

**VILLAGE OF DOWNERS GROVE**  
**Report for the Village**  
**4/5/2022**

<b>SUBJECT:</b>	<b>SUBMITTED BY:</b>
Special Use - 5240 Lyman Avenue	Stan Popovich, AICP Director of Community Development

**SYNOPSIS**

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

**STRATEGIC PLAN ALIGNMENT**

The goals for the 2021-2023 include acting as a *Steward of Financial, Environmental, and Neighborhood Sustainability*.

**FISCAL IMPACT**

N/A

**RECOMMENDATION**

Approval on the April 12, 2022 active agenda per the Plan Commission's 8:0 positive recommendation. The Plan Commission found that the proposal is compatible with the Comprehensive Plan and meets the standards for a Special Use found in Section 28.12.050.H.

**BACKGROUND**Property Information & Zoning Request

The petitioners own two (2) adjacent lots of record on Lyman Avenue. There is a single family home on the northern lot (5234 Lyman Avenue) and the southern lot (5240 Lyman Avenue) is vacant. The petitioner is proposing to build a new sports court on the vacant lot. Per the Zoning Ordinance, residential accessory structures may only be established in conjunction with or after a principal building. An accessory structure may not be established before the principal building is in place unless a Special Use is granted by the Village Council.

Compliance with the Comprehensive Plan

According to the Future Land Use Plan the subject property is designated as Residential. The proposed accessory structure is located in the rear yard and would complement the existing residential uses in the vicinity. The proposal is consistent with the intent of the Comprehensive Plan and will not diminish the value of surrounding properties.

Compliance with the Zoning Ordinance

The property is zoned R-4, Single Family Residential. An accessory structure on a lot prior to a principal structure is an allowable special use in the R-4 district. The property meets the requirements and is eligible for consideration of this special use. The proposed sports court will meet the bulk requirements of the Zoning Ordinance.

Public Comment

Prior to and during the Plan Commission meeting, staff did not receive any inquiries regarding this proposal

**ATTACHMENTS**

Ordinance

Aerial Map

Staff Report with attachments dated March 7, 2022

Draft Minutes of the Plan Commission Hearing dated March 7, 2022

**ORDINANCE NO. \_\_\_\_\_****AN ORDINANCE AUTHORIZING A SPECIAL USE TO CONSTRUCT  
AN ACCESSORY STRUCTURE BEFORE THE  
PRINCIPAL STRUCTURE IS CONSTRUCTED AT 5240 LYMAN AVENUE**

WHEREAS, the following described property, to wit:

LOT 17 IN BLOCK 1 IN ARTHUR T. MCINTOSH AND COMPANY'S THIRD OGDEN AVENUE SUBDIVISION, BEING A SUBDIVISION OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF SECTION 4, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 31, 1924 AS DOCUMENT NO. 186703, IN DUPAGE COUNTY, ILLINOIS.

Commonly known as: 5240 Lyman Avenue, Downers Grove, IL 60515  
PINs: 09-08-315-010; -011

(hereinafter referred to as the "Property") is presently zoned in the "R-4, Residential Detached House 4 District" under the Comprehensive Zoning Ordinance of the Village of Downers Grove; and

WHEREAS, the owner of the Property has filed with the Plan Commission, a written petition conforming to the requirements of the Zoning Ordinance, requesting that a Special Use be granted to construct an accessory structure before the principal structure constructed; 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 for the petition on March 7, 2022 and has made its findings and recommendations, all in accordance with the statutes of the State of Illinois and the ordinances of the Village of Downers Grove; and,

WHEREAS, the Plan Commission has recommended approval of the Special Use, subject to certain conditions; and,

WHEREAS, the Village Council finds that the evidence presented in support of said petition, as stated in the aforesaid findings and recommendations of the Plan Commission, is such as to establish the following:

1. That the proposed use is expressly authorized as a Special Use in the district in which it is to be located.
2. That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.
3. That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Downers Grove, in DuPage

County, Illinois, as follows:

SECTION 1. That Special Use of the Property is hereby granted to construct an accessory structure before the principal structure is constructed.

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

1. The proposed sport court shall substantially conform to the plans and specifications attached to the staff report dated March 7, 2022 except as such plans may be changed to conform to Village codes, ordinances, and policies.
2. A restriction shall be recorded against the properties with the DuPage County Recorder of Deeds that requires demolition of the sports court prior to the sale of the properties if they are not transferred simultaneously to a single entity.

SECTION 3. The above conditions are hereby made part of the terms under which the Special Uses are granted. Violation of any or all of such conditions shall be deemed a violation of the Village of Downers Grove Zoning Ordinance, the penalty for which may include, but is not limited to, a fine and/or revocation of the Special Use granted herein.

