

CITY OF DARIEN TEMPORARY AMENDMENT TO PLANNING AND ZONING COMMISSION MEETING RULES FOR COMPLIANCE WITH ILLINOIS OPEN MEETINGS ACT:

- In person attendance at Planning and Zoning Commission meetings is allowed. The public will be required to maintain social distancing rules and are required to wear a mask while in the building.
- The public is encouraged to participate in the Planning and Zoning Commission meeting by submitting questions and comments via email to the City Planner Jordan Yanke at jyanke@darienil.gov.
- Emails providing public comment shall be submitted prior to the start of the Planning and Zoning Commission meeting.

**CITY OF DARIEN
PLANNING AND ZONING COMMISSION**

Wednesday, December 15, 2021

7:00 PM

City Hall Council Chambers
1702 Plainfield Road

AGENDA

- 1) Call to Order
- 2) Roll Call
- 3) Regular Meeting – New Business

A. Public Hearing – PZC2021-07

1414 Sequoia Lane – Variations

Petitioner Anthony Maggiore seeks approval for Variations to City Code Section 5A-7-2-6 (A) and Section 5A-5-9-2 (A)(2)(b)(1) of the Zoning Ordinance. The petition specifically requests to allow for an already constructed patio/terrace (i.e. platform) and hot tub to remain in their current location on the subject property. Property is located within the R-2 Single-Family Residence Zoning District and the Variation requests are to the following standards in the City of Darien Zoning Ordinance:

- 1) Section 5A-7-2-6 (A):
 - Variation request to reduce the required rear yard setback (patio/terrace).
 - Variation request to reduce the required interior side yard setback (patio/terrace).
- 2) Section 5A-5-9-2 (A)(2)(b)(1):
 - Variation request to reduce the accessory structure setback requirements and to permit an accessory structure within a platted easement (hot tub).

- 4) Regular Meeting – Old Business
- 5) Staff Updates & Correspondence
- 6) Approval of Minutes December 1, 2021
- 7) Next Meeting January 5, 2022
- 8) Public Comments [On Any Topic Related to Planning and Zoning]
- 9) Adjournment

**MINUTES
CITY OF DARIEN
PLANNING & ZONING COMMISSION MEETING
December 1, 2021**

PRESENT: Lou Mallers – Chairperson, Bryan Gay, Sherri Gillespie, Hilda Gonzalez, Julie Kasprovicz, Brian Liedtke, Ralph Stompanato

ABSENT: None

OTHERS: Jordan Yanke - City Planner

Chairperson Lou Mallers called the meeting to order at 7:00 p.m. at the Darien City Hall, Council Chambers, 1702 Plainfield Road, Darien, Illinois. Chairperson Mallers declared a quorum present and swore in the audience members wishing to present public testimony.

REGULAR MEETING/OLD BUSINESS:

- A. Public Hearing – PZC 2021-05 - 1645 Walden Lane – Variation Petitioners Innocencio Lee and Estela Lee (c/o Michael Lee) seek approval for a Variation to City Code Section 5A-7-2-6 (A) of the Zoning Ordinance. The petition specifically requests to allow for an addition to the existing single-family residence, with the addition being a sunroom. Property is located within the R-2 Single-Family Residence Zoning District and the Variation request is to the following standard in the R-2 District of the City of Darien Zoning Ordinance:**
- 1) Section 5A-7-2-6 (A): Variation request to reduce the required rear yard setback.**

Mr. Jordan Yanke, City Planner reported that the subject property was platted in 1975 and is part of Gallagher and Henry's Brookhaven Manor Unit 7 Subdivision. He reported that the parcel is improved with a single-family residence, accessory structure (shed), and fencing around the rear yard. He further reported that the property is primarily flat and does not contain any natural features or floodplain.

Mr. Yanke reported that the petitioner is proposing to construct a sunroom addition on the rear part of the existing residence and that the proposed sunroom would extend the home an additional 14' toward the rear property line, and the home would then maintain a setback of 21' from the rear lot line. He further reported that the construction of a sunroom would result in an encroachment of 9' on the rear yard setback.

Mr. Yanke reported that staff has reviewed the petitioner's submitted documents and staff does not have any comments on the site plan.

Mr. Yanke reported that there is no variation on file for the house that is three doors down and that the encroachment is similar based on the GIS.

Commissioner Gonzalez stated that she was concerned about allowing more encroachment privileges.

Mr. Yanke reported that based on the living arrangements that the addition is needed and does not change the use and still maintains the integrity of the neighborhood.

The petitioner, Mr. Michael Lee stated that the home was built in 1978 and that the size of the sunroom is 16' x 14' and slightly smaller than the concrete slab. He stated that in the future the patio may be redone but they are currently only doing the sunroom.

Commissioner Liedtke questioned the distance from the pad to the fence.

Mr. Yanke reported that the fence is close to the lot line and that it is not on the Plat of Survey and not precise.

There was discussion regarding the patio and impervious coverage.

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

Commissioner Liedtke made a motion, and it was seconded by Commissioner Gay approval of – PZC 2021-05 - 1645 Walden Lane contingent upon on any future patio construction to be presented to the Planning and Zoning Commission for approval.

