

MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
September 21, 2016

PRESENT: Beverly Meyer, Robert Cortez, Bryan Gay, Ron Kiefer, Lou Mallers, Ray Mielkus, Ken Ritzert, Steven Manning - City Planner, Elizabeth Lahey - Secretary

ABSENT: Andrew Kelly, John Laratta

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 PZC 2016-11: 8225 Bailey Road (Spano) Petitioners Mark and Rona Spano (owners) seek approvals to subdivide their single family home lot into three lots, with their existing house to be on Lot 2, and for variations to reduce the required front setbacks on Lot 2 for the existing house from 35 feet to 25 feet and for existing pool and deck from 35 feet to 14 feet.

Mr. Steven Manning, City Planner reported that the petitioners are proposing to subdivide Lot 7 in to three lots. He reported that the existing driveway is located westerly from the house to Bailey Road, which would cross the backyard of the proposed Lot 1. He reported that the existing barn and walkways to the barn would be on the proposed Lot 3 and the petitioners are proposing their demolition. Mr. Manning reported that new drainage and utility easements are proposed along the property lines on the three lots along with new drain tile to storm sewers to the detention pond.

Mr. Jon Green, Engineering Resources reported that the Spano's designed the area back in 2002. He reported that Mr. Dan Lynch, City Engineer confirmed that there is adequate stormwater detention. Mr. Green reported that Lot 3 has an existing barn and that it will be demolished. He further reported that the dimensions are all for the home and shed and part of the original estate and that back in 2002 the homeowners put a substantial investment in the farmhouse and exterior improvements and front façade.

Mr. Green reported that the existing driveway will be reconfigured and it was agreed to move it to the north to maintain the trees and provide a landscape buffer. He reported that there was not enough room to run it along the side of the farm house. He further reported that the driveway will be to Marco Court. Mr. Green provided a display board of the driveway and stated that the PZC had copies in the packet.

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

Mr. Ed Sawica questioned if Lot 1 would be on Marco Court.

Mr. Green reported that it would be located on Marco Court and expected it to be on the right side.

Ms. Caryn Alavi stated that she was a homeowner in the Marco subdivision and questioned if the fence would be moved and if the driveway will remain property of Lot 1 or Lot 2. Ms. Alavi also questioned if there was a builder identified and the closeness of the side porch next to the side of the house. She also questioned the language of the trust.

Mr. Green stated that they will be moving the fence to comply with the Illinois Health Standards for Safety. He further stated that the driveway easement will be 12 or 14 feet and that they are planning an ingress and egress easement. Mr. Green reported that the Lot is above the minimum lot size and that they have no control over the builder but that the builder will have to comply with covenants and that he did not anticipate it being a problem.

Mr. Green reported that the distance from the farm house porch is 10.7 feet from the lot line and a 6 foot easement on each yard. He stated that any new house on Lot 1 will have over 20 feet of separation and will be in conformance. He further stated that the driveway will be solely for the use of Lot 2.

Mr. Green stated that the petitioner has the right to subdivide and that they have a letter from Mr. Robert M. Claes, Claes and Claes Attorneys at Law dated September 14, 2016 stating that there is nothing that requires approval from any other lot owner. Mr. Green stated that Mr. Claes was the attorney that drafted the original declaration.

Ms. Sonia Patel stated that she had the declaration reviewed by an attorney who stated that they could not subdivide without association approval.

Mr. Manning stated that the City cannot interpret covenants of the homeowners.

Commissioner Mallers suggested working out the language before voting.

Mr. Manning stated that the petitioners have the right to petition.

Commissioner Kiefer stated that the language dispute is beyond the job of the PZC.

Ms. Alavi suggested that the PZC make the recommendation contingent upon review.

Mr. Green stated that this is a civil court matter and that the petitioners are agreeing to pay the Homeowners Association dues when they really do not have to pay.

Mr. Bill Durkin stated that the main concern is what will happen if they sell. He stated that the property is unique and that the homeowners would like to know about how it is going to be developed and if it will look good. Mr. Durkin stated that they have a nice subdivision and that he would like to see the PZC move to have the petitioners provide better information.

Mr. Green stated that the homeowners will have an opportunity through the architectural review committee. He stated that the two new lots will be consistent with the trend and that the Spano's made provisions and investments from day 1.

Mr. Jordan Adams stated that he would like to see additional drawings and architectural information.

Commissioner Kiefer stated that the architectural information is not addressed now and that it will be done in the future. He stated that the homeowner is just as concerned that it will be architecturally pleasing.

Commissioner Mallers stated that the petitioner is being responsible.

Mr. Durkin stated that he was President of the Homeowners Association and that they do not have an architectural committee in place.

Ms. Alavi stated that they have right to set up a committee for design review.

At 7:43 p.m. Chairperson Meyer closed the public hearing.

Commissioner Ritzert stated that there was wide disparity between the 3 lots and that he was concerned about Lot 3 and the frontage at 48.5 feet.

