLY OCCUPIED BY A BUILDING, SERVICE BUSINESS DISTRICT OR STRUCTURES SUCH AS A POOL, RETENTION POND OR MECHANICAL EQUIPMENT.
RELOCATION OF FACILITIES WILL BE DONE BY GRANTEE AT COST OF THE GRANTEE/LOT OWNER, UPON WRITTEN REQUEST.

DECLARATION OF RESTRICTIVE COVENANTS
THE UNDERSIGNED OWNER HEREBY DECLARES THAT THE REAL PROPERTY DESCRIBED IN AND DEPICTED ON THIS PLAT OF SUBDIVISION SHALL BE HELD, TRANSFERRED, SOLD, CONVEYED AND OCCUPIED SUBJECT TO THE FOLLOWING COVENANTS AND RESTRICTIONS:
(A) ALL PUBLIC UTILITY STRUCTURES AND FACILITIES, WHETHER LOCATED ON PUBLIC OR PRIVATE PROPERTY, SHALL BE CONSTRUCTED WHOLLY UNDERGROUND, EXCEPT FOR TRANSFORMERS, TRANSFORMER PADS, LIGHT POLES, REGULATORS, VALVES, MARKERS AND SIMILAR STRUCTURES APPROVED BY THE VILLAGE ENGINEER OF THE VILLAGE OF DOWNERS GROVE PRIOR TO RECORDING OF THIS PLAT OF SUBDIVISION.
(B) AN EASEMENT FOR SERVING THE SUBDIVISION, AND OTHER PROPERTY WITH STORM DRAINAGE, SANITARY SEWER, STREET LIGHTING, POTABLE WATER SERVICE AND OTHER PUBLIC UTILITY SERVICES, IS HEREBY RESERVED FOR AND GRANTED TO THE VILLAGE OF DOWNERS GROVE AND DOWNERS GROVE SANITARY DISTRICT. THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, JOINTLY AND SEPARATELY, TO INSTALL, OPERATE AND MAINTAIN AND REMOVE, FROM TIME TO TIME, FACILITIES AND EQUIPMENT USED IN CONNECTION WITH THE PUBLIC WATER SUPPLY, TRANSMISSION LINES, SANITARY SEWERS, STORM DRAINAGE SYSTEM, STREET LIGHTING SYSTEM, OR OTHER PUBLIC UTILITY SERVICE, AND THEIR APPURTENANCES, EITHER ON, OVER, ACROSS, BELOW OR THROUGH THE GROUND SHOWN WITHIN THE DOTTED LINES ON THE PLAT MARKED 'PUBLIC UTILITY AND/OR DRAINAGE EASEMENT', OR SIMILAR LANGUAGE DESIGNATING A STORMWATER OR SEWER EASEMENT, AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, TOGETHER WITH THE RIGHT TO CUT, TRIM OR REMOVE TREES, BUSHES AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. OBSTRUCTIONS SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER, THE PROPERTY WITHIN THE STORMWATER OR SEWER EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEE. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED IN A MANNER SO AS TO INTERFERE WITH THE PROPER OPERATION AND MAINTENANCE THEREOF.

WHEREAS, SAID LOTS WILL BE CONVEYED TO PURCHASERS SUBJECT TO THIS DECLARATION TO THE END THAT THE RESTRICTIONS IMPOSED SHALL INURE TO THE BENEFIT OF EACH AND ALL OF THE PURCHASERS OF SUCH LOTS WHETHER THEY SHALL HAVE BECOME SUCH BEFORE OR AFTER THE DATE THEREOF, AND THEIR RESPECTIVE HEIRS AND ASSIGNS; AND

WHEREAS, THE AFORESAID PROPERTY DESCRIBED ON THE ATTACHED PLAT IS LOCATED ENTIRELY WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND

WHEREAS, ALL OF THE PROVISIONS, RESTRICTIONS, CONDITIONS, COVENANTS, AGREEMENTS, AND CHARGES HEREIN CONTAINED SHALL RUN WITH AND BIND ALL OF SAID LOTS AND LAND AND SHALL INURE TO THE BENEFIT OF, AND BE ENFORCEABLE BY THE VILLAGE OF DOWNERS GROVE, ILLINOIS, AND THE OWNERS OR OWNER OF ANY OF THE LOTS OF LANDS COMPRISED WITHIN SAID PLAT, AND THEIR RESPECTIVE HEIRS, EXECUTORS, ADMINISTRATORS, SUCCESSORS AND ASSIGNS.

