

CITY OF DARIEN
PLANNING AND ZONING COMMISSION

Wednesday, May 3, 2017
7:00 PM
City Hall Council Chambers

AGENDA

1. Call to Order
2. Establish Quorum
3. Regular Meeting:
 - A. Public Hearing

Case: PZC 2017-02 7620 Wilton Court (Schimel)
Petitioners Ted and Diane Schimel, owners of the house at 7620 Wilton Court, seek approval of a variation to Section 5A-11-3(A) of the Darien Zoning Code to allow a circular driveway in their rear yard for boat storage.
4. Correspondence
5. Old Business
6. New Business
7. Approval of Minutes: April 5, 2017
8. Next Meeting: May 3, 2017
9. Adjournment

AGENDA MEMO
Planning and Zoning Commission
April 19, 2017

Case

PZC 2017-02 7620 Wilton Court (Schimel)

Issue Statement

Petitioners seek approval of variation to allow circular driveway in rear yard for boat storage.

General Information

| | |
|------------------------------|--|
| Petitioners/Property Owners: | Ted and Diane Schimel |
| Property Location and PIN# | 7620 Wilton Court, 09-29-411-012 |
| Zoning / Land Use: | Site: R-2 / single-family residence |
| | North and East: R-2 / single-family residence |
| | South and West: R-2 / single-family residence |
| Comprehensive Plan: | Low Density Residential |
| Size of Property: | 15,647 square feet (R-2 = 10,000 min) |
| Natural Features: | Tree line and swale along southwest property line |
| | Rear yard slopes from house down towards Manning Road |
| Transportation: | Front loading garage with driveway to Wilton Court |
| History: | 9/3/09 Notice of boat storage violation |
| | 12/10/09 Ticket for boat storage violation |
| | 3/29/10 Petition for variation |
| | 5/3/10 Petition denied |
| | 5/5/10 Notice of boat storage violation |
| | 12/6/16 Notice of boat storage violation |
| | 1/3/17 Ticket for boat storage violation |

Documents Submitted by Petitioners and attached to this memo

1. Petition dated February 28, 2017
2. Plat of Survey prepared by Genesis Surveying in 2010, with site plan of proposed driveway hand drawn by Petitioners.

Zoning Provisions

Section 5A-5-11(A): RV's may be stored in rear or interior side yards only.
All RV's shall be stored on hard surface meeting setbacks for driveways.

Section 5A-11-3 (A): Driveways shall be 5 feet from side property line and not in easement.
Curb cuts for driveways permitted in front or corner side yards.

Section 5A-2-2-3: Variation Authority and Standards

ILCS Section 11-13-4: Variation Conditions

Development Description

The owner's house has an attached garage and they have been parking their boat in their front driveway, which is not permitted by City Code. They have received notices of violation and tickets for this violation. Their first variation petition was for a single driveway in the rear yard.

Said driveway would have been off Manning Road as pavement providing access to a proposed garage for boat storage in the rear yard. At the PZC hearing 4/21/10 and MSC meeting 4/26/10, the motion was to recommend denial based on the proposed driveway creating a safety hazard on Manning Road. The City Council voted to deny on 5/3/10.

Their second (current) petition is for a circular driveway in the rear yard. Said driveway off Manning Road is shown as permeable pavers and providing access to a proposed asphalt pad for boat storage in the rear yard. The boat could be towed to and from the storage pad without any backing up on the driveway or Manning Road. Pending zoning approval, an engineering and grading plan for construction of the driveway would be required for City review and permit.

Manning Road is a 'collector street' which has two functions: direct access to adjacent land uses and connecting arterial streets (Plainfield Road, 75th Street, Fairview Avenue). Manning Road has a 25 MPH posted speed limit and it carries somewhat more traffic than a typical residential street. Manning Road has a slight curve but there is full visibility from subject site towards east past the Fairview stop sign. There are other single and circular driveways onto Manning Road.

Notice and Public Comments Received

Proper notices were given for the public hearing as required by Code. Alderman Sylvia McIvor received a letter regarding this petition, but it was unsigned, so it was included. One other letter was received, from McNaughton Development, and it is included.

Staff Plan Review Comments

Two alternative locations were considered.

1. Along the southwest side of the house
2. Storage of boat off-site

Reasons for approval:

- Variation Authority A and Condition 1&2: *'Development difficult due to property'*
There is insufficient room in the side yard for a front driveway extension and boat storage pad without setback variations. Also a retaining wall would be needed.
- Variation Standard 4: *'Does not endanger public safety'*
The probability of traffic accidents related to vehicles entering and exiting the proposed driveway is not anticipated due to the long visibility for on-coming traffic.
- Variation Standard 5 and Condition 3: *'Does not adversely alter area'*
There are other single and circular driveways along Manning Road.

Reasons for denial:

- Variation Standard 4: *'Does not endanger public safety'*
Quantifying the probability of accidents would be difficult.

The motion to recommend approval or denial of the petition should be based on express findings of specific practical difficulties or particular hardships present on the property and whether the proposed variation does or does not outweigh the community benefits of conforming to the Codes as referenced in the Authority and Standards for variations in the Darien Zoning Code and the Conditions in the Illinois Municipal Code.