SECTION 4. It is the Petitioner's obligation to maintain compliance with all applicable Federal, State, County and Village laws, ordinances, regulations, and policies.

SECTION 5. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

\_\_\_\_\_  
Mayor

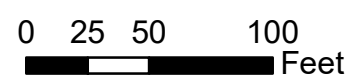
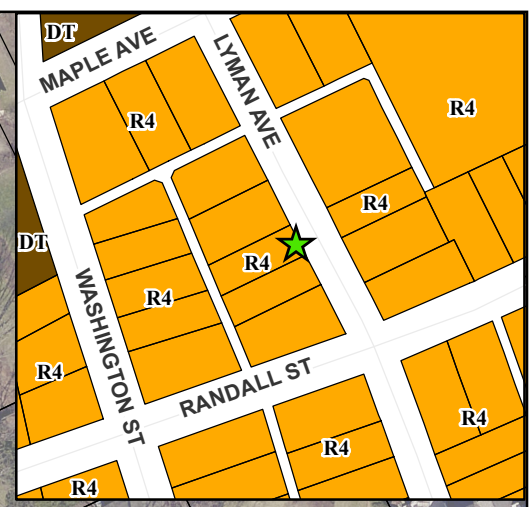
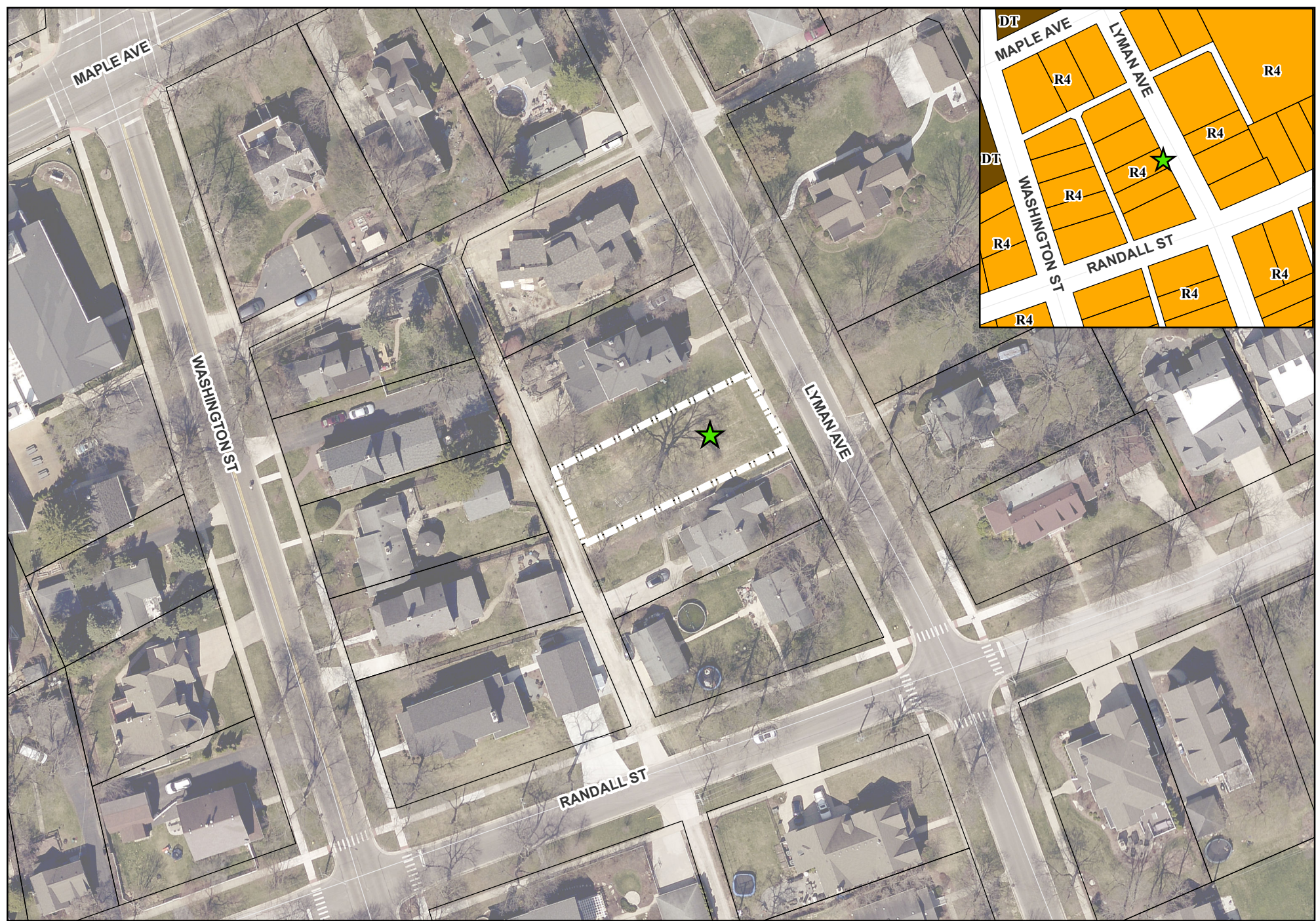
Passed:

