

CITY OF DARIEN
PLANNING AND ZONING COMMISSION

Wednesday, December 6, 2017
7:00 PM
City Hall Council Chambers

AGENDA

1. Call to Order
2. Roll Call
3. Regular Meeting:
 - A. Public Hearing
Case: PZC 2017-06 450 67th Street (Kelly)
Petitioners Paul and Mary Kelly, owner/occupants of the house at 450 67th Street, seek approval of variations to the Darien zoning code for rear setbacks for their proposed porch, deck, and patio.
 - B. Public Hearing
Case: PZC 2017-07 Solar Energy Systems (Darien)
The City of Darien has petitioned to amend the zoning code regarding solar energy systems definitions, use in districts, and accessory standards.
4. Correspondence
5. Old Business
6. New Business
7. Approval of Minutes: November 15, 2017
8. Next Meeting: December 20, 2017
9. Adjournment

AGENDA MEMO
PLANNING AND ZONING COMMISSION
December 6, 2017

Case

PZC 2017-06 450 67th Street (Kelly)

Issue Statement

Petitioners seek approval of a variation to the Darien Zoning Code for rear yard setback for their proposed porch, deck, and patio

General Information

Petitioners / Property Owners:	Paul and Mary Kelly
Property Location / PIN#:	450 67 th Street / 09-22-205-017
Zoning / Land Use:	Site: R-1 / single-family residence West, South, East: R-1 / single-family residence North: R-3 DuPage / single-family residence
Comprehensive Plan:	Future Land Use: Low Density Residential
Size of Subject Lot:	134 feet wide by 150 feet deep = 20,100 square feet
Natural Features:	Relatively flat, tree row along east side lot line
Transportation:	Side loading garage with driveway to 67 th Street
History:	Owners purchased house with existing back porch/deck

Petitioner Documents (attached to this memo)

1. Petition received 11/8/17
2. Plat of Survey (labeled 'Original') dated 10/9/15
3. Plat of Survey (labeled 'Existing')
4. Plan drawn on Plat of Survey (labeled 'Proposed')
5. Aerial photo of neighborhood (from Google)
6. Written 'Addendum to Request for Variation' dated 11/8/17
7. Written 'Variation Criteria' statement of need received 11/8/17

Zoning Provisions

Section 5A-5-9-2 (A)1:	40 foot rear setback required for attached porch
Section 5A-5-7-3(C)2:	30 foot rear setback required for attached decks and patios
Section 5A-4-3:	Non-conforming structure repairs
Section 5A-2-2-3(A)(G):	Variation Authority and Standards
ILCS Section 11-13-4:	Variation Conditions

Development Description

Existing house has 38.5 foot setback from rear lot line where R-1 zoning requires 40 feet. Existing porch is 14.5 feet by 15.1 feet and has a 28 foot setback from rear lot line where R-1 zoning requires 40 feet. Existing deck is 14.5 feet by 22 feet and has a 28 foot setback from rear lot line where R-1 zoning requires 30 feet. Owners' plan is to replace porch with same dimensions, to rebuild and expand deck to 24.5 feet by 22 feet with a 14 foot setback from rear

property line, and to build a new patio 19 feet by 25 feet with a 5 foot setback from rear property line.

Staff Documents (attached to this memo)

- 8. Photo (1) – aerial
- 9. Photos (2) - rear yard
- 10. Variation Authority and Standards
- 11. Variation Conditions

Staff Plan Review Comments

This property has shallow rear yard and the existing house, porch, and deck are non-conforming in terms of rear setback. Replacement or repair more than 50% of non-conforming structures must comply with current code. A conforming deck and patio would be 8 feet wide. This property backs up to the open rear yard of 6617 Western Avenue, which has a house and is unincorporated. It is the largest lot in the neighborhood being 161 feet wide by 300 feet deep = 48,300 square feet. The proposed deck would be about 140 feet from the house at 6617 Western Avenue.

Findings of Fact

The Petitioner had written that the proposal satisfies the variation criteria since there would be no negative impact on his property or neighboring property. His lack of awareness of zoning non-conformities at time of purchase is generally not useable as a justification for granting variations. His explanation of no reasonable return if he would comply with code is based on a loss of square footage of all of the porch and some of the deck.

Motions

The first motion would be to accept or not accept the petitioners' testimony on his findings of fact as sufficient justification for satisfying the variation criteria or to amend the findings. The second motion would be to recommend approval or denial of the variations as requested or to approve with conditions.

Meeting Schedule

Planning and Zoning Commission:	December 6, 2017
Municipal Services Committee:	December 26, 2017
City Council:	January 2, 2018

CITY OF DARIEN, ILLINOIS, Community Development Department

Staff Use Only	
Case No.:	Pzc 2017-06
Date Received:	11/8/17
Fee Paid:	\$360
Check No.:	126
Hearing Date:	12/20/17

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

PETITIONER INFORMATION

Paul and Mary Kelly
Petitioner's Name

SAME
Owner's Name

Paul Kelly
Contact Name

Address, City, State, Zip Code

450 67th Street, Darien 60527
Address, City, State, Zip Code
w-312-553-5290
c-630-819-9100

Phone #

312-553-5291
Phone #

Email

pek@kellykinglaw.com
Fax #
Email

PROPERTY INFORMATION

450 67th Street
Property address

134 (w) x 150 (d) = .46 acres
Acreage

09-22-205-017
PIN(s)

R-1
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

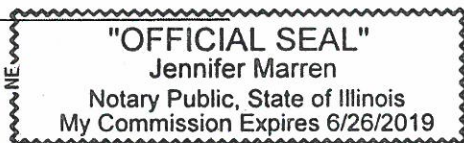
We request a variation of the rear yard set back requirement to rebuild our enclosed porch and deck. See attached sheet.

I, Paul E. Kelly, 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.

Signature

Subscribed and sworn to before this 7th day of November, 2017

Notary Public



- (R) = RECORD
- (M) = MEASURED
- (D) = DEED
- (C) = CALCULATED
- (L) = ARC LENGTH
- (CH) = CHORD
- (F.I.P.) = FOUND IRON PIPE (R.O.W.) = RIGHT OF WAY
- (F.I.R.) = FOUND IRON ROD
- = CHAIN LINK FENCE
- = WIRE FENCE
- = SPLIT RAIL FENCE
- = WOOD FENCE
- = METAL FENCE
- P.U. & D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT
- B.S.L. = BUILDING SETBACK LINE
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- (NE) = NORTHEASTERLY
- (SW) = SOUTHWESTERLY
- (SE) = SOUTHEASTERLY
- (RAD) = RADIUS
- (A) = ASSUMED

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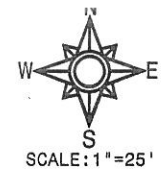
Surveying Service LLC