Documents attached to this memo by staff

- Site Plan for first petition
- Minutes of meetings for first petition
- Photos
- Turfstone product brochure
- Letter from McNaughton Development
- Zoning code sections
- Variation Authority, Standards, and Conditions

Decision Mode

| | |
|---------------------------------|----------------|
| Planning and Zoning Commission: | April 19, 2017 |
| Municipal Services Committee: | April 24, 2017 |
| City Council: | May 1, 2017 |

CITY OF DARIEN, ILLINOIS, Community Development Department

| Staff Use Only | |
|----------------|-------------|
| Case No.: | P2C 2017-02 |
| Date Received: | 2/28/17 |
| Fee Paid: | \$360 |
| Check No.: | 5901 |
| Hearing Date: | 4/5/17 |

Variation/Special Use/Rezoning petition to the Mayor and City Council of the City of Darien:

PETITIONER INFORMATION

Ted and Diane Schimel
Petitioner's Name

Diane Schimel
Owner's Name

Ted and Diane Schimel
Contact Name

7620 Wilton Ct., Darien, IL 60561
Address, City, State, Zip Code

(same)
Address, City, State, Zip Code

630-241-4997
Phone #

630-241-4997
Phone #

yoursmile2@comcast.net
Email

Fax #

(same)
Email

PROPERTY INFORMATION

7620 Wilton Ct., Darien 60561
Property address

15,647 square feet
Acreage

09-29-411-012
PIN(s)

Residential
Zoning

Provide legal description on a separate sheet and attach, such as the plat of survey.

REQUEST

Brief description of the request(s):

- Variation
- Simple Variation
- Special Use
- Rezoning

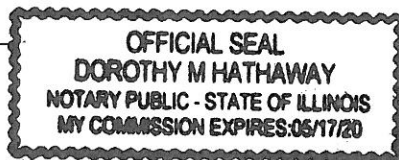
Provide storage for Boat/Trailer
 Driveway with Turf Stone
 Pad with Asphalt
 See Plat of Survey
 Add New Landscaping

I, _____, do hereby certify that I am the owner of record (or one of the owners of record or the attorney for the owners of record of the aforesaid described property) and I hereby make application as such.

