

CITY OF DARIEN
PLANNING AND ZONING COMMISSION

Wednesday, June 7, 2017
7:00 PM
City Hall Council Chambers

AGENDA

1. Call to Order
2. Establish Quorum
3. Regular Meeting:
 - A. Public Hearing (continued)
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-5-11 (A) of the Darien Zoning Code to allow storage of their boat in their front yard.
4. Correspondence
5. Old Business
6. New Business
7. Approval of Minutes: May 3, 2017
8. Next Meeting: June 21, 2017
9. Adjournment

AGENDA MEMO
Planning and Zoning Commission
June 7, 2017

Case

PZC 2017-02 7620 Wilton Court (Schimel)

This is a continuation of the public hearing that was noticed for April 19, 2017 and continued to May 3, 2017.

Issue Statement

Petitioners seek approval of variation to allow boat storage on their existing driveway in their front yard.

General Information

Petitioners/Property Owners:	Ted and Diane Schimel
Property Location and PIN#	7620 Wilton Court, PIN# 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:	All yards slope down from house to property lines
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
3. Letter dated May 30, 2017

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 on their front driveway, which is not permitted by City Code. They have received notices of violation and tickets for this violation. Their 2010 variation petition was for a new single driveway in the rear yard off Manning Road providing access to a new garage for boat storage in the rear yard. The City Council voted to deny on 5/3/10 based on the proposed driveway creating a safety hazard.

Their 2017 petition included a plan for a new circular driveway in the rear yard providing access to a new boat storage pad in their rear yard. The boat could be towed to and from the storage pad without any backing up on the driveway or Manning Road. If such zoning variation was approved, an engineering and grading plan for construction of the driveway would be required for City review and building permit.

At the PZC public hearing on May 3, the Petitioners asked for a continuation to possibly modify their proposal. On May 30, the Petitioners sent a letter explaining their preference to store their boat on their existing driveway in front of their garage, thus requesting a variation to City Code section 5A-5-11 (A), which otherwise prohibits storage in front yard.

Staff Plan Review Comments

There is sufficient space in the rear and side yards for boat storage, which would comply with the Recreational Vehicle standards in the City Code. However, access to such storage areas would require variations to the Driveway standards in City Code.

The Petitioners 5/30/17 letter referenced case number PZC 2017-01. That case was a variation that was approved for boat storage in the front yard. It had a somewhat different layout being a corner lot where the house was turned so that the front of the house faced the cornerside (Comstock Lane) and the side of the house was towards the front of the lot (Walnut Drive) and the boat storage area was screened from view.

A motion to recommend approval or denial should be based on specific features of the property that makes it a 'practical difficulty or particular hardship' to comply with City Code and whether the variation would still comply with the variation standards.

Is the plight of the owner due to unique circumstances?

The lot at 7620 Wilton is not a corner lot and it has wider side yards (12.13' and 15.47') and deeper backyard (45' to 75') than the minimum allowed (10' and 30' in the R-2 district).

Will the variation alter the character of the locality or neighborhood?

The Code prohibiting front yard storage of boats is an attempt to establish a character of no boats in front of houses.

Documents attached to this memo by staff

- Site Plans
- Photos
- Zoning Code Sections
- Variation Authority, Standards, and Conditions

Decision Mode

Planning and Zoning Commission:	June 7, 2017
Municipal Services Committee:	April 26, 2017
City Council:	July 3, 2017

