

CITY OF DARIEN
PLANNING AND ZONING COMMISSION

Wednesday, January 8, 2025

7:00 PM

City Hall Council Chambers

1702 Plainfield Road

AGENDA

1) Call to Order

2) Roll Call

3) Regular Meeting – New Business

a. PZC2024-12

814 Timber Lane – City of Darien c/o Corey and Ashley Devlin

Involves a petition from the City of Darien on behalf of Corey and Ashley Devlin requesting the following:

Approval of a variation request from Section 5A-7-2-6 (A) of the City Zoning Code to allow for a raised deck 288 square-feet in size on the west side of their home to remain in its current location, which was approved by the City inadvertently. Property is located within the R-2 Single Family Residence Zoning District.

4) Regular Meeting – Old Business (NONE)

5) Staff Updates & Correspondence

6) Approval of Minutes September 4, 2024

7) Next Meeting January 15, 2025

8) Public Comments [On Any Topic Related to Planning and Zoning]

9) Adjournment

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 75th 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 87th 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

Jessica Plzak
Secretary

X

Lou Mallers
Chairperson

AGENDA MEMO
PLANNING AND ZONING COMMISSION
JANUARY 8, 2025

CASE

PZC2024-12

Variation (Side Yard Setback)

City of Darien / Corey and Ashley Devlin – 814 Timber Lane

ORDINANCE

ISSUE STATEMENT

The City of Darien, petitioning on behalf of Corey and Ashley Devlin, seeks approval of a variation request from Section 5A-7-2-6 (A) of the City Zoning Code to allow for a raised deck 288 square-foot in size on the west side of their home to remain in its current location, which was approved by the City inadvertently. Property is located within the R-2 Single Family Residence Zoning District.

GENERAL INFORMATION

Petitioner/Owner:	The City of Darien, on behalf of Corey and Ashley Devlin
Property Location:	814 Timber Lane
PIN Number:	09-27-107-022
Existing Zoning:	Single Family Residence District (R-2)
Existing Land Use:	Single Family
Comprehensive Plan:	Low Density Residential
Surrounding Zoning & Uses	
North:	Single Family Residence District (R-2); Single Family
East:	Single Family Residence District (R-2); Single Family
South:	Single Family Residence District (R-2); Single Family
West:	Single Family Residence District (R-2); Single Family
Size of Property:	0.23 Acres
Floodplain:	N/A
Natural Features:	Generally flat topography
Transportation:	The petition site gains access from a residential driveway off of Timber Lane.

PETITIONER DOCUMENTS (ATTACHED TO MEMO)

- 1) APPLICATION
- 2) PREVIOUS PLAT OF SURVEY
- 3) DECK PLANS
- 4) “WINDSHIELD SURVEY” OF SIMILAR DECKS IN VICINITY

CITY STAFF DOCUMENTS (ATTACHED TO MEMO)

- 5) VARIATION JUSTIFICATION LETTER

6) LOCATION MAP & AERIAL IMAGE
7) SITE PHOTOS

BACKGROUND/OVERVIEW

The subject property was platted in 1966 and is part of the Hinsbrook Unit 3 Subdivision. When the City of Darien was incorporated in 1969, the property was annexed into the City and zoned R-2. The parcel is improved with a split-level single-family residence and unenclosed concrete patio in the rear yard.

Because the house was constructed under the zoning district of another jurisdiction prior to annexation by the City of Darien, the property is legal nonconforming with regard to side yard setbacks. Section 5A-7-2-6 (A) of the Darien Zoning Code requires a minimum 10-foot side yard, and the property maintains an existing side yard of 8.8 feet from the west property line. A small landing with stairs approximately 4 feet wide and 40 square-feet in size was previously allowed to be constructed within the side yard setback, which had reduced the existing setback to around 6 feet.

In July 2024, the southwest corner of the house was struck by a vehicle and has since been under restoration. As part of the restoration, the petitioner submitted plans for an enlargement to the deck (288 square-feet in size) on the west side of the house (see Analysis below), which were subsequently approved inadvertently. The deck has been constructed and received all inspections. Following neighbor complaints regarding the location and height of the deck providing exposed views onto their yard, the City discovered the error.

ANALYSIS

A) Existing Deck Plan and Deck Location Details

As shown the attached plans, the newly constructed 288 square-foot deck extends 8-feet from the side of the house, and is 36 feet long. Based on the width of the deck, it is now located a distance of 2.4 feet from the western property line. The floor of the deck is 4.5 feet above grade, with a 3-foot tall safety railing.

B) Variation and Deck Alterations

As Section 5A-7-2-6 (A) of the City Zoning Code requires a 10-foot side yard for properties within the R-2 Zoning District, which the subject property is located within, if the deck is to remain in its current location a variation is required. Following an onsite meeting held by the City with the petitioners and neighboring property owners, the petitioners have agreed that if required to by the Planning and Zoning Commission, they will construct a 6-foot tall fence along the western perimeter of the deck to mitigate exposed views (see attached plans for drawing and renderings of the proposed deck alterations). The petitioners are also willing and able to accommodate alternative screening methods or fence designs that account for some of the trees and other foliage that already block direct views and are less imposing than a solid fence. Staff have provided justification/findings of fact for the variation. Those findings are attached to this memo under the submitted Justification Narrative.

For reference, the criteria the Planning and Zoning Commission and City Council votes on for City Variation requests are included below.

Variation Criteria:

The City may grant variations based on the finding-of-fact that supports the following criteria outlined below by the City to be the most relevant to the subject property situation.

- a) The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.*
- b) The plight of the owner is due to unique circumstances.*
- c) The variation if granted will not alter the essential character of the locality.*
- d) Essential Need: The owner would suffer substantial difficulty or hardship and not mere inconvenience or a decrease in financial gain if the variation is not granted.*
- e) Problem with Property: There is a feature of the property such as slope or shape or change made to the property, which does not exist on neighboring properties, which makes it unreasonable for the owner to make the proposed improvement in compliance with this title. Such feature or change was not made by the current owner and was not known to the current buyer at the time of purchase.*
- f) Smallest Solution: There is no suitable or reasonable way to redesign the proposed improvements without incurring substantial difficulty or hardship or reduce the amount of variation required to make such improvements.*
- g) Create Neighbor Problem: The variation, if granted, will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties.*
- h) Create Community Problem: The variation, if granted, may result in the same or similar requests from other property owners within the community, but will not cause an unreasonable burden or undesirable result within the community.*
- i) Net Benefit: The positive impacts to the community outweigh the negative impacts.*
- j) Sacrifice Basic Protections: The variation, if granted, will comply with the purposes and intent of this title set forth in subsection 5A-1-2(A) of this title and summarized as follows: to lessen congestion, to avoid overcrowding, to prevent blight, to facilitate public services, to conserve land values, to protect from incompatible uses, to avoid nuisances, to enhance aesthetic values, to ensure an adequate supply of light and air, and to protect public health, safety, and welfare.*

DECISION MODE

The Planning and Zoning Commission will consider this item at its meeting on January 8, 2025.

MEETING SCHEDULE

Planning and Zoning Commission	January 8, 2025
Municipal Services Committee	N/A
City Council	January 20, 2025

CITY OF DARIEN
DU PAGE COUNTY, ILLINOIS

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIATION FROM THE
DARIEN ZONING ORDINANCE**

(PZC2024-12: 814 TIMBER LANE)

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
OF THE
CITY OF DARIEN**

THIS ____ DAY OF _____, 2025

**Published in pamphlet form by authority
of the Mayor and City Council of the City
of Darien, DuPage County, Illinois, this
_____ day of _____, 2025.**

ORDINANCE NO. _____

**AN ORDINANCE APPROVING A VARIATION FROM THE
DARIEN ZONING ORDINANCE**

(PZC2024-12: 814 TIMBER LANE)

WHEREAS, the City of Darien is a home rule unit of local government pursuant to the provisions of Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit of local government, the City may exercise any power and perform any function pertaining to its government except as limited by Article VII, Section 6; and

WHEREAS, on April 3, 2000, the City Council adopted Ordinance No. O-00-03-00, “An Ordinance Repealing Title 5A of the Darien City Code, “Zoning Regulations” and Substituting A New Title 5A, “Zoning Regulations” for the City of Darien,” which generally prohibits the construction and/or placement of an accessory structure with any required side yards; and

WHEREAS, the property legally described in Section 1 (the “Subject Property”), is zoned R-2 Single Family Residence District pursuant to the Darien Zoning Regulations;

WHEREAS, the property owner secured a permit to construct a raised deck approximately 288-square feet in size within the side yard on the west side of the home; and

WHEREAS, the permit was approved inadvertently by City staff; and

WHEREAS, the deck is currently under construction in accordance with the approved permit; and

WHEREAS, the petitioner has requested approval of a variation from the terms of the

ORDINANCE NO. _____

Darien Zoning Ordinance, Section 5A-7-2-6(A) of the City Code, to allow for a raised deck on the west side of their home to remain in its current location approximately 2.4 feet from the property line within the required 10-foot side yard; and

WHEREAS, pursuant to notice as required by the Illinois Municipal Code and the Darien Zoning Ordinance, a public hearing was conducted by the Planning and Zoning Commission on January 8, 2025 to consider the Petition; and

WHEREAS, based upon the evidence, testimony, and exhibits presented at the January 8, 2025 public hearing, the Planning and Zoning Commission voted 5-0 to recommend approval of the Petition to the City Council; and

WHEREAS, the City Council has reviewed the findings and recommendations described above and hereby determines to grant the petition subject to the terms, conditions, and limitations described herein below.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DARIEN, DU PAGE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, ILLINOIS, as follows:

SECTION 1: Subject Property. This Ordinance is limited and restricted to the property generally located at 814 Timber Lane, Darien, Illinois, and legally described as follows:

Lot 257 in Hinsbrook Unit 3, being a subdivision of part of the Northwest ¼ of Section 27, Township 38 North, Range 11, East of the Third Principal Meridian, according to the plat thereof recorded May 25, 1966 as Document No. R66-19308, DuPage County, Illinois.

PIN: 09-27-107-022

SECTION 2: Variation Granted. A variation is hereby granted from the Zoning

ORDINANCE NO. _____

Ordinance, Section 5A-7-2-6(A) of the City Code, to allow for a raised deck on the west side of their home to remain in its current location approximately 2.4 feet from the property line within the required 10-foot side yard.