Diane Schimel
Signature

Subscribed and sworn to before this 7th day of March, 20 17

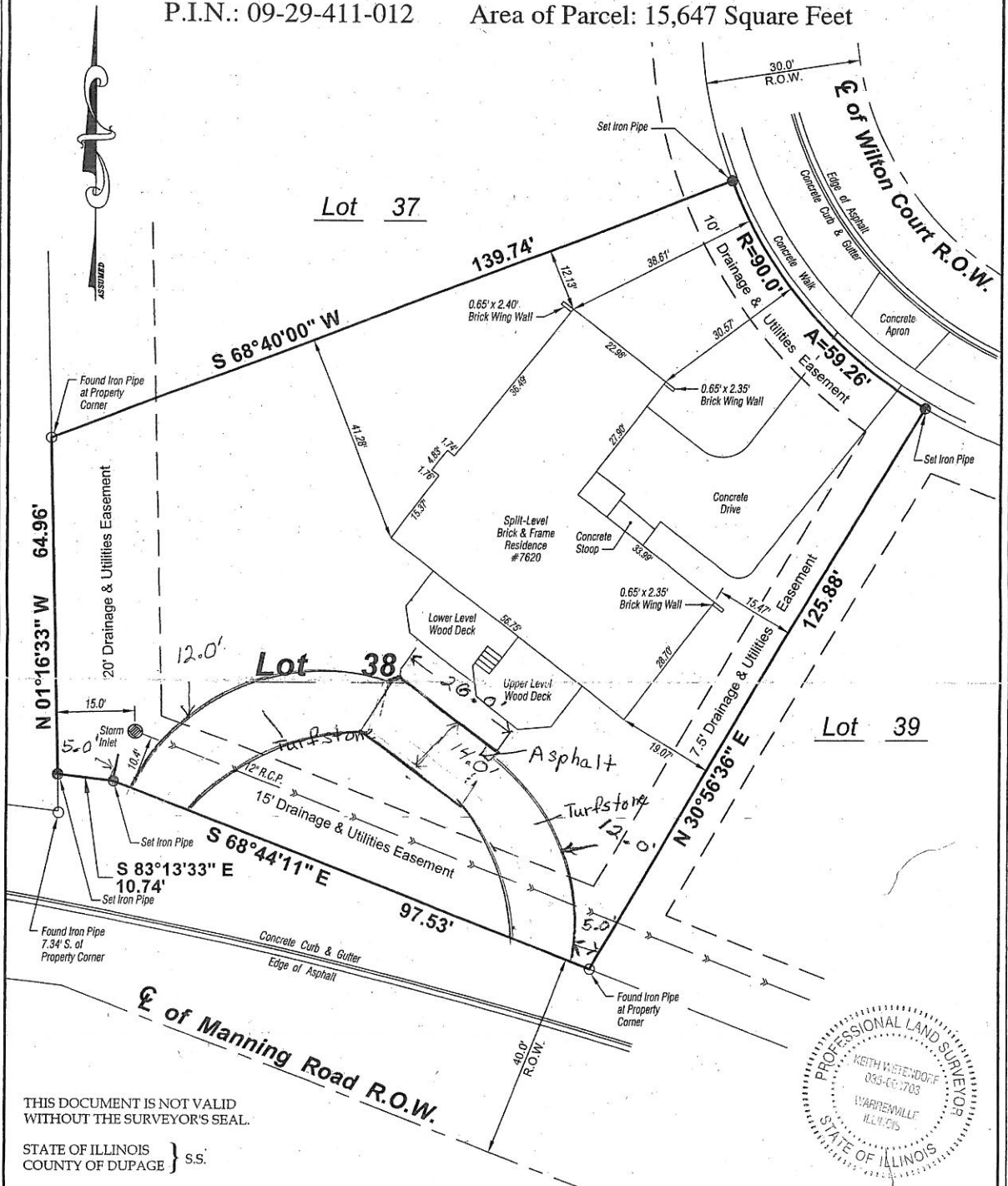
Dorothy M. Hathaway
Notary Public



PLAT OF SURVEY OF

LOT 38 IN GALLAGHER AND HENRY'S FARMINGDALE RIDGE UNIT No. 4, BEING A SUBDIVISION IN THE SOUTHEAST 1/4 OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 11, 1989 AS DOCUMENT R89-155664, IN DUPAGE COUNTY, ILLINOIS.

P.I.N.: 09-29-411-012 Area of Parcel: 15,647 Square Feet



THIS DOCUMENT IS NOT VALID WITHOUT THE SURVEYOR'S SEAL.

STATE OF ILLINOIS } s.s.
COUNTY OF DUPAGE }

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. COMPARE THE DESCRIPTION ON THIS PLAT WITH YOUR DEED, AND AT ONCE REPORT ANY DIFFERENCE. BUILDING LINES AND EASEMENTS AS SHOWN ARE BASED SOLELY ON THE DOCUMENTS PROVIDED TO US. REFER TO YOUR DEED OR TITLE POLICY. ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMAL PARTS THEREOF. BEARINGS AS SHOWN ARE ASSUMED AND ARE SO INDICATED FOR INTERIOR ANGLES ONLY.

DATED THIS 29th DAY OF APRIL, A.D. 2010

[Signature]
KEITH WETENDORF
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 3703
GENESIS SURVEYING AND ENGINEERING, P.C.
LICENSE TO BE RENEWED NOVEMBER 30, 2010

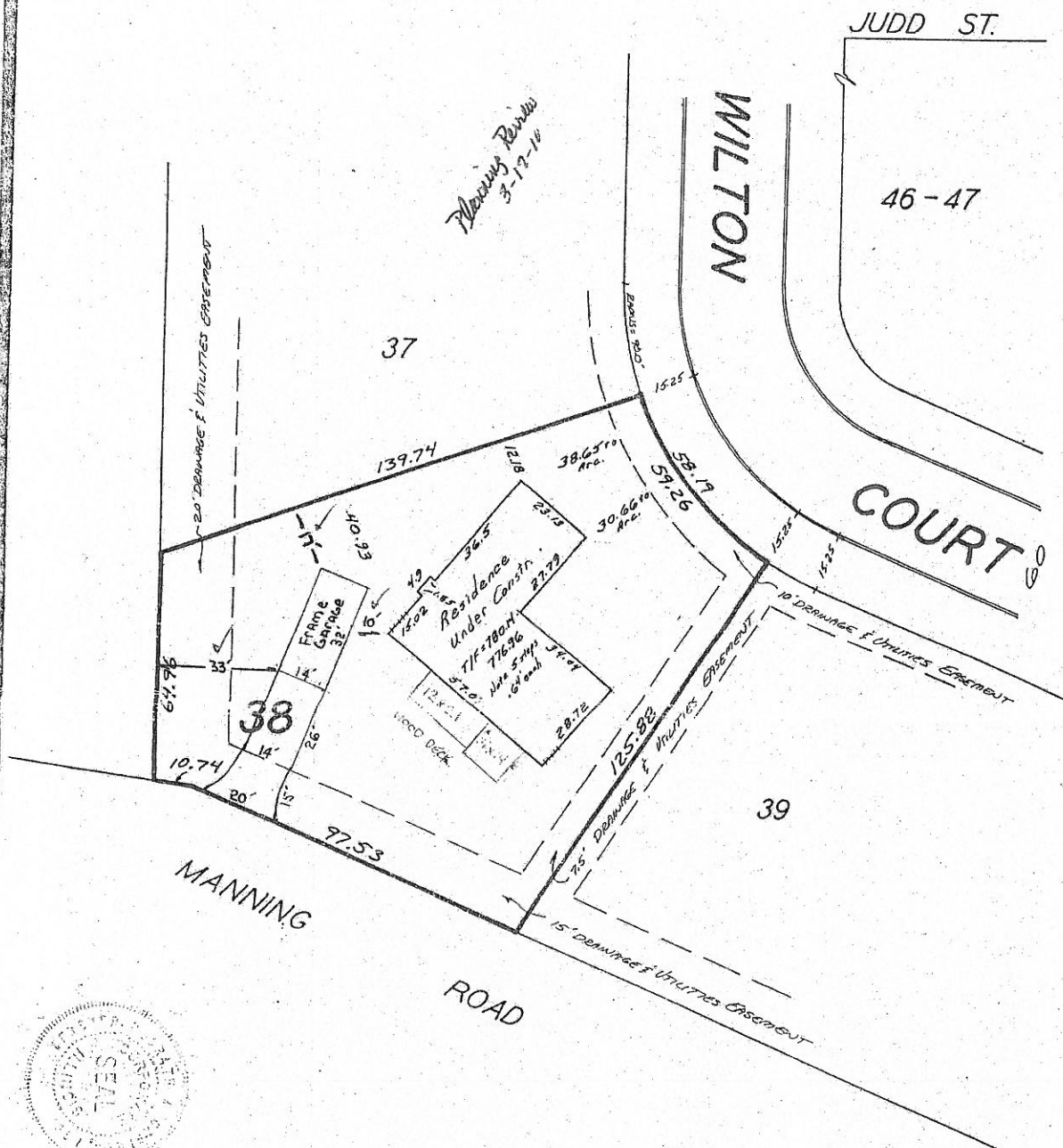
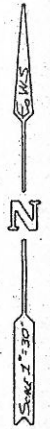


