

**MINUTES  
CITY OF DARIEN  
PLANNING & ZONING COMMISSION MEETING  
April 21, 2010**

**PRESENT:** Beverly Meyer – Chairperson, Robert Erickson, Don Hickok, Gloria Jiskra, Ron Kiefer, John Lind, Ray Mielkus, Ken Ritzert, Michael Griffith – Senior Planner, Elizabeth Lahey - Secretary

**ABSENT:** Susan Vonder Heide

Chairperson Meyer called the meeting to order at 7:00 p.m. at the City Hall – Meeting Room, Darien, Illinois declared a quorum present and swore in the audience members wishing to present public testimony.

**A. PZC 2010-05: 1418 Greenbriar Lane: Petitioner seeks a variation to reduce the interior side yard setback for a parking pad from 5 feet to 3.5 feet, and for the parking pad to encroach 1.5 feet into a drainage and utility easement.**

Mr. Michael Griffith, Senior Planner, presented the staff report. He stated that the petitioner proposes to widen the existing parking pad located on the side of the garage. He further stated that the pad is permitted as constructed but that the petitioner proposes to widen the pad to fit his recreational vehicle onto the parking pad to comply with the Code regarding the parking and storage of recreational vehicles.

Mr. Brian Flisk, petitioner, stated that staff's criteria for granting a variation and their conclusions were inaccurate. He cited the variation requirements and stated that he can identify homes in Darien with parking pads on the side and that the City changed the Code to require recreational vehicles to be parked on the side.

Mr. Flisk questioned how the City can deny the variation when he is trying to comply. He stated that he does not want to park his recreational vehicle on the side but that the City is requiring the recreational vehicle to be parked there. He further stated that the result is all about a neighbor not wanting to see his recreational vehicle and that the City made this happen. Mr. Flisk stated that the neighbor needs to complain to the City and not him.

Mr. Flisk provided the PZC with photos of side yard parking in Darien.

Chairperson Meyer asked Mr. Flisk if he had photos of properties within his immediate neighborhood with side yard parking pads.

Mr. Flisk stated that he did not but that this applies to all neighborhoods in Darien.

Commissioner Erickson asked the length of the recreational vehicle.

Mr. Flisk informed the PZC that the recreational vehicle is 26 feet long.

Commissioner Mielkus questioned the size of the existing parking pad and the size of the patio located behind the home. He asked if the vehicle could be parked partially on the patio towards the back of the house.

Mr. Flisk stated that the patio is raised and not the same level as the pad. He stated that parking the vehicle on the patio would block the door. Mr. Flisk stated that the roof overhang prevents the vehicle from fitting onto the concrete pad and that he could cut the overhang and move the RV closer to the wall and there would not be a need for the variation.

Commissioner Jiskra questioned the width of the recreational vehicle.

Mr. Flisk stated that the recreational vehicle is 8 feet wide and the bumpers a little wider. He stated that it will fit if the overhang is removed.

Commissioner Jiskra questioned if this would affect the drainage.

Mr. Flisk stated that it would not and that he would be meeting with an architect by the end of the week.

Commissioner Jiskra asked how close the vehicle can be parked to the building.

Mr. Griffith stated that there are no standards, no different than parking a car. He stated that if the petitioner chooses to alter his overhang there would be no need for a variation request.

Commissioner Lind asked if the recreational vehicle fits onto the existing parking pad.

Mr. Flisk stated that the roof overhang causes an obstruction. He stated that he invested \$80,000 for his recreational vehicle and that the City passed an Ordinance and people do not like it on the side.

Chairperson Meyer questioned if the height blocks the neighbors light and air.

Mr. Griffith stated that staff does not think that the recreational vehicle parked in the side yard blocks the air and light onto the adjacent property, no more than the petitioner's house. He stated that the Code regulates where the vehicle should be located and that this was addressed during several meetings.

Chairperson Meyer opened the public meeting to anyone wishing to present public comment.

Mr. Vern Wojack, 1313 Greenbriar Lane, stated that the recreational vehicle should be moved all the way into the back yard. He stated that the vehicle is too big and that the issue is not the concrete pad.