REAL ESTATE SURVEYORS

1229 LAKEVIEW COURT
ROMEDEVILLE, ILLINOIS 60446
PH: (630) 226-9200 FAX: (630) 226-9234
EMAIL: SURVEY@ARSSURVEY.COM



PLAT OF SURVEY



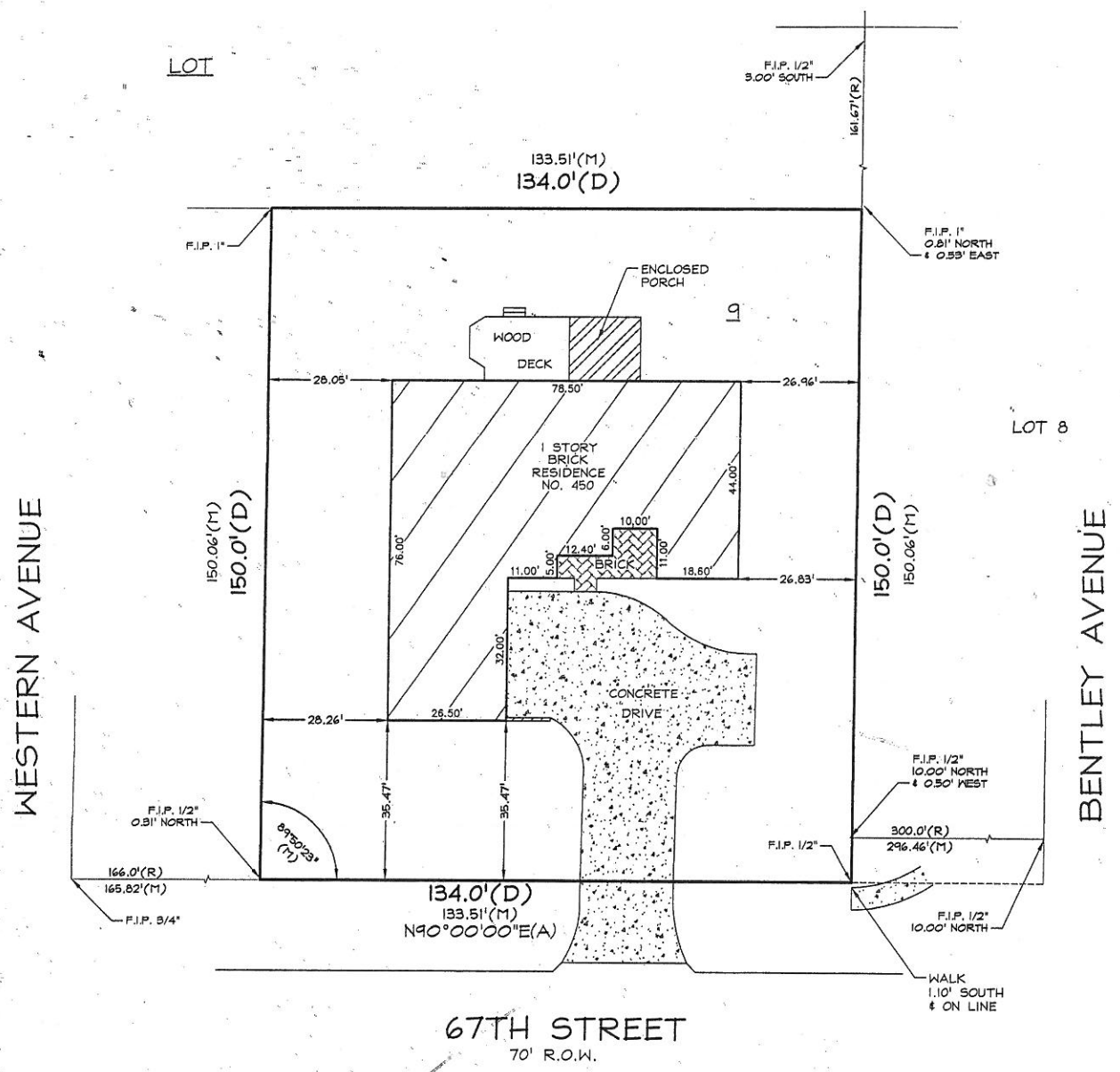
BASIS OF BEARING:

NORTH LINE OF 67TH STREET AS
MONUMENTED AND OCCUPIED PER RECORDED
SUBDIVISION PLAT. N 90°00'00"E(A)

THE EAST 134.0 FEET OF THE SOUTH 150.0 FEET OF LOT 9 IN RICHFIELD FARMSITES, A SUBDIVISION OF THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 22, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED OCTOBER 24, 1922 AS DOCUMENT 160089, IN DUPAGE COUNTY, ILLINOIS.

AREA OF SURVEY:
"CONTAINING 20,034 SQ. FT. 0.460 ACRES MORE OR LESS"

ORIGINAL



STATE OF ILLINOIS }
COUNTY OF WILL }SS

I, THE UNDERSIGNED, AN ILLINOIS PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT "THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY," AND THAT THE PLAT HEREON DRAWN IS A CORRECT REPRESENTATION OF SAID SURVEY.

DATED, THIS 12TH DAY OF OCTOBER, A.D., 2015, AT ROMEDEVILLE, ILLINOIS.