PREPARED BY: **Genesis Surveying and Engineering, PC**
PROFESSIONAL DESIGN FIRM No. 184-002922
71 W. 61st STREET
WESTMONT, ILLINOIS 60559
PH (630) 271-6930 FAX (630) 271-6933

| | | |
|---|----------------|----------------|
| COMMON ADDRESS: 7620 Wilton Court, Darien, Illinois | | |
| JOB NUMBER: 10-057 | SCALE 1" = 20' | DRAWN BY: D.S. |
| CLIENT: Diane Schimmel | | |
| DATE OF FIELD WORK COMPLETION: April 19, 2010 | | |
| REVISIONS: 4-29-2010 (Added iron pipes set at lot corners as shown) | | |

PLAT OF SURVEY

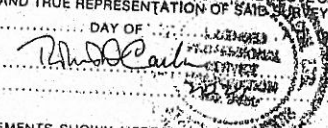
OF LOT 38 IN GALLAGHER AND HENRY'S FARMINGDALE RIDGE UNIT NO. 4, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 11, 1987 AS DOCUMENT NO. 849-179681, IN DU PAGE COUNTY, ILLINOIS.



BUILDING LOCATED AS SHOWN HEREON THIS 6th DAY OF March A. D. 1990
 BY Webster, McGrath and Carlson, Ltd.
 ILLINOIS REGISTERED LAND SURVEYOR NO. 2689

STATE OF ILLINOIS)
 COUNTY OF DU PAGE) S.S.

THIS IS TO CERTIFY THAT A SURVEY HAS BEEN MADE OF THE PROPERTY DESCRIBED ON THE ABOVE CAPTION AS SHOWN BY THE ANNEXED PLAT WHICH IS A CORRECT AND TRUE REPRESENTATION OF SAID SURVEY.
 SIGNED AND SEALED AT WHEATON, ILLINOIS THIS _____ DAY OF _____
 BY Webster, McGrath and Carlson, Ltd.
 ILLINOIS REGISTERED LAND SURVEYOR NO. _____



CHECK ABOVE LEGAL DESCRIPTION AND BUILDING LINES AND EASEMENTS SHOWN HEREON. WITH YOUR SPEED, TITLE INSURANCE POLICY OR COMMITMENT. COMPARE ALL SURVEY POINTS AND REPORT ANY DISCREPANCIES IMMEDIATELY. CONSULT LOCAL AUTHORITIES FOR ADDITIONAL BUILDING AND SETBACK LINES ESTABLISHED BY LOCAL ORDINANCES.



WEBSTER, McGRATH & CARLSON, LTD.
 Consulting Engineers Land Surveying Civil Engineering 207 South Naperville Street, Wheaton IL 60187 (312) 668-7803

File No. B-30020-24-38 © Found Iron Stake
 For G.L.A. Ord. No. 26733 O Drove Iron Stake
 Notes _____ All Dimensions Given in Feet and Decimals Thereof
 Scale of Plat 3/4" Foot to the Inch
 Checked G.L.A. Drawn EMK
 Sur. By _____

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:

Elizabeth Lahey
Secretary

Beverly Meyer
Chairman

B. Ordinance – PetSmart, Darien Towne Centre, 2153 75th Street – Major Amendment to the Darien Towne Centre Planned Unit Development (PUD) to allow an additional use within the PUD, a kennel (pet hotel) with the PetSmart store.

Mr. Michael Griffith, Senior Planner, presented the staff report. He stated the PUD Ordinance regulates permitted uses. He further stated the petitioner proposes to include a pet hotel, or kennel, within the store. Mr. Griffith stated the petitioner provided information on how the facility will operate and that all operations will be inside. He stated the pet hotel will be staffed 24 hours, 7 days per week, with an emergency veterinarian available. He stated the PZC held a public hearing and recommended approval. He further stated the attorney for the petitioner was present.

Alderman Schauer questioned if the entrance would be through the front of the store.

Mr. Griffith stated that the entrance to the store will remain the same.

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

Alderman Galan made a motion and it was seconded by Alderman Schauer that based upon the submitted petition and the information presented, the request associated with PZC 2010-03 is in conformance with the standards of the Darien City Code and move that the Municipal Services Committee recommend approval of the petition as presented.

Upon voice vote, THE MOTION CARRIED unanimously 3-0.

Chairperson Marchese announced that this would be forwarded to the City Council on Monday, May 3, 2010.

C. Ordinance – 7620 Wilton Court – Construct a second driveway onto an interior lot.

Mr. Michael Griffith, Senior Planner, presented the staff report. He stated the case relates to recreational vehicles, regarding parking and storing on residential property. Mr. Griffith stated the Code specifies size, length, and for temporary storage and unloading.

Mr. Griffith stated the variation is to permit a second curb cut onto the lot for a driveway related to the construction a detached garage to store the petitioner's boat. He stated that currently the boat is on the driveway in the front. He further stated this petition relates to a code enforcement matter and the petitioner is attempting to address the code violation.