SECTION 3: Home Rule. This ordinance and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such ordinance should (a) contain terms contrary to the provisions of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of Darien that to the extent the terms of this ordinance should be inconsistent with any non-preemptive state law, this ordinance shall supercede state law in that regard within the City of Darien.

SECTION 4: Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF DARIEN,
DU PAGE COUNTY, ILLINOIS, this ____ day of _____, 2025.**

AYES _____

NAYS: _____

ABSENT: _____

**APPROVED BY THE MAYOR OF THE CITY OF DARIEN, DU PAGE COUNTY,
ILLINOIS, this ____ day of _____, 2025.**

JOSEPH A. MARCHESE, MAYOR

ORDINANCE NO. _____

ATTEST:

JOANNE E. RAGONA, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

DRAFT



ZONING VARIATIONS

INFORMATION and APPLICATION

REV 12/21

Assistance

All zoning standards and procedures are described in detail in the City Code, Title 5A, which is presented in full on the City website www.darienil.us. This website also has links to this packet and related information. The City Staff is dedicated to help all those involved. Our goal is to make your experience understandable, informative, meaningful, protective of your rights, responsive to your needs, and not unnecessarily long or costly. Contact the City Planner for guidance.

Available Relief

The zoning standards are uniform throughout the City and for each zoning district. However, there may be some unique properties that would be very difficult to develop if strictly conforming to these zoning standards. So, zoning relief may be available. Property owners have the opportunity to apply for variations that would substitute a lesser zoning standard to be used for a particular development but only for properties that have a unique hardship situation. For example, locating a proposed house 35 feet setback from the rear lot line of a property in the R-1 District would not normally be allowed where the uniform zoning standard is 40 feet, however a variation might be justified if the particular lot is extra shallow.

Fair Process

The City has a process to review each zoning variation application on its merits. It starts with the property owner or buyer or builder or their representative submitting an application with all the relevant information needed. The City staff (and consultants if needed) review the application, assist the applicant on technical issues, and schedule a public hearing for the Planning and Zoning Commission. The PZC are nine volunteer residents appointed by the Mayor and City Council to evaluate all variation applications. The PZC approves or denies 'simple' variations, which are front yard or corner side yard reductions of 10% or less or side yard reductions to not less than 7.5 feet for single family houses. For all other types of variations, the PZC recommends to the Municipal Services Committee. The MSC are three aldermen who review the findings of the PZC and make their own recommendation to the full City Council. The City Council then has the final vote to approve or deny. The process usually takes about 2-3 months, but in some cases it may take longer if hearings are continued to get more information.

Transparency

A key step in the process is the public hearing held by the PZC. The application and City staff report are posted on the City website for all to see before the hearing. City staff mails notice of the hearing to neighbors and publishes it in a local newspaper and posts it in City Hall. The applicant places a sign on the property that gives notice of the hearing. Everyone is invited to attend, listen to the applicant's presentation, join in the discussion, and give their comments. Decision criteria in the Code are used to focus all input to determine the unbiased, objective reasons for or against the variation requested.

CITY OF DARIEN
ZONING VARIATIONS
SUBMITTAL CHECKLIST

- ___ 1. APPLICATION. *See attached one-page form.*
- ___ 2. OWNER AUTHORIZATION LETTER. If the applicant is not the owner, include letter from owner describing the relation to applicant and authorizing the applicant to act on behalf of the owner.
- ___ 3. PROOF OF OWNERSHIP. If the owner name and address on the Application form is different than on the County Tax Assessor's records, then include proof of ownership such as a deed or title search and list of trust beneficiaries, partners, or corporation owners and officers.
- ___ 4. APPLICATION FEE. Cash or check payable to the City of Darien. This is non-refundable and is used to pay for administrative expenses. *See attached Fee Schedule.*
- ___ 5. REIMBURSEMENT AGREEMENT. Some case reviews may need extra engineering, legal, or other consultants review, publication, recording, or other costs. By signing this form, the applicant agrees to reimburse the City if there are such costs. *See attached form.*
- ___ 6. NEIGHBOR LIST. Provide a stamped envelope with name and address of the owner of each of the neighboring properties within 250 feet of the applicant's property. City staff will put notices of the public hearing in each envelope and then mail them. These names and addresses can be obtained from the Downers Grove Township Assessor's Office 630-719-6630.
- ___ 7. PUBLIC NOTICE SIGN(S). The applicant must provide and post one or two signs on the property giving notice when the public hearing is scheduled. *See attached Public Hearing Signs and Hearing Schedule.*
- ___ 8. PLAT OF SURVEY. It should show property boundaries, easements, buildings, other structures, legal description, and any other existing conditions relevant to the variation requested.
- ___ 9. PLANS. Usually this includes a site plan, drawn to scale on the plat of survey, showing proposed improvements with appropriate dimensions. One copy is sufficient if 11"x17" or smaller. Ten copies if larger than 11"x17" or in color. Additional plans may be appropriate to show all relevant information depending on the nature of the variation being requested, such as;
- ___ elevation drawings
 - ___ photos simulations
 - ___ traffic studies
 - ___ landscaping plans
 - ___ other (*contact the City Planner for guidance*)
- ___ 10. JUSTIFICATION NARRATIVE. The applicant is responsible for providing written evidence (facts) that supports a conclusion (finding) that the variation is necessary and would not cause problems. *See attached form.*



ZONING APPLICATION

CITY OF DARIEN
1702 Plainfield Road, Darien, IL 60561
www.darienil.us 630-852-5000

CONTACT INFORMATION

Ashley & Corey Devlin
Applicant's Name
814 Timber Lane Darien, IL 60561
Address, City, State, Zip Code
(630) 379-7373 Ashley
Telephone
aehill612@gmail.com
Email

Ashley & Corey Devlin
Owner's Name
Address, City, State, Zip Code
(708) 955-8038 Corey
Telephone
cdevlin0405@gmail.com
Email

PROPERTY INFORMATION

Property address
PIN Number(s)
Zoning District
Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

REQUEST

Brief description of the zoning approval requested. (Contact the City Planner for guidance.)

The village of Darien is facilitating this zoning application due to the village being in agreement that we construct a privacy fence on our deck at a height of 5.5 to 6 feet high atop of the deck with the limits of the privacy fence from the neighbors garage to the deck stairs.

Ashley & Corey Devlin
Applicant Signature

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that _____ is personally known by me to be the same person whose name is subscribed above and has appeared before me this day in person and acknowledged that they have signed this document as their own free and voluntary act, for the purposes therein set forth.
Given under my hand and seal, this ___ day of _____ 20__.

Notary Public

For office use only
Date Received: _____
Case Number: _____
Fee Paid: _____
Hearing Date: _____

CITY OF DARIEN
1702 Plainfield Road, Darien, Illinois 60561
DEVELOPMENT APPLICATIONS

REIMBURSEMENT AGREEMENT

The undersigned applicant for development approval acknowledges that the City of Darien may seek advice and council from professional sources outside the employee staff of the City of Darien. The purpose of such consultation would be for traffic impact analysis, engineering, stormwater, legal, or other such reviews related to variation, special use, rezoning, subdivision, site plan, permits, or other proposals submitted to the City of Darien by the applicant. The City of Darien may also incur expenses as part of the development review and approval process, such as copying, mailing, publication, recording, inspecting, or other such activities.

As an express condition in submitting said application and the consideration thereof by the City of Darien, the applicant both personally and on behalf of the property owner(s), agrees to reimburse the City of Darien forthwith for all costs and expenses that may be incurred by the City of Darien for such consultation and activities.

The applicant hereby accepts and acknowledges that if at any time the application fails to pay for such consultation and activity costs in accordance with the direction of the City of Darien, the no further action will be taken by the City of Darien in relation to the application until such time as said payment is paid in full.

Ashley & Corey Devlin

Applicant's Name (print)

Ashley & Corey Devlin

Applicant's Name (signature)

814 Timber Lane Darien, IL 60561

Applicant's Address

11-25-24

Date

CITY OF DARIEN

**Fee Schedule
Ordinance O-38-92**

	Residential		Commercial	
	< 5 acres	> 5 acres	< 5 acres	> 5 acres
Rezoning	385.00	435.00	485.00	510.00
Special Use	510.00	535.00	585.00	610.00
Special Use Amendment	460.00	460.00	510.00	560.00
Special Use PUD	600.00	650.00	700.00	750.00
Major PUD Amendment	485.00	510.00	560.00	610.00
Minor PUD Amendment	385.00	410.00	435.00	460.00

	Residential			Commercial
	< 5 lots	> 5 lots	> 10 lots	
Preliminary Plat	205.00	230.00 + 15.00 per lot	305.00 + 15.00 per lot	305.00 + 30.00 per lot
Final Plat	180.00	205.00 + 10.00 per lot	255.00 + 10.00 per lot	255.00 + 20.00 per lot

	Residential		Commercial
	Single lot	Multi lot	
Major Variation	360.00	460.00	485.00
Simple Variation	75.00		

	One lot	> 1 lot
Annexation Petition	30.00	50.00
Annexation Agreements	200.00	
Annexation Agreement Amendment	200.00	
Text Amendment	400.00	
Appeal of Administrative Decisions/Interpretation	250.00	

For new development/redevelopment (excluding petitions involving a single-family residence):

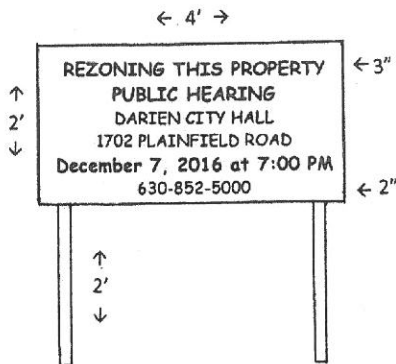
\$2,000.00 deposit required when the petition is submitted, to be returned once all invoices from professional services are paid (engineering, legal and traffic reviews, etc.)

The bill incurred for publishing the public hearing notice in the newspaper will be billed to the petitioner (excluding petitions involving a single-family residence.)