Published:



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

Village Clerk

I:\mw\ord.22\SU-5240-Lyman-22-PLC-0005



### 5240 Lyman Avenue - Location Map

-  Subject Property
-  Project Location



**VILLAGE OF DOWNERS GROVE  
REPORT FOR THE PLAN COMMISSION  
MARCH 7, 2022 AGENDA**

<b>SUBJECT:</b>	<b>TYPE:</b>	<b>SUBMITTED BY:</b>
22-PLC-0005 5240 Lyman Avenue	Special Use for an Accessory Structure on a Vacant Lot	Flora Ramirez, AICP Senior Planner

**REQUEST**

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

**NOTICE**

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

**GENERAL INFORMATION**

**OWNER/PETITIONER:** Michael and Stacey Lane  
5234 Lyman Avenue  
Downers Grove, IL 60515

**PROPERTY INFORMATION**

**EXISTING ZONING:** R-4, Residential Detached House 4  
**EXISTING LAND USE:** Vacant Residential Lot  
**PROPERTY SIZE:** 114,931.54 square feet (2.64 acres)  
**PINS:** 09-08-315-011 and 09-08-315-010

**SURROUNDING ZONING AND LAND USES**

	<b>ZONING</b>	<b>FUTURE LAND USE</b>
<b>NORTH:</b>	R-4, Residential Detached House 4	Single Family Detached
<b>SOUTH:</b>	R-4, Residential Detached House 4	Single Family Detached
<b>EAST:</b>	R-4, Residential Detached House 4	Single Family Detached
<b>WEST:</b>	R-4, Residential Detached House 4	Single Family Detached

**ANALYSIS****SUBMITTALS**

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

1. Project Summary/Narrative
2. Special Use Criteria
3. Plats of Survey

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March 7, 2022

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#### 4. Proposed Site Plan

##### **PROJECT DESCRIPTION**

The petitioner owns two (2) adjacent lots of record on Lyman Avenue. There is a single family home on the northern lot, and the southern lot is vacant. The petitioner is proposing to build a new sports court on the vacant lot. Per the Zoning Ordinance, residential accessory structures may only be built on a lot with a principal structure (e.g. a house), unless there are two adjacent lots held in common ownership. In the latter situation, accessory structures may be constructed prior to a principal structure provided a Special Use is granted by the Village Council.

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

According to the Future Land Use Plan the subject property is designates as Residential. The proposed accessory structure would complement the residential uses in the vicinity. The proposal is consistent with the intent of the Comprehensive Plan and will not diminish the value of surrounding properties.

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

The property is zoned R-4, Single Family Residential. An accessory structure on a lot prior to a principal structure is an allowable special use in the R-4 district. The properties meet the requirements and are eligible for consideration of this special use. The proposed sports court will meet the bulk requirements of the Zoning Ordinance as outline in the table below:

<b>5240 Lyman Avenue</b>	<b>Required</b>	<b>Proposed</b>
Front Setback	25 ft.	98 ft.
Side Setback	5 ft.	5 ft.
Rear Setback	5 ft.	5 ft.
Size	1,000 sq. ft. maximum	850 sq. ft.

##### **ENGINEERING/PUBLIC IMPROVEMENTS**

All engineering provisions including stormwater regulations have been reviewed for compliance with the Stormwater and Floodplain Ordinance. The proposed development will meet the ordinance. Any requisite building permits will be reviewed for continued compliance.

##### **PUBLIC SAFETY REQUIREMENTS**

The Fire Prevention Division of the Fire Department has reviewed the application and has no concerns.

##### **NEIGHBORHOOD COMMENT**

Notice was provided to all property owners 250 feet or less from the property line in addition to posting the public hearing sign and publishing a legal notice in the *Daily Herald*. Staff has not received any neighborhood comment regarding the proposal at this time.

##### **STANDARDS OF APPROVAL**

###### Special Use

The petitioner is requesting approval for a Special Use to construct an accessory structure on a lot of record prior to the construction of a principal structure, as required by Section 28.6.010(a)(3).