Mr. Griffith stated that the proposed garage meets the City Code but that the variation is to allow for a curb cut for the driveway. He reported that the PZC held a public hearing and that the Committee recommended denial based on safety concerns on Manning Road.

The petitioners Ted and Diane Schimel were present in the audience.

Chairperson Marchese questioned how often the petitioners use the boat.

Mr. Schimel stated they use the boat once or twice a week leaving around 3:00 a.m. and returning back home at noon or 1:00 p.m.

Chairperson Marchese questioned if the petitioner explored the cost for storage. He stated the turf easy block is an expensive product.

Mr. Schimel stated he explored storage options but he would not have access to the boat during the hours it was used.

Alderman Galan stated that he looked at the property. He stated the petitioner is trying to comply. Alderman Galan stated he read the correspondence in the report from the nearby residents and they have a valid point and he feels the frustration. He asked if there was any other option the City could recommend without building the garage.

Mr. Griffith stated that the Code requires that the boat be placed on a pad only. He stated staff has met with the petitioner to discuss other options. Mr. Griffith stated even if the existing driveway was extended through the south side yard, a variation would still be required due to setback and would encroach into the easement. He also stated that the area is not flat.

Mr. Griffith stated that if the driveway is extended through the north side yard, there seems to be room, but the roof overhang may cause a conflict. He stated that the present proposal appears to be the most minimal approach. Mr. Griffith stated the curb cut is the issue, not the garage.

Mr. Dan Gombac, Director, stated the paver brick material the proposed plan includes is made out of stone and filled with topsoil and grass and is eco-friendly and provides the ability to drive over. He stated this commonly used when provided emergency access to developments.

Alderman Galan stated he was not sure the curb cut is something the City should allow.

Alderman Schauer stated he was concerned if approved this would allow for many future requests for variations.

Chairperson Marchese stated the petitioners are trying to comply and because of the hours they use their boat they cannot put their boat in storage. He stated he has a problem with the responses from the PZC, that it is the roll of the City Council to examine the proposal. Chairperson Marchese explained the Planning and Development Committee spent months on the Ordinance knowing that each issue would have to be addressed separately.

Alderman Galan explained the PZC members are volunteer citizens. He stated that there were a number of neighbors who petitioned they did not want this and that they are fine with the boat in the driveway. He further stated the petitioner is trying to do what is right and now he is stuck.

Mr. Schimel stated there are a lot of boats in driveways. He stated Commissioner Robert Erickson who serves on the PZC has a boat parked on his driveway.

Alderman Galan stated the City does not have Ordinance police.

Chairperson Marchese explained it took the Committee seven months to develop the Ordinance. He stated they listened to both sides and how recreational vehicle issues affect people in different ways. He further stated the Council members are constantly struggling on ways to balance the two.

Chairperson Marchese explained if the Committee does not recommend approval that the petitioner can still go to the City Council. He stated a supermajority of five of the seven Aldermen have to approve the Ordinance.

Mr. Schimel stated that prior to purchasing his boat he asked the City in 2003 if there were any requirements and the City stated that there were none.

Chairperson Marchese stated that the changes occurred in 2008.

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

Mr. Gupta, 7616 Wilton, stated that Mr. Erickson docks his boat.

Mr. Griffith stated that he drove pass the home and that the boat is there. He stated that staff responds based on complaints and that Mr. Erickson will be notified.

Mr. Gupta stated that maybe the best approach is to not allow recreational vehicles and boats at all.

Chairperson Marchese stated when the City was discussing the Ordinance, residents were invited to present public comments on what was agreeable to all.

Mr. Gupta stated there are a lot of emotions and this is something the City Council needs to look at again.

Chairperson Marchese stated the Committee was not addressing changing the Ordinance but rather addressing the petition.

Alderman Galan made a motion and it was seconded by Alderman Schauer to recommend to the City Council denial of the petition based on the proposed driveway cut onto Manning Road creating a safety hazard.

Alderman Marchese – NAY

Alderman Galan – AYE

Alderman Schauer AYE

Chairperson Marchese announced that this would be forwarded to the City Council on Monday, May 3, 2010 and that a supermajority will be required for it to pass.

May 3, 2010

- A. **CONSIDERATION OF A MOTION TO APPROVE 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 (PZC 2010-05: 1418 GREENBRIAR LANE)**

Roll Call: Ayes: None
 Nays: Avci, Galan, Gattuso, Marchese, McIvor, Poteraske,
 Schauer
 Absent: None

Results: Ayes 0, Nays 7, Absent 0
MOTION FAILED

It was moved by Alderman Gattuso and seconded by Alderman Poteraske to approve the following motion:

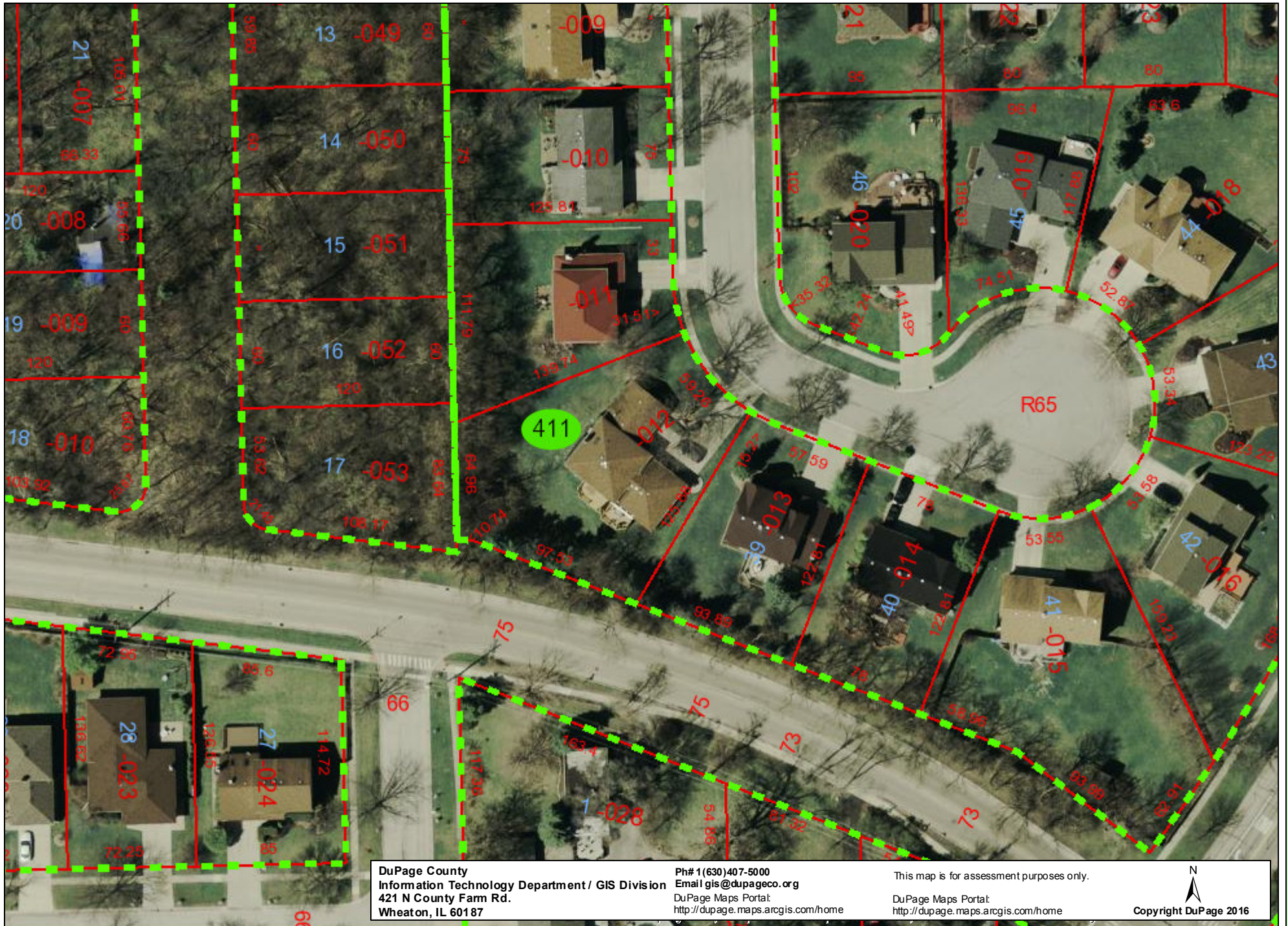
- B. **CONSIDERATION OF A MOTION TO APPROVE A VARIATION TO CONSTRUCT A SECOND DRIVEWAY ONTO AN INTERIOR LOT, WHERE ONE DRIVEWAY IS PERMITTED (PZC 2010-06: 7620 WILTON COURT)**

Roll Call: Ayes: None
 Nays: Avci, Galan, Gattuso, Marchese, McIvor, Poteraske,
 Schauer
 Absent: None

Results: Ayes 0, Nays 7, Absent 0
MOTION FAILED

It was moved by Alderman Galan and seconded by Alderman Gattuso to approve the following motion:

- C. **CONSIDERATION OF A MOTION TO APPROVE AN INCREASE IN QUANTITIES FOR THE 2010 ROAD PROGRAM WITH FIALA PAVING IN AN AMOUNT NOT TO EXCEED \$6,481.00, WITH THE CITY TO BE REIMBURSED \$6,481.00 FROM THE VILLAS OF CARRIAGE GREENS**



DuPage County
Information Technology Department / GIS Division
421 N County Farm Rd.
Wheaton, IL 60187

Ph# 1(630)407-5000
Email gis@dupageco.org
DuPage Maps Portal:
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April 13, 2017

Mr. Daniel Gombac
City of Darien
1702 Plainfield Road
Darien, Illinois 60561

RE: 7620 Wilton Court

Dear Mr. Gombac,

We are in receipt of the public hearing notification for the variation hearing for the above referenced location. Though we have no opinion on the matter itself, we would ask the City Council to consider some screening of the proposed improvement if the variation is granted. We have attached photos of the view of the yard from our prospective. There was a great deal of scrutiny placed on our buffer requirements and we would hope that it would be repeated in this matter. Thank you.

Sincerely,


John Barry

JB/kn

5A-5-11: Recreational vehicle

The storage and parking of trailers, tow dollies, snow plow blades, boats, boat trailers, mobile homes, travel trailers, campers, off road vehicles, personal watercraft and other recreational vehicles as defined by the Illinois vehicle code, herein referred to as recreational vehicles, shall be as follows:

(A) Storage And Parking Of Recreational Vehicles: One recreational vehicle, or one boat on a trailer, or one trailer with up to two (2) personal recreational vehicles, one trailer, one tow dolly or one snow plow blade, when not attached to a vehicle, may be stored outside an enclosed structure within a rear or interior side yard only, subject to the following:

1. Recreational vehicles may be parked within a front or corner side yard, on a driveway, under the following conditions: (a) For loading, unloading, cleaning and related activities for a period not exceeding three (3) consecutive days; (b) For temporary occupancy by guests as permitted by this section.