CITY OF DARIEN
ZONING APPLICATIONS
PUBLIC NOTICE SIGNS

Applicants requesting zoning approval of a map amendment, special use, variation or annexation are responsible for obtaining, posting, and maintaining signs on the subject property to inform the public about the application and the public hearing. See City Code Section 5A-2-3 (B). Contact the City Planner for guidance.

1. Post sign(s) for 15 – 30 days before hearing and remove within 3 days after City Council vote.
2. Place one sign in front yard where most visible to drivers, but not in parkway.
3. Place a second sign for large or usual lots.
4. Signs should be made of durable materials to withstand weather.
5. Signs are to be self-supporting – not attached to buildings, fences, trees.
6. Signs should be legible from street – light background, dark letters – no hand lettering.
7. Minimum sizes 8 – 32 square feet – see samples below.



For lots less than 1 acre



For lots 1 acre or larger

**CITY OF DARIEN
PLANNING AND ZONING COMMISSION**

2022 Schedule

First and Third Mondays

Fifteen Days Before Hearing

Forty-Five Days Before Hearing

Meeting Dates	Public Hearing Notice and Sign Posting Deadlines	Submittal Deadlines
January 5	December 21, 2021	November 22, 2021
January 19	January 4	December 6, 2021
February 2	January 18	December 28, 2021**
February 16	February 1	January 3
March 2	February 15	January 17
March 16	March 1	January 31
April 6	March 22	February 22**
April 20	April 5	March 7
May 4	April 19	March 21
May 18	May 3	April 4
June 1	May 17	April 18
June 15	May 31	May 2
July 6	June 21	May 23
July 20	July 5	June 6
August 3	July 19	June 20
August 17	August 2	July 5**
September 7	August 23	July 25
September 21	September 6	August 8
October 5	September 20	August 22
October 19	October 4	September 6**
November 2	October 18	September 19
November 16	November 1	October 3
December 7	November 22	October 24
December 21	December 6	November 7

**Meetings are Held in the Council Chambers at Darien City Hall,
1702 Plainfield Road, Beginning at 7:00 PM.**

****Due to City Hall Closure for Holiday, Please Note Date Change.**

CITY OF DARIEN
ZONING VARIATIONS
JUSTIFICATION NARRATIVE

Purpose

To be consistent and fair, the City is obligated to make decisions on zoning variation requests based on findings-of-fact. The Applicant should write a justification narrative that contains evidence (facts) that support a conclusion (finding) that the variation is necessary and would not cause problems. It should include: a) explanation of why the variation is being requested, b) describe the 'hardship condition' of the property that makes it difficult to conform, c) estimate the impact on neighbors, and d) respond to each of the decision criteria below.

Decision Criteria (See City Code Section 5A-2-2-3)

2a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.

2b. The plight of the owner is due to unique circumstances.

2c. The variation if granted will not alter the essential character of the locality.

3a. Essential Need? The owner would suffer substantial difficulty or hardship and not mere inconvenience or a decrease in financial gain if the variation is not granted.

3b. Problem with Property? There is a feature of the property such as slope or shape or change made to the property, which does not exist on neighboring properties, which makes it unreasonable for the owner to make the proposed improvement in compliance with the Zoning Code. Such feature or change was not made by the current owner and was not known to the current buyer at the time of purchase.

3c. Smallest Solution? There is no suitable or reasonable way to redesign the proposed improvements without incurring substantial difficulty or hardship or reduce the amount of variation required to make such improvements.

3d. Create Neighbor Problem? The variation, if granted, will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties.

3e. Create Community Problem? The variation, if granted, may result in the same or similar requests from other property owners within the community, but will not cause an unreasonable burden or undesirable result within the community.

3f. Net Benefit? The positive impacts to the community outweigh the negative impacts.

3g. Sacrifice Basic Protections? The variation, if granted, will comply with the purposes and intent of the Zoning Code set forth in Section 5A-1-2(A) and summarized as follows; to lessen congestion, to avoid overcrowding, to prevent blight, to facilitate public services, to conserve land values, to protect from incompatible uses, to avoid nuisances, to enhance aesthetic values, to ensure an adequate supply of light and air, and to protect public health, safety, and welfare.

PLAT OF SURVEY

PROFESSIONAL LAND SURVEYING, INC.

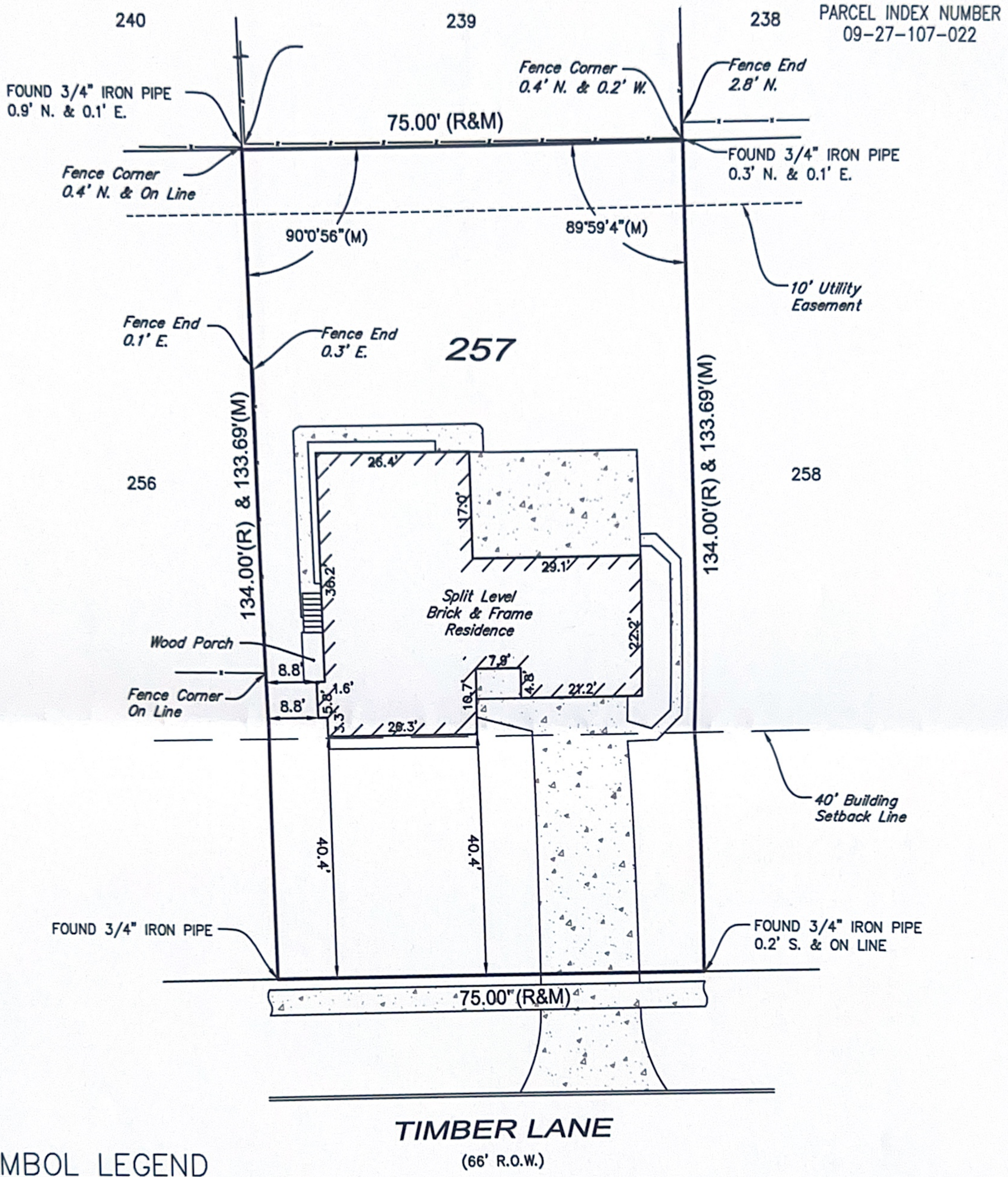
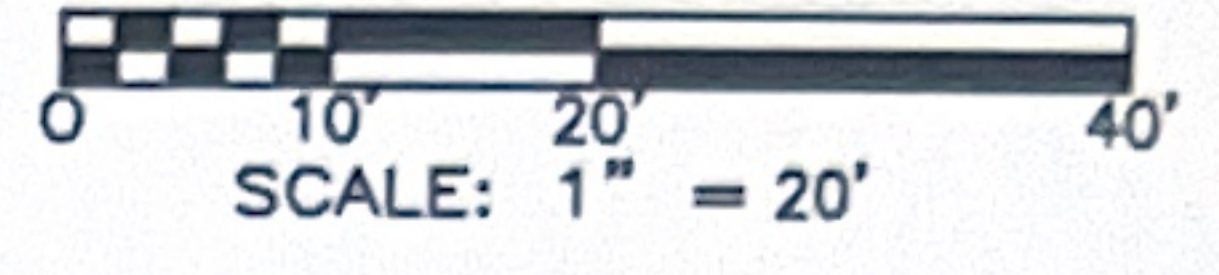
3080 OGDEN AVENUE SUITE 307

LISLE, ILLINOIS 60532

PHONE: 630-778-1757

PROF. DESIGN FIRM # 184-004196

E-MAIL: info@plsilste.com



TIMBER LANE
(66' R.O.W.)

SYMBOL LEGEND

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

\pt100.12444;SURVEYED AREA: 10,027± SQ.FT.

THIS SURVEY IS NOT VALID WITHOUT THE SURVEYOR'S ORIGINAL SIGNATURE IN BLUE INK

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

NO MEASUREMENTS ARE TO BE ASSUMED BY SCALING

STATE OF ILLINOIS)
COUNTY OF DUPAGE) SS

LEGAL DESCRIPTION

LOT 257 IN HINSBROOK UNIT 3, BEING A SUBDIVISION OF PART OF THE NORTHWEST 1/4 OF SECTION 27, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED MAY 25, 1966 AS DOCUMENT R66-19308, IN DUPAGE COUNTY, ILLINOIS.

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.