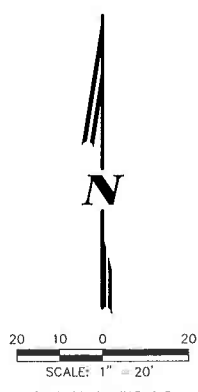
NOW, THEREFORE, ALL PERSONS, FIRMS OR CORPORATIONS NOW OWNING THE AFORESAID PROPERTY DO COVENANT AND AGREE THAT THEY OR ANY PERSON, FIRM OR CORPORATION HEREAFTER ACQUIRING ANY PROPERTY OR LOTS SHOWN UPON THE ATTACHED PLAT OF SUBDIVISION ARE HEREBY SUBJECT TO THE FOLLOWING RESTRICTIONS RUNNING WITH SAID PROPERTY BY WHOMSOEVER OWNED, TO WIT:

- 1. NO IMPROVEMENTS SHALL BE MADE IN OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, AS DESCRIBED IN THE PLAT OF SUBDIVISION, EXCEPT FOR LANDSCAPE INSTALLATION OF TREES, SHRUBS, BUSHES AND GRASS AND THE INSTALLATION OF UNDERGROUND UTILITY LINES AND DRIVEWAYS.
2. EACH OWNER OR PURCHASER SHALL BE RESPONSIBLE FOR MAINTAINING THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, APPLICABLE TO HIS LOT IN SUCH MANNER AS TO INSURE THE FREE AND UNINTERRUPTED FLOW OF STORM WATER THROUGH THE DRAINAGE SYSTEM OF THE SUBDIVISION, AND SHALL NOT DESTROY OR MODIFY GRADES OR SLOPES WITHOUT HAVING FIRST RECEIVED PRIOR WRITTEN APPROVAL OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.
3. IN THE EVENT ANY OWNER OR PURCHASER FAILS TO PROPERLY MAINTAIN THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, THE VILLAGE OF DOWNERS GROVE, ILLINOIS, SHALL UPON TEN DAYS PRIOR WRITTEN NOTICE, RESERVE THE RIGHT TO PERFORM, OR HAVE PERFORMED ON ITS BEHALF, ANY MAINTENANCE WORK TO OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, REASONABLY NECESSARY TO INSURE ADEQUATE STORM WATER STORAGE AND FREE FLOW OF STORM WATER THROUGH THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS.
4. IN THE EVENT THE VILLAGE OF DOWNERS GROVE, ILLINOIS, SHALL BE REQUIRED TO PERFORM, OR HAVE PERFORMED ON ITS BEHALF, ANY MAINTENANCE WORK TO OR UPON THE STORMWATER EASEMENT, INCLUDING DETENTION OR RETENTION AREAS, THE COST TOGETHER WITH THE ADDITIONAL SUM OF TEN PERCENT SHALL, UPON RECORDATION OF A NOTICE OF LIEN WITHIN SIXTY DAYS OF COMPLETION OF THE WORK, CONSTITUTE A LIEN AGAINST HIS LOT WHICH MAY BE FORECLOSED BY AN ACTION BROUGHT BY OR ON BEHALF OF THE VILLAGE OF DOWNERS GROVE, ILLINOIS.
5. THE AFORESAID RESTRICTIONS AND COVENANTS, AND EACH AND EVERY ONE OF THEM, ARE HEREBY EXPRESSLY MADE AN ESSENTIAL PART OF THIS INSTRUMENT, AND SHALL BE AND REMAIN OF PERPETUAL EFFICACY AND OBLIGATION IN RESPECT TO THE SAID PREMISES AND THE PARTIES HEREBY DESIGNATED, THEIR AND EACH OF THEIR SUCCESSORS, HEIRS, AND ASSIGNS.