Mark A. Lindstrom

CLIENT McDOWELL TO KELLY

ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035- 3482

JOB NO. 22867-15

LICENSE EXPIRES ON NOVEMBER 30, 2016

ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-2961

FIELDWORK DATE. 10-09-15



- LEGEND**
- (R) = RECORD
 - (M) = MEASURED
 - (D) = DEED
 - (C) = CALCULATED
 - (L) = ARC LENGTH
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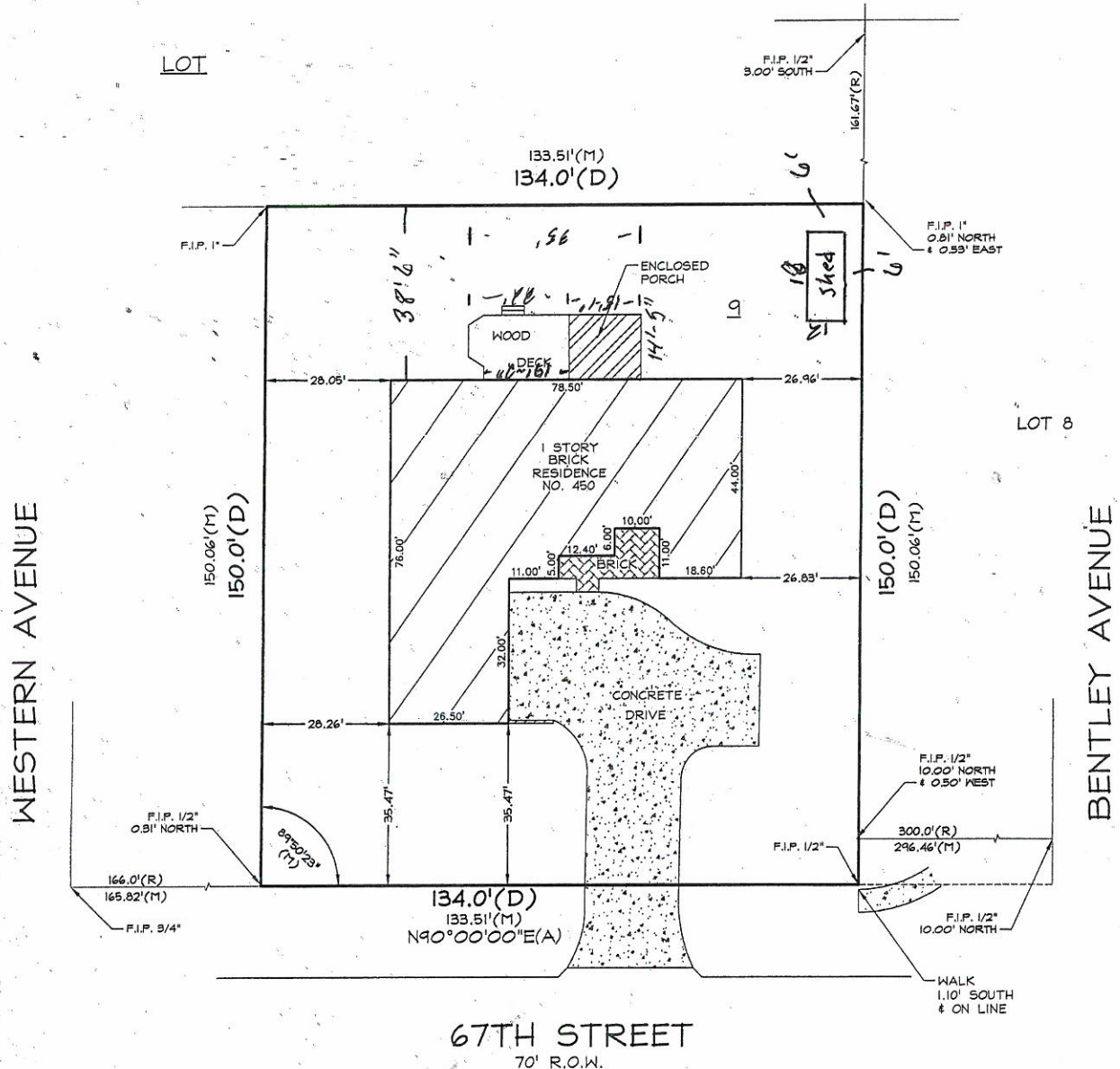


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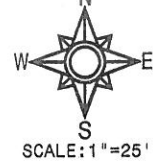
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SCALE: 1"=25'

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—x—x—x—x—x—x—x—x—x—x—x—x—x—x—x—x—	= CHAIN LINK FENCE
— — — — — — — — — — — — — — — — —	= WIRE FENCE
—x—x—x—x—x—x—x—x—x—x—x—x—x—x—x—x—	= SPLIT RAIL FENCE
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—□—□—□—□—□—□—□—□—□—□—□—□—□—□—□—□—	= METAL FENCE
P.U. & D.E.	= PUBLIC UTILITY & DRAINAGE EASEMENT
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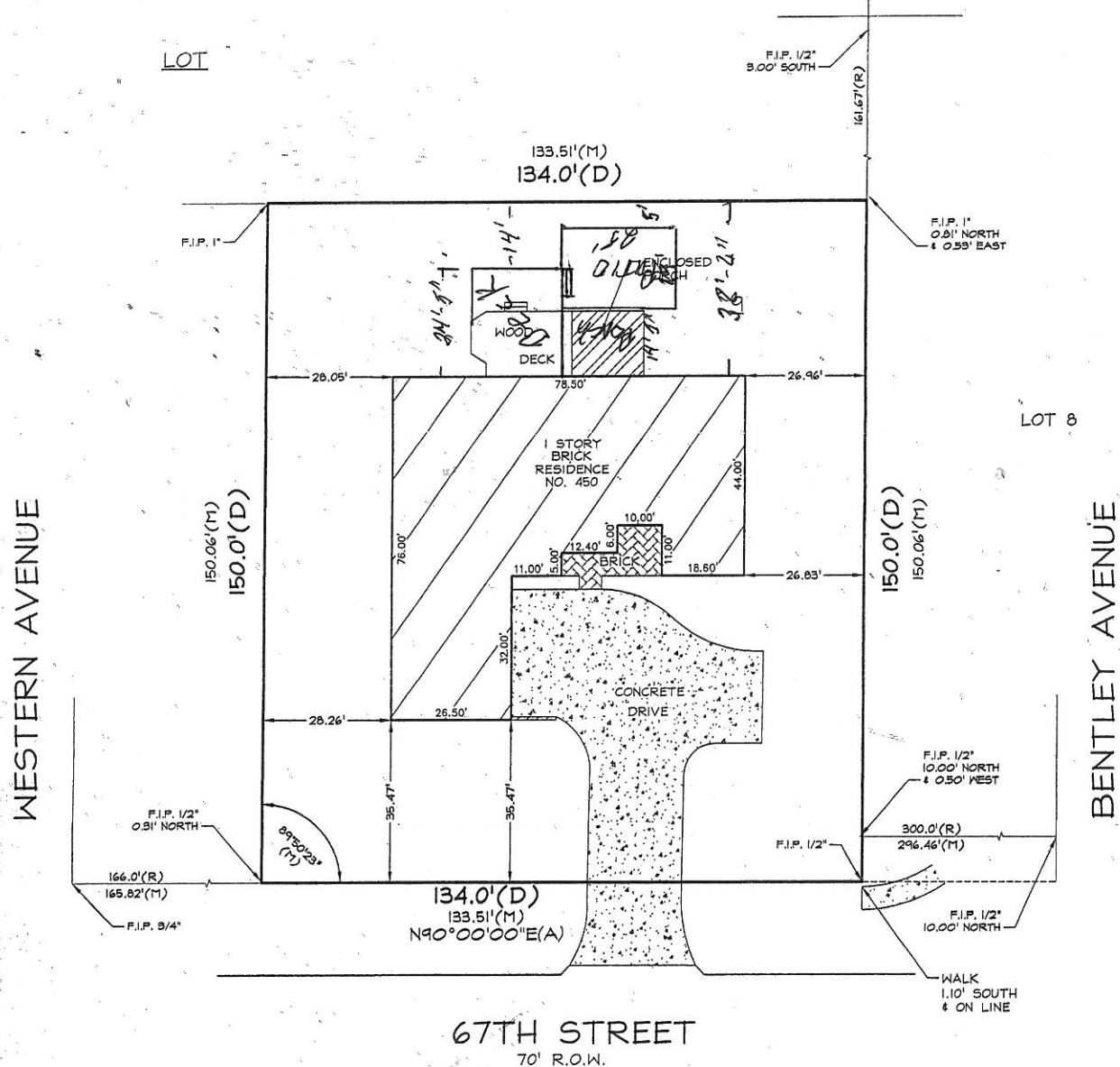