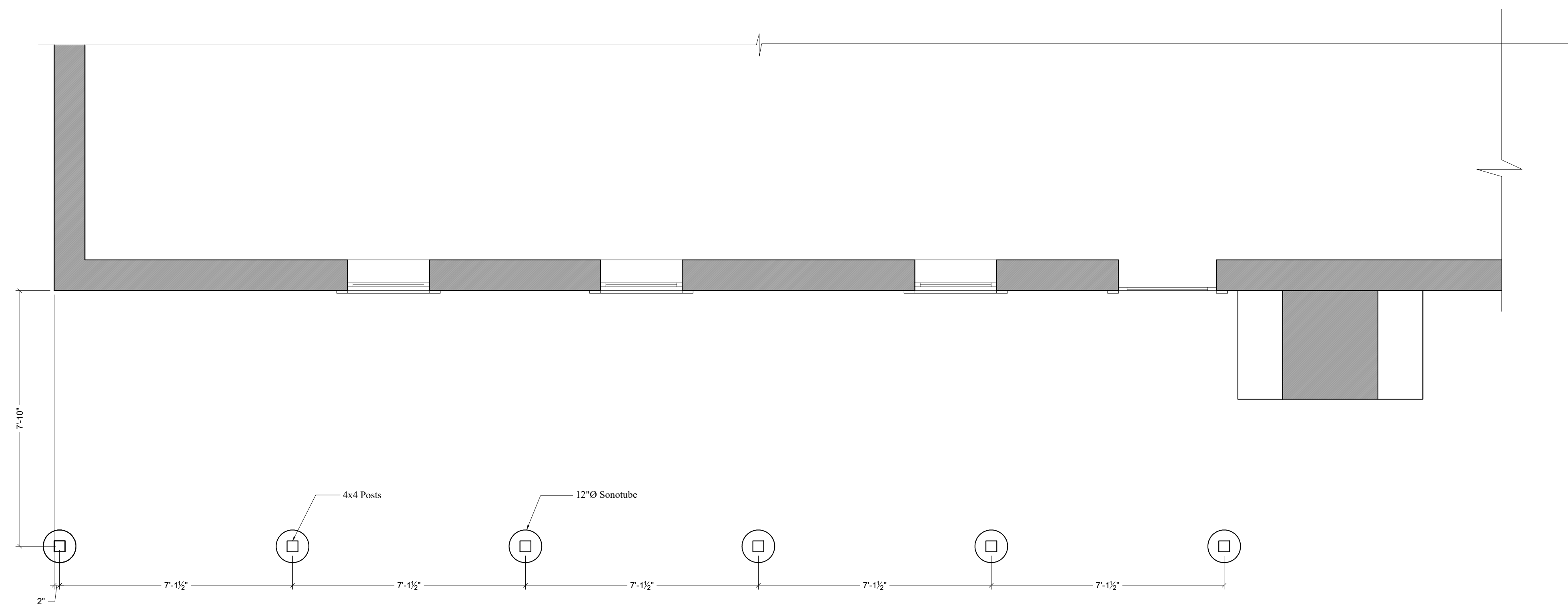
FIELD WORK COMPLETED AND DATED THIS 10TH DAY OF APRIL, 2021.

PREPARED FOR: SPEELMAN
ADDRESS: 814 TIMBER LANE, DARIEN
BOOK & PG: RC/28 DATE: 04-14-2021 JOB NO: 2119128
DRAWN BY: PV CHECK BY: SAR
REVISED: _____

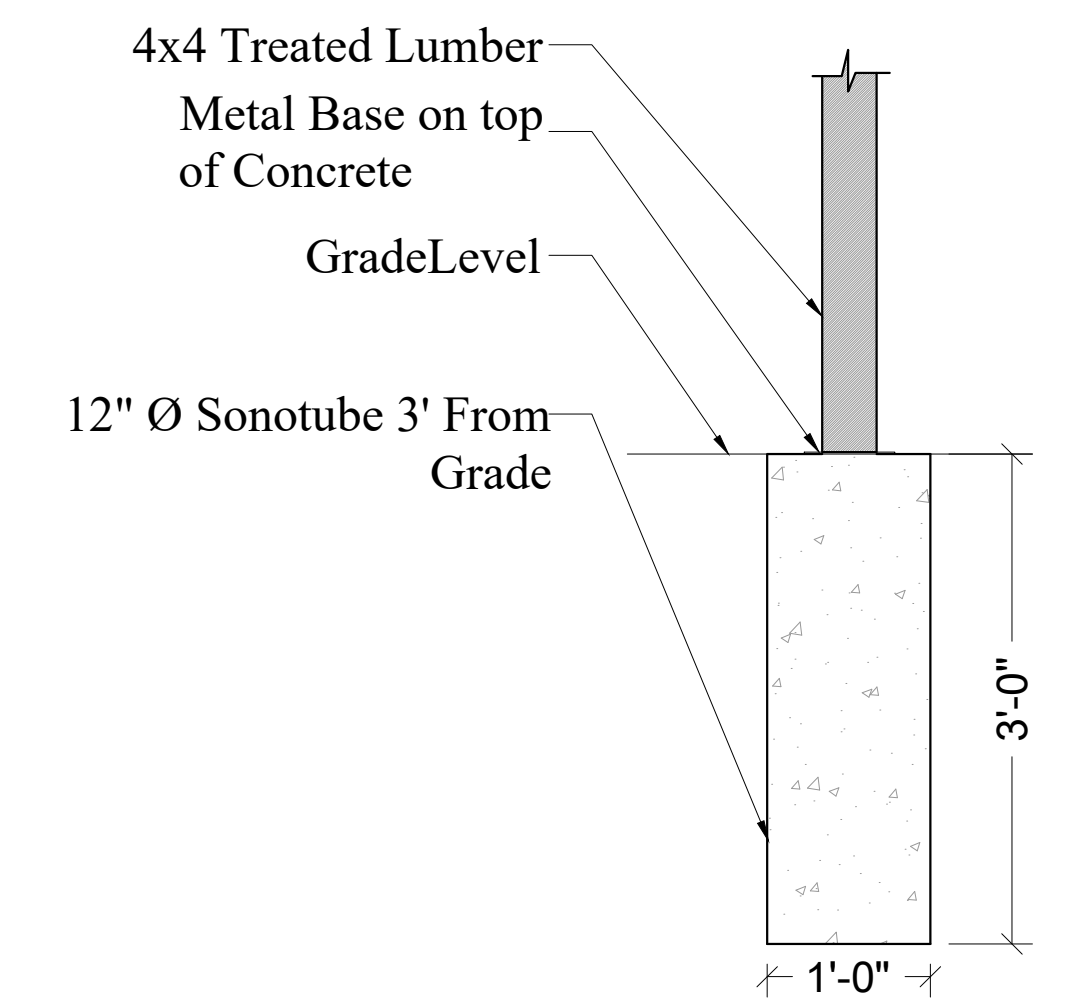


IPLS No. 3483
MY LICENSE EXPIRES 11/30/2022

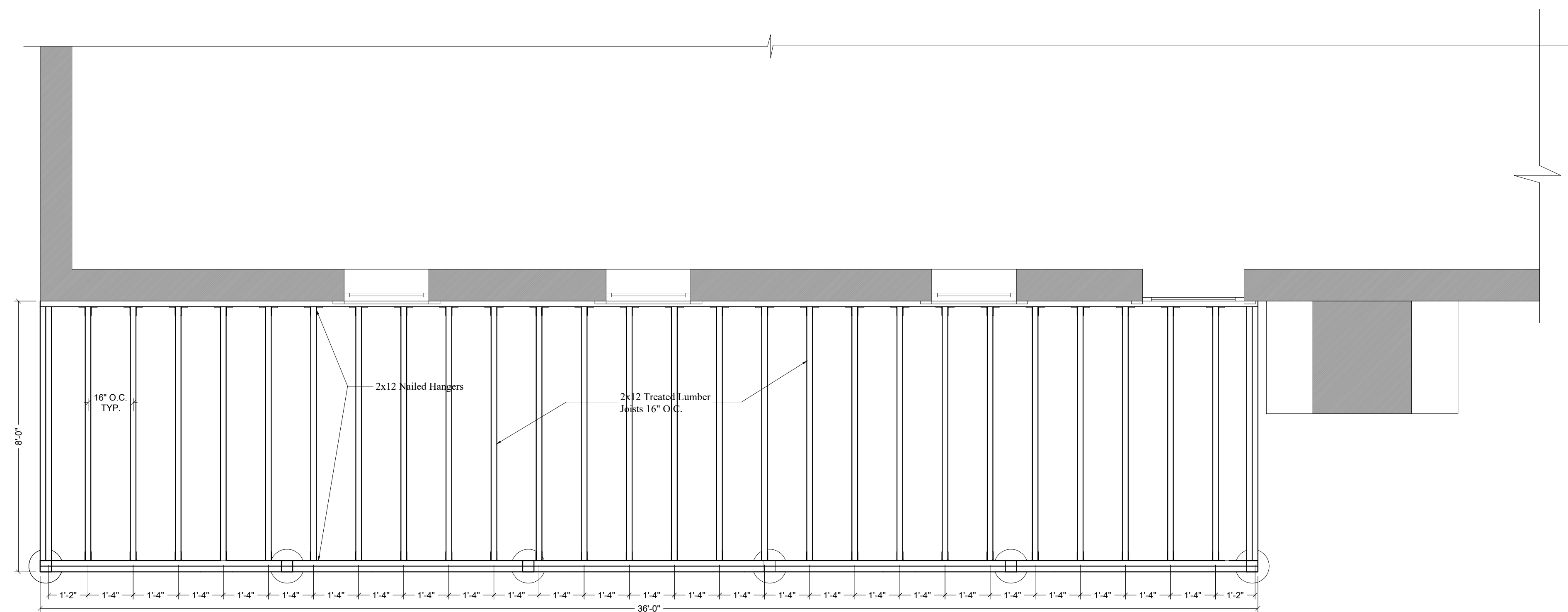
THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY.