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

Mr. Yanke reported that this would be forwarded to the Municipal Services Committee on Monday, December 28th at 7:00 p.m.

- B. Public Hearing – PZC 2021-06 - 1813 Howdy Lane – Variations**
Petitioners Dwane Kozak and Vanessa Brennan seek approval for
Variations to City Code Section 5A-7-1-6 (A)(1) of the Zoning
Ordinance. The petition specifically requests to allow for an addition to
the existing single-family residence, with the addition being a garage
expansion and second floor addition above the garage. Property is
located within the R-1 Single-Family Residence Zoning District and the
Variation requests are to the following standards in the R-1 District of
the City of Darien Zoning Ordinance:
- 1) Section 5A-7-1-6 (A)(1): Variation request to reduce the required front yard setback.**
 - 2) Section 5A-7-1-6 (A)(1): Variation request to reduce the required interior side yard setback.**

Mr. Jordan Yanke, City Planner reported that the subject property was platted in 1968 and is part of the Downers Fairview Subdivision and platted in the Village of Downers Grove and later annexed into the City of Darien.

Mr. Yanke reported that the petitioner is proposing an addition to the existing residence, with the addition being a garage expansion and second floor addition above

the garage. He reported that there is an existing 36.65' distance from the front property line (northern lot line) and a 10' from the interior side property line (western lot line) and that the proposed project would result in those distances being reduced to 29.31' and 5.1'.

Mr. Yanke reported that given the property's zoning designation, there is a required front yard setback of 45' and a required interior side yard setback of 10' and therefore, the petitioner has submitted variations requesting approval to encroach into the front yard setback (northern lot line) and interior side yard setback (western lot line). He reported that the parcel was originally subject to a 35' front setback requirement when it was platted, but the change in jurisdiction (i.e., annexation) and zoning resulted in a more stringent 45' front setback requirement per the City of Darien Zoning Ordinance.

Mr. Yanke reported that although the petitioner is proposing to encroach into the side yard setback, the project will not encroach into the existing utility easement. He further reported that City staff has reviewed the petitioner's submitted documents and staff does not have any comments on the site plan. He also reported that the driveway is being expanded and that staff reviewed and that it meets the requirements.

The petitioners, Dwane Kozak and Vanessa Brennan stated that the lot is a funny shape and that they are proposing to construct a master suite above the garage. They also stated that the shed was there in the late 70s or early 80s.

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

Commissioner Gay made a motion, and it was seconded by Commissioner Gillespie approval of – PZC 2021-06 - 1813 Howdy Lane as presented.

Upon voice vote, THE MOTION CARRIED 7-0.

STAFF UPDATES & CORRESPONDENCE

Mr. Jordan Yanke, City Planner reported that there is meeting scheduled for December 15th. He further reported that staff may be looking at Key Development Areas originally designated by the Comprehensive Plan.

APPROVAL OF MINUTES

Commissioner Gonzalez made a motion, and it was seconded by Commissioner Gay to approve the August 18, 2021 Regular Meeting Minutes.

Upon voice vote, THE MOTION CARRIED 7-0.

NEXT MEETING

Mr. Jordan Yanke announced that the next meeting is scheduled for Wednesday, December 15, 2021.

PUBLIC COMMENTS (On any topic related to planning and zoning)

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

ADJOURNMENT

With no further business before the Commission, Commissioner Liedtke made a motion, and it was seconded by Commissioner Gillespie. Upon voice vote, THE MOTION CARRIED unanimously, and the meeting adjourned at 7:50 p.m.

RESPECTFULLY SUBMITTED:

APPROVED:

Elizabeth Lahey
Secretary

Lou Mallers
Chairperson

AGENDA MEMO
PLANNING AND ZONING COMMISSION
DECEMBER 15, 2021

CASE

PZC2021-07 Maggiore Variation Requests – 1414 Sequoia Lane

ISSUE STATEMENT

Petitioner Anthony Maggiore seeks approval for Variations to City Code Section 5A-7-2-6 (A) and Section 5A-5-9-2 (A)(2)(b)(1) of the Zoning Ordinance. The petition specifically requests to allow for an already constructed patio/terrace (i.e. platform) and hot tub to remain in their current location on the subject property. Property is located within the R-2 Single-Family Residence Zoning District and the Variation requests are to the following standards in the City of Darien Zoning Ordinance:

- 1) Section 5A-7-2-6 (A):
 - o Variation request to reduce the required rear yard setback (patio/terrace).
 - o Variation request to reduce the required interior side yard setback (patio/terrace).
- 2) Section 5A-5-9-2 (A)(2)(b)(1):
 - o Variation request to reduce the accessory structure setback requirements and to permit an accessory structure within a platted easement (hot tub).

GENERAL INFORMATION

Petitioner:	Anthony Maggiore
Property Owner:	Anthony Maggiore
Property Location / PIN:	1414 Sequoia Lane / 09-28-400-024
Zoning / Land Use:	R-2 District / Single-Family Residence
Comprehensive Plan:	Low Density Residential (Existing & Future Land Use)
Surrounding Zoning & Uses	
North:	R-2 District; Single-Family Residence
East:	R-2 District; Single-Family Residence
South:	R-2 District; Single-Family Residence
West:	R-2 District; Single-Family Residence
Size of Property:	0.22 Acres
Floodplain:	According to the DuPage County Parcel Viewer System, there is no floodplain on the subject site.
Natural Features:	N/A
Transportation:	Frontage along Sequoia Lane, with driveway access derived from Sequoia Lane as well.

