

**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**