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Proposed



STATE OF ILLINOIS } SS
COUNTY OF WILL

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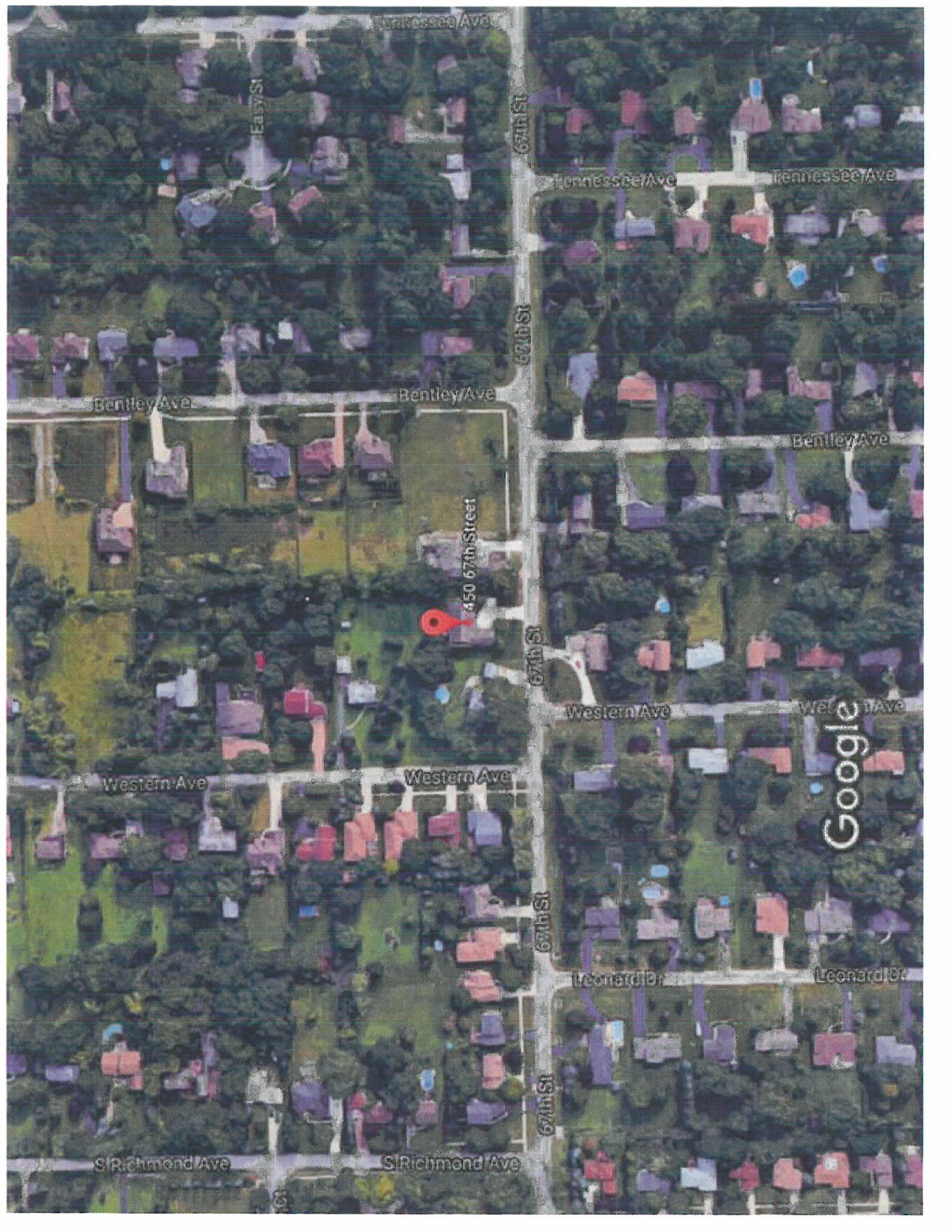
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ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184-2961

FIELDWORK DATE. 10-09-15



Tennessee Ave

67th St

67th St

Tennessee Ave

Tennessee Ave

Bentley Ave

Bentley Ave

Bentley Ave

650 67th Street

67th St

Western Ave

Western Ave

Western Ave

Western Ave

Google

67th St

Leonard St

Leonard St

Richmond Ave

Richmond Ave

67th St

Addendum to
REQUEST FOR VARIATION
November 8, 2017

Paul & Mary Kelly
450 67th St.
Darien, IL 60527

We purchased our home in October 2015. The deck and the attached, enclosed back porch need to be demolished and rebuilt because they are deteriorated with increasing signs of rot and/or subsidence in the supporting structures. In September 2017 I (Paul Kelly) began to communicate with Steve Manning about what was necessary to accomplish this. I discovered that the porch and deck encroach into the minimum 40 foot rear yard requirement. It is my understanding that a porch and deck are allowed to encroach 10 feet into the 40 foot setback, which would allow them to be 30 from the rear lot line. The existing porch and deck encroach into the rear yard approximately six feet more than allowed, i.e. 16 feet into the rear yard. If we are required to comply with the rear yard set back the deck and porch would only extend approximately eight feet out from the house – way too narrow.

We were not informed by the sellers or anyone else at the time we purchased the house that there were any zoning issues and did not learn of this until September 2017. Neither the title policy nor the survey supplied by the sellers mentioned any zoning issues and the survey did not note the distance between the rear lot line and the back of the house or the back of the porch or deck, nor does it note the dimensions of the back porch and deck.

In constructing a new enclosed porch we will not extend it any farther north into the rear yard than it already is. We would move the east wall two to three feet to the west and move the west wall five to six feet to the west. The porch will remain to the east and the deck to the west. However, we are requesting permission to extend the north edge of the deck 10 more feet to the north, into the rear yard. That would make the north edge of the deck 13 feet south of the rear lot line. We are also requesting permission to install a patio to the east of the deck and north of the porch, the northern edge of which would be five feet from the rear lot line.

The relevant dimensions, not included in the original survey are as follows:

Distance from the rear wall of the house to the rear lot line: 38' 6"

Distance from the north edge of the deck and porch to the rear lot line: 24'

Existing porch: 14' 5" (north/south) x 15' 1" (east/west)

Existing deck: 14' 5" (north/south) x 19' – 22' (irregular) (north/south)

Overall dimensions of combined porch and deck: 14' 5" (north/south) x 35' (east/west)

We are enclosing with the Request for Variation a copy of the survey that was supplied to us by the sellers (the "original"). We are also enclosing a copy of the survey showing existing relevant dimensions. Finally, we are enclosing a copy of the survey showing the proposed porch, deck and patio, with the approximate dimensions.