PETITIONER DOCUMENTS (ATTACHED TO MEMO)

- 1) APPLICATION
- 2) JUSTIFICATION NARRATIVE
- 3) SITE PLAN

CITY STAFF DOCUMENTS (ATTACHED TO MEMO)

- 4) **BROOKHAVEN MANOR SUBDIVISION PLAT**
- 5) **LOCATION MAP & AERIAL IMAGE**
- 6) **SITE PHOTOS**
- 7) **ZONING VARIATION DECISION CRITERIA**
- 8) **UTILITY COMPANY CORRESPONDENCE**
- 9) **PUBLIC COMMENT**

PLANNING OVERVIEW/DISCUSSION

The subject property was platted in 1956 and is part of the Brookhaven Manor Subdivision. The parcel is zoned R-2 Single-Family Residence District and does not contain any natural features or floodplain. The parcel is improved with a single-family residence, detached garage, shed, patio/terrace (i.e. platform), and hot tub. Note that the patio/terrace and hot tub were constructed and installed without issuance of a building permit.

In August 2021 the City was made aware of construction without a permit at the subject location, so the City's Code Enforcement Officer sent a violation notice to the petitioner/owner. In response to the notice, the petitioner/owner contacted the City and has been working with staff in order to resolve the enforcement issues. After several discussions with the petitioner/owner, the subject Variation requests were submitted.

The Variation requests pertain to the patio/terrace structure and hot tub separately. By definition, the constructed platform is considered a *Patio/Terrace* per the City's Zoning Ordinance, while the hot tub is considered an *Accessory Structure*. Each Variation request and the associated definitions are shown below:

Variation (Patio/Terrace): Zoning Section 5(A)-7-2-6 (A)

Patio/Terrace Definition: A level plane or platform which is located adjacent to one or more faces of a principal or accessory building and which is constructed not more than four feet (4') above the grade level of the adjoining ground, but excluding driveways and parking facilities.

- *Variation request to reduce the required rear yard setback:*
The constructed patio/terrace is currently located on the rear lot line (northern lot line) according to the submitted site plan. The required rear yard setback in the R-2 Zoning District is 30 feet, but the ordinance allows a patio/terrace to be located a minimum of 20 feet from rear property lines per an exception. The Variation request is to allow the patio/terrace to remain as constructed, meaning it would be a full encroachment since it is located 0 feet from the rear lot line.
- *Variation request to reduce the required interior side yard setback:*
The constructed patio/terrace is currently located 1.5 feet from the interior side lot line (eastern lot line). The required interior side yard setback in the R-2 Zoning District is 10 feet. The Variation request is to allow the patio/terrace to remain as constructed, meaning it would be an encroachment of 8.5 feet into the required setback.

Variation (Hot Tub): Zoning Section 5(A)-5-9-2 (A)(2)(b)(1)

Accessory Building, Structure, or Use Definition: An "accessory building, structure or use" is one which: is subordinate and incidental to and serves a principal building or structure or a principal use; is subordinate in area, extent or purpose to the principal building or structure, or the principal use served; contributes to the comfort, convenience or necessity of occupants of the principal building or structure or the principal use served; and 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.

- o *Variation request to reduce the accessory structure setback requirements and to permit an accessory structure within a platted easement:*

The installed hot tub is currently located 2 feet from the rear lot line (northern lot line) and 3.5 feet from the interior side lot line (eastern lot line). It is also located within a platted utility easement according to the recorded subdivision plat, which is attached to this memo. The required setback for an accessory structure (i.e. hot tub) from both the rear lot line and interior side lot line is 5 feet. The Zoning Ordinance also specifies that accessory structures are not to be located within a platted easement. Therefore, the Variation request is to allow the installed hot tub to encroach 3 feet into the rear yard setback and 1.5 feet into the interior side yard setback for accessory structures, in addition to allowing the hot tub to remain in a platted easement.

Site Plan Review & Findings of Fact

City staff has reviewed the petitioner submitted documents and staff does not have any review comments on the site plan. That being said, based on correspondence attached to this memo, it should be noted there are no underground utilities at the subject location.

The petitioner was asked to submit *Findings of Fact* that would support the requested Variations. Those findings are attached to this memo under the submitted Justification Narrative, and specific factors such as screening, adjacent neighbors, and utilities/easement provisions are discussed in the petitioner’s letter. Finally, public comment that was submitted is included as an attachment to this memo as well.

DECISION MODE

The Planning and Zoning Commission will consider this item at its meeting on December 15, 2021.