Mr. Michael Boyle, 1414 Greenbriar Lane, stated that he is the affected neighbor. He provided photos to the PZC of what the recreational vehicle looks like from his window. Mr. Boyle stated that his living room is next to the petitioner's garage and that the vehicle is not in the petitioner's side yard. He stated that the parking pad was not constructed as permitted. He further stated that the homes are staggered and that there wouldn't be an issue if the homes were straight across. Mr. Boyle stated that the vehicle is in his front yard.

Mr. Griffith stated that the Zoning Ordinance defines the yards.

Mr. Boyle stated that there should have been some consideration and that he objects to the whole thing. He stated that it was all ridiculous and that people with recreational vehicles in the neighborhood store their vehicles. He further stated that there was not enough thought put into the decision.

Mr. Griffith stated that Code concerns can be addressed to the City Council. He stated that the PZC cannot amend the City Code.

Commissioner Kiefer stated that the petitioner is trying to comply with the Code. He stated that the PZC looks at the Code and whether or not the petitioner's request to widen the pad should be allowed. He further stated that he disagreed with the Code and that the City Council needs to take a look at it.

Mr. Frank Brodzinski, 7932 Grant Street, stated that he has been a Darien resident for 39 years and over the years the City has deteriorated. He stated that the recreational vehicle and the vehicles on the property have Dakota license plates. He questioned why this was allowed when the petitioner does not live in the home. Mr. Brodzinski stated that the City should not have allowed the parking pad. He questioned why the recreational vehicle could not be put in storage. Mr. Brodzinski asked why the petitioner is spending a lot of money on architect costs and not just storing the vehicle. He stated that the neighborhood looks like second generation hillbillies.

Ms. Betty Chaggaris, 7913 Pine Court, stated that she is a former realtor and that the properties are lowered when there is a lack of Code enforcement. She stated that recreational vehicles are not desirable and easements should not be used for parking them.

Ms. Lucille Piotrowski, 7918 Grant Street, stated that she was curious about the history of the problem. She stated that the recreational vehicle was parked on the driveway illegally for months. Ms. Piotrowski questioned why the City did not do anything and wondered if the resident was fined. She also asked if anyone has looked at the property. She stated that the issue is not the concrete but Mr. Flisk getting his way. Ms. Piotrowski questioned why the City is trying to please someone who does not even live in Darien.

Mr. Dave Hickey, 7930 Grant Street, stated that he owns a recreational vehicle and that he would not even think of storing it on his property.

Ms. Doreen Snyder, 2838 Pine Parkway, stated that if the recreational vehicle fits on the pad she is not so objectionable. She stated that the vehicle is so huge and if approved it will set a bad precedent for Darien.

Commissioner Hickok questioned what the cost was to store the vehicle. He stated that the vehicle is huge and that it is not a car or a van but rather a home.

Mr. Chuck Heery, 1309 Greenbriar Lane, stated that he has lived in Darien for 39 years. He stated that the vehicle is much too large for the space and that before the variation is granted that the City should speak to the surrounding neighbors.

Chairperson Meyer stated that all the affected neighbors were notified and that they should be at the public hearing to voice their concerns.

Ms. Jerry Boyle, 1414 Greenbriar Lane, stated that she feels her home has been taken away and that she lives in a trailer park.

There was no one else in the audience wishing to present public comment. Chairperson Meyer closed the public hearing at 7:45 p.m.

Commissioner Ritzert highlighted the three-day provision in the Code and stated that the variation should be denied and that the Code should be revisited.

Chairperson Meyer explained that the three-day provision relates to allowing recreational vehicles to be on the driveway for maintenance.

Commissioner Hickok stated that the PZC was aware that this type of issue would arise when the amendment was discussed.

Mr. Griffith stated that the petitioner's vehicle was not parked illegally before 2008; the Code was amended in 2008. He stated that the City began enforcing the Code in 2009.

Ms. Piotrowski stated that month after month the vehicle was parked. She stated that a sensible person would not keep it parked. She stated that Mr. Griffith misquoted her.

Mr. Griffith stated that he did not imply to misquote Ms. Piotrowski. He stated that staff began enforcing the Code amendment regarding RVs in 2009 on a complaint basis only, at the direction of the City Council.

Ms. Piotrowski stated that there needs to be a variation to change the law.

Mr. Griffith highlighted the timing of Code enforcement again to the audience.