VARIATION CRITEREA
City of Darien Authority & Standards

*City of Darien
Received
NOV 8 2017
Community Development*

Authority – Practical Difficulties or Particular Hardships

As stated in the addendum to our application for variation and in the points below, applicants, through no fault of their own are facing a situation where they need to rebuild their decaying back porch and deck but are unable to do so without a variation because these structures are in violation of the rear yard setback requirement. Without the variation we would not be able to construct a porch or deck the same size as the existing porch and deck. Instead we would have to build these structures with a north/south dimension cut almost in half. A back porch and deck that only extends out from the back of the house eight feet is unreasonably small, especially when compared to what we thought we were buying. One of the reasons we decided to buy the house was because we loved the back porch and deck and the fact that it overlooked a large expanse of open green space – the neighboring back yards which we view from the side. In conferring with Steve Manning in September 2017 I (Paul Kelly) discovered that the existing structures are in violation of the rear yard setback and that a variation would be required to build a new back porch and deck. Given the poor state of repair of the existing structures (described in detail below), doing nothing is not an option.

Standards

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.

The purpose of the variation is not based primarily on a desire to increase financial gain. Rather, the purpose of the variation is based primarily on the need to maintain the status quo. As explained in the addendum to the variation request, the existing porch and deck are in a state of decay and need to be demolished and reconstructed. The general character of the property will most definitely be adversely altered if nothing is done. In fact, at some point the decay will rise to the point of a building violation and a safety hazard. Without the variation the porch and deck would only be able to extend out from the back of the house by eight feet – about 6.5 feet less than the present size of these structures. Clearly, this would adversely affect the general character of the property.

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

The overall value of the property will be improved because the porch and deck that are in a state of decay will be replaced with a new porch and deck. Also, the new porch will have a standard sloped shingle roof that will tie into the roof of the house. The current porch has a flat metal roof that is unsightly from an architectural and aesthetic point of view. The roof of the porch is beginning to leak where it ties into the house under the gutters.

These improvements will not adversely affect the neighboring properties. If anything, they will benefit the neighboring properties for the reasons stated above.

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

As explained in the addendum to the variation request, the current owners did not create the need for the variation. We did not know that there was a rear yard set back violation when we purchased the property and the sellers did not inform us of this issue. Neither the title policy nor the survey mentioned the issue. We did not learn of this problem until September 2017 when we began to speak with the City of Darien about replacing the porch and deck.

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.

The proposed variation will not impair an adequate supply of light and air in the adjacent properties nor substantially increase congestion in the public streets, nor increase the danger of fire or endanger the public safety. None of the proposals have any relevance to any of these considerations. The photographs, survey and DuPage County assessment maps show that the only properties that are even remotely nearby are the properties to the immediate east and west of the subject property. The house to the east is over 50 feet from the subject back porch and the subject porch and deck are not visible from the house to the east except from its back yard and porch. The subject porch and deck are not visible at all from house to the west which is about 150 feet from the subject porch and deck. The rear (north wall) of the house to the west is south of the rear (north wall) of applicant's house.

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

The proposed variation will not adversely alter the essential character of the neighborhood. The neighborhood is residential, zoned R-1, with relatively large lots and much vegetation. The proposed variation obviously will not alter the essential character of the neighborhood much less adversely alter it. The new back porch would be in substantially the same position as the existing porch and would not extend into the back yard any more than it already is. The deck would be five or six feet narrower (north/south dimension) than the existing deck and would extend 10 feet farther to the north. A brick patio would be installed east of the deck and north of the porch.

VARIATION CRITEREA
State Standards

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.

As explained in Darien standard number one above, the deteriorated condition of the existing porch and deck necessitate that they be replaced. Whether “reasonable return” be related to the monetary value of the property or the reasonable use of the property, doing nothing is not an option. That will only result in continued deterioration and potential building violations and safety hazards. The sliding door between the porch and the deck has begun to sag into the floor and I have had to brace the door at the top to make the door frame square again and allow the door to close. The metal roof of the porch leaks at the gutter line. The deck is rotting in multiple locations and I have had to remove mushrooms growing from the deck floor. The west side of the stairs from the deck to the yard are severely rotten and in danger of collapse. Thus, without rebuilding the porch and deck there will be no reasonable return but rather a negative return. The value of the property will decrease and the porch and deck will eventually become hazardous and unusable.

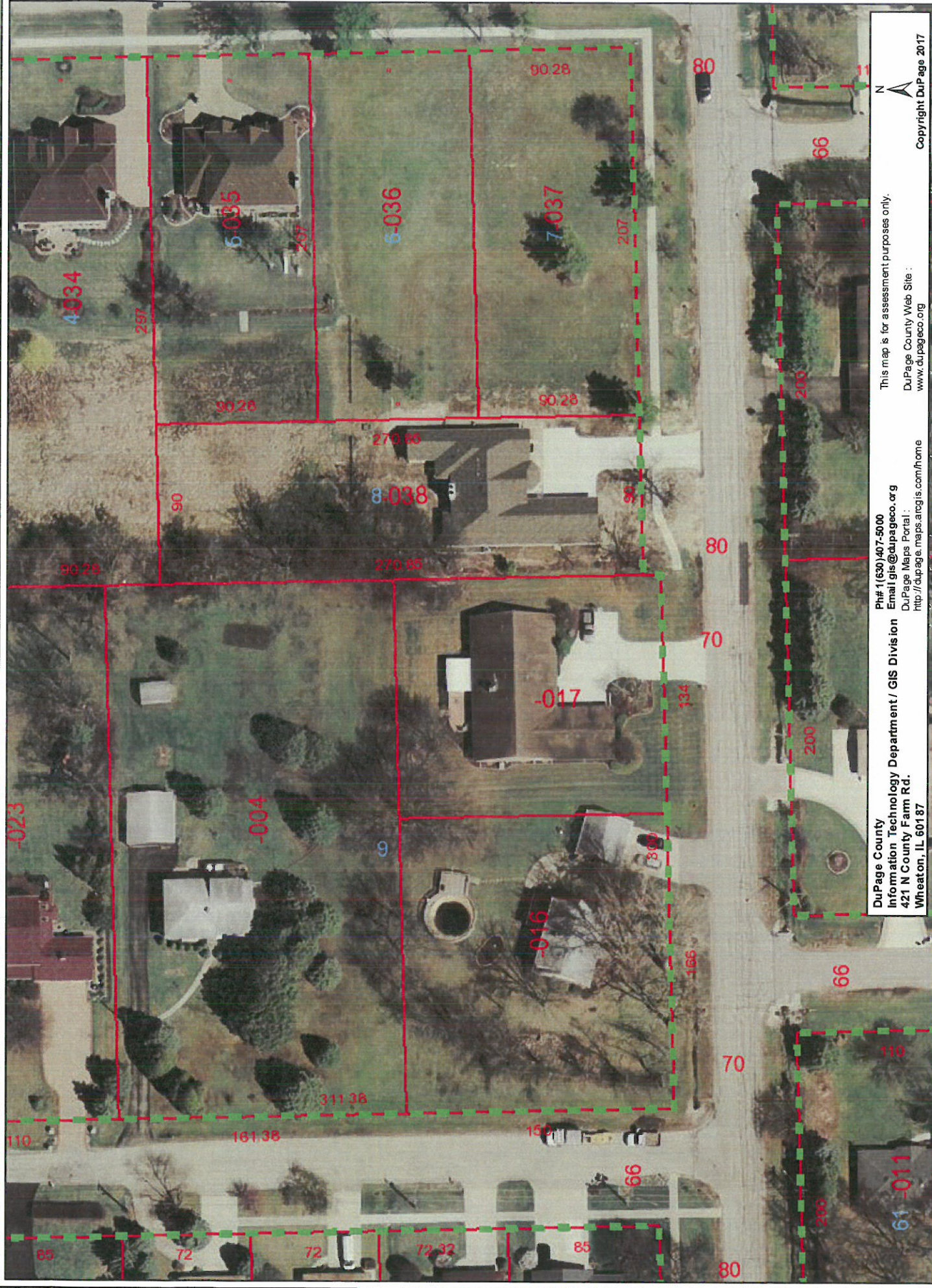
If we were to rebuild the property within the present set back requirements the porch and deck would only be allowed to extend out from the rear wall of the house eight feet – cutting 6.5 feet off the east/west dimension of the structures and making them too narrow for reasonable use and significantly less than their present size. This is not a reasonable return.