MEETING SCHEDULE

Planning and Zoning Commission	December 15, 2021
Municipal Services Committee	December 28, 2021
City Council	January 3, 2022

ATTACHMENT 1: APPLICATION

ZONING APPLICATION

CITY OF DARIEN

1702 Plainfield Road, Darien, IL 60561

www.darienil.us 630-852-5000



CONTACT INFORMATION

Anthony Maggiore
Applicant's Name

1414 Sequoia Lane Darien IL 60561
Address, City, State, Zip Code

309-453-6169
Telephone

anthinchiago@gmail.com
Email

Same
Owner's Name

same
Address, City, State, Zip Code

same
Telephone

same
Email

PROPERTY INFORMATION

1414 Sequoia Lane
Property address

PIN Number(s)

Zoning District

Current Land Use(s)

(Attach additional information per the Submittal Checklist.)

REQUEST

Brief description of the zoning approval requested. (Contact the City Planner for guidance.)

SEE ATTACHED LETTER

RECEIVED
NOV 19 2021
Community Development
City of Darien

Anthony Maggiore
Applicant Signature

As Notary Public, in and for DuPage County in Illinois, I do hereby certify that Anthony Maggiore is personally known by me to be the same person whose name is subscribed above and has appeared before me this day in person and acknowledged that they have signed this document as their own free and voluntary act, for the purposes therein set forth.

Given under my hand and seal, this 19 day of November 2021.

Dorothy M Hathaway
Notary Public

For office use only	
Date Received:	<u>11/19/2021</u>
Case Number:	<u>PZC2021-07</u>
Fee Paid:	<u>\$360.00</u>
Hearing Date:	<u>12/15/2021</u>



ATTACHMENT 2: JUSTIFICATION NARRATIVE

City of Darien Planning and Zoning Commission
Justification Narrative for 1414 Sequoia Lane
Zoning Variation 5A-7-2-6 (A): R-2 District Yard Requirements
Zoning Variation 5A-5-9-2(A)(2)(b)(1): Location and Yard Regulations of
Buildings, Structures, and Uses of Land

RECEIVED
NOV 19 2021
Accessory
Development
City of Darien

To City of Darien Planning and Zoning Commission,

Thank you for your time in reviewing this letter. As first-time homeowners who have only previously lived in rental apartments our entire adult lives our regrettable ignorance to the permit process has put us into this unfortunate situation. We are proud to be homeowners in the City of Darien and our intent was only to improve our home. Unfortunately, we did not know that our Do-It-Yourself project would require approval from the city and the patio was fully completed prior to becoming aware of this.

The items in review are the patio/terrace (as defined by the City of Darien), and a hot tub within the patio/terrace, and their locations in relation to our lot lines and easement. The patio/terrace borders our North lot line and sits 1'6" off our East lot line. The hot tub sits 2' off our North lot line and 3'6" off our East lot line. The patio/terrace and hot tub both sit over the 10' public utility & drainage easement.

We regret our ignorance of the permitting process and once we were informed that we needed to obtain permits and subsequent approval, we have fully cooperated with City of Darien's Planning Department. We are requesting the Planning Commission review the details surrounding our improvement and grant us variances that will allow our improvement to remain because of the unique aspects that act together in our particular situation. These aspects are as follows:

Screening

Our backyard is currently screened from our neighbors to the east, north and west property lines by an 8 feet tall fence. The patio is not observed from the neighbors and instead they view the same fence exterior that screens the property since before we took ownership.

Immediately Adjacent Neighbors

The northeast corner of our yard (where the patio exists) borders the property line of two neighbors.

The neighbor to the North of the patio has a home that is approximately 95 feet north of our lot line (and once again is screened from view by our fence as well as existing trees). There is also a retention ditch between our yards and given the distance and screening we believe our patio improvement provides no negative impact to this neighbor.

The neighbor to our East, Mr. Patrick Hulme, has a pole barn that has its west side immediately up against our property line, and runs along the entire length of our patio. Again, the patio is screened from view from this neighbor with an 8 feet tall fence as well. In addition, we have attached a letter from Mr.

Hulme in which he states that he has no issues with the location of the patio. And please note: this neighbor's livable space (home) is the closest distance to the patio.

Underground Utilities

We contacted J.U.L.I.E. on Oct 7, 2021 to do an underground utility locate and they have confirmed that there are no underground utilities within the 10 feet wide easement on the north portion of our property where a portion of the patio currently covers. All COMED and AT&T utilities are overhead and access to them are not impacted by our patio (including during maintenance). Included with this application is notice from the DuPage Water Commission confirming there are no utilities at our location. Additionally, is a photo of flags with a marking (completed by J.U.L.I.E.'s service company) displaying that there are no underground phone, cable, electric or gas utilities in our rear yard.

On the Utility Easement Provisions of the Brookhaven Manor Plat (Instrument No. 827287) dated December 18, 1956, sent to us by the City of Darien Planning Department, it states "No permanent buildings or trees shall be placed on said easement, but same may be used for gardens, shrubs, landscaping and other purposes that do not interfere with the use of said easement." We believe that our patio structure does not interfere with the use of the easement because in addition to having no underground utilities within our easement there are no issues with the operating and maintenance of existing overhead utilities on said easement.

We believe these combined three aspects should be considered in weighing the requested variances. We sincerely hope the Planning Commission takes in account all circumstances and grant us the requested variances because we feel our patio improves our small corner of Darien.