2. The recreational vehicle shall not be used or occupied for living, housekeeping or business purposes, except for use by temporary guests not to exceed a period of fourteen (14) consecutive days and for not more than two (2) occurrences in a calendar year.

3. The recreational vehicle shall not exceed thirty five feet (35') in length and eight feet (8') in width except that boats shall not exceed twenty five feet (25') in length and ten feet (10') in height, exclusive of antennas, masts, or other accessories.

4. All such recreational equipment must be kept in good repair and carry a valid current year's license and/or registration.

5. All recreational vehicles shall be parked or stored on an asphalt, concrete or other hard surface material which meets the setback requirement for driveways set forth in subsection [5A-11-3\(A\)](#)4 of this title. (Ord. 0-20-14, 7-7-2014)

5A-11-3: DRIVEWAY REQUIREMENTS:

(A) Driveways And Access Points In Residence Districts:

1. **Pavement Width:** The pavement width shall not exceed twenty four feet (24') within a public street right of way, except that the driveway may include a flair at the street not to exceed a radius of three feet (3'). Within the front or corner side yard, the pavement width shall not exceed a total width of thirty five feet (35'), except for circular driveways permitted by this section. A ribbon along both sides of a driveway, not to exceed eighteen inches (18") on a side, consisting of paver brick, decorative stone or similar material, shall be permitted, so long as the setback requirements are met.
2. **Multiple Curb Cuts For Circular Drives On Interior Lots:** Two (2) curb cuts forming one circular drive shall be allowed on interior residential lots that contain a minimum of one hundred feet (100') of street frontage. The width of circular drives on private property shall not exceed thirteen feet (13') in pavement width, except for any pavement that provides direct access into an attached garage.
3. **Multiple Curb Cuts On Corner Lots:** On corner lots, two (2) curb cuts shall be allowed on lots with a minimum of one hundred feet (100') of street frontage along both the front and corner side lot lines. The curb cuts may either be unconnected with one curb on each street frontage or may be connected to form one circular drive pavement. No curb cut may be closer than fifty feet (50') from any intersecting street right of way line (40 feet on cul-de-sacs and dead end streets). A third curb cut shall be allowed on the secondary street frontage of a corner lot, only if it is set back a minimum of one hundred fifty feet (150') from the intersecting street right of way lines.
4. **Minimum Distance From Property Line:** The minimum distance of any driveway used for a single-family attached or detached dwelling shall be five feet (5') from any property line and cannot be located in a platted easement. For other uses (permitted or requiring special use approval) in the residential districts, the separation between the property line and the driveway shall be a minimum of twenty feet (20'). Residential driveways nonconforming to the setback requirements as of the date of this title may be continued until such time as the principal structure is completely reconstructed, subject to a site inspection by city staff to assess site drainage conditions prior to the issuance of a permit. Joint driveways may occur in the required yard without regard to the side lot line or rear lot line at the point of combination of the parcels. (Ord. 0-38-08, 10-6-2008)

Section 5A-2-2-3: VARIATIONS

(A): Authority

In cases where there are practical difficulties or particular hardships in the way of carrying out the strict letter of any of the regulations adopted by this Title, the City Council may, by ordinance, determine and vary the application of such regulations in harmony with their general purpose and intent.

(G): Standards

The Planning and Zoning Commission shall not recommend a variation and the City Council shall not vary the provisions of this title as authorized in this section, unless findings of fact have been made on those of the following which relate to the variation being sought:

1. Whether the purpose of the variation is not based primarily upon a desire to increase financial gain and the general character of the property will be adversely altered.

2. Whether the overall value of the property will be improved and there will not be any potential adverse effects on the neighboring properties.

3. Whether the alleged need for the variation has been created by any person presently having a proprietary interest in the premises.

4. Whether the proposed variation will impair an adequate supply of light and air in adjacent property, substantially increase congestion in the public streets, increase the danger of fire, or endanger the public safety.

5. Whether the proposed variation will adversely alter the essential character of the neighborhood.

Sections 11-13-4 and 11-13-5: VARIATIONS

A variation shall be permitted only if the evidence sustains each of the following three **conditions:**

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

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

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

The corporate authorities may provide general or specific rules implementing, but not inconsistent with, the rules herein provided.

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
April 5, 2017**

PRESENT: Beverly Meyer, Robert Cortez (7:02 pm), Bryan Gay, Andrew Kelly, Ron Kiefer, Ray Mielkus, Steven Manning - City Planner, Elizabeth Lahey - Secretary

ABSENT: John Laratta, Lou Mallers, Ken Ritzert

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

A. Public Hearing Case: PZC 2017-01 902 Walnut Drive (Rolowicz) Petitioners John and Toni Rolowicz, owners of the house at 902 Walnut Drive, seek approval of a variation to Section 5A-5-11 of the Darien Zoning Code to allow storage of their boats in their front yard.

Mr. Steven Manning, City Planner reported that the petitioners John and Toni Rolowitz plan to store a boat on the front yard. He reported that the Zoning Ordinance requires that the boat be stored in the rear or interior side yard.

