

## MINUTES CITY OF DARIEN

### PLANNING & ZONING COMMISSION MEETING

Wednesday, September 4, 2024

**PRESENT:** Lou Mallers - Chairperson, Shari Gillespie, Hilda Gonzalez, Chris Green, Chris Jackson, Jonathan Johnson, Julie Kasprowicz

**ABSENT:** Bryan Gay

**OTHERS:** Ryan Murphy - City Planner

Chairperson Lou Mallers called the meeting to order at 7:00 p.m. at the Darien City Hall Council Chambers, 1702 Plainfield Road, Darien, Illinois. Chairperson Mallers declared a quorum present.

#### **Regular Meeting - New Business**

- a. **PZC2024-08 - 620 Maple Lane - James and Elizabeth Green - Involves a petition from James Green requesting the following: The petition is seeking approval of a variation request from Section 5A-5-9-2(A)(2)(b)(1) of the City Zoning Code to allow for the construction of a 10-foot by 10-foot shed to be partially within the public utility easement and located within five feet of the rear lot line. The property is located within the Single-Family Residence Zoning District (R-2).**

Mr. Ryan Murphy, City Planner reported that there had previously been an 8-foot by 8-foot shed in approximately the same location as the proposed shed would be. He reported that the proposed shed would have an increased setback from the side property line from 12.5 feet to 13.5 feet. He further reported that due to the current Zoning Code, the proposed structure would require a variation if approved. Mr. Murphy reported that upon City Staff review, no impacts on stormwater flow were found. He further reported that if deemed necessary by City Staff, the petitioner would have to move the shed at their own expense. Commissioner Chris Green and Commissioner Chris Jackson arrived at 7:02 p.m. and were present for the staff presentation.

Chairperson Lou Mallers swore in the audience members wishing to present public testimony.

Mr. James Green, 620 Maple Lane, stated that he would be replacing the shed that had been in place before he had purchased the property within 4 feet of his neighbor's fence. He stated that his yard consists of a large built garden and that this would be the only location he would

be able to place the proposed shed. Mr. Green further stated that the proposed shed would be well within building requirements.

Chairperson Mallers questioned if the previous shed had been torn down.

Mr. Green stated that the previous shed had been torn down.

Chairperson Mallers questioned if the 10-foot by 10-foot shed would overlay over the easement.

Mr. Green stated that the proposed shed would overlay over the easement and would be taller than the previous shed.

Commissioner Jonathan Johnson questioned if everyone in Mr. Green's cul-de-sac signed off on the petition.

Mr. Green stated that all the neighbors in the cul-de-sac sign off on the petition.

Commissioner Johnson questioned if there would be any other factors that would prevent the shed from going up.

Mr. Murphy reported that there had been no neighbors in opposition or other public comment. He reported that following the approval of the request, Mr. Green would receive a building permit and would meet all other requirements.

Commissioner Hilda Gonzalez questioned if the easement was allowed by the City.

Mr. Murphy reported that if approved, all easement holders reserved the right to have it removed from the property as they see fit. He reported that Director Dan Gombac and some Public Works Staff had visited the proposed site and had stated that there would be room to complete any necessary work.

Commissioner Gonzalez questioned if the petitioner would have any issue removing the shed.

Mr. Green stated that if the City needed access they would be able to work underneath the floating platform of the shed. He stated that if necessary, he would take responsibility for removing the shed.

Commissioner Shari Gillespie questioned if there had been any issue getting around the previous shed.

Mr. Green stated that there had never been a problem getting around the previous shed.

Commissioner Julie Kasprovicz questioned if the previous owner ever applied for a permit for the shed.

Mr. Green stated that when he inquired about the permit there had been no record of it.

Mr. Murphy reported that the previous shed had been torn down so any legal non-conforming issues had been wiped clean.

Commissioner Kasprovicz questioned why the proposed shed would be a larger size.

Mr. Green stated that he needed more room for his gardening equipment.