With regards to the stated Decision Criteria on Zoning Variations we want to be sure to address why we have not already taken steps to move the structure and avoid the variation process. Due to a tree in the center of our yard the only other option would be to place the structure in the center of the yard, detached from any existing structure. Although this location may fall within the permitted zoning rules we do believe it would create more of a nuisance to the neighbor to our West. We specifically chose the current location to create minimal noise or light impact to any of our neighbors. It has always been our intention to never be labeled as "bad neighbors".

If there is any further information or clarification, contact me anytime and I will gladly discuss with you. Thank you again for your time and consideration with our variation requests.

-Anthony Maggiore
1414 Sequoia Lane
Darien, IL 60561

PLAT OF SURVEY SITE PLAN

OF

LOT 226 IN BROOKHAVEN MANOR, BEING A SUBDIVISION IN SECTIONS 27 AND 28, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED DECEMBER 18, 1956 AS DOCUMENT 827287, IN DUPAGE COUNTY, ILLINOIS.

COMMON ADDRESS: 1414 SEQUOIA LANE

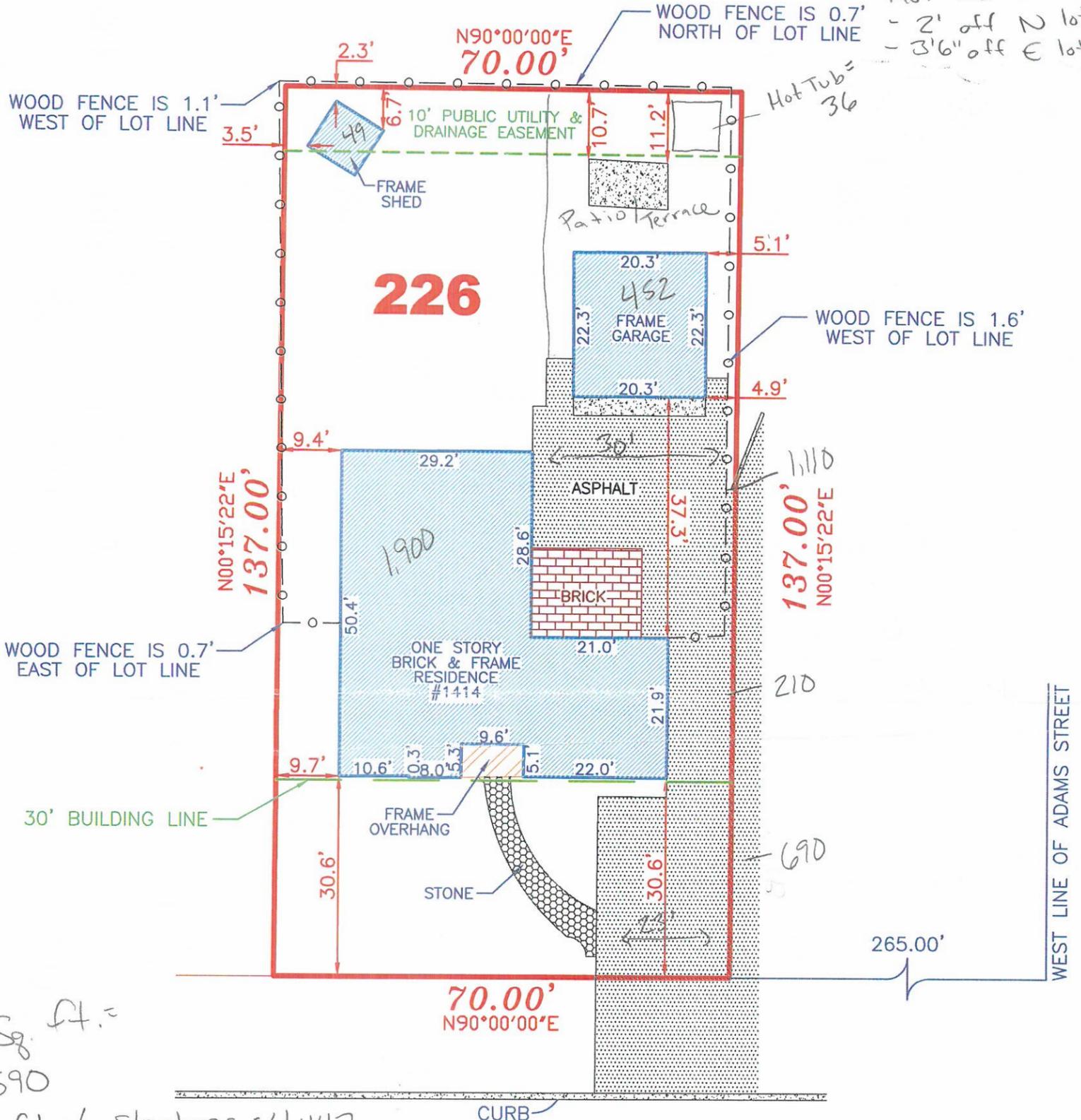
RECEIVED

NOV 19 2021

Community Development
City of Darien

Patio Terrace sits:
- on N lot line
- 1'6" of E lot line

Hot tub sits:
- 2' off N lot line
- 3'6" off E lot line



Total Sq. ft. =
9,590
Total Sq. ft. of structures = 4,447
% = 46.3%

SEQUOIA LANE R.O.W. 66.00'

CLIENT: LAW OFFICE OF ANDRIUS SPOKAS

AREA OF SURVEY = 9590 SQ.FT.
BASIS OF BEARINGS: ASSUMED



STATE OF ILLINOIS } S. S.
COUNTY OF WILL }

FIELD WORK COMPLETED ON 20TH DAY OF OCTOBER, 2020.