CITY OF DARIEN, ILLINOIS, Community Development Department

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

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

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

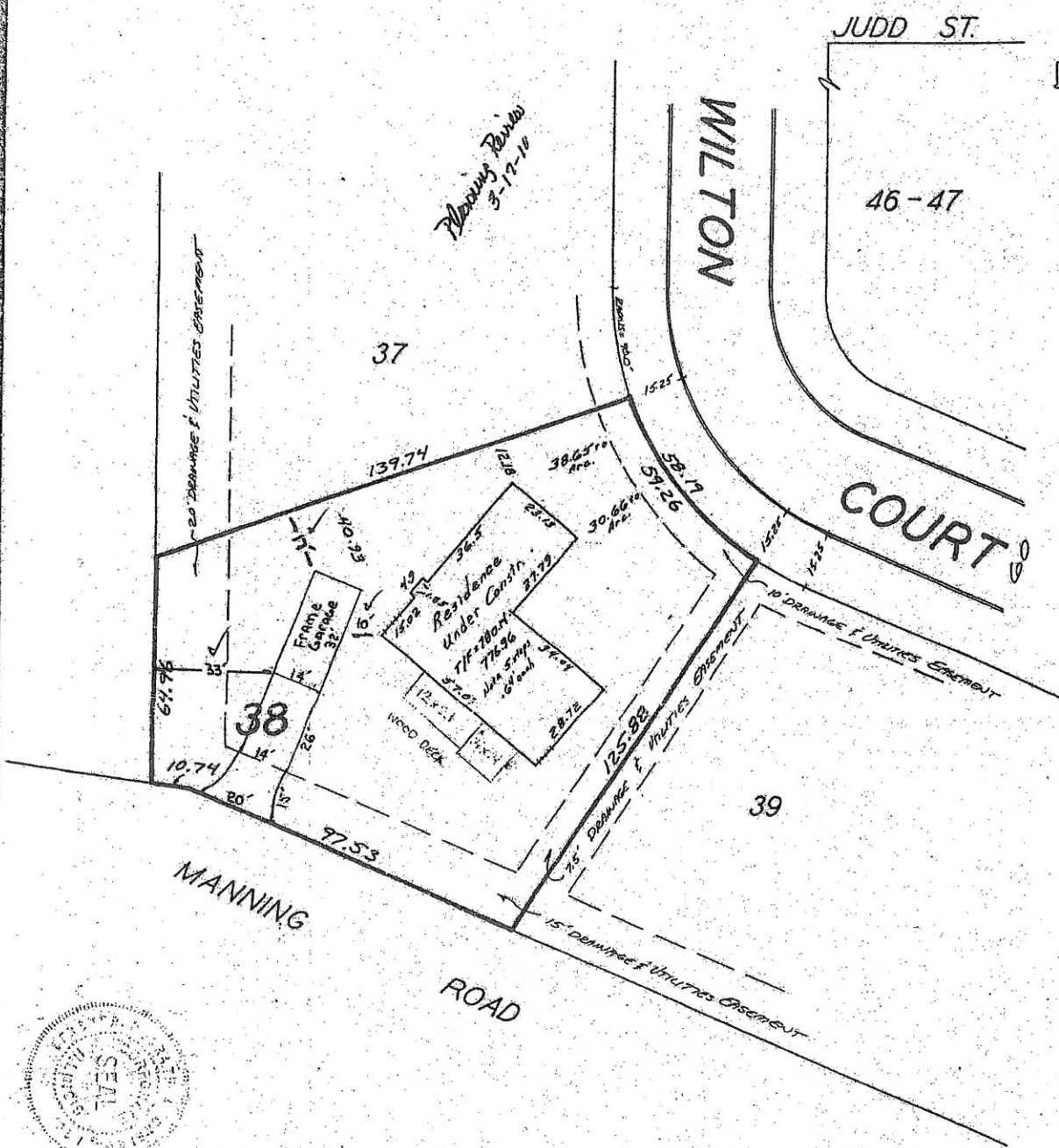
Subscribed and sworn to before this 7th day of March, 20 17

Dorothy M. Hathaway
Notary Public



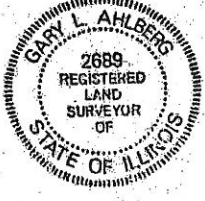
PLAT OF SURVEY

OF LOT 38 IN GALLAGHER AND HENRY'S FARMINGDALE RIDGE UNIT NO. 4, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 29, TOWNSHIP 39 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 11, 1987 AS DOCUMENT NO. 889-119681, IN DU PAGE COUNTY, ILLINOIS.



BUILDING LOCATED AS SHOWN HEREON THIS 6th DAY OF March A. D. 1990
 WEBSTER, McGRATH AND CARLSON, LTD.
 BY Gary Ahlberg
 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 _____ 19____
 BY Paul Carlson
 ILLINOIS REGISTERED LAND SURVEYOR NO. _____



CHECK ABOVE LEGAL DESCRIPTION AND BUILDING LINES AND EASEMENTS SHOWN HEREON. VERIFY ALL 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) 668-7603

