

## MEMORANDUM



VILLAGE OF DEERFIELD

TO: Plan Commission

FROM: Jeff Ryckaert, Principal Planner and Dan Nakahara, Planner

DATE: August 19, 2021

RE: Public Hearing on the Request for Approval of a Preliminary Plat of Resubdivision at 924 and 936 Westcliff Lane (Theodore D. Kuczek and Cheryl J. Kuczek)

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### **Application History**

Public Hearing Publication Date: August 5, 2021

Planning Commission Public Hearing Date: August 26, 2021

### **Zoning Actions**

The Deerfield Plan Commission is conducting a Public Hearing to consider the following zoning action from Theodore D. Kuczek and Cheryl J. Kuczek ( Tenants by the Entirety of 924 Westcliff Lane) and Theodore D. Kuczek (owner of 936 Westcliff Lane) for:

Approval of a Preliminary Plat of Resubdivision. Subdivisions are done in two steps, a preliminary plat and a final plat.

### **Subject Property**

The subject property consists of the 924 and 936 Westcliff Lane which is made up of Lot 1 and Lot 2 on 936 Westcliff Lane and Lot 3 and Lot 4 on 924 Westcliff Lane). The contiguous properties are zoned R-3 Single Family Residential District. 924 and 936 Westcliff Lane are each developed with an existing single family home.

## **Surrounding Land Use and Zoning**

The properties to the north (across Margate Terrace), south, east, and west (Westcliff Lane) are zoned R-3 Single Family Residential District. The surrounding properties are developed with single family homes.

## **Proposed Plan**

The petitioner owns both the 924 and 936 Westcliff Lane properties and resides at 924 Westcliff Lane. The corner property at 936 Westcliff Lane consists of a single family home on 2 lots (a 70 foot wide lot by 135 foot deep lot, and a 65 foot wide lot by 135 foot deep lot), and the property at 924 Westcliff Lane consists of a single family home on 2 lots (each lot is 65 feet wide by 135 feet deep).

The petitioner is proposing to take a 20 foot wide strip of property from 936 Westcliff Lane lot and incorporate this 20 feet into 924 Westcliff Lane (the property to the south) creating two 75 foot wide buildable lots of records for the 924 Westcliff property. This reconfiguration of the lot lines on these properties would create a 3 lot resubdivision: 1 lot at the north that would be 115 feet wide by 135 feet deep. The existing house on this new lot would stay and there does not appear to be an issue with the side yard building setback after taking 20 feet from this property. The 2<sup>nd</sup> lot and the 3<sup>rd</sup> lot are each 75 feet wide by 135 feet deep. The petitioner would leave his existing house on 924 Westcliff to straddle these 2 new 75 foot wide lots until at some point in the future when the existing house would be torn down to allow a new home on each of the new lots.

## **Zoning Conformance**

### **Minimum Lot Area**

Required: 9,000 sq. ft.

Proposed: Lot 1: 15,326 s.f.

Lot 2: 10,125 s.f.

Lot 3: 10,125 s.f.

### Lot Width

Required: 75'

Proposed: Lot 1: 115'

Lot 2: 75'

Lot 3: 75'

### Lot Depth

Required: 110'

Proposed: Lot 1: 135'

Lot 2: 135'

Lot 3: 135'

### Minimum Yards

#### Front Yard (along Westcliff Lane)

Required: The R-3 District requirement is 25'. The Zoning Ordinance has a provision that if 40% or more of the houses on a block have front yards of greater depth than required for the zoning district in which they are located, new buildings shall not be erected closer to the street than the average front yard established by the existing buildings. In this case, there is a 30' building line that exists on the front yard that must be observed. The existing structures on the 924 and 936 Westcliff Lane properties are behind the 30' building line. The front yard setback could be greater than the 30 foot building line depending on the average front yard setback on the block. The developer will have to check with the Building Department for the front yard setback requirement prior to obtaining a building permit because if one of the new resubdivided lots has a greater setback than what is required, that could affect the setback of the remaining lots in the resubdivision.