PREPARED FOR: OSMANI
JOB ADDRESS: 5307 VICTOR STREET, DOWNERS GROVE, IL

Professional Land Surveying, Inc.
3080 Ogden Avenue Suite 107
Lisle, Illinois 60532
Phone 630.778.1757 Fax 630.778.7757

DRAWN BY: SMR FLD. BK./PG. NO.: 60/15
COMPLETION DATE: 6-24-15 JOB NO.: 105341
REVISED: JH 8-6-15



June 29, 2015

Fikri and Xhevrije Osmani
4400 Douglas Road
Downers Grove, IL 60515

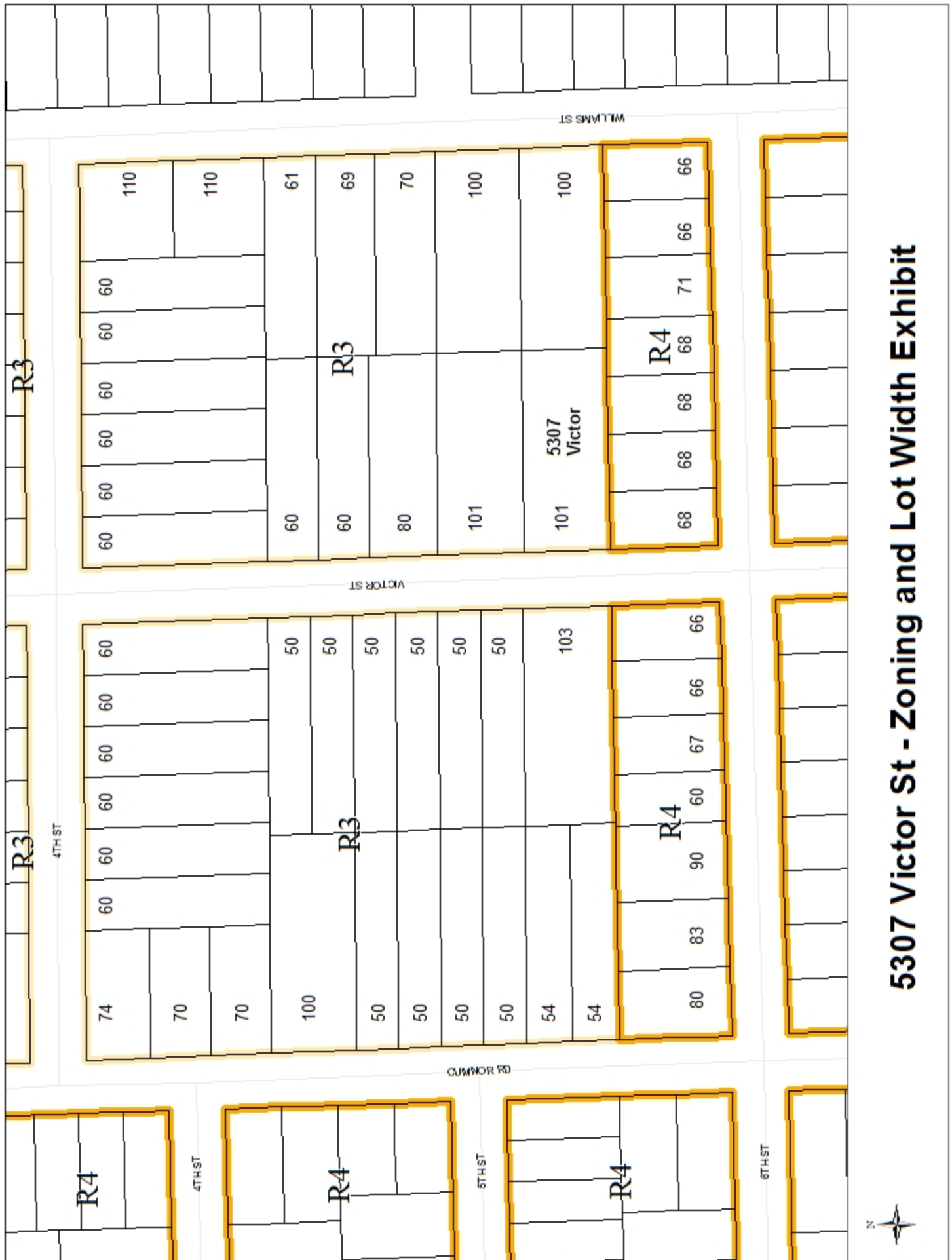
RE: Lot Division Request at 5307 Victor St. Downers Grove (PIN# 0909323013)