JNT LAND SURVEYING SERVICES INCORPORATED HEREBY CERTIFIES THAT IT HAS SURVEYED THE TRACT OF LAND ABOVE DESCRIBED, AND THAT THE HEREON DRAWN PLAT IS A CORRECT REPRESENTATION THEREOF.

Dated this 2ND Day of NOVEMBER, 2020.

IPLS No. 3354

NO IMPROVEMENTS SHOULD BE MADE ON THE BASIS OF THIS PLAT ALONE. FIELD MONUMENTATION OF CRITICAL POINTS SHOULD BE ESTABLISHED PRIOR TO COMMENCEMENT OF ANY AND ALL CONSTRUCTION. FOR BUILDING LINE AND OTHER RESTRICTIONS NOT SHOWN HEREON REFER TO YOUR DEED, ABSTRACT, TITLE POLICY CONTRACTS AND LOCAL BUILDING AND ZONING ORDINANCE.

PROFESSIONAL DESIGN FIRM
LAND SURVEYOR CORPORATION
LICENSE NO.
184.004450
EXPIRES 4/30/21

THIS PROFESSIONAL SERVICE CONFORMS TO THE CURRENT ILLINOIS MINIMUM STANDARDS FOR A BOUNDARY SURVEY. LICENSE EXPIRES 11/30/20