Proposed: Lot 1: 25' by Zoning Ordinance, but 30' building line currently exists.  
Lot 2: 25' by Zoning Ordinance, but 30' building line currently exists.  
Lot 3: 25' by Zoning Ordinance, but 30' building line currently exists.

Corner Side Yard (for northernmost lot along Margate Terrace)

Required: 15'

Proposed: Lot 1: A 25' setback currently exists.

Lot 2: Lot 2 is an interior lot, and does not have a corner side yard.

Lot 3: Lot 3 is an interior lot, and dose not have a corner side yard.

Side Yards

Required: Not less than 8' on one side and a combined total of not less than 20' for both side yards.

Proposed: Lot 1: 16' (to south).

Lot 2: As required when a new house is constructed.

Lot 3: As required when a new house is constructed.

Rear Yard

Required: 25'

Proposed: Lot 1: 29.61'

Lot 2: As required when a new house is constructed.

Lot 3: As required when a new house is constructed.

Bulk Requirements

Required: .40 FAR, 35% maximum lot coverage, sideyard setback plane, and 35' maximum height.

Proposed: Lot 1: Existing house – meets these requirements.

Lot 2: As required when a new house is constructed.

Lot 3: As required when a new house is constructed.

### **Sidewalks**

Sidewalks (in the public right-of-way) are required by the Subdivision Code when a property is subdivided. Sidewalks are currently provided in the right-of-way and will remain.

### **Stormwater Drainage and Utilities**

The petitioner has submitted preliminary engineering plans showing how this minor change in the lot lines for the proposed storm water generated by the development will be handled. The petitioner is working with the Village's Engineering Department on the storm water plans. If the preliminary plat of subdivision is approved by the Village, the petitioner will be required to submit final stormwater and utility plans.

### **Tree Preservation**

The Village's tree ordinance applies to residentially zoned properties. Any tree over 8 inches in diameter at 4 ½ feet above the ground is considered to be a protected tree. If quality trees cannot be preserved, the tree must be mitigated, or replaced, according to the standards outlined in the tree ordinance. The amount of tree replacement is dependent upon the species and condition of the trees to be removed as outlined in the tree manual. The petitioners have submitted a tree inventory that shows the number of trees on the subject property.

### **Prefiling Conference Minutes**

Attached are the draft July 22, 2021 Prefiling Conference minutes.

## WORKSHOP MEETING

### 1) Prefiling Conference on the Request for a Preliminary Plat of Resubdivision at 924 and 936 Westcliff Avenue

The petitioner for this matter, Ted Kuczek of 924 Westcliff in Deerfield, addressed the Commission. He stated that he acquired the property at 936 Westcliff with the intention of taking 20 feet off the southern property line and adding it to his current property at 924 Westcliff. In its current state it is four non-buildable lots. Three of them are 65 feet by 130 feet and one is 70 feet by 135 feet. By taking 20 feet and adding it to his property he intends to have two buildable lots with 75 feet of frontage each and one lot remaining with the existing house at 936 Westcliff. He intends to remain in his home at 924 Westcliff and this is a plan for the future of his property. 936 Westcliff is currently under contract for purchase by a new owner.

Commissioner Bromberg confirmed that Mr. Kuczek's house will straddle two lots and there will be a neighboring lot with one house. Commissioner Bromberg commented that someday the plan could be to tear down the house Mr. Kuczek lives in, and two separate houses could be built there. Mr. Kuczek added that it is more valuable to him to have two potentially buildable lots even though he plans to maintain his one home there at this time. Commissioner Bromberg confirmed that this makes it flexible for him and leaves the options open. Commissioner Bromberg summarized that 924 Westcliff will be two lots with one house in the current state and that the three lots will all conform to Village requirements, and if Mr. Kuczek sells, a new buyer will have options. Mr. Kuczek stated that he has no current plans for the two lots his home will be on, if the resubdivision is approved.