1 FOUNDATION PLAN
SCALE : 3 / 8" = 1'-0"



2 PIER FOUNDATION DETAIL
SCALE : 3 / 4" = 1'-0"



2 DECK FRAMING PLAN
SCALE : 3 / 8" = 1'-0"



Project Name: **RESIDENTIAL DECK**
 Client Name: **Ashley & Corey Devlin**
 Project Location: **814 Timber Lane, Darien, IL 60561**
 Date of Issue: 24-11-23

Sheet Name: DECK FOUNDATION & FRAMING PLAN

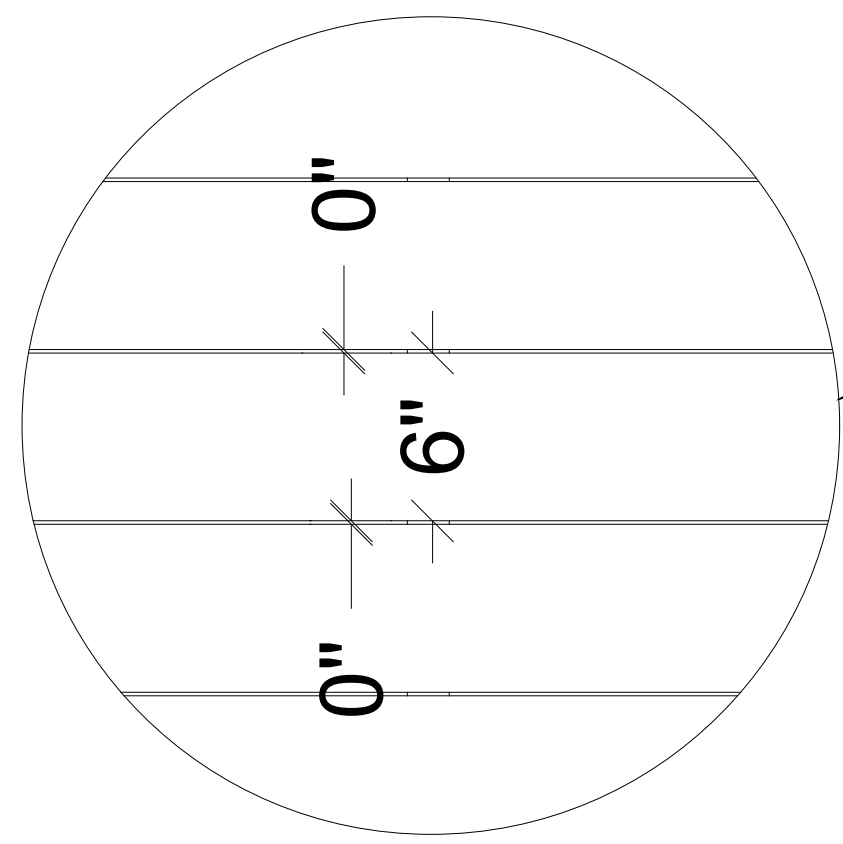
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Drawing Number: **A-01**

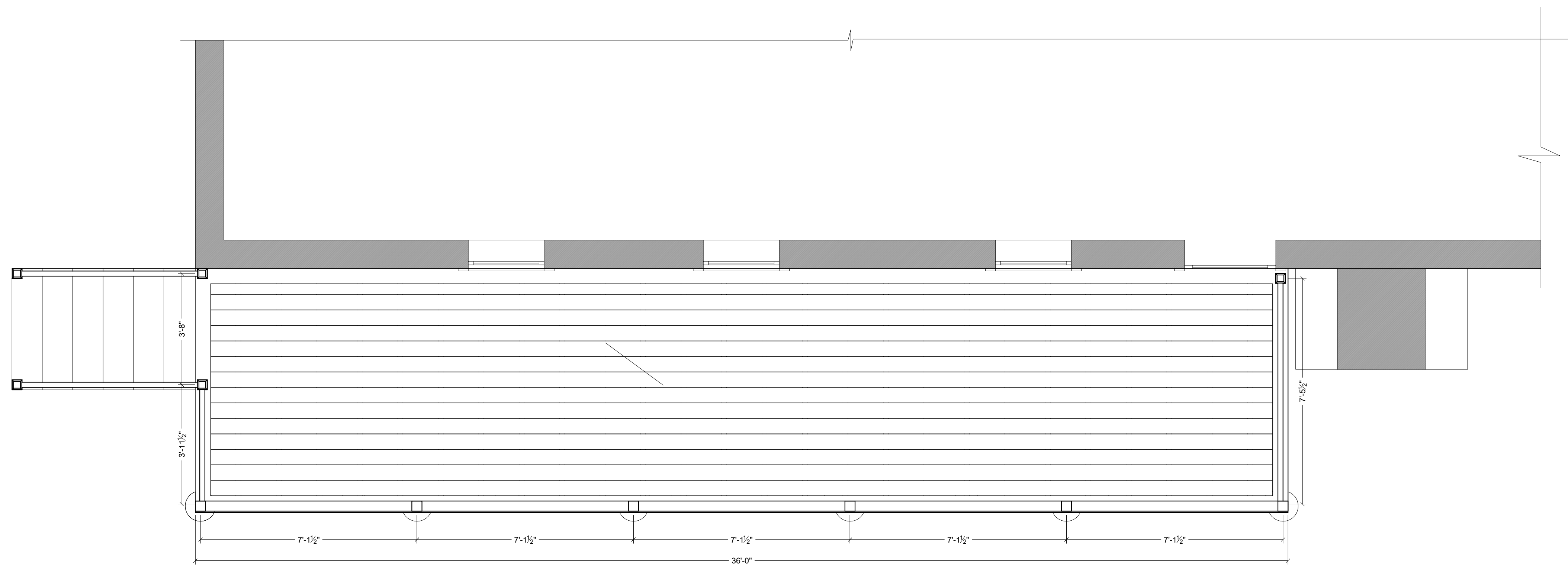
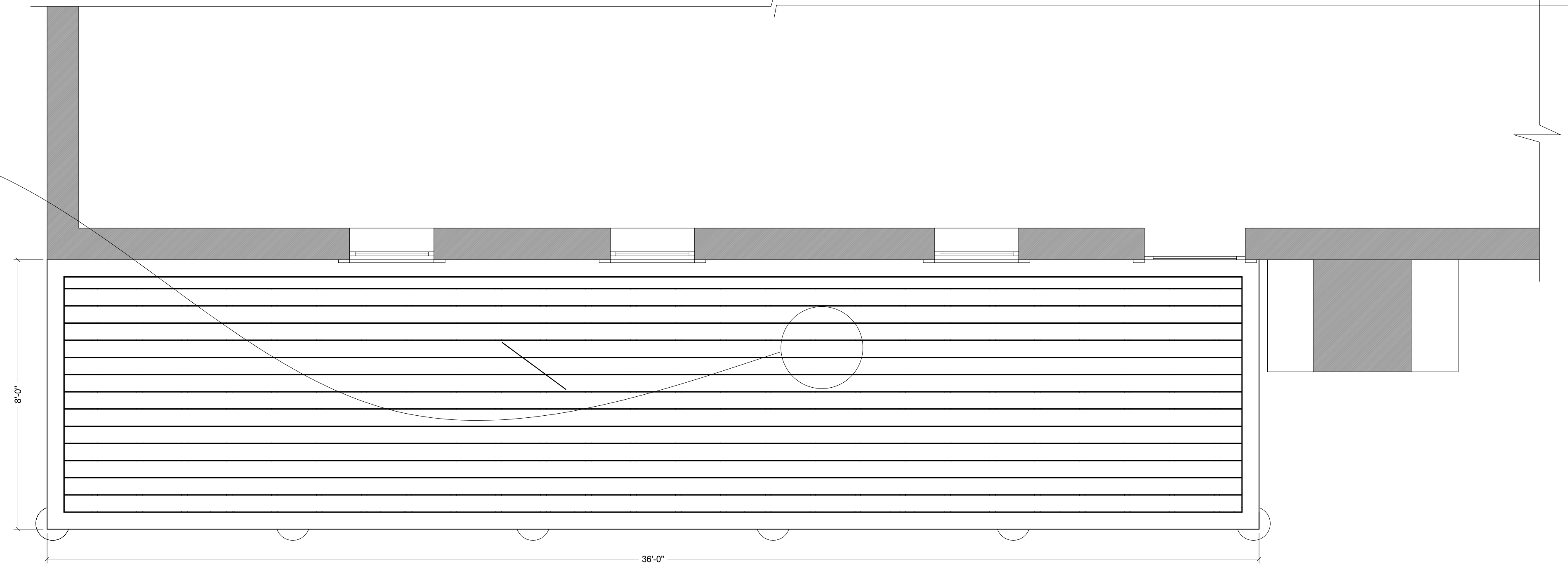
Drawn by: SONIA KARIM

REV:

Revision Schedule			
REV	Description	Date	Issued by



1 DECKING PLAN
SCALE : 3 / 8" = 1'-0"



2 RAILING & STAIRS PLAN
SCALE : 3 / 8" = 1'-0"



Project Name: **RESIDENTAIL DECK**
 Client Name: **Ashley & Corey Devlin**
 Project Location: **814 Timber Lane, Darien, IL 60561**
 Date of Issue: 24-11-23