Mr. Green reported that Commissioner Ritzert was looking at the angle and that the width is 75.79 feet wide at the front building line which is legal. He stated that it is on an angle because of the pool.

Commissioner Mallers made a motion and it was seconded by Commissioner Kiefer to recommend approval to the City Council of petition PZC 2016-11 for final plat of subdivision of Marco Estates First Addition and front setback zoning variations for the existing house, deck and pool structures on Lot 2 as presented based on our findings of fact in regards to the Zoning Variation Authority and Standards, subject to:

- 1. Relocate existing driveway to the north end of Lot 1**
- 2. Locate new driveway serving Lot 1 to Marco Court, not Bailey Road**
- 3. Demolish barn and walkways on Lot 3 and easements prior to recording plat**
- 4. Sanitary and Drainage Certificates to be approved by DuPage County**
- 5. Revisions to the final plat and engineering plans to be approved by City Engineer.**

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Kelly and Commissioner Laratta were not present.

Mr. Manning reported that this would be forwarded to the Municipal Services Committee Meeting on September 26th.

- B. Public Hearing PZC 2016-12: 7218 Bayberry Lane (Dietrich) Petitioner John Dietrich seeks approval for a variation to reduce the required setback distance from 5 feet to 0 feet in a side yard of his house for the purpose of constructing a concrete paved storage pad for a RV boat**

Mr. Steven Manning, City Planner reported that the petitioner's plan shows a proposed 10 foot wide by 25 feet long concrete pad located in the north side yard along the house about 1.5 feet away from the house wall. He reported that the north side yard is about 11.5 feet wide and that there is an existing chain link fence around the side and rear yards.

Mr. Manning reported that the homeowner's boat and trailer are now stored on the driveway, which is about 16 feet wide.

Commissioner Kiefer questioned if the neighbor will be affected.

Mr. John Dietrich, petitioner stated that there is rather large burning bush that protects the view. He stated that he has been in the house for 11 years and had a boat the entire time with no calls or neighbors complaining. Mr. Dietrich stated that the complaint came from two blocks away and that he will probably have to remove the fence.

Commissioner Ritzert questioned if the boat would be stored year round.

Mr. Dietrich stated that the boat is there from May – October and then in storage but if the pad is there that he may just park it there.

Commissioner Mielkus questioned the length of the boat.

Mr. Dietrich stated that the boat is 22 feet and with the trailer 24 feet and that the boat will be backed in onto the pad.

Chairperson Meyer suggested placing restrictions on what should be stored there.

There was no one in the audience wishing to present public comment. At 8:03 p.m. Chairperson Meyer closed the public hearing.

Commissioner Cortez made a motion and it was seconded by Commissioner Gay to recommend approval to the City Council of petition PZC 2016-12 at 7218 Bayberry Lane for side yard variation for RV storage as presented based on our findings of fact in regards to the Variation Authority and Standards.

Upon roll call vote, THE MOTION CARRIED UNANIMOUSLY 7-0. Commissioner Kelly and Commissioner Laratta were not present.

Mr. Manning reported that this would be forwarded to the Municipal Services Committee Meeting on September 26th.

CORRESPONDENCE

None.

OLD BUSINESS

None.

NEW BUSINESS

None.

MINUTES

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

Upon roll call vote, the motion CARRIED UNANIMOUSLY 7-0. Commissioner Kelly and Commissioner Laratta were not present.

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

Upon roll call vote, the motion CARRIED UNANIMOUSLY 7-0. Commissioner Kelly and Commissioner Laratta were not present.

NEXT MEETING

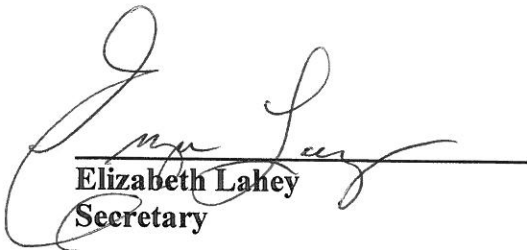
Mr. Manning announced that the next meeting is scheduled for Wednesday, October 5, 2016 at 7:00 p.m.

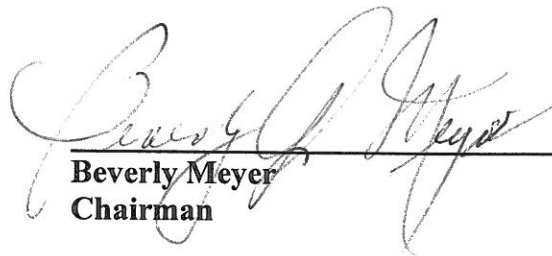
ADJOURNMENT

With no further business before the Commission, Commissioner Kiefer made a motion and it was seconded by Commissioner Gay. Upon voice vote, **THE MOTION CARRIED** unanimously and the meeting adjourned at 8:11 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:


Elizabeth Lahey
Secretary


Beverly Meyer
Chairman