Chairperson Meyer informed the audience that the public hearing was closed and that if someone wanted to voice concerns that they needed to do so during that time.

Commissioner Ritzert stated that the variation ought to be denied and recommended revisiting the recreational vehicle ordinance.

**Commissioner Erickson made a motion, and it was seconded by Commissioner Hickok to deny PZC 2010-05 stating concerns raised by the residents.**

**Upon roll call vote, THE MOTION CARRIED 8-0. Commissioner Vonder Heide was not present.**

Mr. Griffith stated that this would be forwarded to the Municipal Services Committee on Monday, April 26, 2010 at 6:30 p.m.

Mr. Flisk asked if he adjusts his overhang so the recreational vehicle can sit on the pad and if a new Ordinance is passed how this will affect him.

Mr. Griffith stated that if the petitioner decides to move the vehicle closer to the garage and comply with the City Code, there is no need for a variation and the case is dropped. He stated that he was unaware of the future regarding Code changes.

**B. Public Hearing: PZC 2010-06: 7620 Wilton Court: Petitioner seeks a variation to construct a second driveway onto an interior lot where one driveway is permitted.**

Mr. Michael Griffith, Senior Planner, presented the staff report and stated that the petitioner proposes to construct a detached garage and a driveway within the rear yard. He stated that the proposed driveway will be located off Manning Road to access the detached garage in the rear yard.

Mr. Griffith stated that the footprint shows the location of the driveway. He stated that the garage meets the Zoning Ordinance and that variation is for the curb cut and driveway. He further stated that the proposed garage is to store the petitioner's boat and that the location of the driveway does not create any zoning issues.

Mr. Griffith stated that the petitioner was sent a letter regarding their boat after staff received a complaint and that they are attempting to comply. He stated that several letters were submitted to the City objecting to the variation.

The petitioners, Ted and Diane Schimel, stated that they purchased the boat in 2003 and at that time contacted the City to find out if there were any rules about boats. He stated that the driveway will be a grass-crete type paver block to allow grass to grow through it. He further stated that they also intend to install a fence and gate along the back.

Mr. Schimel stated that he provided the City with a new plat of survey.

Commissioner Mielkus questioned how the petitioner's plan on getting their boat into the garage. He asked what type of vehicle they have to pull the boat.

Mr. Schimel stated that they own a Ford truck and that they plan to back the boat maneuvering off of Brunswick.

Commissioner Jiskra stated that the residents expressed drainage concerns in the submitted letter.

Mr. Griffith stated that the proposed garage and driveway would not create a drainage problem. He stated that the Mr. Dan Gombac, Director of Community Development, had been to the site to evaluate the drainage concerns and that he did not identify any. He further stated that the existing rear yard swale will be maintained and that there would not be a need to relocate any storm water structures.

Commissioner Erickson questioned the number of trees that would be removed.

Mr. Schimel stated that approximately 2-3 trees would be removed. He stated that several of the evergreen shrubs would be removed.

Commissioner Erickson stated that the line of site can be a problem on Manning Road.

Commissioner Hickok stated that he did not see a problem with the request other than safety.

Chairperson Meyer asked if storage was considered. She stated that building a garage is costly compared to storage.

Ms. Diane Schimel stated that the cost of the garage over 20 years is not that costly. She stated that they use their boat on the weekends at odd hours and that storage is not a good option for them.

Commissioner Ritzert questioned how often the boat is taken out.

Mr. Schimel stated that they take their boat out at least once a week in the early morning.

Commissioner Lind questioned why the garage could not be located near the southeast corner of the lot with the driveway extended through the east side yard or creating another curb cut off of Wilton Court to extend a driveway through the north side yard. He stated that a variation for the second curb cut would still be needed.

Mr. Griffith stated that in either case the driveway would not meet the setback requirements and would be located within an easement requiring a variation.

Mr. Schimel stated that the grade in the east side yard does not work for a driveway.

Chairperson Meyer stated that she visited the site and that the roof overhang at the north end of the property is low and would be an obstruction

Chairperson Meyer opened the meeting to anyone in the audience wishing to present public comment.

Ms. Kumud Gupta, 7616 Wilton, stated that she lived to the north. She stated that she is fine with the boat being on the driveway and that they did not complain about the boat. Ms. Gupta stated that she does not have a problem with the boat in the driveway but does have a problem with the variation. She stated that she has not seen the plan. She questioned if the garage would be closer to the east or the west.