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

The circumstances that make this situation unique are the following facts: the existing structures are in violation of the current rear yard setback; the applicants bought the property without knowledge of this issue, neither the former owners, the title company nor the surveyor noted this violation; and now, due to the deterioration of the porch and deck, they must be replaced, thus creating the need for the variation.

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

The proposal does not alter the essential character of the locality in the slightest. This should be obvious from the circumstances. We are proposing that the reconstructed porch not extend beyond the rear of the house any farther than it already is. We are proposing that the new porch be slightly wider (i.e., two to three feet in the north/south dimension), the new deck would extend out from the house 10 feet farther than the existing deck but due to the constraints of the basement windows would be about six feet narrower (north/south dimension). We are proposing that a brick patio be installed to the east of the deck and north of the porch. It should be noted that our rear yard faces the back yards of the lots located on the east side of Western Ave. In fact, there are no structures (other than sheds) in any of the back yards to the north of our house for at least two blocks to 63rd Street.



This map is for assessment purposes only.
DuPage County Web Site : www.dupageco.org

Ph# 1(630)407-5000
Email gis@dupageco.org
DuPage Maps Portal : <http://dupage.maps.arcgis.com/home>

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



11/27/2017 00:52



11/27/2017 00:53



CITY OF DARIEN

In the County of DuPage and the State of Illinois
Incorporated 1969

VARIATION AUTHORITY & STANDARDS

Zoning Code Section 5A-2-2-3 (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.

Zoning Code Section 5A-2-2-3 (G): Standards

The City shall not vary the provisions of this Title unless findings of fact have been made on the following:

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.



ILLINOIS MUNICIPAL CODE 65 ILCS

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.

AGENDA MEMO
PLANNING AND ZONING COMMISSION
December 6, 2017

Case

PZC 2017-07

Zoning Text Amendment

Solar Energy Systems

Petition

The City of Darien has petitioned to amend the zoning code regarding solar energy systems including definitions, use in districts, and accessory standards.

Background

The City of Darien has been participating in the SolSmart program sponsored by the US Department of Energy and operated by the Metropolitan Mayors Caucus. The program has provided technical assistance to a dozen or more communities in the Chicago area to review codes, permit procedures and best practices for local government. The City of Darien has recently adopted the 2015 International Solar Energy Provisions Code (ISEP), which has electrical, mechanical, plumbing, and structural standards for safe construction. Zoning can be an effective tool to encourage the use of renewable energy to reduce the dependence on fossil fuels, reduce pollution, and promote local businesses.

Attachments

1. Photos of solar energy systems in Darien
2. Proposed Definitions
3. Proposed Use in Districts
4. Proposed Accessory Standards
5. Standards for Amendments in Section 5A-2-2-5 (G) of City Code

Trends

Roof top solar collector panels on large commercial, office, and industrial buildings is a growing trend nation-wide as companies discover the benefits of LEED self-sufficiency. Large ground arrays, also known as community solar or solar farms, have solar panels mounted on racks that are attached to the ground usually covering entire lots of many acres that produce enough electricity to power many buildings off-site or whole neighborhoods or sold back on-line. Recent state incentive programs endorsed by ComEd are intended to attract developers of large ground arrays. Darien has received inquiries but no proposals. Another emerging technology are solar collectors that are 'building integrated', meaning they are manufactured as part of roofing shingles, skylights, awnings, parapets and similar architectural components, and are thus designed to have minimum visibility and maximum efficiency. Small accessory installations such as roof-mounted and wall mounted solar panels that supply heat or electricity for one building are currently more prevalent in the Midwest. Panel installations can be seen in Darien on three houses and two schools. No complaints have been received from neighbors.

Zoning Standards

There are no prime locations available for such large ground arrays in Darien outside of the Industrial District. If ever such an installation were to be proposed, a public hearing and site

plan review process would be reasonable for the developer and would give a forum to neighbors to learn about the benefits and potential impacts and provide a way for the City to set appropriate site-specific standards. Conversely, small accessory installations are more common and more accepted and are not anticipated to have major impacts on neighbors, so a hearing for site plan review would not be essential and may be a deterrent to those wanting to adopt the latest technology.

Attached are drafts of proposed code amendments. The approach is conservative in the sense that ground mounted collector systems would be permitted only in the Industrial District and only with a special use. If and when ground mounted are requested in other districts, we can then consider what standards may be appropriate to be amended into the zoning code. The standards proposed here for roof mounted panels set limits on height, width, and tilt that strive to balance the need to effectively capture sun rays while protecting traditional neighborhood character.

Motions

1. Findings of Fact

The first motion would be that the Standards for Amendments in the Darien Zoning Code have been satisfied by the information in this report (or as modified in this motion).

2. Approval

The second motion would be to recommend approval of the text amendments for solar energy systems as presented (or as modified in this motion).