File No. B-30020-P4-38
 For G.L.A. Ord. No. 26733
 Notes _____
 Scale of Plat 3/8" Feet to the Inch
 Found Iron Stake _____
 Drove Iron Stake _____
 All Dimensions Given in Feet and Decimals Thereof
 Scale of Plat 3/8" Feet to the Inch
 Drawn EMS
 Checked ALT
 Sur. By _____

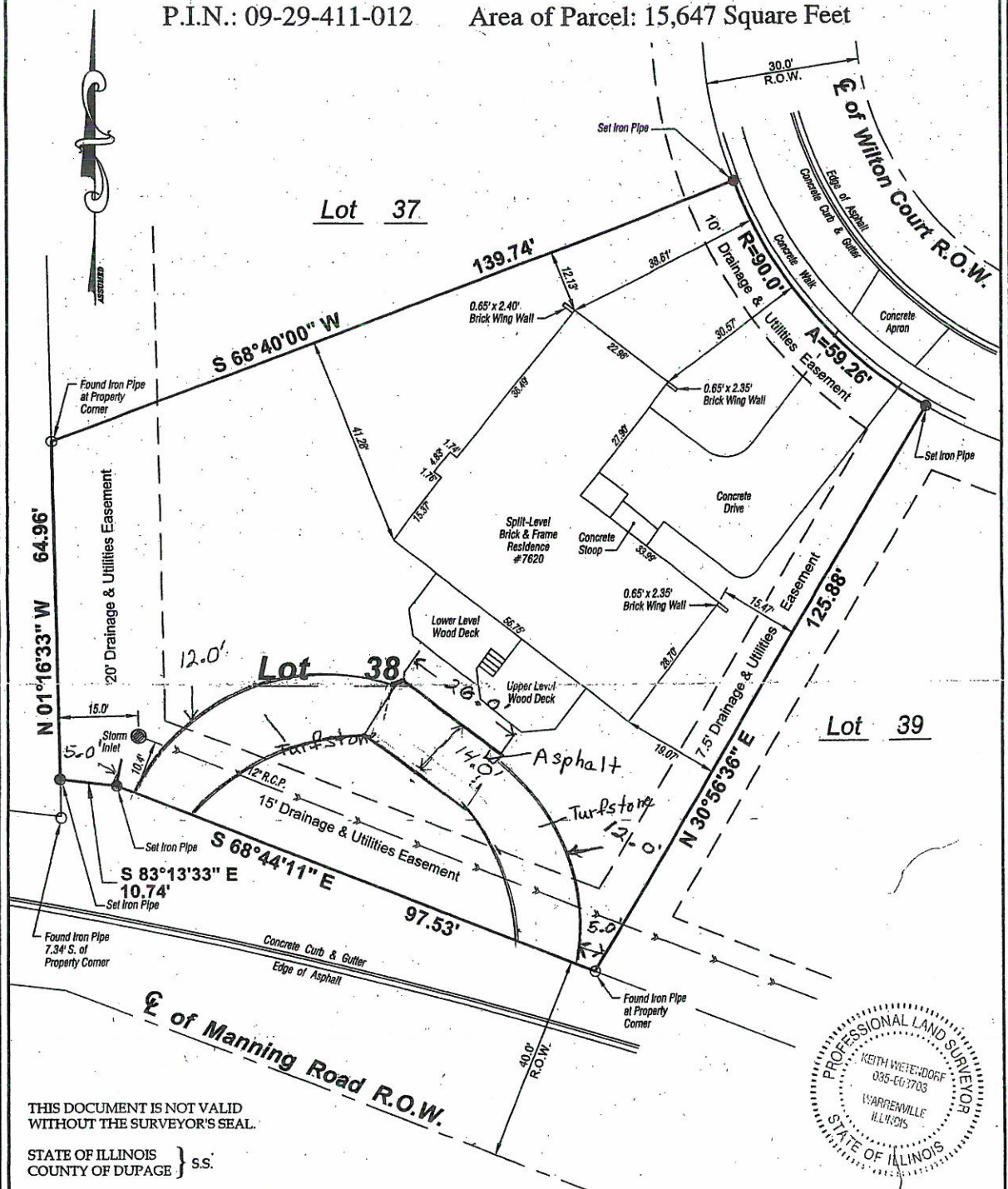
PLAT OF SURVEY

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

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