###### **Section 28.12.050.H Approval Criteria – Special Uses**

*No special use may be recommended for approval or approved unless the respective review or decision-making body determines that the proposed special use is constituent with and in substantial compliance with all Village*

5240 Lyman Avenue, 22-PLC-0005  
March 7, 2022

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*Council policies and plans and that the applicant has presented evidence to support each of the following conclusions:*

- 1. That the proposed use is expressly authorized as a Special Use in the district in which it is to be located;*
- 2. That the proposed use at the proposed location is necessary or desirable to provide a service or a facility that is in the interest of public convenience and will contribute to the general welfare of the neighborhood or community.*
- 3. That the proposed use will not, in the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or be injurious to property values or improvements in the vicinity.*

## **DRAFT MOTION**

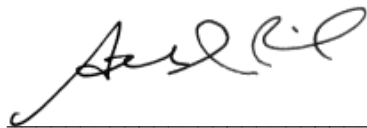
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Staff will provide a recommendation at the March 7, 2022 meeting. Should the Plan Commission find that the request meets the standards of approval for the Special Use, staff has prepared a draft motion that the Plan Commission may make for the recommended approval of 22-PLC-0005:

Based on the petitioner's submittal, the staff report, and the testimony presented, I find that the petitioner has met the standards of approval for the Special Uses as required by the Village of Downers Grove Zoning Ordinance and is in the public interest and therefore, I move that the Plan Commission recommend to the Village Council approval of 22-PLC-0005, subject to the following conditions:

1. The proposed sport court shall substantially conform to the plans and specifications attached to this report except as such plans may be changed to conform to Village codes, ordinances, and policies.
2. A restriction shall be recorded against the properties with the DuPage County Recorder of Deeds that requires demolition of the sports court prior to the sale of the properties if they are not transferred simultaneously to a single entity.

Staff Report Approved By:

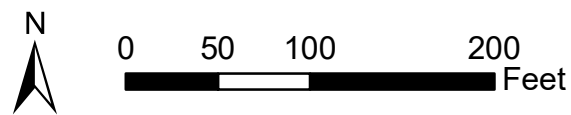


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Stanley J. Popovich, AICP  
Community Development Director

SP:fr  
-att





1122 Gilbert Avenue - Location Map

-  Subject Property
-  Project Location

Project Summary/Narrative Statement

1122-1134 Gilbert Avenue

Immanuel Residences

The applicant, Immanuel Residences Inc. acquired the subject property from the Village in 1980. The subject property was not subdivided in 1980. The property was “divided” in 3 parcels. Parcel 1 is the current Village parking lot; parcel 2 is the access driveway to the parking lot; and parcel 3 is where the Immanuel Residences building is located. Immanuel Residences, Inc. and the Village entered into a Lease Agreement in 1980 whereby the Village leased parcel 1 and parcel 2 for off-street public parking until 2078. The Village then entered into two separate license agreements with Immanuel Residences, Inc. that allow use of parcel 2 for purposes of accessing the Immanuel Residences building’s loading dock and also allow building residents to park their passenger vehicles in the parking lot between 6:00 p.m. and 6:00 a.m.

The purpose of the subdivision is to subdivide the property into 2 new lots. Lot 1 will comprise parcel 3 where Immanuel Residences is located. Lot 2 will compromise parcel 1 (the current Village parking lot) and parcel 2 (the access driveway to the parking lot).





# IMMANUEL'S PLAT OF RESUBDIVISION

BEING A SUBDIVISION IN THE NORTHWEST QUARTER SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN DUPAGE COUNTY, ILLINOIS.

### OWNER'S CERTIFICATE AND SCHOOL DISTRICT STATEMENT

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF DUPAGE )

IMMANUEL RESIDENCES, INC., A ILLINOIS NOT FOR PROFIT CORPORATION, DOES HEREBY CERTIFY THAT IT IS THE OWNER OF PART OF THE PROPERTY DESCRIBED HEREON AND THAT IT HAS CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED FOR THE PURPOSE OF SUBDIVIDING SAME INTO TWO LOTS AS SHOWN HEREON FOR THE USES AND PURPOSES THEREIN SET FORTH AND DOES HEREBY ACKNOWLEDGE AND ADOPT THE SAME UNDER THE STYLE AND TITLE HEREON SHOWN. IT FURTHER CERTIFIES TO THE BEST OF ITS KNOWLEDGE, THAT THE LAND INCLUDED HEREIN FALLS WITHIN THE FOLLOWING SCHOOL DISTRICTS: COMMUNITY HIGH SCHOOL DISTRICT 99, 7925 JANES AVENUE, WOODRIDGE, IL 60517 (630) 795-6800, DOWNERS GROVE GRADE SCHOOL DISTRICT 58, 2300 WARRENVILLE ROAD, SUITE 200N, DOWNERS GROVE, IL 60515 (630)719-5800, ILLINOIS PUBLIC COMMUNITY COLLEGE DISTRICT NO. 502.