Commissioner Keefe commented that it has minimal impact on the neighborhood, and he has no concerns. Commissioner Goldstone and Chairman Berg agreed as this plan conforms and has minimal impact. Chairman Berg added that he appreciates the presentation made and suggests that for the Public Hearing the petitioner provide visuals of the properties.

Mr. Kuczek added that they do currently have a tree survey and any new plans would have to meet the tree mitigation requirements of the Village's tree ordinance. He is not sure at this point if plans for the new home at 936 Westcliff will require any tree mitigation.

### ~~Document Approval~~

- ~~1. July 8, 2021 Plan Commission Meeting Minutes~~

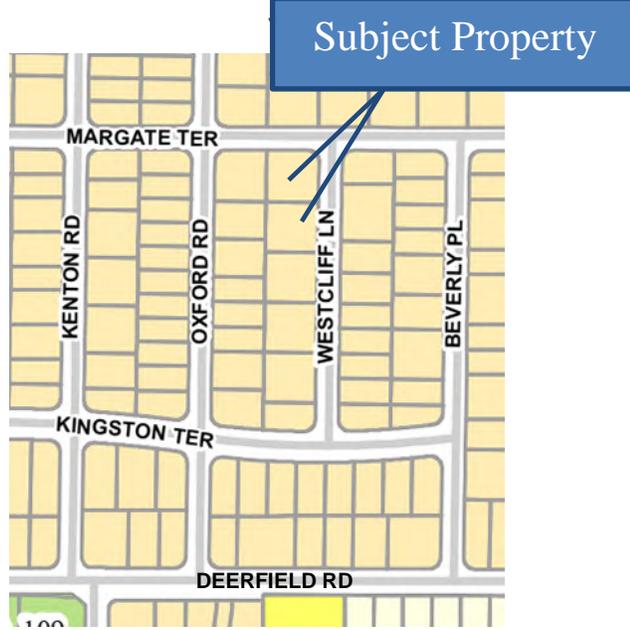
~~Commissioner Bromberg moved, seconded by Commissioner Goldstone to approve the minutes. The motion passed with the following vote.~~

~~Ayes: Bromberg, Keefe, Goldstone, Berg (4)  
Nays: None (0)~~

### ~~Items from the Staff~~

~~Mr. Ryckaert reported on upcoming Plan Commission agenda items. The next meeting will be August 12, 2021 and will be document approval only.~~

# Village of Deerfield 2021 Zoning Ordinance Map



	<b>R-1</b>	<b>SINGLE FAMILY DISTRICT</b> ONE FAMILY DWELLINGS AND ACCESSORY USES
	<b>R-2</b>	<b>SINGLE FAMILY DISTRICT</b> SAME AS R-1
	<b>R-3</b>	<b>SINGLE FAMILY DISTRICT</b> SAME AS R-1
	<b>R-4</b>	<b>SINGLE &amp; TWO FAMILY</b> ONE FAMILY & TWO FAMILY DWELLINGS & ACCESSORY USES
	<b>R-5</b>	<b>GENERAL RESIDENCE</b> ONE FAMILY & TWO FAMILY DWELLINGS & ACCESSORY USES
	<b>C-1</b>	<b>VILLAGE CENTER</b>
	<b>C-2</b>	<b>OUTLYING COMMERCIAL</b>
	<b>C-3</b>	<b>LIMITED COMMERCIAL OFFICE</b>
	<b>I-1</b>	<b>OFFICE, RESEARCH, RESTRICTED INDUSTRY</b>
	<b>I-2</b>	<b>LIMITED INDUSTRIAL</b>
	<b>P-1</b>	<b>PUBLIC LANDS</b> SCHOOLS, PARKS, PUBLIC BUILDINGS & CEMETERIES