Chairperson Meyer stated that the garage is proposed to be closer to the west.

Mr. Griffith informed the audience members that the proposed site plan is on file at City Hall and that anyone can view it.

There was some discussion on who in the neighborhood would see the garage.

Mr. Doug Hodak, 7620 Wilton Road, stated that he recently closed on his home and may not have purchased the house had he known that the garage would be built. He stated that the back yards on Wilton are beautiful which enhances the neighborhood. Mr. Hodak stated that he questioned all the neighbors but one who preferred to have the boat in the driveway. He stated that a large garage in the back yard will change the landscape of the neighborhood.

Chairperson Meyer stated that based on the two cases it sounds as though the residents are not happy with the regulations. She stated that this should be directed to the City Council and that residents can voice their comments at a City Council Meeting.

Commissioner Lind questioned if the boat was only stored on the driveway during the warm months.

Mr. Schimel stated that the boat is stored year round on the driveway.

Commissioner Hickok stated that there are nine letters objecting to the variation.

Commissioner Kiefer stated that he objects based on safety issues. He suggested maybe pushing it back to the City Council. He stated that the neighbors do not care about the boat in the driveway but the Code forces the petitioner to move it.

Mr. Griffith stated that there was a complaint logged and that the Schimel's have been to court and have been fined.

Mrs. Schimel stated that they have paid \$1,600 in fines.

Mr. Griffith stated that the petitioners are trying to work with the City and although he understands the concerns from residents, the petitioners deserve a resolution on their petition. He stated that there is no way to know if the City Council will amend the ordinance.

Commissioner Hickok stated that the safety factor is not good.

There was no one else wishing to present public comment. Chairperson Meyer closed the public hearing at 8:50 p.m.

Mr. Griffith stated that the PZC can table discussion and go to the police department for data regarding Manning Road if traffic safety is a concern.

Commissioner Lind stated that he is concerned that this will come up repeatedly and that there is really no good solution. He stated that backing a boat onto a street is not a precedent that should be set.

Commissioner Hickok stated that the zoning ordinance was triggered by an unhappy neighbor.

Commissioner Lind stated that the petitioner is out a lot of money and in a bad situation and that this should be turned back to the City Council. He stated that he cannot support a petition where the situation will be worse.

Mr. Griffith stated that if the PZC recommends denial of the variation it will be forwarded to the City Council. He stated that the Alderman will receive a report outlining the issues and the strong objection to the Code as written.

Chairperson Meyer stated that she believed that the ordinance when written was fair but after hearing the two cases that it may need to be rethought by the City Council.

**Commissioner Hickok made a motion, and it was seconded by Commissioner Ritzert to recommend denial of the petition based on the proposed driveway creating a safety hazard on Manning Road.**

**Upon roll call vote, THE MOTION CARRIED 8-0. Commissioner Vonder Heide was not present.**

Mr. Griffith stated that this would be forwarded to the Municipal Services Committee on Monday, April 26, 2010 at 6:30 p.m.

## **MINUTES**

**Commissioner Kiefer made a motion, and it was seconded by Commissioner Hickok to waive the reading of the April 7, 2010 Meeting Minutes.**



**Upon voice vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Kiefer abstained and Commissioner Vonder Heide was not present.**

**Commissioner Mielkus made a motion, and it was seconded by Commissioner Jiskra to approve the April 7, 2010 Meeting Minutes.**

**Upon voice vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Kiefer abstained and Commissioner Vonder Heide was not present.**

**CORRESPONDENCE:**

None.

**OLD BUSINESS/PLANNER'S REPORT:**

Mr. Griffith reported that there was nothing scheduled for the next meeting.

**NEXT MEETING:**

Mr. Griffith reported that the next meeting is scheduled for Wednesday, May 5, 2010 at 7:00 p.m.

**ADJOURNMENT:**

**With no further business before the Commission, Commissioner Erickson made a motion and it was seconded by Commissioner Hickok to adjourn. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 9:06 p.m.**

**RESPECTFULLY SUBMITTED:**

**APPROVED:**

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**Elizabeth Lahey**  
**Secretary**

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**Beverly Meyer**  
**Chairman**