Meeting Schedules

Planning and Zoning Commission

December 6, 2017

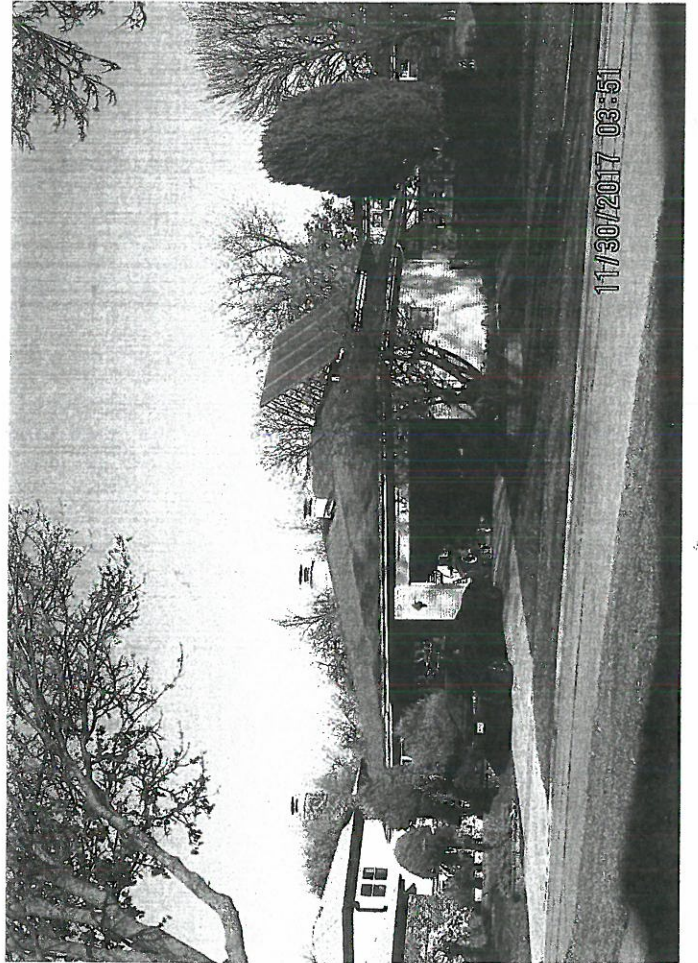
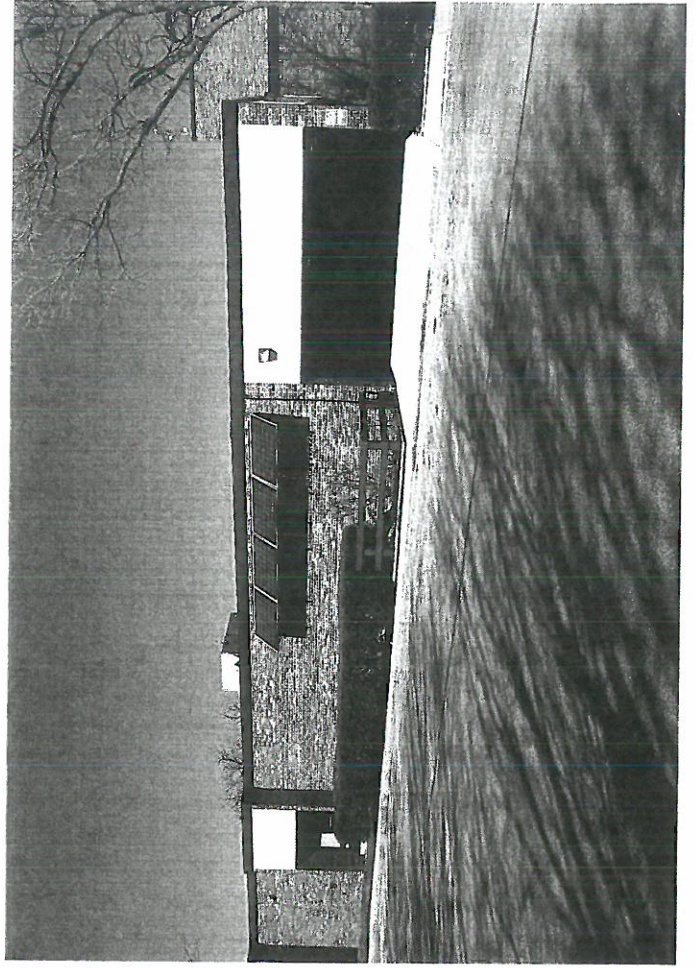
Municipal Services Committee

December 26, 2017

City Council

January 2, 2018





Darien Zoning Code
Solar Energy Systems - Definitions

(Proposed additions in bold and italics)

5A-13-1: DEFINITIONS:

The following words and terms, wherever they occur in this Title, shall be construed as herein defined:

ACCESSORY BUILDING, STRUCTURE OR USE:

(A) An "accessory building, structure or use" is one which:

1. Is subordinate and incidental to and serves a principal building or structure or a principal use;
2. Is subordinate in area, extent or purpose to the principal building or structure, or the principal use served;
3. Contributes to the comfort, convenience or necessity of occupants of the principal building or structure or the principal use served; and
4. Is located on the same lot as the principal building or structure, or the principal use served with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

(B) An "accessory building or use" includes, but is not limited to, the following:

1. A garden house, and private greenhouse;
2. A shed, garage or building for domestic storage;
3. Storage of merchandise normally carried in stock on the same lot with any retail service or business use, unless such storage is excluded by the district regulations;
4. Storage of goods used in or produced by manufacturing activities on the same lot or parcel of ground with such activities unless such storage is excluded by the district regulations;
5. Swimming pool, tennis court or other athletic facilities for private use by the occupant and his guest;
6. Off-street motor car parking areas, and loading and unloading facilities;
7. Carports;
8. Public utility facilities, including telephone, electric, gas, water and sewer lines, their supports, and incidental equipment; and

9. A residential unit for the family of one person and his or her family where such occupancy is accessory to a business which requires a full-time watchman, attendant or residential professional;

10. Solar energy system – building mounted.

SOLAR ENERGY SYSTEM: A device that collects solar energy from the sun and converts it to thermal, mechanical, or electrical energy.

SOLAR ENERGY SYSTEM – BUILDING MOUNTED: A solar energy system with solar collectors, that are panels or building integrated components, that are attached to the walls or roof of the building.

SOLAR ENERGY SYSTEM WITH BUILDING INTERGRATED COLLECTORS: A solar energy system that has solar collectors that are within roof shingles, skylights, shading devices, or other similar architectural components and are not panels.

SOLAR ENERGY SYSTEM – LARGE GROUND ARRAY: A solar energy system that has solar panels mounted on poles or racks that either rest on or are attached to the ground that occupy most of a lot or lots and that is intended to serve buildings or uses on another lot or lots.

FLUSH MOUNTED COLLECTORS: Solar collector panels that are mount flat on a wall or roof typically with 3 inches or less between the panel and wall or roof surface to allow for mounting brackets, piping, or storm water drainage and typically with the entire panel 6 inches or less from the surface.

Darien Zoning Code
Solar Energy Systems – Use in Districts

(Proposed additions in bold and italics, proposed deletions highlighted)

5A-5-9-4: ACCESSORY BUILDINGS, STRUCTURES, AND USES:

(A) For Dwelling Purposes: In residence districts, no accessory building or structure shall be used for dwelling purposes. In the business and office-industrial districts, accessory buildings and structures may be used for dwelling purposes as may be allowed in those districts.