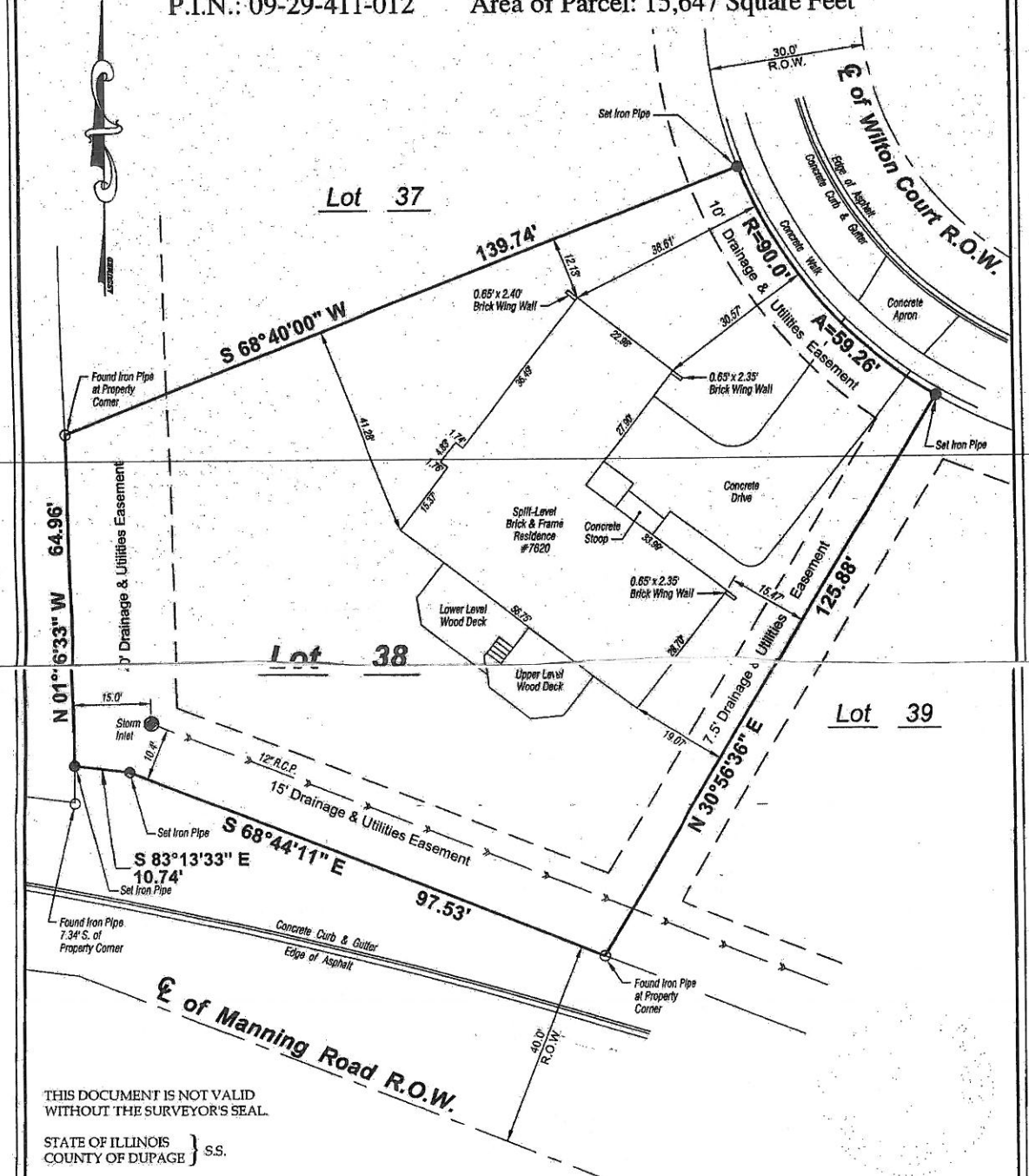


PREPARED BY: Genesis Surveying and Engineering, PC		
PROFESSIONAL DESIGN FIRM No. 184-002922 71 W. 61st STREET WESTMONT, ILLINOIS 60559 PH (630) 271-0550 FAX (630) 271-0533		
COMMON ADDRESS: 7620 Wilton Court, Darien, Illinois		
JOB NUMBER: 10-057	SCALE 1" = 20'	DRAWN BY: D.S.
CLIENT: Diane Schimmel		
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 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.