SIGNED AT \_\_\_\_\_, ILLINOIS THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2022

IMMANUEL RESIDENCES, INC., A ILLINOIS NOT FOR PROFIT CORPORATION

BY: \_\_\_\_\_

NAME: RALPH GAINES

TITLE: PRESIDENT

### NOTARY PUBLIC CERTIFICATE

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF DUPAGE )

I, \_\_\_\_\_, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT RALPH GAINES OF IMMANUEL RESIDENCES, INC., A ILLINOIS NOT FOR PROFIT CORPORATION, PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE/SHE SIGNED AND DELIVERED THE SAID INSTRUMENT AS HIS/HER OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID LIMITED LIABILITY COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2022

MY COMMISSION EXPIRES: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

### MORTGAGE CERTIFICATE

STATE OF \_\_\_\_\_ )  
 )S.S.  
COUNTY OF \_\_\_\_\_ )

THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., IN ITS CAPACITY AS FISCAL AGENT IS THE HOLDER OF A NOTE SECURED BY A MORTGAGE ON A PORTION OF THE PROPERTY DESCRIBED HEREIN, HEREBY CONSENTS TO THE EXECUTION AND RECORDING OF THE ATTACHED PLAT OF RESUBDIVISION AND HEREBY SUBORDINATES SAID MORTGAGE TO THIS PLAT.

SIGNED AT \_\_\_\_\_, THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2022

BY: \_\_\_\_\_

NAME: \_\_\_\_\_

TITLE: \_\_\_\_\_

### NOTARY PUBLIC CERTIFICATE

STATE OF \_\_\_\_\_ )  
 )S.S.  
COUNTY OF \_\_\_\_\_ )

I, \_\_\_\_\_, A NOTARY PUBLIC IN AND FOR SAID COUNTY, IN THE STATE AFORESAID, DO HEREBY CERTIFY THAT \_\_\_\_\_ OF THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., PERSONALLY KNOWN TO ME TO BE THE SAME PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, APPEARED BEFORE ME THIS DAY IN PERSON AND ACKNOWLEDGED THAT HE/SHE SIGNED AND DELIVERED THE SAID INSTRUMENT AS HIS/HER OWN FREE AND VOLUNTARY ACT AND AS THE FREE AND VOLUNTARY ACT OF SAID LIMITED LIABILITY COMPANY FOR THE USES AND PURPOSES THEREIN SET FORTH.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2022

MY COMMISSION EXPIRES: \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

### VILLAGE COLLECTOR CERTIFICATE

I, \_\_\_\_\_, COLLECTOR FOR 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.

THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2022.

\_\_\_\_\_  
VILLAGE COLLECTOR

### VILLAGE PLAN COMMISSION CERTIFICATE

APPROVED BY THE PLAN COMMISSION OF THE VILLAGE OF DOWNERS GROVE,

THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2022.

\_\_\_\_\_  
CHAIRMAN.

### VILLAGE COUNCIL CERTIFICATE

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2022 BY THE COUNCIL OF THE VILLAGE OF DOWNERS GROVE.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
VILLAGE CLERK

### DOWNERS GROVE SANITARY DISTRICT CERTIFICATE

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.

THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2022.

\_\_\_\_\_  
COLLECTOR OF THE DOWNERS GROVE SANITARY DISTRICT

### DRAINAGE CERTIFICATE

I, \_\_\_\_\_, A REGISTERED PROFESSIONAL ENGINEER IN ILLINOIS AND \_\_\_\_\_, THE OWNER OF THE LAND DEPICTED HEREON OR HIS DULY AUTHORIZED ATTORNEY, DO HEREBY STATE, THAT 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. FURTHER, AS ENGINEER, I HEREBY CERTIFY THAT THE PROPERTY WHICH IS THE SUBJECT OF THIS SUBDIVISION OR ANY PART THEREOF IS (IS NOT) LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA AS IDENTIFIED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

THIS \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2022.