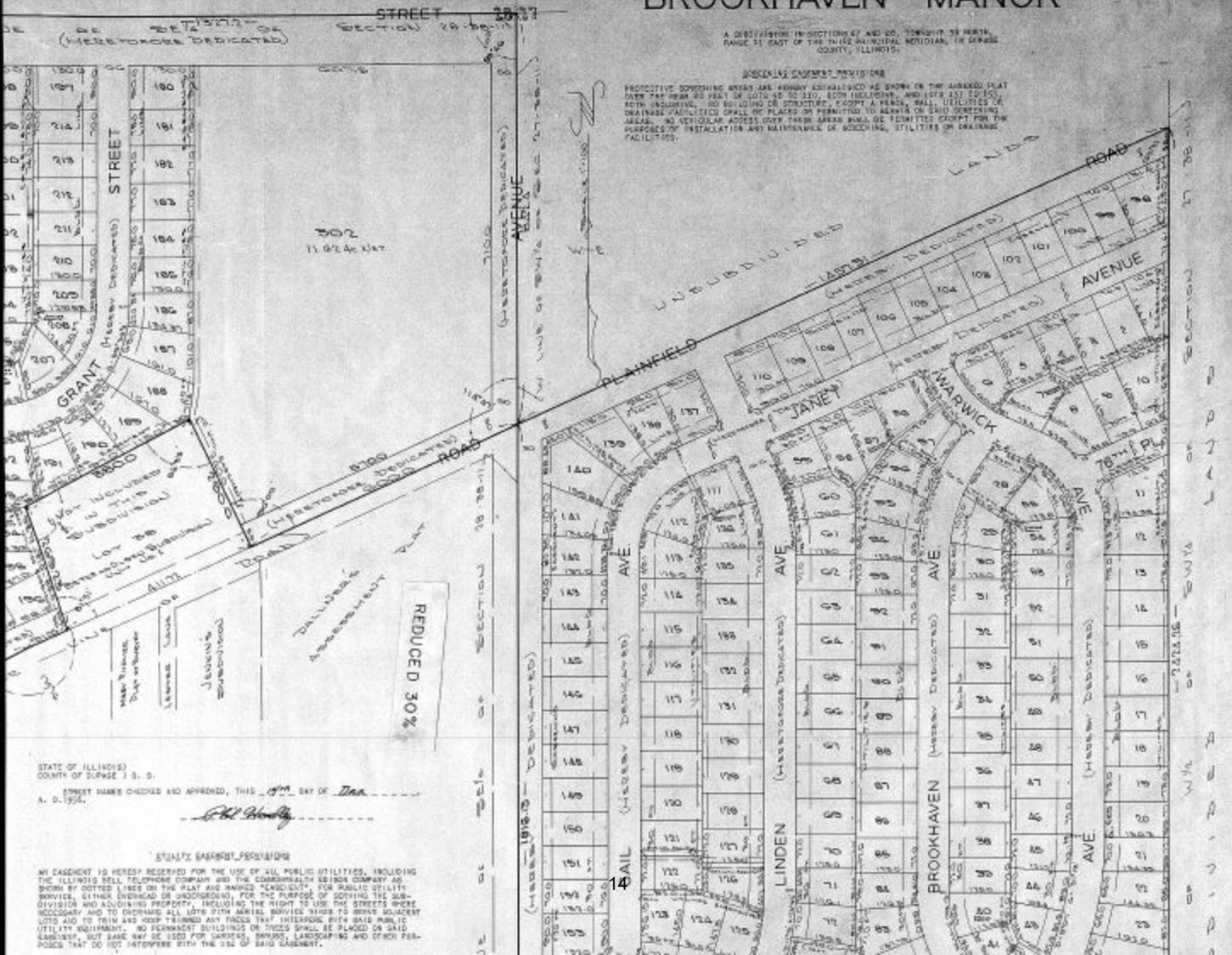
ATTACHMENT 4: SUBDIVISION PLAT

BROOKHAVEN MANOR

A SUBDIVISION IN PORTION OF AND SO, TOWNSHIP 33 NORTH,
RANGE 51 EAST OF THE THIRD MERIDIAN, IN DEWALE
COUNTY, ILLINOIS.

SPECIAL EASEMENT PROVISIONS

PROTECTIVE EASEMENT RIGHTS ARE HEREBY ESTABLISHED AS SHOWN ON THE ATTACHED PLAT OVER THE HEREIN PART OF LOTS 86 TO 110, BEGIN INCLUDING, AND EXTENDING TO LOT 110, WITH INCLUDING, AND INCLUDING OF STRUCTURE, EXCEPT A FENCE, WALL, UTILITY OR DRAINAGE FACILITIES SHALL BE PLACED OR PERMITTED TO BE PLACED ON SAID EASEMENT AREAS. NO VEHICLES ACCESS FROM THESE AREAS SHALL BE PERMITTED EXCEPT FOR THE PURPOSES OF INSTALLATION AND MAINTENANCE OF SCHEDING, UTILITIES OR DRAINAGE FACILITIES.



STATE OF ILLINOIS
COUNTY OF DEWALE J. S. O.

STREET NAMES CHECKED AND APPROVED, THIS 1ST DAY OF Aug
A. D. 1956.

Ed. H. Harty

STANDARD EASEMENT PROVISIONS

ANY EASEMENT IS HEREBY RESERVED FOR THE USE OF ALL PUBLIC UTILITIES, INCLUDING THE ILLINOIS BELL TELEPHONE COMPANY AND THE COMMERCIAL EDISON COMPANY AS SHOWN BY DOTTED LINES ON THE PLAT AND SERVICE "NECESSARY" FOR PUBLIC UTILITY SERVICE, EITHER OVERHEAD OR UNDERGROUND, FOR THE PURPOSE OF SERVING THE SUBDIVISION AND ADJOINING PROPERTY, INCLUDING THE RIGHT TO USE THE STREETS WHERE NECESSARY AND TO OVERHEAD ALL LOTS WITH MATERIAL NECESSARY TO SERVE ADJACENT LOTS AND TO TRIM AND KEEP TRIMMED ANY TREES THAT INTERFERE WITH SAID PUBLIC UTILITY EQUIPMENT. NO PERMANENT BUILDINGS OR TREES SHALL BE PLACED ON SAID EASEMENT, BUT SAME MAY BE USED FOR GARAGES, DRIVAYS, LANDSCAPING AND OTHER PURPOSES THAT DO NOT INTERFERE WITH THE USE OF SAID EASEMENT.

UNSUBDIVIDED

OF SEC. 20-30-11

230	229	228	227	226	225	224	223	222	221	220	219
			LINE	EASEMENT				ACROSS EASEMENT	1480		BLD
					125.0	137.0	125.0	30.0 FT			

DIVISION

PLACE

249	248	247	246	245	244	243	242	241	240
			LINE	EASEMENTS					

(HEREBY DEDICATED)