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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) 271-0501 FAX (630) 271-0933

COMMON ADDRESS: 7620 Wilton Court, Darien, Illinois

JOB NUMBER: 10-057 SCALE 1"=20' DRAWN BY: D.S.

CLIENT: Diane Schimel

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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
<http://dupage.maps.arcgis.com/home>

This map is for assessment purposes only.

DuPage Maps Portal
<http://dupage.maps.arcgis.com/home>



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04/12/2017 02:34

May 30, 2017

City of Darien
1702 Plainfield Road
Darien, IL 60561

Re: Variance 2017-02/Continuance Public Hearing June 7, 2017

Dear City Officials and Commissioners,

Please see our ideas and plans for our variation 2017-02.

We are asking for all input to make this a successful result.

- In 2004 we spoke to Ashley in Darien Public Works about keeping our boat on the driveway. Ashley said "no problem" you may store the boat on the driveway.
- Suggest "Grandfathering this property" for front yard storage.
- We have had many great seasons of fishing trips and sharing fish with neighbors and friends for many years since 2004.
- Hardships became a tuff time for us with the disability of Ted in 2007.
- Neighbors have supported and agreed to keep the boat on the driveway versus rear access off of Manning Road.
- Property is located in a quiet cul da sac with very little traffic.
- Variance 2017-01 has been approved for front yard storage of 2 boats on May 1, 2017.

We hope and pray for a positive outcome for our trying to work with the City of Darien to remain in compliance with all other boaters and RV's in our city, a "Nice Place to Live."

Ted & Diane Schimel
7620 Wilton Court
Darien Il 60561

CITY OF DARIEN CITY CODE

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
May 3, 2017**

PRESENT: Robert Cortez, Robert Erickson, Bryan Gay, Andrew Kelly, John Laratta, Brian Liedtke, Lou Mallers, Ray Mielkus, Steven Manning - City Planner, Elizabeth Lahey - Secretary

ABSENT: None

Acting Chairperson Mielkus called the meeting to order at 7:00 p.m. at the City Hall – City Council Chambers, Darien, Illinois.

Commissioner Mielkus made a motion and it was seconded by Commissioner Laratta to nominate Lou Mallers as Chairperson of the Planning & Zoning Commission.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 8-0.

Chairperson Mallers continued the meeting and declared a quorum present and swore in the audience members wishing to present public testimony.

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.

Mr. Steven Manning, City Planner reported that the petitioners Ted and Diane Schimel have been parking their boat in their front driveway which is not permitted by Code. He reported that they have received notices of violations and tickets. Mr. Manning reported that their first variation petition was for a single driveway in the rear yard in 2010 which was denied based on the proposed driveway creating a safety hazard on Manning Road.

Mr. Manning reported that this is their second petition for a circular driveway in the rear yard for boat storage in the rear yard. He reported that the petitioners may reconsider a single driveway since some the trees in the area have been removed. He reported that the house fronts on Wilton but backs to Manning. He further reported that there is a drainage swale in the rear lot line and utility easement.

The petitioners Ted and Diane Schimel stated that their boat has been there for 14 years and that they were told by the City Council 14 years ago that they could store it there. Ms. Schimel stated that their neighbors do not oppose and agree to keep the boat in its current place. She stated that the City recently cut down a bunch of trees behind the fence.

Ms. Schimel stated that their situation is no different than the City's recent approval for the storage of two boats on Walnut.

Mr. Manning reported that the City has a program in place to trim trees that are in the way of traffic, utility lines, parkways and deceased trees.

Commissioner Cortez questioned if there were implications regarding the utility easement.

Mr. Manning reported that there is a storm sewer in the back yard and the proposed new driveway will go over the sewer. He said the proposed driveway is possible and will not impede the required drainage.

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

Alderman Sylvia McIvor stated that the variation is for a second driveway and since the tree trimming, there is suddenly an opening and potential to come back with a new plan or a single driveway.

Chairperson Mallers suggested tabling the petition to allow the petitioners to provide a new plan.

Mr. Manning reported that the variation is tied to a specific site plan and that the only plan is for a circular driveway.

Commissioner Gay stated that he was not in favor of a circular driveway and it should be up to the petitioners for direction.

Mr. Manning stated that this is a good opportunity for the PZC to provide recommendations to the petitioners. He reported that the last petition they submitted was denied because of safety issues.