Mr. Manning reported that the PZC has a report in the packet listing the standards and state statutes. He further reported that he received correspondence from Commissioner Mallers that he was not in favor of this petition. Mr. Manning also reported that he received correspondence from Melissa Spauss that the boat was an eyesore and that she was not in favor of the petition.

The petitioner, Mr. John Rolowitz stated that he has two boats stored in the front yard along the house wall. He stated that the storage area is gravel about 9 feet wide and that he would like to pave it with concrete along with his driveway.

Mr. Rolowitz stated that 17 years ago the City of Darien approved the request to store his boat but that the City did not have record. He reported that a copy of the letter which he had was submitted into the staff packet. He further reported that they were selling one of the boats and that only one boat would be stored.

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

Mr. Leonard Janda stated that he has known the petitioners 12 years and that they are very conscientious and that the driveway will be an improvement.

Chairperson Meyer stated that it appears that the storage area is in front of the house.

Mr. Rolowitz stated that the house is “L” shaped and that the area cannot be accessed from the short or side yard on the west and that it would look very tacky.

Mr. Manning reported that the front door of the house faces Walnut and that the existing gravel is technically in front of the house.

Commissioner Cortez stated that he lived on the corner of Nantucket and Walnut and he knows the home. He stated that it is “L” shaped and well-manicured with landscaping. He further stated that he does not have a big boat and that concrete would be an improvement.

Mr. Rolowitz stated that the boat is not big and that it does not even have a motor.

Commissioner Kelly asked for a copy of the letter.

Mr. Manning reported that it was in the packet on page 7.

Commissioner Kelly asked staff what has changed since 2000.

Mr. Manning reported that the Ordinance changed since he has been employed with the City from 2014- present and that this is not considered to be a grandfathered situation.

Commissioner Gay questioned if there is concern regarding lot coverage.

Mr. Manning stated that there was no concern and that he is still under 50%.

Commissioner Mielkus questioned if the petitioner could fit the boat on the west side.

Mr. Rolowitz stated that the west side is too wet and that he would tear u the grass backing it up and that the boat would not fit there. He further stated that the trailer is 4 feet wide and the axle 8 feet wide and that he could not fit them through the fence or he would have to put up a new fence.

Mr. Rolowitz reported that he provided a bid from Fortis Concrete. He stated that this project started because his concrete is sinking and cracking.

Commissioner Kelly stated that the City approved the storage of the boat and that the petitioner is improving the area and now we are telling them no. He stated that the boat is fairly concealed and that he believes that this is a grandfathered situation.

Mrs. Toni Rolowitz stated that they own 5 cars and that the cars are in front of the boat versus having the cars all over the driveway. She stated that the boat is not an eyesore and that their request will improve the property.

Commissioner Cortez stated that there is a picture in the packet explaining the area and clearly notated. He stated that he is in favor of allowing the rock area and making it concrete.

Mr. Manning reported on the notes regarding the site plan and relocation of the driveway on Comstock even though it is not an ideal situation.

Commissioner Kiefer stated that the improvements will be aesthetically pleasing but that the PZC is concerned with setting a precedent. He stated that this request is unique and that he agrees with Commissioner Kelly that this should be grandfathered in.

Commissioner Kiefer asked why this is not a grandfathered request.

Mr. Manning reported that the intent of the Ordinance is to eliminate front yard recreational vehicle storage. He reported that the existing area can continue but that the improvements no longer justify being grandfathered in.

Commissioner Kiefer stated that this is a unique situation and that he is willing to approve.

Chairperson Meyer stated that she was concerned with setting a precedent.

Mr. Rick Crooks stated that there are companies that lift the concrete. He too stated that he was concerned about setting a precedent.

Mr. Rolowitz stated that several years ago he had the driveway raised to level it and it sunk again and that now it is cracked and peeling excessively.

At 7:26 p.m., Chairperson Meyer closed the public hearing.

Mr. Manning asked the petitioner if he will replace the dying Arborvitae screening the area.

Mr. Rolowitz stated that he will replace as needed with the same type of screening.

Commissioner Kiefer made a motion and it was seconded by Commissioner Cortez to recommend approval to the City Council of petition PZC 2017 -01 approval of a variation to Section 5A-5-11 of the Darien Zoning Code to allow storage of their boats in their front yard and to maintain a landscape fence of 2 of the 3 sides.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 5-0. Commissioner Laratta, Commissioner Mallers and Commissioner Ritzert were not present.

Mr. Manning reported that this would be forwarded to the Municipal Services Committee on April 24th at 6:30 p.m.

CORRESPONDENCE

None.

OLD BUSINESS

None.

NEW BUSINESS

None.

MINUTES

Commissioner Kiefer made a motion and it was seconded by Commissioner Mielkus to waive the reading of the December 7, 2016 Regular Meeting Minutes.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 5-0. Commissioner Laratta, Commissioner Mallers and Commissioner Ritzert were not present.

Commissioner Kelly made a motion and it was seconded by Commissioner Kiefer to approve the December 7, 2016 Regular Meeting Minutes.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 5-0. Commissioner Laratta, Commissioner Mallers and Commissioner Ritzert were not present.

NEXT MEETING

Mr. Manning announced that the next meeting is scheduled for Wednesday, April 19, 2017 at 7:00 p.m.

ADJOURNMENT

With no further business before the Commission, Commissioner Gay made a motion and it was seconded by Commissioner Kelly. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 7:42 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

**Elizabeth Lahey
Secretary**

**Beverly Meyer
Chairman**