ADAMS

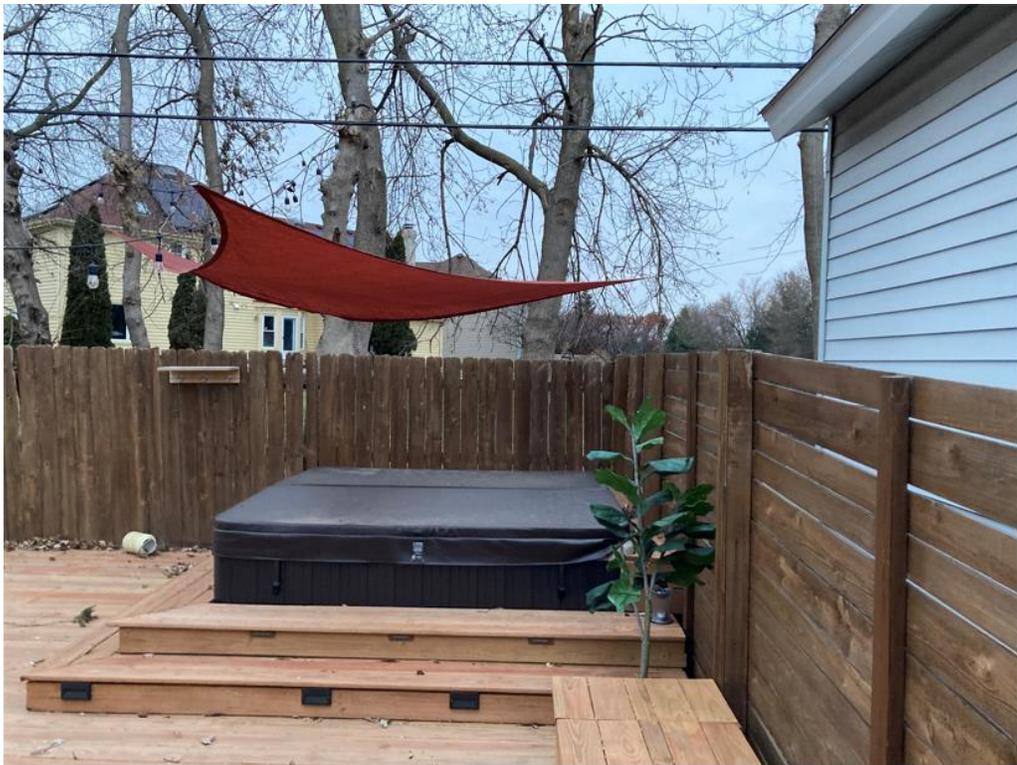
ATTACHMENT 5: LOCATION MAP & AERIAL IMAGE





ATTACHMENT 6: SITE PHOTOS







ATTACHMENT 7: ZONING VARIATION DECISION CRITERIA

CITY OF DARIEN ZONING VARIATIONS JUSTIFICATION NARRATIVE

Purpose

To be consistent and fair, the City is obligated to make decisions on zoning variation requests based on findings-of-fact. The Applicant should write a justification narrative that contains evidence (facts) that support a conclusion (finding) that the variation is necessary and would not cause problems. It should include: a) explanation of why the variation is being requested, b) describe the 'hardship condition' of the property that makes it difficult to conform, c) estimate the impact on neighbors, and d) respond to each of the decision criteria below.

Decision Criteria (See City Code Section 5A-2-2-3)

2a. The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in the zone.

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

2c. The variation if granted will not alter the essential character of the locality.

3a. Essential Need? The owner would suffer substantial difficulty or hardship and not mere inconvenience or a decrease in financial gain if the variation is not granted.

3b. Problem with Property? There is a feature of the property such as slope or shape or change made to the property, which does not exist on neighboring properties, which makes it unreasonable for the owner to make the proposed improvement in compliance with the Zoning Code. Such feature or change was not made by the current owner and was not known to the current buyer at the time of purchase.

3c. Smallest Solution? There is no suitable or reasonable way to redesign the proposed improvements without incurring substantial difficulty or hardship or reduce the amount of variation required to make such improvements.

3d. Create Neighbor Problem? The variation, if granted, will not cause a substantial difficulty, undue hardship, unreasonable burden, or loss of value to the neighboring properties.

3e. Create Community Problem? The variation, if granted, may result in the same or similar requests from other property owners within the community, but will not cause an unreasonable burden or undesirable result within the community.

3f. Net Benefit? The positive impacts to the community outweigh the negative impacts.

3g. Sacrifice Basic Protections? The variation, if granted, will comply with the purposes and intent of the Zoning Code set forth in Section 5A-1-2(A) and summarized as follows; to lessen congestion, to avoid overcrowding, to prevent blight, to facilitate public services, to conserve land values, to protect from incompatible uses, to avoid nuisances, to enhance aesthetic values, to ensure an adequate supply of light and air, and to protect public health, safety, and welfare.

ATTACHMENT 8: UTILITY COMPANY CORRESPONDENCE

Jordan Yanke

From: MITCHELL, MATTHEW A <mm3781@att.com>
Sent: Wednesday, December 8, 2021 1:39 PM
To: Jordan Yanke
Cc: QUINN, JOHN W; GILBERT, ROBERT J
Subject: FW: Utility Inquiry - 1414 Sequoia Lane
Attachments: SITE PLAN.pdf

Jordan,

I did a quick desk review, it looks like we have existing Aerial copper facilities in this rear lot easement, on Joint owned poles with Com Ed. AT&T would need to retain easement rights on this property for the Aerial lines.

If you need anything further, the AT&T Engineer for the area is Bob Gilbert, info below.

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Matthew Mitchell

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From: Jordan Yanke <jyanke@darienil.gov>
Sent: Tuesday, December 07, 2021 3:46 PM
To: QUINN, JOHN W <jq2983@att.com>
Subject: Utility Inquiry - 1414 Sequoia Lane

Hi John –

I have a Zoning Variation scheduled for public hearing next Wednesday (12/15). The case involves an already constructed patio/platform and hot tub that protrudes into an existing utility easement in the rear portion of 1414 Sequoia Lane (reference site plan attached). I am trying to understand whether AT&T has any existing utilities within the platted easement.

Can you inform if AT&T has existing utilities in the subject easement, or please forward this inquiry to a person that can advise? Any feedback would be much appreciated. Thanks.



Jordan Yanke

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City of Darien
Planning Committee

Dear Committee,

As the neighbor to the East of 1414 Sequoia Lane, who shares a lot line with the project being discussed, I am stating for the purpose of the committee's decision-making process that I have no issue with the project and its location relative to my property.

Thank you,



Patrick Hulme
1410 Sequoia Lane

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