Ms. Kumud Gupta stated that she lived to the north and that she is fine with the boat being on the driveway. She stated that it is the best possible solution and everyone in the area would be happy where it is.

Mr. Paul Gotceitas stated that he has been there for over 11 years and the boat has never bothered them. He stated that he would like the boat to stay where it is.

Alderman McIvor stated that she understands that the City has to enforce the Code but all the correspondence that she has received is to leave the boat where it is. She stated that the boat has been there for 14 years.

Mr. Manning referenced the Ordinance and questioned if there was a compelling reason why the boat is in the front and not in the back.

Commissioner Cortez questioned if the area on the north side of the house could be used for storage.

Mr. Schimel stated that there is steep drop off and that the area is used for drainage.

Commissioner Cortez questioned if there was a traffic survey done on Manning Road. He stated that a single driveway poses for safety issues.

Mr. Manning reported that there is no information on traffic on Manning. He reported that the Police Department keeps good data. He further reported that a traffic study can be done at the expense of the petitioner.

Alderman McIvor stated that there are multiple driveways on Manning Road. She stated that they could leave the boat on the driveway for three days move it and then bring it back for another three days. She further stated that there are similar driveways on Plainfield Road and other areas in Darien.

Ms. Schimel stated that the variation is for the driveway and not the storage of the boat. She stated that they fish on Lake Michigan and leave around 2:00 a.m. and there is no traffic.

Mr. Manning reported that there was some discussion about putting the driveway on the side of the house but there is an easement and not enough room. He stated that it may be less expensive to put it in the back yard.

Commissioner Mielkus stated that the single drive is not an option because it was denied in 2010.

Commissioner Liedtke stated that stated that the single driveway is a safety issue. He noted Variation Standard 4 "Does not endanger public safety".

Alderman McIvor stated that there can be specific language tied to the boat. She stated that the petitioners were told by Ashley, Dan Gombac's Assistant in 2004 that they could store their boat where it is located.

Commissioner Laratta stated that the boat has been stored there for a long time and that the City has done nothing about it. He stated that it would be different if this were an issue within the last one or two years.

Commissioner Cortez stated that there are numerous reasons to say that all the variations were explored but that there is a safety issue going from the back.

Commissioner Laratta stated that the petitioner has to decide how they would like to proceed.

Commissioner Kelly questioned if there is a confirmation that the City provided permission.

Mr. Manning stated that there is nothing on record and that there were tickets issued in 2010 and 2016.

Chairperson Mallers stated that the first notice was in 2009.

Alderman McIvor stated that the Ordinance was created in 2008 and the boat was purchased 4 years prior.

Commissioner Gay stated that he was not in support of the variation circular or straight driveway because there is a safety issue. He stated that he would entertain something in the front.

Commissioner Liedtke questioned what time the petitioners returned from the City.

Ms. Schimel stated 2:00 - 3:00 pm.

Commissioner Liedtke stated that he is not in favor of the petition. He stated that there is a significant impact to safety. He further stated that he would consider allowing storage in the front.

Commissioner Erickson stated that he served on the PZC in 2008 when the Ordinance was written and that the Ordinance was written because the Mayor faced a lot of phone calls.

Mr. Manning stated that there was a lot of effort which went into writing the standards and therefore reluctant to change.

Alderman McIvor stated that the City grants variations all the time. She stated that this is a very specific and unique location. She stated that every variation should be looked at case by case and that the petitioners are looking for some guidance.

Chairperson Mallers asked if the petitioners would like to go forward with the variance.

Ms. Schimel stated that the variance was never an issue and not discussed with them. She stated that they would like a continuance to June 8th. She stated that there is a scheduled hearing regarding the violation on May 11th.

Mr. Manning stated that the petitioners also have an option of withdrawing the petition.

CORRESPONDENCE

None.

OLD BUSINESS

Mr. Manning reported that the Carmelite property will be receiving their building permit in the next couple of weeks.

NEW BUSINESS

None.

APPROVAL OF MINUTES

Commissioner Kelly made a motion and it was seconded by Commissioner Mielkus to approve the April 5, 2017 Regular Meeting Minutes.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 8-0.

NEXT MEETING

Chairperson Mallers announced that the next meeting is scheduled for Wednesday, May 17, 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 8:18 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

**Elizabeth Lahey
Secretary**

**Lou Mallers
Chairman**