To Whom it May Concern:

My husband and I are looking to divide the above stated property. We have owned the property for about six years and had planned on building a home for ourselves on it years ago. Unfortunately, due to the economy our plans were put on hold and needless to say we were not able to build our home in the time we had hoped and expected. Now that we have one child in college, another one right behind her and our son a few years away we realize that although we love the land, it is much too large for us and it would make more sense to be able to divide it and still put our family home on half of it. It would be more cost effective and also would allow us to remain in a town we have been in for over twenty years. We have gone through all of the Village's requests in looking to make sure this land was legally divided back to and before 1958 and getting all the necessary documentation through the county for that. The lot is big enough by village standards to be able to put in a request for division. We have also submitted all of the necessary paperwork required for this process to get a fair vote. My husband has built many homes in the area and we are not looking to create a problem for our neighbors, but just would like to build a home for our family in an area we love.

Sincerely

Fikri and Xhevrije Osmani



5307 Victor St - Zoning and Lot Width Exhibit



APPROVED 10/05/15

FILE 15-PLC-0025: A petition seeking approval of a Final Plat of Subdivision to subdivide the existing property into two lots. The property is currently zoned R-3, Residential Detached House 3. The subject property is located on the east side of Victor Street, approximately 130 feet north of 6th Street, commonly known as 5307 Victor Street, Downers Grove, IL (09-09-323- 013). Xhevrije Osmani, Petitioner and Fikri Osmani, Owner.

Planning Manager Stan Popovich located the half-acre R-3 zoned property on the aerial photograph, noting it was 101 feet wide by 237 feet deep. The petitioner would like to split the parcel into two lots just under 51 feet each with two exceptions. The zoning ordinance and subdivision ordinance requires 75-foot wide lot widths when new lots of record are being created. Properties to the south were zoned R-4, properties to the west, north and east were zoned R-3. Mr. Popovich stated that the lot widths in the area ranged from 50 feet to over 100 feet wide. The lots on the petitioner's block were 60 feet plus in width (64% of the block) while the remainder were more than 69 feet wide. Lot widths for the lots west of the site were also shared.

Staff reviewed the comprehensive plan as it related to the proposed lot and pointed out that staff did not feel the proposal met the scale and character of the area due to the block the lot was located on. All of the other lots were larger than what was being proposed. The comprehensive plan notes in-fill redevelopment should be sensitive to the neighborhood context. Staff believed the proposed split could set a precedent and change the density of the area. Therefore, staff did not feel the proposal was consistent with the Comprehensive Plan. While the petitioner meets the area requirements, it did not meet the lot width requirements. To date, there were no comments received on the proposal.

Should the petition be approved, staff would require a sidewalk fee in lieu of sidewalks being installed. The fees would be set aside for future installation of sidewalks. A parkway tree fee in-lieu and school and park donations would also be required of the petitioner.

Mr. Popovich reviewed the five standards that exceptions must meet under Section 20.602 of the Subdivision Ordinance and how the proposal did not meet those standards. Staff recommended denial of the petition; however, if the Planning Commission were to forward a positive recommendation, staff recommended to include the conditions listed in staff's report.

Commissioner questions/comments followed as to when the 50-foot lots to the west were platted, i.e. before the Comprehensive Plan (20 years prior) and were they within the village when they were platted. Ms. Hogstrom mentioned there was a home being constructed on a 50 ft. wide lot at 5226 Victor. She then asked staff to explain how the calculation for the school donation was determined because it seemed high. Staff indicated new population tables and value of land went into effect with the new subdivision ordinance. An explanation of how the rates were determined followed.