\_\_\_\_\_  
ILLINOIS LICENSED PROFESSIONAL ENGINEER

\_\_\_\_\_  
ILLINOIS LICENSE NUMBER / EXPIRATION DATE

BY: \_\_\_\_\_  
OWNER OR DULY AUTHORIZED ATTORNEY

\_\_\_\_\_  
PRINT NAME

TAX PARCEL PERMANENT INDEX NUMBERS:  
09-08-126-002

AFTER RECORDING RETURN TO:  
VILLAGE CLERK  
VILLAGE OF DOWNERS GROVE  
801 BURLINGTON AVENUE  
DOWNERS GROVE, IL 60515

PLAT SUBMITTED BY AND SEND FUTURE TAX BILLS TO:  
IMMANUEL RESIDENCES  
C/O EVANGELICAL SERVICES CORP.  
1900 SPRING ROAD, UNIT 300  
OAK BROOK, ILLINOIS 60523

### COUNTY CLERK CERTIFICATE

I, JEAN KACZMAREK, 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. 2022.

\_\_\_\_\_  
COUNTY CLERK

### COUNTY RECORDER CERTIFICATE

THIS PLAT WAS FILED FOR RECORD IN THE RECORDER'S OFFICE OF DUPAGE COUNTY, ILLINOIS, ON

THE \_\_\_\_ DAY OF \_\_\_\_\_, A.D. 2022,

AT \_\_\_\_\_ O'CLOCK \_\_\_\_M. AS DOCUMENT NUMBER

\_\_\_\_\_  
RECORDER OF DEEDS

### EASEMENT PROVISIONS

AN EASEMENT FOR SERVING THE SUBDIVISION AND OTHER PROPERTY WITH ELECTRIC, NATURAL GAS AND COMMUNICATIONS SERVICE IS HEREBY RESERVED FOR AND GRANTED TO:

THE VILLAGE OF DOWNERS GROVE, COMMONWEALTH EDISON COMPANY, NORTHERN ILLINOIS GAS, D/B/A NICOR GAS COMPANY, AT&T TELEHOLDINGS INCORPORATED, ILLINOIS A.K.A. ILLINOIS BELL TELEPHONE COMPANY AND ANY OTHER PUBLIC UTILITY COMPANY AUTHORIZED TO OPERATE IN THE VILLAGE OF DOWNERS GROVE, GRANTEEES, 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 GRANTEEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE DASHED OR DOTTED LINES (OR SIMILAR DESIGNATION) MARKED "EASEMENT", "UTILITY EASEMENT", "PUBLIC UTILITY EASEMENT", "P.U.E." (OR SIMILAR DESIGNATION) WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. 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 605/2, 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 GRANTEEES AT COST OF THE GRANTOR/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 GRANTEEES' FACILITIES OR IN, UPON OR OVER, THE PROPERTY WITHIN THE STORMWATER OR SEWER EASEMENT WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. 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.

### PROFESSIONAL AUTHORIZATION:

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF DUPAGE )

I, THOMAS A. MOLLOY, A PROFESSIONAL LAND SURVEYOR OF THE STATE OF ILLINOIS, LICENSE NUMBER 35-3409, DO HEREBY AUTHORIZE THE VILLAGE OF DOWNERS GROVE, DUPAGE COUNTY, ILLINOIS, ITS STAFF OR AUTHORIZED AGENT, TO PLACE THIS DOCUMENT OF RECORD IN THE COUNTY RECORDERS OFFICE IN MY NAME AND IN COMPLIANCE WITH ILLINOIS STATUTES CHAPTER 109 PARAGRAPH 2, AS AMENDED.

SIGNED AT BENSENVILLE, ILLINOIS THIS 1ST DAY OF MARCH, A.D. 2022.

EDWARD J. MOLLOY AND ASSOCIATES, A DIVISION OF THOMAS A. MOLLOY, LTD.  
AN ILLINOIS PROFESSIONAL DESIGN FIRM - LICENSE NO. 184-004840

THOMAS A. MOLLOY  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3409  
(EXPIRES NOVEMBER 30, 2022 AND IS RENEWABLE)

### LAND SURVEYOR'S CERTIFICATE:

STATE OF ILLINOIS )  
 ) SS  
COUNTY OF DUPAGE )

I, THOMAS A. MOLLOY, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED AND PLATTED THE FOLLOWING DESCRIBED PROPERTY FOR THE PURPOSE OF SUBDIVIDING SAME INTO TWO LOTS:

A PART OF LOT 57 OF THE ASSESSOR'S SUBDIVISION OF SECTION 8, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS: BEGINNING IN THE NORTH LINE OF GILBERT AVENUE AT A POINT 30 FEET NORTH AND 50 FEET EAST OF THE QUARTER SECTION STAKE BETWEEN SECTIONS 7 AND 8 AFORESAID AND RUNNING THENCE NORTH 274.75 FEET TO A STAKE IN THE SOUTH LINE OF RAILROAD LANDS AT SIMONSON'S NORTHEAST CORNER; THENCE SOUTH 89° 00' EAST ALONG THE SOUTH LINE OF RAILROAD LANDS, 321.58 FEET; THENCE SOUTH 56° 15' EAST 17.8 FEET ON THE SOUTH LINE OF SAID RAILROAD LANDS, THENCE SOUTH ALONG THE LANDS OWNED BY JOHN OLDFIELD, 258 FEET TO THE NORTH LINE OF SAID GILBERT AVENUE; THENCE WEST ALONG THE NORTH LINE OF SAID AVENUE 336.76 FEET TO SIMONSON'S SOUTHEAST CORNER AND THE PLACE OF BEGINNING, ALL IN DUPAGE COUNTY, ILLINOIS.