Commissioner Chris Jackson questioned what the rear yard accessory structure setback would be.

Mr. Murphy reported that the setback would be 5 feet from rear or side property lines and outside of any easement.

Commissioner Jackson clarified that the variation request would be twofold. He further questioned if the neighbor most impacted by the shed had signed off on it.

Mr. Green stated that that neighbor had signed off.

There was some discussion regarding the impact on the neighbors.

Chairperson Mallers stated that if the easement holder had to perform any work it would be at the expense of the property owner.

There was some discussion regarding the layout of Mr. Green's garden and his gardening experience.

Mr. Murphy noted for the record that Commissioner Chris Green and Commissioner Chris Jackson arrived late but were present for the staff presentation at 7:02 p.m.

Alderman Ralph Stompanato stated that the landscaping in Mr. Green's yard is unbelievable. He stated that there would be no issue with the larger shed as there were no overhead lines and it would be 5 feet from the fence. Alderman Stompanato further stated that if necessary you would be able to put a forklift under the new shed to move it.

There was some discussion regarding how to move the shed if needed.

Commissioner Jackson questioned if construction started before a permit was issued.

Alderman Stompanato stated that Mr. Green was unaware of the permit requirement but stopped building as soon as he was notified of the issue.

There was some discussion regarding the notification of the permit issue.

Commissioner Jackson questioned if the Commission would need to clarify the 4-foot versus 5-foot discrepancy.

Mr. Murphy reported that the specific setback was noted within the Staff Report. He further noted a correction to the packet that if approved the petition would move to a special Municipal Services Committee Meeting on September 16.

**Commissioner Kasprovicz made a motion and it was seconded by Commissioner Jackson to approve PZC2024-08 - 620 Maple Lane - James and Elizabeth Green - Involves a petition from James Green requesting the following: The petition is seeking approval of a variation request from Section 5A-5-9-2(A)(2)(b)(1) of the City Zoning Code to allow for the construction of a 10-foot by 10-foot shed to be partially within the public utility easement and located within five feet of the rear lot line. The property is located within the Single-Family Residence Zoning District (R-2).**

**Upon roll call vote, the MOTION CARRIED UNANIMOUSLY 7-0.**

Mr. Murphy announced that the petition would be forwarded to the Municipal Services Committee on September 16, 2024 at 6:30 p.m.

There was some discussion regarding the timeline of events moving forward for the petition.

#### **Regular Meeting - Old Business**

There was no old business to discuss.

#### **Staff Updates & Correspondence**

Mr. Murphy reported that the dental office located at 2551 75<sup>th</sup> Street was approved by City Council. He further reported that the industrial subdivision along Lemont Road was also approved by City Council.

Mr. Murphy reported that Staff had not received any final plats for review regarding the duplexes along 87<sup>th</sup> Street.

Mr. Murphy reported that the Mayor had been inquiring about combining the Planning and Zoning Commission and the Economic Development Committee. He reported that this new Commission would allow for economic impact of developments to be included into Planning and Zoning responsibilities in an effort to increase visibility of economic development.

#### **Approval of Minutes**

**Commissioner Gonzalez made a motion, and it was seconded by Commissioner Gillespie to approve the August 7, 2024 Regular Meeting Minutes.**

**Upon voice vote, the MOTION CARRIED UNANIMOUSLY 7-0.**

#### **Next Meeting**

Mr. Murphy announced that the next meeting will be held on September 18, 2024 at 7:00 p.m.

**Public Comments (On any topic related to Planning and Zoning)**

There was no one in the audience wishing to present public comment.

**Adjournment**

**With no further business before the Commission, Commissioner Gonzalez made a motion, and it was seconded by Commissioner Jackson. Upon voice vote, the MOTION CARRIED UNANIMOUSLY, and the meeting adjourned at 7:39 p.m.**

**Respectfully Submitted:**

**Approved:**

X

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Jessica Plzak  
Secretary

X

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Lou Mallers  
Chairperson