Petitioners Xhevrije and Frank Osmani were present. Ms. Osmani confirmed she and her husband were the owners of the property for six years and wanted to subdivide it. They initially wanted to build a home on the lot but with the change in the economy and their children grown, they still wanted to build a nice home and remain in the area but the lot was too large now and they wanted to split it. The Osmanis pointed out that new homes were being built on 50-foot wide lots. While they were not necessarily on their block, they were being built and were much smaller homes. Mr. Osmani stated he and his wife have been paying taxes on the property for six years and he has

APPROVED 10/05/15

been unable to sell the lot for the past two years. He believed the school donations and fees for the property were high. He was not sure how the property was being valued. Mr. Osmani stated he wanted to build something more reasonable and make life better for him. He also stated the existing home on the property was unique in that it was a little over 100 years old and the other homes in the area were 50 to 60 years. He believed the home was a teardown because putting money into it was probably not worth it, whereas the other homes could have additions.

Mr. Osmani stated he constructed homes for a living and also rehabbed homes. Ms. Osmani felt that the neighbors probably did not want to see a 6,000 sq. foot home on the lot either, which was out of character for the area but rather two modest homes that would fit into the neighborhood. Mr. Osmani added that the lots would not be affecting drainage either and believed the neighborhood would benefit from the subdivision.

Chairman Rickard opened up the meeting to public comment.

Mr. James Stafanison 18 6th Street, Downers Grove stated his backyard is the third yard in from 6th and Victor and clarified that he and his neighbors were at the previous meeting ready with comments but the case was continued to tonight and now there were less neighbors in attendance which was unfortunate because of the continuance. He did not support the proposal due to the anticipated construction noise, the potential for water problems, and the fact that it will affect the makeup of the neighborhood, as it is changing now. Two owners prior to this owner told Mr. Stafanison that a septic field exists in the northeast corner. A flood plain exists in the center of the site.

Mr. Anton Hodermarsky, Jr. owner of 22 6th Street is the second home on Victor Street and does not support the lot split due to the same reasons Mr. Stafanison voiced. His yard receives more water than the other homes on 6th Street and it collects in his yard. He stated a three-foot ledge was built on his property 20 years ago and the concrete was pushing forward which meant that land was pushing into his land. For the petitioner to say that construction will not affect anyone is false. He recently created a playground for his child and worried that if the proposed subdivision occurs, more water runoff would come into his property. He recommended the commissioners denying the petition.

Mr. Jerry Figliulo, 1454 Arrowwood Lane, used to have a 50 ft. wide lot and stated a nice size home could be built on a 50 ft. wide lot. He did not see anything addressing water issues in staff's report. He commented that he saw on the agenda a similar petition for Saratoga and Ogden which staff was supportive. However, he stated that if the commission was going to deny this petition, it should deny the Saratoga and Ogden petition. He also noted the other 50-foot wide lots that existed across the street and did not see why the petition should be denied, other than for the water issue.

In response to the comments, Mr. Osmani stated he has owned the house for six years and maintained his water and it did not affect his neighbors. He stated that the person before him who purchased his home two years ago should have put more thought in before he purchased his home and to view where his property drained because his property did not affect that neighbor. His property sat above his neighbors. With regard to creating gardens, etc., those neighbors never cared about the water until they flooded. It was their problem. He believed the water problems should have been fixed before they purchased their properties or when the subdivision was created that the issues began to occur. His property sloped to the north.

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Regarding the noise, Ms. Osmani stated that a home will be constructed on the site – whether two homes or one -- and the neighbors will have to get used to it. Other noise factors were pointed out by Mr. Osmani and the fact that he paid for permits and the money was used by the village to maintain the streets, etc. Ms. Osmani added that a “mediocre” home will not be constructed but rather a home that blends in well with the neighborhood.

Mr. Osmani also clarified for the commissioners that when he initially started this process with the village, he was working with someone else and not with Mr. Popovich at the time. This person asked the village a number of questions and if there was a possibility of splitting the lots, otherwise he said they would not have paid the money to move it forward. Mr. Osmani stated he was told that “this is doable” and was supportive of the proposal. He stated that Mr. Popovich became involved two weeks ago and heard that Mr. Popovich was not supportive of the proposal and it was too late.