I FURTHER CERTIFY THAT THE PLAT HEREON DRAWN IS A REPRESENTATION OF SAID SURVEY AND SUBDIVISION. DIMENSIONS ARE SHOWN IN FEET AND DECIMAL PARTS THEREOF.

I FURTHER CERTIFY THAT AN EXAMINATION OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NO. 17043C0167J WITH AN EFFECTIVE DATE OF AUGUST 1, 2019, SHOWS THAT NO PART OF THE PROPERTY FALLS WITHIN A SPECIAL FLOOD HAZARD AREA AND THAT SAID PROPERTY DOES FALL WITHIN ZONE "X" DEFINED AS AREAS DETERMINED TO BE OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN.

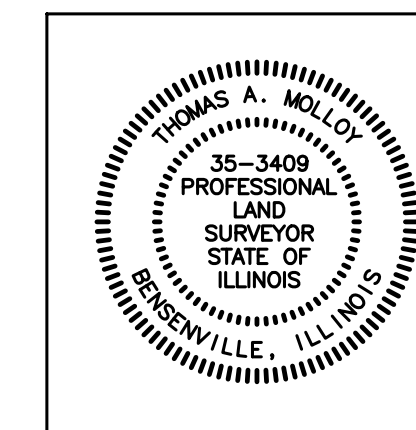
I FURTHER CERTIFY THAT SAID SURVEY IS WITHIN THE CORPORATE LIMITS OF THE VILLAGE OF DOWNERS GROVE, DUPAGE COUNTY, ILLINOIS WHICH HAS ADOPTED AN OFFICIAL COMPREHENSIVE PLAN.

I FURTHER CERTIFY PERMANENT MONUMENTS WILL BE SET AT ALL LOT CORNERS,

SIGNED AT BENSENVILLE, ILLINOIS THIS 1ST DAY OF MARCH, A.D. 2022.

EDWARD J. MOLLOY AND ASSOCIATES, A DIVISION OF THOMAS A. MOLLOY, LTD.  
AN ILLINOIS PROFESSIONAL DESIGN FIRM - LICENSE NO. 184-004840

THOMAS A. MOLLOY  
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 35-3409  
(EXPIRES NOVEMBER 30, 2022 AND IS RENEWABLE)



VALID ONLY WITH EMBOSSED SEAL

PREPARED BY:  
**EDWARD J. MOLLOY & ASSOCIATES**  
A DIVISION OF THOMAS A. MOLLOY, LTD. - PROFESSIONAL LAND SURVEYING  
1236 MARK STREET, BENSENVILLE, ILLINOIS 60106 (630) 595-2600 FAX: (630) 595-4700  
E-MAIL: TMOLLOY@EJMOLLOY.COM

DRAFTED BY: JJB	MAR. 3, 2022	220004	COMMENTS REC. 3/01/22 & IN HOUSE REVIEW
<b>PAGE: 2 OF 2</b>	MAR. 1, 2022	220004	COMMENTS REC. 2/21/22 & IN HOUSE REVIEW
<b>ORDER NO.: 220004</b>	JAN 31, 2022	210065	UPDATE CERTIFICATES AND ADD P.U.E. AND TEXT
<b>FILE: 8-38-11</b>	JAN 28, 2022	210065	UPDATE CERTIFICATES AND LOT 1/2 PROPERTY LINES
<b>PROJECT NO.: 2711</b>	JAN 20, 2022	210065	SUBDIVISION PLAT
	REVISION DATE	ORDER NO.	REVISION

## DRAFT MINUTES

**VILLAGE OF DOWNERS GROVE  
PLAN COMMISSION MEETING****March 7, 2022, 7:00 P.M.**

**FILE 22-PLC-0005: A PETITION SEEKING APPROVAL FOR A SPECIAL USE APPROVAL TO CONSTRUCT AN ACCESSORY STRUCTURE ON A LOT OF RECORD PRIOR TO THE CONSTRUCTION OF A PRINCIPAL STRUCTURE. THE PROPERTY IS CURRENTLY ZONED R-4, RESIDENTIAL DETACHED HOUSE 4, AND IS LOCATED AT 5240 LYMAN AVENUE (PIN 09-08-315-011). MICHAEL AND STACEY LANE, OWNER AND PETITIONER.**