(B) Accessory Buildings, Structures, And Uses Not Specifically Listed Or Normally Allowed: All accessory buildings, structures, and uses not specifically permitted or normally allowed shall be prohibited unless approved by the City Council after a public hearing before the Zoning Board of Appeals. This exclusion is meant to control the erection of possible undesirable structures such as wind-powered generators and large ground arrays of solar energy collectors, etc. (Ord. 0-03-00, 4-3-2000)

(C) Solar energy systems-building mounted are a permitted as an accessory use in all zoning districts.

Chapter 9: INDUSTRIAL DISTRICT

5A-9-4-4: SPECIAL USES:

Wind powered generators

Solar energy systems-large ground arrays

Darien Zoning Code
Solar Energy Systems – Accessory Standards

(Proposed additions in bold and italics)

5A-5-8: SOLAR ENERGY SYSTEMS (SES)

- A. *SES – Ground Mounted is not permitted as an accessory use in any district. (SES – Large Ground Array is a principal use that is available as a special use in the I-1 district. See Chapter 9.)***
- B. *SES – Building Mounted is permitted as an accessory use on principal and accessory buildings in all districts subject to the following standards:***
- 1. *SES with building integrated solar collectors may be located anywhere on a building.***
 - 2. *SES with solar collectors mounted on a wall of a building may extend out to 3 feet way from the wall.***
 - 3. *SES with panel collectors mounted on a roof are subject to the following standards:***
 - i. May not extend out sideways from the roof.***
 - ii. Must be flush mounted on the portion of a pitched roof facing the street.***
 - iii. May be non-flush mounted on the portion of a pitched roof not facing the street.***
 - iv. Non-flush mounted panels may not extend more than 5 feet above the portion of a pitched roof where the panels are mounted and must not exceed the height of the peak of a pitched roof***
 - v. May be located on a flat roof provided there is a parapet or screening wall between the panels and the adjacent street and said parapet or screening wall is at least as high as the panels.***



**City of Darien Zoning Code
Standards for Map and Text Amendments
Section 5A-2-2-5**

Section 5A-2-2-5 (G): STANDARDS: The Plan Commission shall consider the following factors and other pertinent factors in developing a recommendation for the City Council:

1. Existing uses of property within the general area of the property in question, and the resulting character of the general area;
2. The zoning classifications of property within the general area of the property in question;
3. The suitability of the property in question to the uses permitted under the existing zoning classification including consideration of the length of time the property has been vacant as zoned;
4. The trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classifications and the impact to surrounding property likely to result from the proposed use;
5. The reduction in value of the subject property resulting from the particular zoning restriction as compared to the gain to the public if the property remains restricted; and;
6. The policies of all current official plans or plan elements of the City.

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
November 15, 2017**

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

ABSENT: Mary Sullivan

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

A. Public Hearing Case: PZC 2017-05-Text Amendment (Pharmacy) Petitioner Brent Edelcup, owner of Telescript Pharmacy Inc., seeks approval of text amendment to the Title 5A Zoning Regulations of the City Code to allow a pharmacy use in Office Districts.

Mr. Steven Manning, City Planner reported that the petitioner, Mr. Brent Edelcup owner of Telescript Pharmacy Inc. is requesting approval of a text amendment to allow a pharmacy use of the Office Districts. He reported that presently there is an urgent care facility at the site and that the petitioner would like to make it convenient for patients and help with the vacancies in the building.

The petitioner, Mr. Brent Edelcup explained Tele-pharmacy and stated that it has been around for three to four years and that it is coming into Illinois. He stated that this service provides one-on-one consultation with customers through a kiosk along with a pharmacy technician on site.

Commissioner Liedtke asked about the petitioner's credentials.

Mr. Edelcup stated that he attended Roosevelt University and graduated in 2017 and was licensed in August.

Commissioner Liedtke questioned if the pharmacy would be similar to those in a CVS or Walgreen's where the elderly can speak to a pharmacist.

Mr. Edelcup stated that Tele-pharmacy is stricter and that every customer that comes in must speak to a pharmacist on the monitor. He stated that the pharmacy technician is also there to help people through the process.

Commissioner Cortez questioned quality and safety.

Mr. Edelcup stated that he has thought about this topic a lot and that there will be a "safe system" with a changing key code when dispensing medicine. He further stated that the pharmacist will be required to visit the site one time per month per location.

Commissioner Liedtke questioned the hours of business.

Mr. Edelcup stated that he would like to keep the same hours as the clinic which is 9:00 am – 9:00 pm but that he is not entirely sure.

Commissioner Gay questioned if there were any issues with parking.

Mr. Manning reported that the required parking is the same for office uses.

Mr. Manning reported that he spoke to the owner and manager of the Immediate Care, Dr. Kohli. He stated that he has been trying to lease out the other vacancies and that a dentist is signing a lease and there is a veterinarian next door which should help out the petitioner.

Mr. Manning questioned if the pharmacy would be available 24/7.

Mr. Edelcup stated that he would ultimately like to provide 24/7 service but presently he cannot afford it. He stated that his plan in to open in six months.

Commissioner Cortez questioned how the petitioner will insure that the technician is accurately dispensing the medicine.

Mr. Edelcup stated that this system has a lower rate of error. He stated that there is a camera which the pharmacist will be overseeing and software management system which identifies the numbers.

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

At 7:30 p.m. Chairperson Mallers closed the public hearing.

Commissioner Laratta made a motion and it was seconded by Commissioner Liedtke recommending approval of PZC 2017 -05 approval of text amendment to the Title 5A Zoning Regulations of the City Code to allow a pharmacy use in Office Districts.

Upon roll call vote, THE MOTION CARRIED 7-0.

Mr. Manning reported that this would be forwarded to the Municipal Services Committee.

CORRESPONDENCE

None.

OLD BUSINESS

None.

NEW BUSINESS

Solar Standards – Mr. Manning provided an overview on SolSmart. He reported that City Staff is requesting approval of amendments to the zoning code in regards to solar panel installations. He reported that a public hearing is scheduled for December 6, 2017.

Mr. Manning reported that staff is aware of 3 homes and 2 schools with solar panels and believes that there will be more coming.

Chairperson Mallers questioned if there are any surrounding communities doing the same.

Mr. Manning stated that some communities have had a big influx.

There was some discussion on safety and putting limits on ground panels.

Commissioner Liedtke suggested having Alderman Sylvia McIvor give a brief presentation on solar panels to educate the PZC.

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

APPROVAL OF MINUTES

Commissioner Laratta made a motion and it was seconded by Commissioner Cortez to approve the October 18, 2017 Regular Meeting Minutes.

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

Commissioner Mielkus made a motion and it was seconded by Commissioner Erickson to approve the November 1, 2017 Regular Meeting Minutes.

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

NEXT MEETING

Chairperson Mallers announced that the next meeting is scheduled for Wednesday, December 6, 2017 at 7:00 p.m.

ADJOURNMENT

With no further business before the Commission, Commissioner Liedtke made a motion and it was seconded by Commissioner Gay. Upon voice vote, THE MOTION CARRIED unanimously and the meeting adjourned at 8:08 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Lou Mallers
Chairman