Mrs. Rabatah asked Mr. Osmani whether he was aware of the subdivision ordinance’s requirements for minimum lot widths when he purchased the lot, to which Mr. Osmani said he was not. He explained that he and his wife loved the property the way it was because they had young children but they eventually grew up and due to financial issues, they could not built on the lot nor did they want such a large parcel now. Per Ms. Osmani, six years ago she and her husband were not looking to split the lot but to build on it as it was.

Mr. Popovich provided a history of when the area was annexed and platted into the village. In the nine years he has been with the village, Mr. Popovich stated the lot widths had always been 75 feet for newly created lots. Mr. Ainsworth also confirmed that the 75 ft. wide lot standard came into effect in 1964. Asked if there was a zoning area that did allow 50 ft. wide lots, Mr. Popovich confirmed that the R-4 zoning was the smallest with many lots located north of the railroad tracks, and many were established when a plat of subdivision occurred in the 1920s or 1930s. Further explanation followed that when a subdivision comes in for a R-4 district, the lot must be 75 feet wide.

Public comment was closed by the chairman.

In reviewing the map on the overhead and in listening to the discussion, Mr. Quirk noted that about half of the Victor addresses had 50-foot wide lots. He did not believe they were impacting property values. Some commissioners felt the 50 ft. wide lots were common, especially across the street, while Ms. Hogstrom stated constructing one large home on such a large lot would not fit in the neighborhood and she agreed with the petitioner’s comments. Mr. Cozzo shared the dilemma he was in because he saw both sides of the argument. However, for him it was a matter of whether the commission agreed with the rationale for the standards or not. If not, then the petition should be denied. If the commission disagrees, then an accommodation needs to be done. Mrs. Rabatah, in being one of the longer standing commissioners, stated the commission has always adhered to meeting the subdivision ordinance with respect to the width; she did not hear a hardship.

Mr. Quirk, however, pointed out that the lot depth was unique as well as the square footage that was being retained for the lot, in that it far exceeded the 10,500 sq. feet. The lots were still very large. However, Mrs. Rabatah expressed concern about precedence and the fact that petitions prior to this were also denied. Mr. Thoman pointed out how these unusually deep lots used to be called “flag” lots due to the difficulty to get rid of them. He believed, however, the 75 feet stated in the

APPROVED 10/05/15

municipal code was very clear and he was not aware of any 100-foot lot within the village being split into two 50-foot lots. He believed that allowing the split would cause a precedent for other owners owning 100 ft. wide lots. Asked if he believed the 50 ft. wide lots would adversely affect property value, Mr. Thoman stated it would because every new house constructed in that subdivision would cause problems for the houses surrounding them. He cited how the village had spent large sums of money razing homes and creating dry and wet basins to remedy the problem of having too much impervious coverage in too small of an area in this area of the village. Ms. Hogstrom pointed to only four other properties that could possibly be split, whereas, Mr. Thoman argued that this would be a precedent set for the entire village and not just this particular area.

Mr. Cozzo reviewed the five standards one by one with one commissioner noting that while there was no trend for 50-foot wide lots, if the petition were approved, then a trend would be created, especially by a builder looking to purchase 100 ft. lots, tear down homes and subdivide them into 50 ft. lots, because land was becoming scarce. Mr. Quirk reminded the commissioners that they had to be mindful of balancing lot widths. He disagreed with staff's response to Standard No. 1 and was not sure what staff was trying to determine with regard to Standard No. 2 but pointed out across the street were six 50-foot wide lots. He agreed with No. 3.

A motion was entertained.

WITH RESPECT TO FILE 15-PLC-0025, MR. QUIRK MADE A MOTION THAT THE PLAN COMMISSION FORWARD A RECOMMENDATION TO DENY THE PETITION, AS PRESENTED, TO THE VILLAGE COUNCIL.

SECONDED BY MR. THOMAN. ROLL CALL:

AYE: MR. QUIRK, MR. THOMAN, MR. BASSLER, MR. COZZO, MRS. RABATAH, XRICKARD.

NAY: MS. HOGSTROM

MOTION CARRIED TO DENY. VOTE: 6-1.

Ms. Hogstrom stated she felt what the petitioners were proposing fit better with the neighborhood than what could be constructed, which would not come before this commission, and would not fit in with the neighborhood.