Petitioners, Stacey and Mike Lane, 5234 Lyman Avenue, introduced themselves. Mrs. Lane noted that they owned both 5234 and 5240 Lyman Avenue. She explained that they wanted to request a special use permit to build a sports court on the southwest side of the vacant lot at 5240 Lyman Avenue. Mrs. Lane shared that while they had a rear garage and driveway at their residence an existing shade tree next to their driveway eliminated this space as an option for a sports court. Mrs. Lane explained that Lyman Avenue was a busy street and their children and their friends would benefit from a safe place to play after school. She then noted that placing the sports court in the rear yard would complement the feel of the neighborhood and that it would be professionally landscaped to blend both lots together. Mrs. Lane also shared that they had lived in the Randall Park neighborhood since 2016 and keeping the existing feel of the area is important to them. Finally, she noted that they understood that prior to the sale of the properties the sport court would need to be removed.

Chairman Rickard noted for the record that the request was for a special use permit not a variance. Ms. Flora Leon, Senior Planner, confirmed that was correct.

Commissioner Patel asked if there were any plans to add lighting to the court for evening use. Mr. Lane said there were no plans for lighting.

Chairman Rickard invited public comment. No public comment was received. Staff was invited to speak.

Ms. Flora Leon, Senior Planner, showed the location of the site on a map and noted that the property was zoned R-4. The request was to establish an accessory structure on a lot without first establishing a principal building. She summarized the request before the commissioners and presented the existing conditions of the area. She then provided existing photos of the site noting that the public hearing noticing requirements. The proposed site plan was presented. Next, the special use requirements were provided and Ms. Leon indicated that these were met by the petitioner. Staff found that the petition met the goals of the Zoning Ordinance and recommended the commission formulate a motion to approve the petition based on the draft motion provided on page three of the staff report.

Commissioner Maurer asked if the sports court was considered an accessory structure if it is hardscape and not a building. Ms. Flora Leon confirmed that flatwork is included under accessory structures.

## DRAFT MINUTES

Commissioner Rector asked if the demolition of the sports court at sale requirement was consistent with other similar petitions. Ms. Flora Leon noted that in past petitions for the same request staff consistently included this demolition as a condition of approval in the staff reports.

Commissioner Patel asked if the sports court were placed on the lot where the residential home sits then this request would not come before the plan commission. Chairman Rickard confirmed that was correct. He then explained this request was for a lot that was a standalone lot and you typically have to have a principal structure on a lot before you have an accessory structure. So this special use would allow for the sports court because they own the adjacent parcel, which has a principal structure. Ms. Flora Leon confirmed that was correct.

Commissioners provided positive comments and support for the petition. Chairman Rickard entertained a motion.

**WITH RESPECT TO FILE 22-PLC-0005 AND BASED ON THE PETITIONER'S SUBMITTAL, THE STAFF REPORT, THE TESTIMONY PRESENTED, AND HAVING MET THE STANDARDS OF APPROVAL FOR A SPECIAL USE AS REQUIRED BY THE VILLAGE OF DOWNERS GROVE ZONING ORDINANCE AND IS IN THE PUBLIC INTEREST, COMMISSIONER PATEL MADE A MOTION THAT THE PLAN COMMISSION RECOMMEND TO THE VILLAGE COUNCIL APPROVAL OF 22-PLC-0005, SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE PROPOSED SPORT COURT SHALL SUBSTANTIALLY CONFORM TO THE PLANS AND SPECIFICATIONS ATTACHED TO THIS REPORT EXCEPT AS SUCH PLANS MAY BE CHANGED TO CONFORM TO VILLAGE CODES, ORDINANCES, AND POLICIES.**
- 2. A RESTRICTION SHALL BE RECORDED AGAINST THE PROPERTIES WITH THE DUPAGE COUNTY RECORDER OF DEEDS THAT REQUIRES DEMOLITION OF THE SPORTS COURT PRIOR TO THE SALE OF THE PROPERTIES IF THEY ARE NOT TRANSFERRED SIMULTANEOUSLY TO A SINGLE ENTITY.**

**SECOND BY COMMISSIONER RECTOR. ROLL CALL:**

**AYE: COMMISSIONERS RECTOR, DMYTRYSZYN, JOHNSON, PATEL, BOYLE, MAURER, TOTH, CHAIRMAN RICKARD**

**NAY: NONE**

**MOTION PASSED. VOTE: 8-0**

/s/ Village Staff  
Recording Secretary  
(As transcribed by MP-3 audio)