Sheet Name: DECKING / RAILING & STAIR PLAN

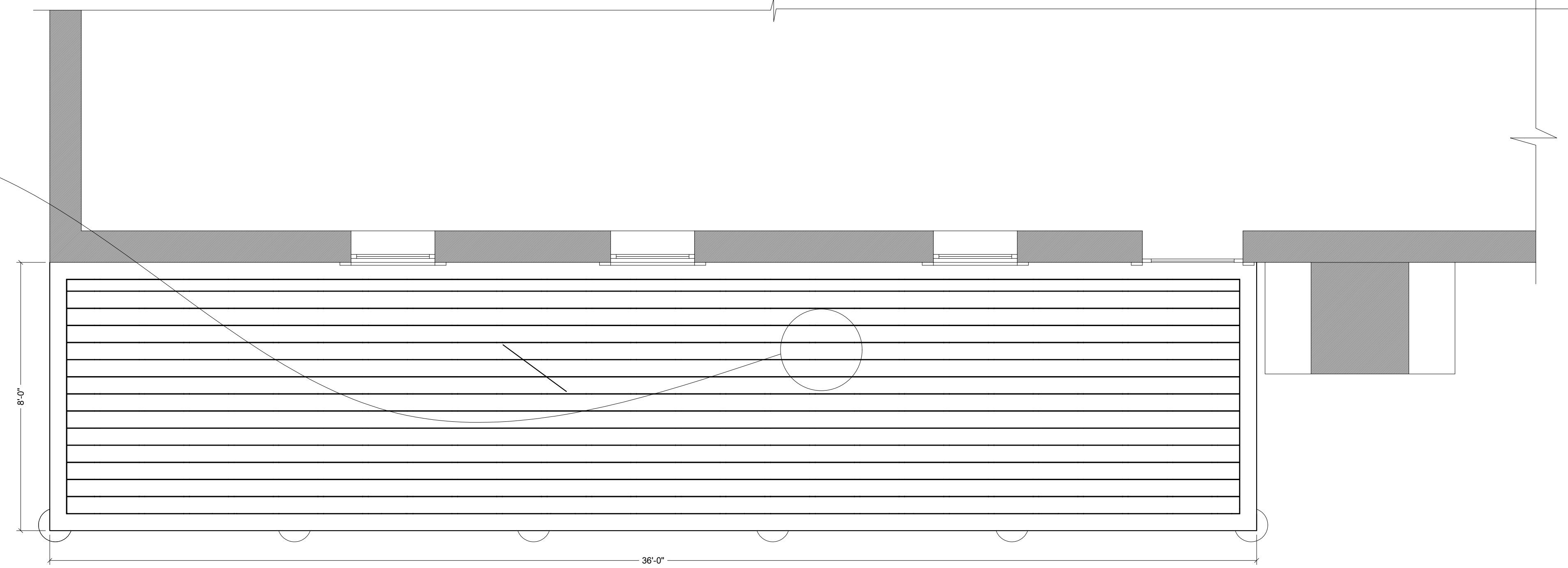
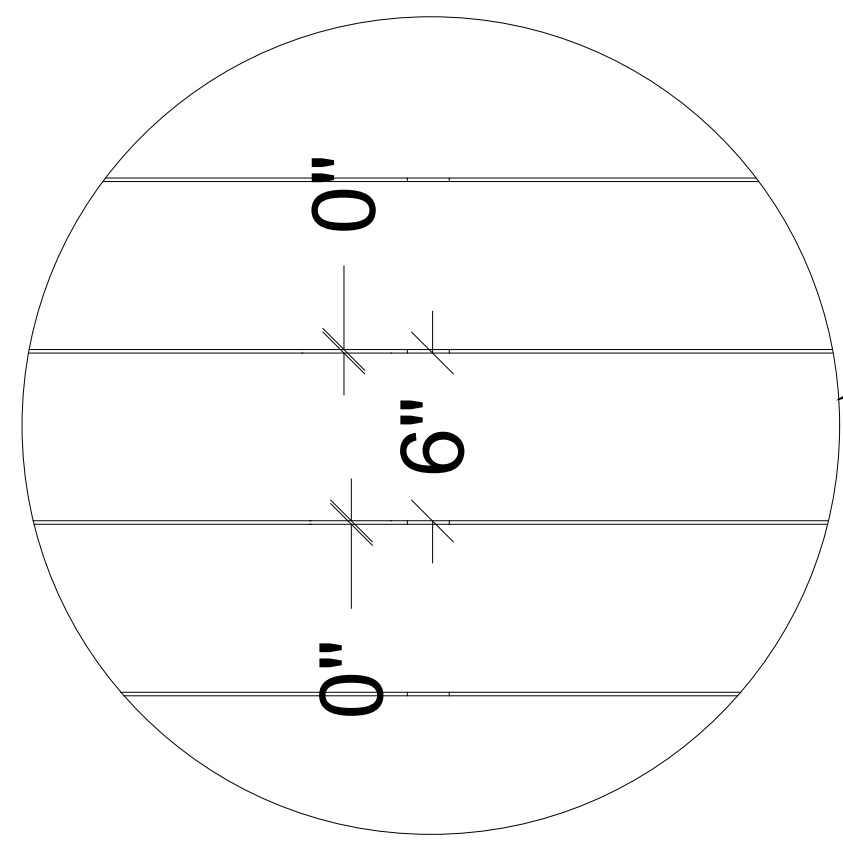
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Drawing Number: **A-02**

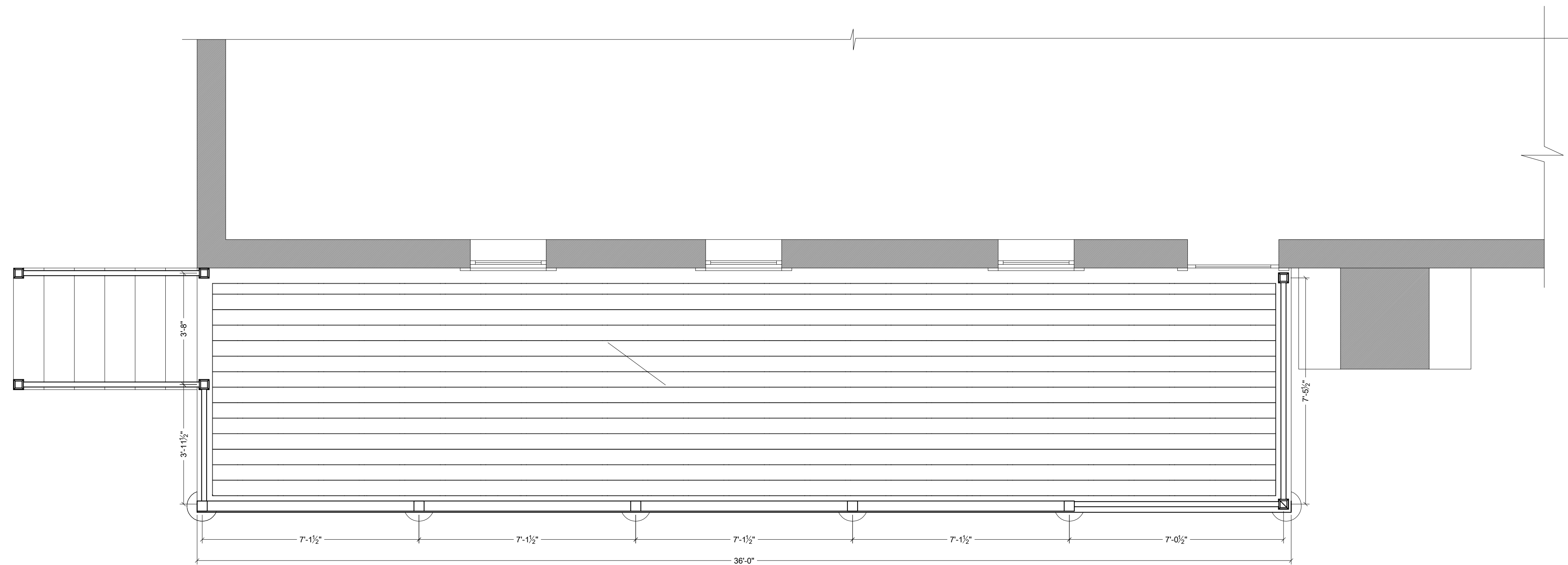
Drawn by: SONIA KARIM

REV:

Revision Schedule			
REV	Description	Date	Issued by



1 DECKING PLAN
SCALE : 3 / 8" = 1'-0"



2 RAILING & STAIRS PLAN
SCALE : 3 / 8" = 1'-0"



Project Name: **RESIDENTAIL DECK**
 Client Name: **Ashley & Corey Devlin**
 Project Location: **814 Timber Lane, Darien, IL 60561**
 Date of Issue: 24-11-23

Sheet Name: DECKING / RAILING & STAIR PLAN

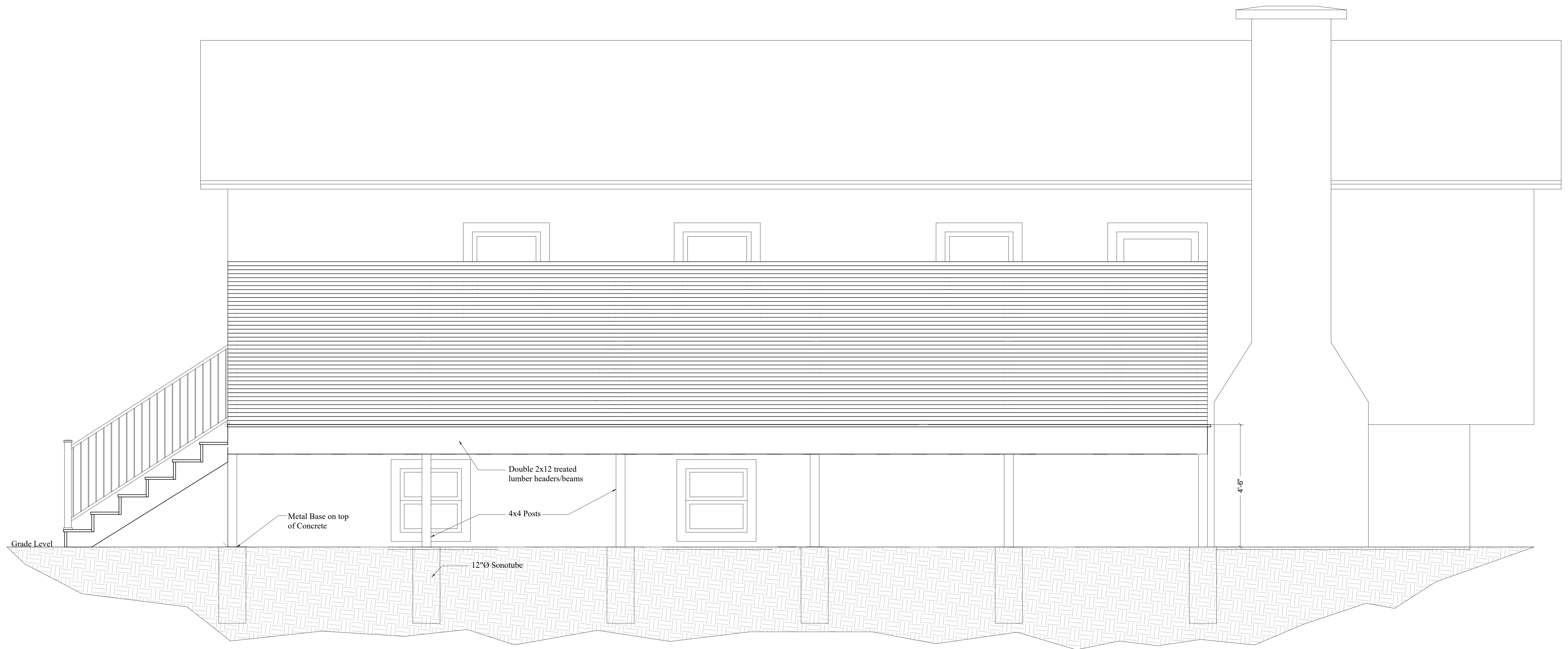
Scale: 3 / 8" = 1'-0"@ Arc-D

Drawing Number: **A-02a**

Drawn by: SONIA KARIM

REV:

Revision Schedule			
REV	Description	Date	Issued by



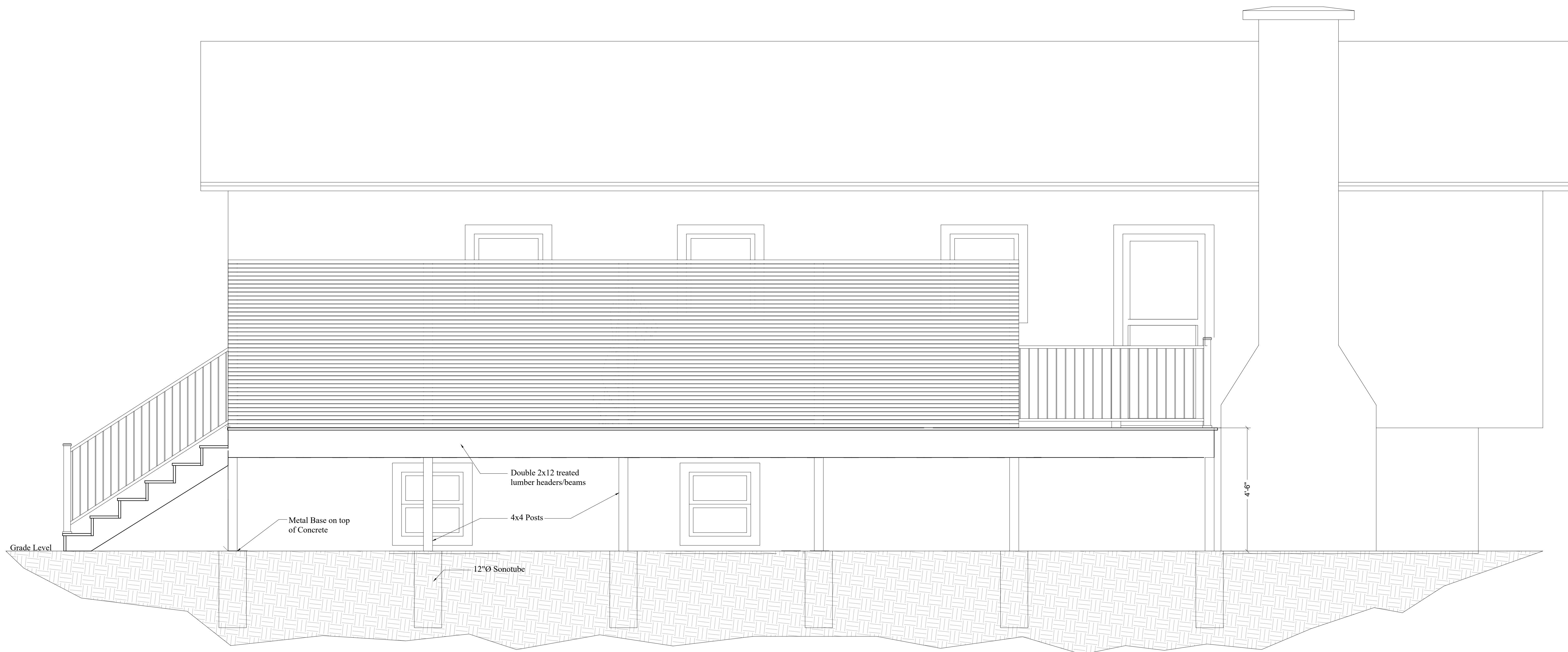
1 FRONT ELEVATION
SCALE : 1 / 2" = 1'-0"



Project Name: **RESIDENTAIL DECK**
 Client Name: **Ashley & Corey Devlin**
 Project Location: **814 Timber Lane, Darien, IL 60561**
 Date of Issue: 24-11-23

Sheet Name: FRONT ELEVATION
 Scale: 3 / 8" = 1'-0" @ Arc-D
 Drawing Number: **A-03**
 Drawn by: SONIA KARIM
 REV:

Revision Schedule			
REV	Description	Date	Issued by



1 FRONT ELEVATION
SCALE : 1 / 2" = 1'-0"

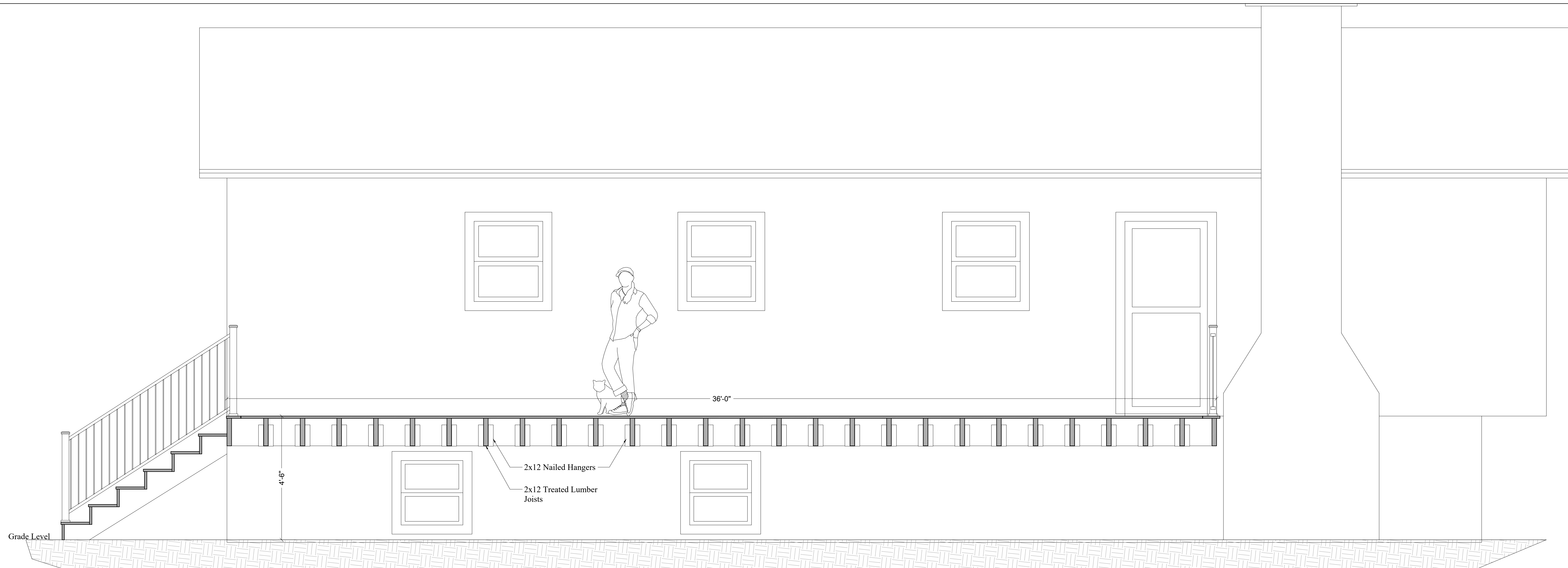


Project Name: **RESIDENTAIL DECK**
 Client Name: **Ashley & Corey Devlin**
 Project Location: **814 Timber Lane, Darien, IL 60561**
 Date of Issue: 24-11-23

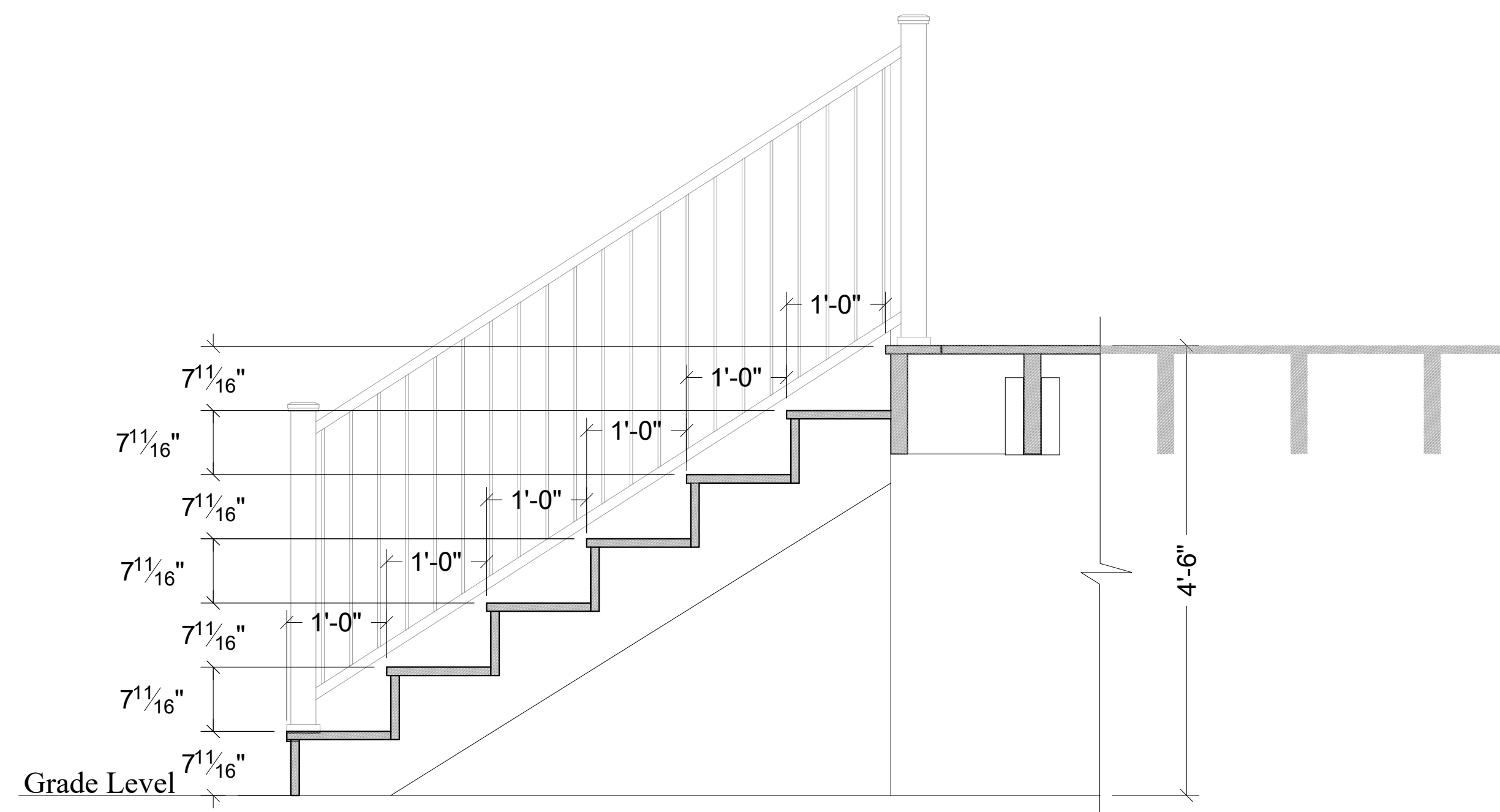
Sheet Name: FRONT ELEVATION

Scale: 3 / 8" = 1'-0" @ Arc-D
 Drawing Number: **A-03a**
 Drawn by: SONIA KARIM
 REV:

Revision Schedule			
REV	Description	Date	Issued by



1 SIDE ELEVATION
SCALE : 1 / 2" = 1'-0"



3 SECTION - A
SCALE : 3 / 4" = 1'-0"



Project Name: **RESIDENTAIL DECK**
 Client Name: **Ashley & Corey Devlin**
 Project Location: **814 Timber Lane, Darien, IL 60561**
 Date of Issue: 24-11-23

Sheet Name: SIDE ELEVATION & SECTION

Scale: AS INDICATED @ Arc-D
 Drawing Number: **A-04**
 Drawn by: SONIA KARIM
 REV:

Revision Schedule			
REV	Description	Date	Issued by

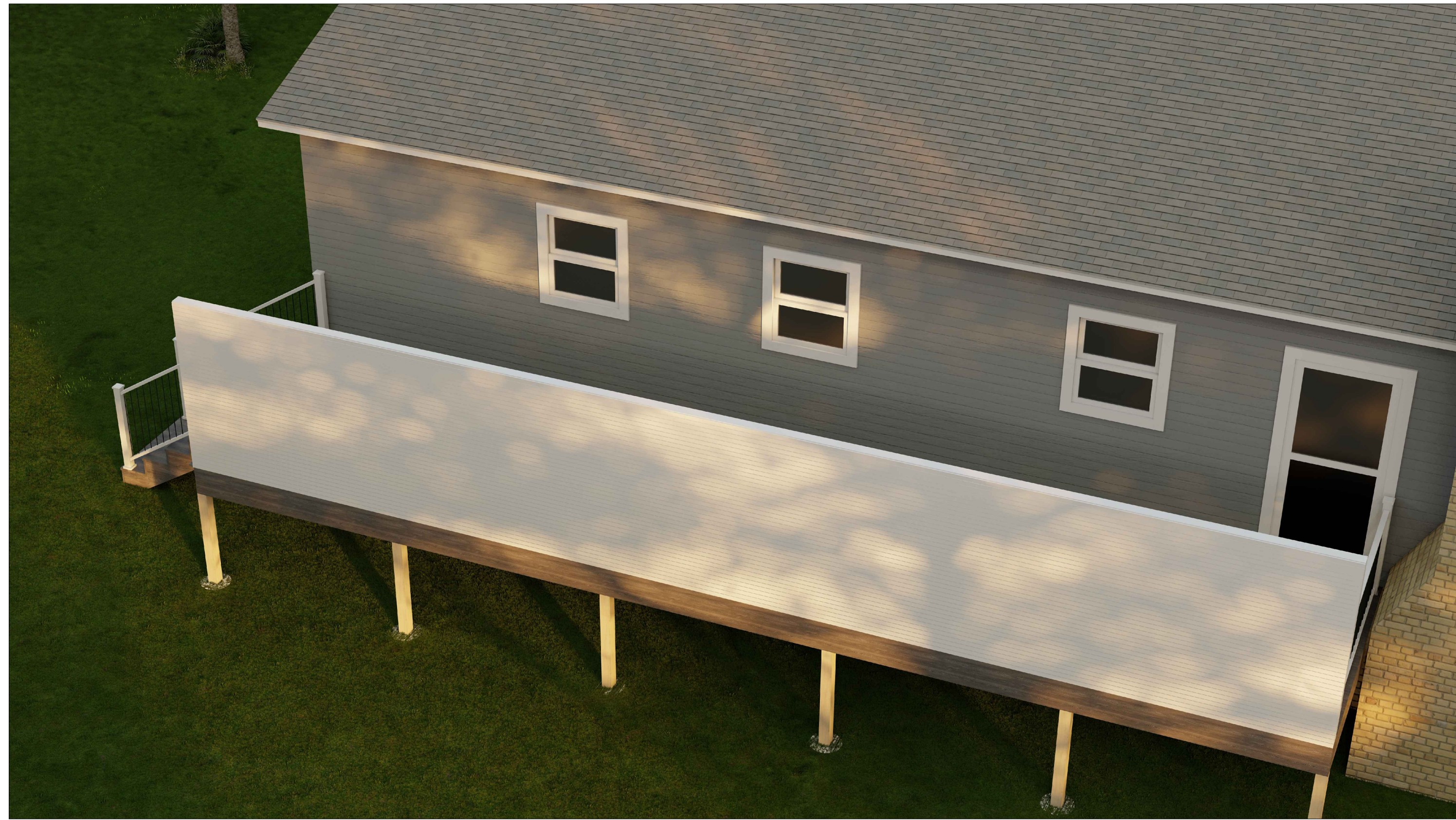


Project Name: **RESIDENTAIL DECK**
 Client Name: **Ashley & Corey Devlin**
 Project Location: **814 Timber Lane, Darien, IL 60561**
 Date of Issue: 24-11-23

Sheet Name: 3d Views Privacy Wall Shortened

Scale: N.T.S. @ Arc-D
 Drawing Number: **A-05**
 Drawn by: SONIA KARIM
 REV:

Revision Schedule			
REV	Description	Date	Issued by



Project Name: **RESIDENTAIL DECK**

Client Name: **Ashley & Corey Devlin**

Project Location: **814 Timber Lane, Darien, IL 60561**

Date of Issue: **24-11-23**

Sheet Name: 3d Views Full Privacy Wall

Scale: **N.T.S. @ Arc-D** Drawn by: **SONIA KARIM**

Drawing Number: **A-06** REV:

Revision Schedule			
REV	Description	Date	Issued by



















JUSTIFICATION LETTER
814 TIMBER LANE – VARIATION FOR RAISED DECK

Decision Criteria (See City Code Section 5A-2-2-3)

2a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.

Other properties in the immediate vicinity and in the same zoning district have similar decks that were permitted within the side yard setback, likely when the properties were under the County's jurisdiction. It is reasonable to assume as the property owner that the same conditions could be present on the subject property.

2b. The plight of the owner is due to unique circumstances.

The plight of the property owner is due to unique circumstances in at least two ways: 1) The current placement of the deck was permitted by staff, and the property owner applied for and received a permit in error for the deck in its current/proposed location; and 2) The property is already non-compliant with setback regulations as it was constructed under County zoning regulations, and is a legal nonconforming property.

2c. The variation if granted will not alter the essential character of the locality.

The property owner and staff have conducted a "windshield survey" and identified numerous instances of similar decks in side yards in the vicinity and under the same zoning restrictions. Thus an additional deck will not substantially alter the character of the neighborhood.

3a. Essential Need? The owner would suffer substantial difficulty or hardship and not mere Inconvenience or a decrease in financial gain if the variation is not granted.

The financial hardship of having to reconstruct the deck to comply with the zoning ordinance after the City previously approved the deck is significant and undue.

3b. Problem with Property? There is a feature of the property such as slope or shape or change made to the property, which does not exist on neighboring properties, which makes it unreasonable for the owner to make the proposed improvement in compliance with the Zoning Code. Such feature or change was not made by the current owner and was not known to the current buyer at the time of purchase.

The problem with the property is the configuration of the side yard, and the fact that it is already legal non-conforming. Additionally, the City approved the location of the deck and having to relocate it after the fact would be unreasonable.

3c. Smallest Solution? There is no suitable or reasonable way to redesign the proposed improvements without incurring substantial difficulty or hardship or reduce the amount of variation required to make such improvements.

Any reconstruction or moving of the deck would amount in substantial difficulty and hardship as described above.

3d. Create Neighbor Problem? The variation, if granted, will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties.

If conditioned appropriately to ensure direct/unobstructed views are reduced and/or lessened, there will not be any injuries to neighboring properties.

3e. Create Community Problem? The variation, if granted, may result in the same or similar requests from other property owners within the community, but will not cause an unreasonable burden or undesirable result within the community.

Similar conditions already exist in the immediate neighborhood. The community at large would not be affected if similar requests were made because the same conditions are not uniformly present in the community. Further, the construction of an accessory structure is a benefit that is intended to be permitted under the Zoning Code.

3f. Net Benefit? The positive impacts to the community outweigh the negative impacts.

The community will benefit from not having induced unnecessary hardship on a property owner.

3g. Sacrifice Basic Protections? The variation, if granted, will comply with the purposes and intent of the Zoning Code set forth in Section 5A-1-2(A) and summarized as follows; to lessen congestion, to avoid overcrowding, to prevent blight, to facilitate public services, to conserve land values, to protect from incompatible uses, to avoid nuisances, to enhance aesthetic values, to ensure an adequate supply of light and air, and to protect public health, safety, and welfare.

The granting of the variance facilitates public services, and ensures that any nuisances or aesthetic concerns are addressed properly in a public hearing.

CITY OF DARIEN
PLANNING AND ZONING COMMISSION
JANUARY 8, 2025

LOCATION MAP



Project No.: PZC2024-12 – 814 Timber Lane





